

TOWN OF PALM BEACH

Office of The Town Clerk

SPECIAL TOWN COUNCIL MEETING HELD ON SEPTEMBER 24, 2008 PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND BUDGETS FOR FY09

1 I. CALL TO ORDER AND ROLL CALL

2

3 The Special Town Council Meeting was called to order in the Town Council
4 Chambers at 5:01 p.m., on September 24, 2008. On roll call, the following elected
5 officials were found to be present:

6

7 Mayor Jack McDonald

8 President Richard M. Kleid

9 President Pro Tem Gail Coniglio

10 Council Member Denis P. Coleman was not present

11 Council Member Susan Markin

12 Council Member Rosow

13

14 Others present for all or a portion of the meeting were:

15

16 Town Manager Peter B. Elwell

17 Deputy Town Manager Thomas G. Bradford

18 Assistant Town Manager Sarah E. Hannah

19 William Amador - Fire-Rescue Chief

20 Jay Boodheshwar - Recreation Director

21 Eric Brown - Assistant Public Works Director

22 Paul Brazil - Public Works Director

23 Veronica Close - Assistant Planning, Zoning, and Building Director

24 William Crouse - Human Resources Director

25 Jon Luscomb - Dock Master

26 John Page - Planning, Zoning and Building Director

27 Michael Reiter - Police Chief

28 Cheryl Somers - Assistant Finance Director

29 Jane Struder - Finance Director

30 Spencer Wilson - Information Systems Manager

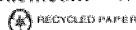
31 Susan Eichhorn - Town Clerk

STC 2nd Budget Hearing 9-24-08

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01/29/2010

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1 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

2
3 Town Clerk Eichhorn provided the invocation. President Kleid led the Pledge of
4 Allegiance.

5
6
7 **II. APPROVAL OF AGENDA**

8
9 **President Pro Tem Coniglio moved approval of the agenda. The motion was**
10 **seconded by Council Member Rosow. On roll call, the motion carried 4/0, as Council**
11 **Member Coleman was not in attendance.**

12
13
14
15 **III. PUBLIC HEARING ON FINAL FY2009 MILLAGE RATES AND BUDGETS**

16
17 President Kleid announced that this Public Hearing had been noticed to commence
18 at 5:01 p.m., to discuss the proposed FY09 millage rate and general fund, debt service fund,
19 and other fund budgets; including the approval of Resolution No. 79-08 and Resolution No.
20 80-08.

21
22 **A. Proof of Publication**

23
24 Town Clerk Eichhorn verified proof of publication.

25
26
27 **B. Proposed Operating Millage Rate**

28
29 President Kleid stated that at the September 9, 2008, Public Hearing, at 5:01 p.m.,
30 which was held by the Mayor and Town Council, the following proposed millage rate was
31 tentatively approved. General fund operating millage 3.2512.

32
33 The Town of Palm Beach FY09 general fund proposed operating millage rate of
34 3.2512 mills represented a 3.33% increase in the rolled-back millage rate of 3.1464 mills.

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1 C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-
2 Back Millage Rate
3

4 Deputy Town Manager Thomas G. Bradford advised that the reason for the proposed
5 operating millage rate increase over the rolled-back millage rate was as follows:
6

- 7 ▶ The FY09 general operating fund budget was \$67,335,600, which was a 4.7%
8 increase over the FY08 adopted operating budget.
9
- 10 ▶ The major increases to the FY09 budget included health insurance cost
11 increases; additional funding for coastal litigation; lobbying; competitive pay
12 increase for all employees; Police Officer and Firefighter special competitive
13 pay increases; increases in fuel and electricity costs; additional funding for
14 the street re-surfacing program and bicycle path paving; funding for litigation
15 related to the Surfriders' petition and for coastal litigation and lobbying; the
16 first year of the Early Retirement Incentive Program.
17
- 18 ▶ In addition to those increases listed above, there were some significant
19 decreases that helped minimize the increase to the millage rate and the
20 overage relative to the rolled-back rate, and they were: the Comprehensive
21 Review of Town Operations; the decreases in retirement funding; the
22 decreases for one-time purchases in FY08; transfer of coastal related legal
23 and monitoring costs to the Coastal Protection Fund, from the General Fund.
24

25
26 D. Comments and Questions from Public
27

28 President Kleid called for comments from the public. There were none.
29
30

31 E Discussion and Adoption (with changes, if any) of Resolution No. 79-08 -
32 Adopting Final Millage Rates for FY 2009
33

34 Deputy Town Manager Bradford read Resolution No. 79-08 by title:
35

36 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM
37 BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE FINAL
38 MILLAGE RATE AND LEVYING AD VALOREM TAXES FOR THE

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1 FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING
2 SEPTEMBER 30, 2009, SETTING FORTH CERTAIN INFORMATION
3 REGARDING THE "ROLLED-BACK MILLAGE RATE"; DIRECTING
4 THE TOWN MANAGER OR THE FINANCE DIRECTOR TO ADJUST
5 THE ADOPTED MILLAGE RATE IN THE EVENT OF CHANGES IN
6 THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN
7 EFFECTIVE DATE.
8

