

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING WITH PUBLIC HEARING CONDUCTED BY THE MAYOR AND TOWN COUNCIL ON WEDNESDAY, SEPTEMBER 18, 2002 AT 5:01 P.M.

I. CALL TO ORDER AND ROLL CALL

President William J. Brooks called the Special Town Council Meeting with Public Hearing to order at 5:01 p.m. in the Town Council chambers. On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly S. Smith, President William J. Brooks, President Pro-Tem Norman P. Goldblum, and Councilman Samuel C. McLendon. Councilman Allen S. Wyett and Councilman Jack McDonald were absent from the meeting.

Also attending for all or part of the meeting were: Town Manager Peter Elwell, Assistant Town Manager Thomas Bradford, Recreation Director Russell Bitzer, Public Works Director Al Dusey, Human Resources Manager William Crouse, Finance Director Jane Skittone, Assistant Finance Director Cheryl Somers, Risk Administrator Karen Temme, Assistant Fire-Rescue Chief Jeff Bankston, and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt. The pledge of allegiance was led by President Brooks.

III. COMMENTS BY MAYOR

Mayor Smith thanked the Finance Department, Jane Skittone and Cheryl Somers, and all of the department heads for the excellent job they did in trimming down the budget.

IV. APPROVAL OF AGENDA

COUNCILMAN MCLENDON MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. THE MOTION WAS SECONDED BY PRESIDENT PRO-TEM GOLDBLUM AND CARRIED 3-0 ON ROLL CALL. (Councilmen McDonald and Wyett were absent from the meeting.)

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V. PUBLIC HEARING ON FINAL FY2003 MILLAGE RATES AND BUDGETS

President Brooks said this public hearing has been publically advertised and announced to commence at 5:01 p.m. He said the proposed FY 2003 millage rates and General Fund, Debt Service Fund, Other Fund Budgets including the approval of Resolution numbers 73-02 and 74-02 will be discussed.

A. Proof of Publication

President Brooks ascertained a proof of publication was received by the Town Clerk.

B. Proposed Operating Millage Rate

President Brooks recapped that at the September 10, 2002, Public Hearing, which commenced at 5:01 p.m., conducted by the Mayor and Town Council, the following proposed millage rates were tentatively approved:

General Fund	3.9706 mills
Debt Service	<u>.0835 mills</u>
Total	4.0541 mills

President Brooks said the Town of Palm Beach FY2003 General Fund proposed Operating Millage Rate of 3.9706 mills represents a 7.29% increase over the rolled-back millage rate of 3.6789 mills.

C. Reasons for Proposed Operating Millage Rate Increase over Rolled-Back Millage Rate

Town Manager Elwell said the FY2003 Proposed Operating Millage Rate of 3.9706 mills is \$2,122,110 higher than the rolled-back millage rate of 3.6789 mills. The factors that contributed to this increase over the rolled-back rate are as follows:

1. As noted in Exhibit B in the backup from the September 10th Public Hearing, the FY2003 Operating Fund Budget of \$48,671,671 has increased \$654,205 or 1.36% over the FY2002 Adopted Operating Budget of \$48,017,466.

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2. Exhibit C from the September 10th backup outlined the changes made to the budget since the July 8th and 9th, 2002, Town Council meetings which summarized the additional reasons for the increase.

D. Comments and Questions from Public

President Brooks requested comments or questions from the public.

Catherine Bradley, 165 Root Trail, addressed the Mayor and Town Council, questioning two items on Exhibit C added by the Town Staff without specific Town Council direction.

Ms. Bradley questioned the amount of \$10,000 for the implementation of the feral cat trapping program within the Town. She asked how and why this came about? She continued that she understood \$1100 was allocated for twenty traps, but there has not been any public discussion regarding the \$10,000.

President Brooks responded this was a result of the closing of the park just across the water because of an incidence of rabies. Town staff then talked with Animal Control and the Health Department, and this is why the monies were put into the budget.

