



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 11, 2011

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, October 11, 2011 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 Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

A. Recognition of Alexander Hufty Griswold, Architectural Commission, From March 2011 Through August 2011.

Mayor Coniglio recognized Mr. Griswold for his service on the Architectural Commission.

B. Presentation by Applicants for the Planning and Zoning Commission.

The following applicants provided presentations to the Town Council:

Thomas Greenbaum
Eugene Lawrence
Floyd Wideman, Jr.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio updated the Council on her meeting with the Florida Department of Environmental Protection (FDEP) regarding the Clarke Avenue Beach access parking and restrooms issue, and Reaches 7 and 8. She reported that FDEP is favorable to including the Breakers' into its calculation of the required number of parking spaces. Including the Breakers will reduce the number of parking spaces needed from 25 to 7.

She reported that FDEP is considering taking parking requirements out of its funding calculations completely, so she is going to hold off on moving forward until she hears more. She stressed that the Deputy Secretary vigorously supports the construction of restrooms at Mid-Town Beach. It will increase future funding from the State, and will provide hygienic benefits.

She also reported that the construction process for Reach 8 has hit a wall. We had been given an allocation toward that project, but we are working hard with FDEP to recapture that allocation for the Reach 7 project instead.

Mayor Coniglio commented that she has seen a huge change in FDEP philosophy this last year. She commended their collaboration and genuine willingness to work with the Town in a particularly time responsive effort. She also pointed out their increase in cost sharing from 50/50 to 75/25 for the Lake Worth Inlet Management Plan.

Mayor Coniglio thanked the Palm Beach Daily News for their article on Peanut Island and announced that there will be a meeting on October 15, 2011, led by County Commissioner Karen Marcus, with respect to the activity on Peanut Island and the Maritime Museum's code violations.

Lastly, she addressed concerns and complaints she had received from residents regarding road construction on the north end. She has spoken with the Florida Public Utilities Director of Construction and urged him to address the problems quickly. She brought this up because there are two upcoming road closures that will further affect residents. She assured the residents that staff is making every effort to make sure the projects don't overlap, or impact the other. She asked residents to contact her with any concerns.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Rosow commended Mayor Coniglio for her activities on behalf of the Town with FDEP and other agencies.

Council Member Diamond requested that the Planning and Zoning Commission and the Ordinances, Rules, and Standards Committee review their respective portions of the Commercial Motion Picture Making Code.

Council President Pro Tem Wildrick commented that he was not in favor of any changes to the Commercial Motion Picture Making Code. He requested that the Right-of-Way Manual be updated to ensure aesthetic standards for roadway reconstruction. Town Manager Elwell was directed to report back to the Council at the November 8, 2011 Council meeting with recommendations on how to proceed.

Council Member Kleid cautioned the Council regarding the unintended consequences of changing the Commercial Motion Picture Making Code.

Council Member Diamond clarified that he wants to look at not just motion pictures, but to also look into legalizing what is already happening now with respect to virtual home tours for realtors and private wedding and special event photography and filming.

VI. COMMUNICATIONS FROM CITIZENS

Charlie Barnett, on behalf of his mother, Marian Barnett, 575 North Lake Way, requested an update on the hazardous trees ordinance.

Staff was directed to provide Charlie Barnett an update on the status of the hazardous trees ordinance by the end of the week.

James Weiner, 150 Bradley Place, spoke regarding the median cut-through on Royal Poinciana Way, and suggested that it be done on a temporary basis. He asked if parking kiosks could also be evaluated on a temporary basis.

Sue Ellen Clarfeld, owner of Truffles of Palm Beach, spoke regarding a noisy Florida Power & Light crew outside her store. She added that photographers are already taking wedding pictures on Saturdays along the roads and in front of the Memorial Fountain and Town Hall, and suggested that permits be required.

Bill and Anne Metzger, 277 Esplanade Way, expressed thanks on behalf of Flashfire Productions and themselves for the tremendous staff effort and success of the motion picture *Parker* that was filmed in Palm Beach a few weeks ago.

Town Manager Elwell noted for the record that the Town did not approve the bridge scenes in that motion picture; they were approved by the State.

