TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 14, 2010

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, September 14, 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

None.

IV. COMMENTS OF MAYOR JACK McDONALD

Mayor McDonald recently attended the Florida League of Cities Annual Conference in Hollywood, Fl. The conference primarily focused on pension reform and Amendment 4. Amendment 4, if passed in November, would have a dramatic and significant impact on the way Comprehensive Plan Amendments would be approved. Even grammatical errors, and every amendment, would require a referendum. He asked to have a discussion of Amendment 4 placed on the Agenda.

Mayor McDonald also updated the Town Council on the activities of the Town Budget Task Force. Members attended and spoke at two early county budget meetings. They were severely handcuffed by restrictive meeting requirements during the summer and were unable to hold many meetings. They will hold a meeting on October 22, 2010 at 9:30 a.m. Florida Tax Watch will be the speaker and comment on their past review of the Palm Beach County Budget and their reduction recommendations. They also hope to have a speaker from the newly formed Taxpayer Action Board (TAB), which had recommended thirty million dollars in additional tax cuts for the County to consider. Mayor McDonald also discussed the County Budget meeting and the 9.3% proposed tax increase while municipalities such as Palm Beach, and West Palm Beach are proposing no increases in taxes. The County needed to show the same restraint.

Mayor McDonald noted that he would attend the Palm Beach County Budget Meeting, and this would be his third appearance before the County Commission regarding the proposed budget and he urged others to attend as well. He noted regrettably, at his last appearance, he was the only elected municipal official that attended and urge budget reductions. He hoped more would attend the budget meeting that evening.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Diamond stated that a recent front page headline in the "Shiny Sheet" *(Palm Beach Daily News)* proclaimed "Town Pleased With Referendum Ban". The article then went on to quote at least three council members and other town leaders who expressed their satisfaction in Judge David Crow's second-time decision, which found the proposed referendum to save the Royal Poinciana theater to be unconstitutional.

However, Council Member Diamond pointed out that he was not asked by the reporter to comment on the judge's decision, nor, he believed, were any of the nearly 800 Palm Beach residents who twice signed a petition calling for such a voter referendum. He stated that he was not pleased with Judge Crow's decision in this litigation and hope it would be overturned on appeal, which was currently under way.

Council Member Diamond was also concerned by the large amounts of money being spent by the Town in legal fees to thwart the right of Palm Beachers to vote on this important issue. As he had said before, there was no need for the Town to commence and pursue the litigation. The developer, the Sterling Group, had the means and the will to defend its own interests in court and it had already done so by filing amicus curiae briefs with the court to that end.

Council Member Diamond stated that he was making this statement to set the record straight as far as his position in this matter was concerned. He appreciated being given the opportunity to do so.

Council Member Kleid responded that he was questioned by the newspaper and stated that the Town had a fiduciary duty to ascertain the constitutionality of the proposed referendum. The judge had twice declared it unconstitutional. An appellate court also declared it unconstitutional. He continued that the two individuals who brought forth the referendums, and who do not even live here, caused tax payers' money to be expended.

Council President Pro Tem Coniglio agreed with Council Member Kleid. She stated that frankly she could look everyone in the eye, knowing that the process would be legally sound as they would in spending their own or Town dollars.

Council President Pro Tem Coniglio distributed copies of photographs of the north end inlet beach. While one of the cost cutting efforts was to no longer have a beach cleaning operation, she believed that safety and health dictate financial contributions from the Town Council. She asked that a discussion of the beach be placed on the agenda later today. It was added to New Business #6.

Council President Rosow echoed Council President Pro Tem Coniglio's and Council Member Kleid's comments. He suggested that Council Member Diamond contact the newspaper directly if upset by the coverage.

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

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

This item was heard after Item VIII Consent Agenda.

Larry Diegert, 1763 Breezy Lane, West Palm Beach, spoke regarding the Town's upkeep of the debris field near his home. He asked that the garbage be cleaned up and was concerned that if there were a brush fire, the nearby homes would be in danger. He submitted photographs and Public Works staff was instructed to work with him on an amicable solution.