9 **Council Member Markin moved adoption of Resolution No. 79-08. The motion**
10 **was seconded by President Pro Tem Coniglio. On roll call, the motion carried 4/0, as**
11 **Council Member Coleman was not in attendance.**
12
13
14

15 F. Discussion and Adoption (with changes, if any) Resolution 80-08 - Adopting
16 the Final Operating Budget, Debt Service Budget, and Budgets for Other
17 Funds for FY2009
18

19 Deputy Town Manager Bradford read Resolution No. 80-08 by title:
20

21 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM
22 BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A FINAL
23 BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
24 BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009;
25 PROVIDING FOR AN EFFECTIVE DATE.
26

27 **President Pro Tem Coniglio moved adoption of Resolution No. 80-08. The**
28 **motion was seconded by Council Member Markin. On roll call, the motion carried 4/0,**
29 **as Council Member Coleman was not in attendance.**
30

31 President Kleid announced that this would conclude the process of adopting the
32 Town's millage rates and budgets for the fiscal year beginning October 1, 2008.

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V. **ADDITIONAL DISCUSSION REGARDING PROPOSED EXPANSION OF THE
PORT OF PALM BEACH AND CREATION OF AN INLAND PORT**

Discussion took place regarding the meeting location proposed by the Port of Palm Beach, to be held at the Port of Palm Beach. Suggestions were made regarding having the meeting held at the Town of Palm Beach or at the Town of Palm Beach Shores.

Mr. Alan Fiers, Commissioner, Town of Palm Beach Shores addressed the Town Council, stating that the Town of Palm Beach Shores Commission had adopted a position that shared the concerns voiced by the Town of Palm Beach Town Council. Before any formal position could be taken, an understanding of the facts was necessary. To that end, the intent was to arrange a meeting with the Town of Palm Beach and the Town of Palm Beach Shores to discuss the matters related to the Port of Palm Beach feasibility study.

Mr. Fiers shared information he had gathered in meeting with Port Commissioner Wayne Richards.

Council Member Rosow suggested that Mayor McDonald respond to the Port of Palm Beach, requesting that the Town Council hear directly from the Port, at a joint meeting, or an individual meeting. He also suggested that Council Member Markin be appointed as liaison to the Port.

After discussion, Council Member Markin made a motion that the Town Council would agree to attend the meeting with the Port, scheduled for October 30, 2008, however, at some subsequent date, the Port Director and any of the Port Commissioners, would come to a Town Council meeting to address the Town Council directly, in November. In addition, she added to the motion that there would be a joint meeting with the Town of Palm Beach Shores, as a strategy session, sometime after the October 30th meeting. President Pro Tem Coniglio seconded the motion.

Mayor McDonald urged that there be no conditions attached to the motion relative to attending the October 30th meeting. He added that having the meeting at the Port was a good idea, because all of their records would be available right there, and that he would be willing to work on obtaining a direct presentation from the Port Director at a future date..

Council Member Markin clarified that her point was that the Port should understand that if the Town Council attended the October 30th meeting, it was expected that the Port would reciprocate and send the Port Director to a meeting at the Town, to respond to any

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1 questions. She suggested that the Town respond to the October 30th meeting, while at the
2 same time the Mayor would request another meeting down the road. She clarified that her
3 motion was to agree to the meeting at the Port on October 30th, on the premise that the Port
4 would come to a meeting in the Town of Palm Beach and in the Town of Palm Beach Shores.

5
6 Mayor McDonald clarified that he was requesting that the motion not be passed with
7 contingencies or conditions to it.

8
9 Council Member Markin modified her motion, and agreed to remove any
10 contingencies from her motion, with the understanding that Mayor McDonald would
11 use every effort to try to set up a subsequent meeting. President Pro Tem Coniglio was
12 in agreement.

13
14 On roll call, the motion carried 3/1:

15
16 Council Member Markin: Yes
17 President Pro Tem Coniglio: Yes
18 Council Member Rosow: No
19 President Kleid: Yes
20 Council Member Coleman: Not present

21
22 In response to the suggestion of setting up a working committee, Town Attorney
23 Randolph advised that a working committee would need to work in the Sunshine.

24
25 Discussion took place regarding appointing a liaison and who had the authority to do
26 so.

27 Town Attorney Randolph provided advice on the position that the Mayor may take
28 at meetings the Mayor attends in regard to other governmental bodies. The Town Charter
29 was very explicit:

30
31 "The Mayor shall represent the Town in meetings of or hearings before
32 elected officials of other governmental bodies. The Mayor may delegate such
33 authority to any elected or appointed official of the Town. The Mayor, and/or
34 the Mayor's delegate shall not take a position at any such meetings contrary
35 to the prior expressed position of the Town Council."