Town Manager Elwell said, specifically, the funds that have been added to the budget are because in the coordination between the Town and Palm Beach County Animal Care and Control, there may be times when in carrying out the program that has been authorized, it will not be possible to do that with Town staff or County staff but may need at times to hire private contract assistance in the implementation of the program. He explained the program is to conduct trapping of animals that are being illegally maintained in the Town. The funds are what the Town believes to be necessary to pay for the occasional private contract assistance in the program.

Ms. Bradley asked if the Town had hired a private trapper?

Mr. Elwell responded the Town did not have any continuing agreement with any particular trapper.

Responding to Ms. Bradley's question regarding the Town's hiring of any trapper, Mr. Elwell deferred to President Brooks.

President Brooks replied that some individual citizens have hired trappers for their own property, and the Town budget does not kick in until October 1st at which time this question would be addressed.

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President Pro-Tem Goldblum said Palm Beach County Animal Control are using the traps that the Town purchased and are placing the traps.

Ms. Bradley asked if the traps were already purchased and the trapping begun?

President Pro-Tem Goldblum replied that Palm Beach Animal Control is going to acquire the traps, and they are going to do the trapping.

Mayor Smith said she did not believe the traps had been purchased since they were authorized at the August meeting.

President Pro-Tem Goldblum said the traps have been purchased but not delivered.

Ms. Bradley said Animal Control stated they were not going to do the trapping. She continued that she attends meetings and was advised of that information. Ms. Bradley asked what type of agreement the Town had with Animal Control?

Town Manager Elwell confirmed that Palm Beach Animal Care and Control will be carrying out the program in coordination with the Town, but the actual handling of the traps and handling of animals will be done by Palm Beach County Animal Care and Control.

Ms. Bradley replied that is not what Captain Gina DiPace from Palm Beach Animal Care and Control has stated over and over again.

Mr. Elwell said he could not account for what information was given to Ms. Bradley, but that was the understanding between the County and the Town.

Mayor Smith asked if the Town had this agreement in writing?

Mr. Elwell responded the Town has confirmed understandings between the Town and the County, some of it has been written, but much of it has been telephone coordination. He said it is occurring in Town that County staff is assisting the Town in this program.

Mayor Smith said the County could be telling different people different things, and the record should be clarified. Mayor Smith said the best way would be to get a letter from Animal Care and Control that they will be conducting this which she understood had not started because the traps have not arrived. She asked if this were not correct?

Mr. Elwell replied that was not right, and the trapping is occurring on a limited basis

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with traps that the County already had, but it will occur more in tune with what the Council had approved once the ordered traps arrive.

Ms. Bradley said it was her understanding that the Town received two traps or the Palm Beach Police Department has received two traps from Animal Control.

Mr. Elwell said the Police Department is not handling the traps. It is the County that is placing the traps and handling the traps, but he questioned if the Council, in the context of a budget hearing, wanted to have a full re-consideration of the cat issue or if it is more appropriate for another setting?

Ms. Bradley said the Town is appropriating \$10,000 for the program and she wanted to make some things made clear from the beginning. She said Animal Control has picked up a trap with a cat in it in the (Beaumont) parking lot, and because it was left out in the rain, it is rather sick. She said she would like more clarification—whatever Mr. Elwell could provide.

Mayor Smith said that was a reasonable request, and the Town wants to make sure that the animals are not being abused, although they may be trapped. Mayor Smith said that perhaps the Town does not have enough information, and she was sure that Town Manager Elwell would provide an on-going report regarding what was happening.

Mr. Elwell replied that great care was being taken in the implementation of the program to ensure that the cats do not suffer when they are trapped.

Mayor Smith said that one of them got wet, and the Town should make sure that does not happen, and that was one of the concerns that the animals would be in the traps, and the Town wants to know about it. Mayor Smith said the Town has no control over private trapping.

President Brooks requested Town Manager Elwell provide an update at the October 8th Town Council meeting.

Christelle Martin, Town resident and business owner, said she spoke to Mr. Elwell earlier regarding the feral cat situation and asked if the information she provided had been reviewed by all of the Council members before this money was appropriated for the situation.