VII. APPROVAL OF AGENDA

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

VIII. CONSENT AGENDA

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

A. MINUTES: SEPTEMBER 12, 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-FIRST PUBLIC HEARING ON FY12 BUDGET

B. MINUTES: SEPTEMBER 13, 2011
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

- 1 C. MINUTES: SEPTEMBER 13, 2011
2 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
3 MEETING-CLOSED-DOOR SESSION-PHIPPS PLAZA VS TOWN OF
4 PALM BEACH-PHIPPS PLAZA CONDOMINIUM ASSOCIATES
5
- 6 D. MINUTES: SEPTEMBER 14, 2011
7 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
8
- 9 E. MINUTES: SEPTEMBER 21, 2011
10 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
11 MEETING-SECOND PUBLIC HEARING ON FY12 BUDGET
12
- 13 F. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE
14 ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER
15 28, 2011.
16
- 17 G. RESOLUTIONS
18
- 19 1. RESOLUTION NO. 87-11 A Resolution of the Town Council of the
20 Town of Palm Beach, Palm Beach County, Florida, Urging the Citizens'
21 Committee on Airport Noise (CCAN) and the Board of County
22 Commissioners of Palm Beach County to Amend and Supersede
23 Resolution No. R-2002-0544, Pertaining to CCAN at Section 1(G), to
24 Enable the Town of Palm Beach CCAN Representative to Reside
25 Anywhere Within the Corporate Limits of the Town of Palm Beach.
26 [Richard M. Kleid, Town Council Member]
27
- 28 2. RESOLUTION NO. 124-11 A Resolution of the Town Council of the
29 Town of Palm Beach, Palm Beach County, Florida, Approving a Two
30 Year Renewal of the Agreement Between the Town of Palm Beach and
31 Course Trends Inc. for the Provision of Internet Based Advertising and
32 Marketing; Authorizing the Town Manager to Take Further Action
33 Necessary to Effectuate the Agreement.
34 [Jay Boodheshwar, Director of Recreation and Special Projects]
35
- 36 3. RESOLUTION NO. 125-11 A Resolution of the Town Council of the
37 Town of Palm Beach, Palm Beach County, Florida, Approving a Two
38 Year Renewal of the Agreement Between the Town of Palm Beach and
39 Golf Channel Solutions (Golfnow.com) for the Provision of Internet
40 Based Tee Time Advertising and Sales; Authorizing the Town Manager
41 to Take Further Action Necessary to Effectuate the Agreement.
42 [Jay Boodheshwar, Director of Recreation and Special Projects]
43
- 44 4. RESOLUTION NO. 126-11 A Resolution of the Town Council of the
45 Town of Palm Beach, Palm Beach County, Florida, Approving the
46 Extension of the Contract with Port Consolidated, Inc., to Supply

Unleaded and Diesel Fuel in an Amount Not to Exceed \$330,000.
[Jane Struder, Director of Finance]

5. RESOLUTION NO. 127-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2012 and Granting Authority to the Director of Recreation and Special Projects to Prorate Annual and Seasonal Lease Fees When Necessary, to Maximize Revenue Opportunities and Fill Empty Dock Slips.
[Jay Boodheshwar, Director of Recreation and Special Projects]

6. RESOLUTION NO. 129-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Davislogic, Inc., DBA All Hands Consulting in an Amount of \$45,000 to Revise the Comprehensive Emergency Management Plan and Other Related Emergency Plans, and Provide Training - RFP No. 2011-32; Establishing a Project Budget of \$50,000; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.
[Jay Boodheshwar, Director of Recreation and Special Projects]

7. RESOLUTION NO. 130-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock Roos & Associates, Inc. in the Amount of \$7,900 and Establishing a Study Phase Budget of \$9,000 for the E-6, Bradley Park to Tangier Avenue Force Main Replacement Study.
[H. Paul Brazil, Director of Public Works]

8. RESOLUTION NO. 131-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant FDEP Contract No. 11PB2 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 Lake Worth Inlet Management Plan Implementation and Authorizing the Town Council President to Execute Same on Behalf of the Town. [H. Paul Brazil, Director of Public Works]