Public Works Director Paul Brazil responded that the Okeechobee yard trash site did not contain any food garbage, just yard waste. Public Works staff had recently met with the Fire Department and would decrease the height of the piles and improve the fire breaks. The Town was in compliance with all of its environmental and health dept permits. He added that the soil and groundwater tables are monitored. Only 1/3 of island yard trash is taken there.

Town Manager Elwell indicated that the Town would do whatever they could within the law. He added that the operation, in conjunction with serious cost issues was why the Town handles its own yard waste rather than paying fees for extra handling at the SWA.

Jeff Cloninger, 411 Brazilean Ave, on behalf of the Royal Park HOA, publicly thanked Public Works Director Brazil in his efforts to solve Town issues. He recommended adopting Option "F" of the storm water pump station item on the agenda.

Regarding Mr. Diegert's comments, Council President Pro Tem Coniglio stated that she understood the Town was pursuing costs savings measures, but she was also of the opinion that the Town needs to be good neighbors.

VII. APPROVAL OF AGENDA

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

VIII. CONSENT AGENDA

A. MINUTES: AUGUST 10, 2010 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: AUGUST 10, 2010 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BREXEL VS TOWN OF PALM BEACH)

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C. MINUTES: AUGUST 11, 2010 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

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D. MINUTES: AUGUST 12, 2010 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BUDGET)

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E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON AUGUST 25, 2010.

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F. RESOLUTIONS

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1. RESOLUTION NO. 97-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Consulting Services Agreement Between the Town of Palm Beach and Research Atlantica, Inc. as Historic Landmarks Preservation Consultant, in an Amount Not to Exceed $45,850, and Authorizing the Town Manager to Execute the Same on Behalf of the Town. [John S. Page, Director of Planning, Zoning, and Building]

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2. RESOLUTION NO. 99-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $68,590 to Tree Huggers Landscaping and Nursery, LLC, for Grounds Maintenance Services, Establishing a Total Not-to-Exceed Budget of $75,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. [H. Paul Brazil, Director of Public Works]

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3. RESOLUTION NO. 102-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the 2009 Revised Unified Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and for Other Purposes. [Jay Boodheshwar, Director of Recreation]

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4. RESOLUTION NO. 106-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase and Installation of a Harris Cell Site Antenna System Based upon a Quote from Citation Communications in the Amount of $41,167 to Provide Essential Police and Fire-Rescue Radio Coverage the Southern Area of the Town and Authorizing the Town Manager or the Town Managers's Designee to Execute Any Documents Necessary to Effectuate Said Purchase and Installation.[Kirk W. Blouin, Police Chief]

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5. RESOLUTION NO. 108-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2011 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of

Ordinances.[Jane Struder, Director of Finance]

G. OTHER

1. Authorization to Extend Air-Conditioning Contract for FY11 in an Amount Not-to-Exceed $40,000. [H. Paul Brazil, Director of Public Works]

2. Authorization to Extend Compacted Garbage Collection Contract for FY11 at a Cost of $236,714.55.[H. Paul Brazil, Director of Public Works]

3. Authorization to Extend Janitorial Contract for FY11 at a Cost of $118,200. [H. Paul Brazil, Director of Public Works]

4. Authorization to Extend Hedge Trimming Contract for FY11 at a Cost of $46,479.60. [H. Paul Brazil, Director of Public Works]

5. Authorization to Extend Lethal Yellowing Contract for FY11 at a Cost of $37,775.25. [H. Paul Brazil, Director of Public Works]

6. Authorization to Extend Street Sweeping Contract for FY11 at a Cost of $113,206.56. [H. Paul Brazil, Director of Public Works]

7. Authorization to Extend Turf Maintenance Contract for FY11 at a Cost of $60,349.92. [H. Paul Brazil, Director of Public Works]

8. Approval of Selection Committee for Environmental and Geotechnical Services. [H. Paul Brazil, Director of Public Works]

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

10. Approval of Contingency Allocation for Legal Expenses and Compensated Absences. [Jane Struder, Director of Finance]

11. Authorization to Renew Par 3 Labor Contract for FY11 at a Cost Not-to-Exceed $161,500.[Jay Boodheshwar, Director of Recreation]

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

IX. BOARD/COMMISSION ANNUAL REPORT

A. Firefighters' Retirement Board of Trustees. [Wilbur Ross, Chair, and William Hanes, Pension Administrator]

Wilbur Ross, Chairman, presented the Firefighter Pension Board annual report.