Mr. Elwell replied he had received not only Ms. Martin's information but quite a bit of other information that is being maintained in a file in the Town Manager's office that is available for review. He added that it is not a reasonable expectation that

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every Town Council member would read everything in the file, but they are all familiar with the issue and with what the staff has learned from various sources about the issue.

Ms. Martin asked if any rabies cases have been reported in the Town of Palm Beach related to feral cats?

Mr. Elwell replied he did not know the answer to that question, but the State Health Department wrote a letter to the Town that was received September 17th that has very strong affirmation of the Town's program, and it voices in the strongest possible terms the State Health Department's concern for feral cats spreading rabies.

Ms. Martin asked if there was any documentation regarding feral cats biting or attacking or scratching any individuals in the Town?

Mr. Elwell responded he was not at liberty to talk about specific incidences at this point, but there certainly is the ever present threat of that, and there may have been incidents where it occurred.

Rose Marie Leonhardt, Town resident, asked what happened to the feral cats after they were trapped?

President Brooks said Ms. Bradley's organization tries the trap, neuter, and release. He said if the animals are diseased, in a trap, and the vet determines that the animal is diseased, then, tragically, the animal has to be euthanized. He continued if it is healthy and can be neutered, his understanding was that it would be released.

Mrs. Leonhardt said the animals are being released if they are healthy, but is the Town Council looking to change that now?

President Brooks replied "no". He said the intent of the legislation that the Council adopted at its August meeting was driven by the incidence of rabies in Palm Beach County, and the Council's stance has been undergirded by support by the State Department of Health, and it is the intention - totally apart from the ongoing controversy of Ms. Bradley going onto private property and public properties that she does not have permission on- this is pertaining only to a health risk.

Mrs. Leonhardt asked who will be doing the neutering of the healthy ones who are trapped?

Mr. Elwell responded that if the cat is claimed, then arrangements can be made with Palm Beach County Animal Care and Control, if not, the animal can be released so

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it can be neutered and then released back from whence it came. He continued that the specific program is to make sure that any potential rabies threat caused by the cats is prevented so that rabies is not transmitted so that the Town does not have incidents of it in Palm Beach as has happened elsewhere in the County and State.

Mrs. Leonhardt clarified that the cats were going to be trapped, checked and make sure they don't have rabies, and then they can be neutered or spayed and released back if they are healthy.

Mr. Elwell said he could not speak to the exact handling of the cats and Palm Beach County Animal Care and Control's procedures other than there are provisions made for cats to be reclaimed from Animal Care and Control and returned if they are healthy. He said he did not know exactly what criteria they apply to that.

Mrs. Leonhardt said she understood it would be possible if a cat were trapped, brought to Animal Control, and if someone claimed it, pays for them to be neutered or spayed, then the cat can then be re-released here in Palm Beach and fed by private people or whatever. She questioned if that was okay to do that?

Mr. Elwell replied that it was not okay, under the Town ordinance, to maintain cats other than domesticated animals. He said an undomesticated animal cannot be maintained in the Town, according to the Town ordinance. He said Mrs. Leonhardt asked two different questions: the most recent question is returning that cat to the Town which Town ordinance would prohibit. The other question regarding neutering and releasing of a healthy cat—if the cats are determined not to be diseased, it is (his) understanding that they can be reclaimed at Palm Beach County Animal Care and Control, and he did not know the specific procedures that relate to that. Mr. Elwell said it is not legal, under any circumstances, whether a cat is being reclaimed and returned to the Town or whether the cat is simply here and being maintained here, it is not legal to maintain an undomesticated animal in the Town.

Mrs. Leonhardt requested the definition of 'domesticated'.

Mr. Elwell replied that a domesticated animal is one who is part of a household—lives with a person in a household and a legal determination, not made by me, has been made that a feral cat is not a domesticated animal.

Mrs. Leonhardt questioned the situation of outdoor cats who do not live in homes and would they come under the umbrella of domesticated animals?

Mr. Elwell responded he could not answer that question. That is a legal question.

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Mrs. Leonhardt stated she had a concern for the animals and how they were being treated, and she said she felt strongly about what was going on in Palm Beach. She posed the question if a cat was returned to Palm Beach, and someone said it was their cat and wanted to feed it, would that be okay?