36
37 Town Attorney Randolph advised that the Charter language did not preclude the
38 Town Council, if it wished, to appoint someone else to appear before a governmental body.

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1 He advised that he did not think that any Council Member here, or anyone the Council chose,
2 would be prohibited from additionally appearing before a governmental body.

3
4 Council Member Rosow suggested that the Mayor consider changing his designee
5 to a Town Council Member, and appoint Susan Markin as his designee, in this matter. The
6 designee then could work with the Town of Palm Beach Shores to try to develop a position
7 to take.

8
9 Mayor McDonald stated that he thought the opinion given by the Town Attorney was
10 incorrect, and that the Charter did not say that the Town Council could make a selection.

11
12 President Pro Tem Coniglio suggested that a town employee work with the two
13 municipalities.

14
15 Town Attorney Randolph advised that as soon as the Town Council started
16 appointing either an individual or individuals to do anything other than assemble facts and
17 bring them back, the Town Council was at risk of violating the Sunshine Law; whereas, the
18 Town staff had the right to do whatever they wished in that regard, as employees, and not as
19 appointed persons to take charge of that. The Town Manager had the right to meet with any
20 one of the Town Council whenever he wished to discuss this matter, and to pursue whatever
21 he deemed was appropriate, and bring it back to the Town Council to discuss at a meeting.
22 He cautioned that as soon as the Town Council started making appointments, there were
23 shades of the Sunshine.

24
25 Council Member Markin commented that it was dangerous to have someone speak
26 at a public meeting, giving a position of the Town, and that had already happened, since the
27 current designee had stated that the Town was prepared to sue the Port. She stated that it was
28 no offense to Mr. Diamond, as he had been in a very difficult situation at that meeting. She
29 suggested that staff continue to work with Palm Beach Shores, and that she would be more
30 than happy to represent the Town Council at any meetings, if the Town Council so desired.
31 She also suggested that the Mayor's designee provide a report back as to what meetings had
32 been attended, and what had been said.

33
34 Mayor McDonald responded that Mr. Diamond had issued a report of both meetings
35 he had attended.

36
37 President Kleid clarified that the Town was going to agree to meet with the Port on
38 October 30, 2008; the Mayor would attempt to set a meeting with the Port Director and any

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1 Port Commissioners that wished to attend, at a later date; a meeting would be set up in
2 November with the Town of Palm Beach Shores to work out a strategy and a consortium.
3 President Kleid stated that it was understood that Deputy Town Manager Bradford had been
4 assigned by the Town Manager to attend every meeting relative to the Port, and that Mr.
5 Bradford would be a liaison; Mr. Diamond would remain as the Mayor's designee. He stated
6 that it was important that every Town Council member speak with one voice, and only speak
7 when there is an authority, by at least a 3/2 majority, of the Town Council.

8
9 Mr. William Diamond, 220 Wells Road, thanked the Mayor for the appointment to
10 the Governmental Impact Review panel, for the appointment last year as the liaison to the
11 City of West Palm Beach, and as the Mayor's designee to the Port of Palm Beach. Mr.
12 Diamond stated that, as designee to the Port, he had expressed the opinion of the Town
13 Council of opposition to expansion to the Port. He had done that twice, publically, on the
14 record. He noted that he had also asked that meetings be held on the Island, so that citizens
15 could participate. He stated that he did not want to become in the middle of discussions as
16 to who could represent the Town; therefore, he requested that the Mayor relieve him of his
17 obligations as the liaison to the Port, and appoint someone else. He offered his assistance
18 to anyone who was appointed, and noted that he would do anything he could to be of help
19 to the Town.

20
21 Mr. Ned Barnes, Palm Beach Civic Association, thanked Mr. Diamond for all of his
22 work. Mr. Barnes stated that it was his opinion that there was great value in empowering
23 Council Member Markin, because he had worked with her this summer in a supportive role.
24 He noted that the Palm Beach Civic Association was not subject to the Sunshine regulations
25 and looked forward to providing support.

26
27
28 **VI. ANY OTHER MATTERS**

29
30 There were none.

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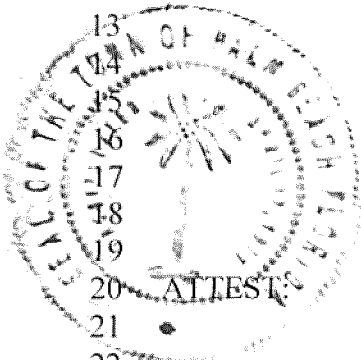
VII. ADJOURNMENT

There being no further business, the Special Town Council to hold a Public Hearing to Adopt Final Millage Rates and Budgets for Fiscal Year 2009, was adjourned at 6:12 p.m.

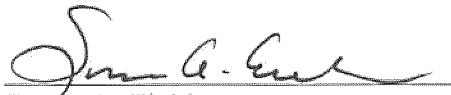
APPROVED:



Richard M. Kleid
Town Council President



ATTEST:



Susan A. Eichhorn
Town Clerk