9. RESOLUTION NO. 133-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract for Office Supplies to Office Depot, Inc, in an Amount Not to Exceed \$46,200. [Jane Struder, Director of Finance]

10. RESOLUTION NO. 136-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Christmas Designers, Inc., in the Amount of \$70,200.35.
[H. Paul Brazil, Director of Public Works]

11. RESOLUTION NO. 139-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of Amendment No. 2 to the Agreement Between the City of West Palm Beach and the Town of Palm Beach for Payment of Certain Water Main Improvements Within the Work Area in Connection with the 2010 Town of Palm Beach Water Main Improvements in the Amount of \$194,000. [H. Paul Brazil, Director of Public Works]
12. RESOLUTION NO. 140-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reallocation of Funds for Pendleton Avenue/Pendleton Lane Utility Improvements in the Amount of \$39,648 to Address Unforeseen Conditions During Installation of Utility Improvements and Roadway Restoration on Pendleton Avenue and Pendleton Lane; Maintaining the Current Construction Phase Budget of \$971,363.80. [H. Paul Brazil, Director of Public Works]
13. RESOLUTION NO. 141-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida. [Kirk W. Blouin, Director of Public Safety]
14. RESOLUTION NO. 142-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Authorize the Continued Services of Greenburg Traurig, LLP, to Represent the Town for Federal Lobbying Services in FY12 at a Cost Not to Exceed \$33,000. [Peter B. Elwell, Town Manager]
15. RESOLUTION NO. 143-11 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 in the Amount of \$49,523.00, Sungard Public Sector in the Amount of \$92,346.60 and Tyler Technologies in the Amount of \$92,878.28 and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager]
16. RESOLUTION NO. 144-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Taxicab Certificate of Public Convenience and Permit, Providing for a Limousine Certificate of Public Convenience, Permit and Transfer Fee, Providing for Late Penalties, Providing for Penalties for Non Compliance, and Providing for a Chauffeur's Permit, Providing an Effective Date. [Jane Struder, Director of Finance]

H. OTHER

1. Appointment of "Blue Ribbon" Panel Per PERC Ordinance Appendix "A" Section 1.003. [Danielle Olson, Director of Human Resources]

IX. REGULAR AGENDA

A. Old Business

1. Finance and Taxation Committee Meeting of September 21, 2011 - Recommendations Regarding Parking Matters.
[Robert N. Wildrick, President Pro Tem]

Council President Pro Tem Wildrick provided an overview on the status of the Town's revenue sources, and commented on the Town's ability to increase efficiencies and reduce costs without reducing services. He emphasized, however, that the Town still needs to find additional sources of revenue.

Discussion ensued among the Council regarding potential municipal resort taxes, parking kiosks, changes to the Shore Protection Plan, the addition of restrooms to Mid-Town Beach, and increasing parking fines.

- a. Kiosks in Worth Avenue Commercial District and on Royal Poinciana Way. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of the proposed parking plan.

Discussion ensued among the Council regarding the features of the proposed kiosks, parking study estimations, return on investment, and inclusion of the various commercial areas.

Donna Marks, owner of Sprinkles, 279 Royal Poinciana Way, spoke in opposition to parking kiosks.

Leslie Evans, 214 Brazilian Avenue, spoke in opposition to parking kiosks. Responding to Mayor Coniglio, he stated that he would be okay with extra taxes in lieu of kiosks if the Town gets their money from the county first.

Burt Handelsman, owner of 250 Worth Avenue, spoke in opposition to parking kiosks and suggested further study of alternatives and possible development of his Apollo parking lot.

Jane Holzer, 147 Dunbar Road, spoke in opposition to parking

1 kiosks and requested a workshop on the issue.

2
3 Sue Ellen Clarfeld, owner of Truffies of Palm Beach, spoke in
4 opposition to parking kiosks.

5
6 Candice Cohen, Palm Beach Bookstore, spoke in opposition to
7 parking kiosks and requested that the Royal Poinciana district be
8 excluded from the kiosk proposal.

9
10 Pat Cooper, 265 Orange Grove Road, spoke regarding parking
11 placard fees and the need to find funding for coastal protection.