Mr. Elwell replied if it were healthy, licensed-absolutely.

Mr. Elwell said he would like to underscore that the Town is concerned about the animals and that the animals should be treated humanely. He said the reason the program was undertaken was to protect public health, and there is no intent to harm the animals, but a very sincere, strong intent of the Town to make sure that the animals are not treated inhumanely. He said that is the only reason the staff requested \$10,000 of additional funding in undertaking the program as it has been determined between the Town's Police Department and Animal Care and Control that there may be times when a trapped animal, observed by the Police Department who contacts Animal Care and Control for them to pick up the animal; there may be times when Animal Care and Control is not able to immediately respond to that call and collect the animal that has been trapped. He continued that out of concern for animals spending extended periods of time either being rained on or in the hot sun or for any other reason, the Police Department is the one who is actually administering the program and will, at times, have to call a private trapper to pick up the animal that Animal Care and Control cannot immediately pick up.

President Brooks added that there citizens of the Town who are taking it upon themselves to hire trappers, and where those animals go, he did not know.

President Pro-Tem Goldblum emphasized that Animal Care and Control, County of Palm Beach, is the one who is setting the traps. He continued that they know where the traps are; they are patrolling the traps; and if the Police see a cat in a trap, they will call Animal Care and Control, but Animal Control will patrol their own traps. He said all the Town did was buy additional traps for them to use.

Catherine Bradley said the \$10,000 is to be used for public health concerns, and seventeen animals were killed during the Singer Island incident; one cat who was bitten by another animal had rabies; and the source of the rabies has never been found to this day. She continued that the only way to find out if a cat or any animal has rabies is to cut its head off; so there is absolutely no way they can tell if an animal in Palm Beach has rabies or not. Ms. Bradley said her group has been inoculating cats for close to fifteen years and have helped prevent this health problem that the Town thinks it is facing. She said the only way to continue the program is to inoculate these animals.

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Beth Anne Pouncey, Town resident, stated her concern was that no one had looked at the science of the programs and why capturing cats and removing them from the Town is going to do anyone any good. She said if the Town has no cats, it will have rats. She cited the article in the New York Times which reported prides of feral cats had to be brought into areas in California to combat a horrific rat problem.

Ms. Pouncey questioned how effective Animal Care and Control would be, using the Town's money, when they had only six representatives who cover all of Palm Beach County and have to monitor the traps in the Town too. She said, in her opinion, the money was being ill spent, and no one ever addresses the science of feral cats.

President Brooks said the trap, neuter, release program is not working in Palm Beach, and the feral cat population is expanding, and citizens are considering law suits against the Town because of damage to their property. He noted that it is a situation that decries an easy, simplistic answer.

Ms. Pouncey said the problem has been swept under the table for years, and the result is the problem is larger. She said every spay mobile in southern Florida should have been brought to Palm Beach to take care of the problem in one month. She said Miami-Dade has taken care of the problem; they first decided to trap all of the cats and get rid of them; but the problem became so tremendous that they had to call the cat humane societies to take care of the problem. She continued that presently everyone works hand in hand with the Chief of Police, with Animal Control, on a very humane basis. Ms. Pouncey said she had written to the Mayor and offered to do a presentation to the Mayor and Town Council explaining the successful Miami-Dade program. She said she did not receive an answer.

Ms. Pouncey said she believed the animosity generated among the different groups worked against clearing up a problem that is now five years old.

Mayor Smith asked why this presentation was not given before the Town Council previously?

Ms. Pouncey said she has not been in Town until this meeting, but had spoken at a Council meeting six months ago.

Mayor Smith said she had responded to Ms. Pouncey's letter but the agenda was set by the Town Council. Mayor Smith stated she was in favor of trap, neuter and release.