12
13 Edward Kassatly, 309 Barton Avenue, Board Member of the
14 Worth Avenue Property Owners Association, spoke in
15 opposition to parking kiosks and raising parking penalty fees.
16 Responding to Mayor Coniglio, he stated that he would be
17 willing to pay extra taxes in lieu of kiosks.

18
19 Carole Spilberg, 235 Sunrise Avenue, spoke in opposition to
20 parking kiosks and suggested looking at private/public areas to
21 build parking lots.

22
23 Heather Henry, President of the Garden Club, spoke regarding
24 Town beautification projects, and in opposition to parking kiosks
25 and raising parking penalty fees.

26
27 Larry Silvestri, on behalf of Murray Goodman, owner 150 Worth
28 Avenue, stated that Mr. Goodman is still in support of parking
29 kiosks with the condition that revenues are shared to market
30 Worth Avenue. He also expressed concerns regarding increasing
31 parking fines, and suggested moving forward in increments and
32 offering the 1st hour free when off-season.

33
34 Alex Ives, Co-President of the Preservation Foundation, spoke in
35 opposition to parking kiosks.

36
37 Jane Rankin, 1645 Palm Beach Lakes Boulevard, Counsel to the
38 Worth Avenue Restoration Association, spoke in opposition to
39 parking kiosks.

40
41 Anita Pollak, 1610 North Ocean Boulevard, spoke in opposition
42 to paid parking.

43
44 Stephanie Bojokles, owner of the Tropical Fruit Shop, spoke in
45 opposition to parking kiosks.

1 Bobbie Lindsay, 212 Caribbean Road, spoke regarding the
2 Shore Protection Board's efforts to reduce costs, and stated that
3 she would willing to pay extra taxes in lieu of kiosks.
4

5 Sherry Frankel, President of the Worth Avenue Association,
6 stated that the Association still supports parking kiosks, but it is
7 open to alternatives.
8

9 Council Member Diamond made the following three motions for discussion:

- 10
- Motion to eliminate all kiosks proposed along Royal Poinciana Way.
 - Motion to give the Worth Avenue property owners, specifically those who spoke
11 before the Council today, 30 days in which to give the Council a concrete
12 proposal, that can be implemented in a reasonable amount of time, as an
13 alternative to installing kiosks.
 - Motion to increase parking fines 50%.
- 14
15
16

17 The Council then discussed the above three alternatives. No formal action was taken on
18 any of these motions.
19

20 **Motion was made by Council President Pro Tem Wildrick that kiosks be installed only on**
21 **the 100 block of Worth Avenue as a 12-month test. If they do not work out, then the**
22 **kiosks could be used elsewhere as replacements for the other kiosks throughout Town.**
23 **Motion died for lack of a second.**
24

25 **Motion was made by Council President Pro Tem Wildrick to increase parking fines to**
26 **\$50 throughout Town. Upon request of Council Member Pucillo, the motion was**
27 **amended to increase parking fines to \$50 in commercial areas, and to \$60 in residential**
28 **areas. The amended motion was seconded by Council Member Pucillo. On roll call, the**
29 **motion carried 4-1, with Council Member Kleid dissenting.**
30

31 **Council President Rosow announced that there will be a workshop in November**
32 **regarding parking and revenue options. He added that the Council wants to hear solid**
33 **plans to address these issues, not the same discussions.**
34

35 **Mayor Coniglio requested that the issue of construction of bathrooms on Mid-Town**
36 **Beach be placed on the November 8, 2011 Town Council meeting agenda. Council**
37 **concurred.**
38

39 **Motion was made by Council President Pro Tem Wildrick and seconded by Council**
40 **Member Kleid that the increase in revenue from the parking fines shall be allocated for**
41 **shore protection. On roll call, the motion carried unanimously.**
42

43 **Motion was made by Council Member Pucillo and seconded by Council Member**
44 **Diamond to reject the recommendation of the Finance and Taxation Committee to install**
45 **parking kiosks on Royal Poinciana Way. On roll call, the motion carried unanimously.**

- b. RESOLUTION NO. 63-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Fines for Parking, Providing an Effective Date. [Jane Struder, Director of Finance]

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick to approve Resolution No. 63-11, Fee Schedule Option "B", with an amendment to the fee schedule setting the penalty for violations in commercial areas as \$50, and violations in residential areas as \$60. On roll call, the motion carried 4-1, with Council Member Kleid dissenting.

2. Planning and Zoning Commission Recommendation to Reject the Concept of Permitting Green Markets in Town.
[John Page, Director of Planning, Zoning, and Building]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to approve the Planning and Zoning Commission's recommendation to reject the concept of permitting Green Markets in Town. On roll call, the motion carried unanimously.

B. New Business

1. Proposed Donation from Rotary Club of Palm Beach Foundation to Replace the Aluminum Castings on the WWII Memorial Wall with Bronze Castings. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the request.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to accept the proposed donation, either in cash or by in-kind donation of materials, from the Rotary Club of Palm Beach Foundation to replace the aluminum castings on the WWII Memorial Wall with bronze castings. On roll call, the motion carried unanimously.

2. Palm Beach Civic Association Request to Use Public Access for Beach Cleaning on Private Properties.
[H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the request.

Council consensus was to direct staff to assist the Civic Association in planning for organized private beach cleaning, and to return to the Town Council for further direction or formal approval if the Civic Association proposes bringing mechanical equipment through any public access points.

3. Private Coastal Protection Projects

- a. Lauder Seawall-
Request for Use of Town Property and Waiver of Construction
Work Hours. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the
request.

**Motion was made by Council Member Diamond and seconded by Council Member Kleid
to approve the request for use of Town property and Waiver of Construction Work
Hours. On roll call, the motion carried unanimously.**

**Mayor Coniglio requested that the issue of inconsistencies in notification to neighboring
properties, based upon project type, be addressed in the Council's review of the Right-of-
Way Manual.**

Ron Dixon, of Dixon & Associates, representing Lauder Estates, stated that they did
notify all neighbors within 200 feet of the Lauder's property.

Director of Public Works Brazil noted for the record that, although notice is not
required prior to Council approval, the Town does require an applicant to notify the
neighboring properties prior to construction.

- b. Ecclestone Seawall-
Request for Use of Town Property and Waiver of Construction
Work Hours. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the
request.

**Motion was made by Council Member Diamond and seconded by Council Member Kleid
to approve the request for use of Town property and Waiver of Construction Work
Hours subject to full payment to the Town for the use of the parking spaces that will be
occupied during the detour, the Town be named as an additional insured, the Town be
indemnified, and that there be full restoration of any damages. On roll call, the motion
carried unanimously.**

- c. Breakers T-Head Reconditioning Project-Waiver of Construction
Work Hours. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the
request.

Gordon Thompson, of Coastal Planning, on behalf of the
Breakers, stated that they noticed all neighboring properties

within 500 feet of the Breakers' property, and that they will notify them again prior to construction.

Motion was made by Council Member Kleid and seconded by Council Member Diamond to approve the request for Waiver of Construction Work Hours, subject to the condition that work on the northern end of the property shall be limited to five days per week; the line of demarcation shall be the line between the hotel property and the Breakers Row property. On roll call, the motion carried unanimously.

Clerk's Note: Item IX.B.7. was heard at this time.

4. Internal Audit Report Regarding Construction In-Progress and Construction Project Bidding. [Robert N. Wildrick, President Pro Tem]

Michael Ciminero, Internal Auditing firm Crowe Horwath, provided an overview of the three high-risk areas that were identified: the vendor selection committee process, periodic internal inspections of the procurement process, and Construction Manager-At Risk construction projects.

Town Manager Elwell reported that management has been working closely with Crowe Horwath, and any outstanding issues will be completed by the end of the month.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to accept the report. On roll call, the motion carried unanimously.

5. Selection Committees

- a. Update of Town Procedure Governing the Appointment and Conduct of Selection Committees.
[Jay Boodheshwar, Director of Recreation and Special Projects]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to accept the report. On roll call, the motion carried unanimously.

- b. Authorization of a Selection Committee for Architectural Services. [H. Paul Brazil, Director of Public Works]

Motion was made by Council Member Kleid and seconded by Council Member Diamond to approve the authorization of the Selection Committee for Architectural Services. On roll call, the motion carried unanimously.