E. Discussion and Adoption (with changes, if any) of Resolution No. 73-02 -

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Adopting Final Millage Rates for FY 2003

Town Manager Elwell read Resolution No. 73-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; SETTING FORTH CERTAIN INFORMATION REGARDING THE "ROLLED-BACK MILLAGE RATE"; DIRECTING THE TOWN MANAGER OR THE FINANCE DIRECTOR TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

PRESIDENT PRO-TEM GOLDBLUM MADE A MOTION TO ADOPT RESOLUTION NO. 73-02. THE MOTION WAS SECONDED BY COUNCILMAN MC LENDON AND CARRIED 3-0 ON ROLL CALL. (Councilmen McDonald and Wyett were absent from the meeting.)

F. Discussion and Adoption (with changes, if any) of Resolution No. 74-02 - Adopting Final Budget for FY 2003

Town Manager Elwell read Resolution No. 74-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE BY PRESIDENT PRO-TEM GOLDBLUM TO ADOPT RESOLUTION NO. 74-02. COUNCILMAN MC LENDON SECONDED THE MOTION. THE MOTION CARRIED 3-0 ON ROLL CALL. (Councilmen McDonald and Wyett were absent from the meeting.)

President Brooks said this concluded the process of adopting the Town's millage rates and budgets for the fiscal year beginning October 1, 2002.

VI. APPROVAL OF ANNUAL RENEWAL OF EXCESS INSURANCE PACKAGE AND CLAIMS MANAGEMENT SERVICES FOR GENERAL PROPERTY, WORKERS COMPENSATION, AND AUTO INSURANCE FOR FY 2003

[Karen Temme, Risk Administrator]

(Deferred from September 10, 2002 Town Council Meeting.)

Risk Administrator Karen Temme referred to her September 16th memorandum regarding the insurance renewal and recommendations. She said the Town staff recommends renewing with Arthur J. Gallagher and Gallagher Bassett Services in the amount of \$2,190,763 for both fixed and variable costs. She continued that sufficient funds have been budgeted to cover the renewal, and Town staff recommends conducting a request for qualifications and a request for proposal for the entire insurance program for fiscal year 2004. Ms. Temme added that the Town staff recommends utilizing the services of Mr. Waters of Waters Risk Management throughout the process with an estimated cost of below \$25,000.

Mayor Smith asked if the suggestions made in the report submitted by Waters Risk Management have been implemented including the plan to revise the risk policy management and manual during the next twelve months?

Ms. Temme said the revision has not been started, but the intent is to go forward with that.

Town Manager Elwell, responding to the Mayor's questions, replied the Waters Risk Management Report is serving as a guide to the Town's Risk Management Program.

Mayor Smith asked Ms. Temme if she were comfortable with the reduction of the liability from \$10 million to \$5 million for the Elected Officials, and had Ms. Temme considered making the amount less than \$5 million?

Ms. Temme responded replied she was comfortable with reducing the amount from \$10 million to \$5 million but was not comfortable with going any lower than that.

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PRESIDENT PRO-TEM GOLDBLUM MADE A MOTION TO APPROVE THE ANNUAL RENEWAL OF EXCESS INSURANCE PACKAGE AND CLAIMS MANAGEMENT SERVICES FOR GENERAL, PROPERTY, WORKERS COMPENSATION, AND AUTO INSURANCE FOR FY 2003. THE MOTION WAS SECONDED BY COUNCILMAN MC LENDON AND CARRIED 3-0 ON ROLL CALL. (Councilmen McDonald and Wyett were absent from the meeting.)

Mayor Smith requested the representatives from Gallagher consider better rates next year during the competitive process considering the excellent record of the Town of Palm Beach.

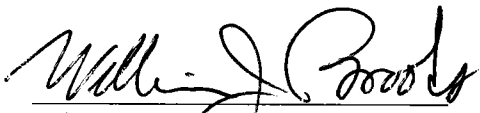
VII. ANY OTHER MATTERS

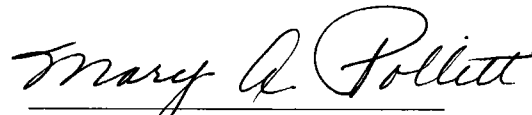
There were none.

VIII. ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

ATTEST:


William J. Brooks
Town Council President


Mary A. Pollitt
Town Clerk