6. Possible Rescheduling of the February and March 2012 Town Council Meetings. [Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of current and past practices regarding the rescheduling of meetings.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond to approve the rescheduling of the February and March 2012 Town Council meetings as follows:

FEBRUARY 2012

~~Tuesday, February 14, 2012 (swearing in ceremony and regular Town Council meeting);~~
Wednesday, February 15, 2012 (swearing in ceremony and development review matters);
Thursday, February 16, 2012 (regular Town Council meeting)

MARCH 2012

~~Tuesday, March 13, 2012 (regular Town Council meeting);~~
Wednesday, March 14, 2012 (development review matters);
Thursday, March 15, 2012 (regular Town Council meeting)

On roll call, the motion carried unanimously.

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

Council President Rosow announced the results of the Planning and Zoning Commission appointments. The following applicants were selected: Eugene Lawrence and Floyd Wideman, Jr.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to ratify the appointments of Eugene Lawrence and Floyd Wideman, Jr. to the Planning and Zoning Commission. On roll call, the motion carried unanimously.

Clerk's Note: The above Item was heard prior to item IX.B.4.

X. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 23-11** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 66 Natural Resources, Article IV Vegetation, Division 5, Regulations, Section 66-311 Prohibited Plants, So as to Amend the Removal Date for Australian Pines So as to Reflect That the Removal Date of 2012 Shall Only Be Applicable to Australian Pines Located Within 500 Feet of the Palm Beach Island Sanctuaries Located Within the Town and Described Herein; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for

Codification; Providing an Effective Date.

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

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 23-11, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 24-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42 Environment, Section 42-230 Relating to Lawn Maintenance Equipment Noise, Subparagraph (a); to Clarify That Golf Course Maintenance Equipment Is Exempt from the Restrictions at Section 42-199; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 24-11, on second and final reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 25-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130 Relating to Vehicles for Hire; Amending Section 130-31 Relating to Definitions; Amending Section 130-33 Relating to Amounts, Receipt to Be Filed, Regulations; Amending Section 130-34 Relating to Taxi Stands by Deleting Said Section in its Entirety; Amending Section 130-61 Relating to Required Permits; Amending Section 130-62 Relating to Contents of Application; Amending Section 130-63 Relating to Approval of Application and Providing for 25 Taxicab Permits; Amending Section 130-64 Relating to Permit Fees; Amending Section 130-68 Relating to Annual Renewal of Permit; Amending Section 130-69 Relating to Inspection of Vehicles; Amending Section 130-70 Relating to Sale, Assignment or Transfer, So as to Provide Taxicab Permits Are Not Assignable or Transferable; Amending Section 130-97 Relating to Application; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to adopt Ordinance No. 25-11, on second and final reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 26-11 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, 2010, Providing an Effective Date.
[Jane Struder, Director of Finance]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 26-11, on second and final reading. On roll call, the motion carried unanimously.

5. ORDINANCE NO. 27-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinances Relating to Administration at Article III, Officers Employees, Section 2-136, So as to Name the Public Safety Director as the Appointive Administrative Official under the Category of Public Safety and Eliminating the Positions of Chief of Police and Fire Chief; Providing That Wherever the Terms Chief of Police and/or Fire Chief Are Named in the Town Code of Ordinances, Policies, Rules, Regulations or Other Directives, Said Positions Shall Now Be the Responsibility of the Public Safety Director and the Duties and Obligations Specified Therein Shall Now Be the Duties and Obligations of the Public Safety Director; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 27-11, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 28-11 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, 2010, Providing an Effective Date. [Jane Struder, Director of Finance]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Ordinance No. 28-11, on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS – None

1 **XII. ADJOURNMENT**

2
3 There being no further business, the October 11, 2011 Town Council meeting was
4 adjourned at 1:23 p.m.
5

APPROVED:

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8
9
10 
11 _____
12 David A. Rosow
13 Town Council President

14 ATTEST:

15
16
17 
18 _____
19 Susan A. Owens, MMC
20 Town Clerk