Council Members Rosow, Wildrick, Kleid amd Diamond commended Mr. Ross for his work.

Mr. Ross was asked about an Investment Advisory Board Member's concern with Prime Buckholtz and he responded that they had no issues and unanimously voted to retain them.

Many questions were asked during the discussion regarding smoothing, retaining an 8% rate of return, and other market cycles. The Firefighter Pension Board did vote to oppose the GASB recommendation. Council Member Wildrick expressed a concern that people were generally living longer and asked if that would create a financial burden on the Town, since there would be more retirees than employees. Mr. Ross indicated that it was a serious consideration to review in the future.

B. Police Officers' Retirement Board of Trustees. [Raymond Snow, Chair, and William Hanes, Pension Administrator]

Ray Snow, Chairman, presented the Police Pension annual report.

Mr. Snow's response to the same Prime Buckholtz question was identical to Mr. Ross'. The Police Pension Board did not have any issues with Prime Buckholtz, and they have done an admiral job.

Mr. Snow thanked the Trustees and Mr. Bill Hanes, Pension Administrator, for their experience.

Mr. Snow and the Pension Board also opposed the GASB recommendation. The public comment period was ending in a few days, and a response from the Town would need to be sent immediately.

The Town Council asked many questions regarding the funding of the accounts, combining the boards, costs of managing the funds, and overall liquidity of the funds. Town Manager Elwell, at the request of Council President Rosow, explained the budget article and where the $4.4 million dollars came from to finance the Town budget.

Motion for the Mayor to send a letter immediately opposing the GASB recommendations was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

Motion to accept the Police and Firefighter annual pension reports was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

A member of the public asked to speak and was granted the opportunity.

William Cummings, Royal Poinciana Business District, wanted to discuss budget issues. He was informed that the budget meeting was the previous evening and he said he attended. He encouraged the Town Council to reinstates the tree lighting in Bradley Park and he hoped in subsequent years it would be placed back into the budget. The same could go for the Fourth of July Picnic. He noted that there was a petition circulating for the signatures now.

Council President Rosow responded that during the budget meeting, on numerous occasions he asked for public comment. That would have been the appropriate time to bring up his concerns.

Council Member Kleid thanked Mr. Cummings for coming and stated that with respect to the holiday lighting and July picnic, there would also be more activity in that area with the Centennial events.

Council Member Diamond thought they should find out what the real costs were to the Town and should charge an admission fee. Town Manager Elwell also indicated that with the bridge construction, it would be difficult to hold a July 4th celebration.

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee of August 26, 2010. [William J. Diamond, Town Council Member]

Council Member Diamond presented the ORS report.

Motion to accept the ORS report was made by Council Member Kleid, seconded by Council President Pro Tem Coniglio.

Council President Pro Tem Coniglio asked about a statement in the minutes and they were correct as presented, according to Deputy Town Manager Bradford.

Council President Rosow commended the Committee for their hard work.

On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

1. Accelerated Capital Improvement Program. [H. Paul Brazil, Director of Public Works]

a. Overview of Current Status and Plans for the Future.

Council President Pro Tem Coniglio indicated that she had spoken to Director Brazil regarding the breakdown of the total program. It was important to the Town Council and the residents to have a spreadsheet on the Town website showing the total budgeted amount, timeline and the draw-down. She wanted to make sure there was enough money to cover the various projects. Council President Rosow agreed and stated that there should be a capital program link on our webpage.

Staff was directed to place the Capital Improvement Program on the Town website.

b. RESOLUTION NO. 87-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $593,000 to Mock, Roos & Associates, Inc., for the D-15 (D-6 & D-7) Pump Station Design and Bid Administration Services, Establishing a Total Design Phase Budget of $620,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements. Deferred from the August 10, 2010, Town Council Meeting.

Public Works Director Paul Brazil presented the items through a power point presentation. He outlined each proposal, A-F, and the pros and cons of each.

There was lengthy discussion about each option, costs, technology, types of pumps to be installed, storage costs, electrical work, resident preference and other considerations.

Motion to accept Alternative "F" was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call:

Council President Rosow	**No**
Council President Pro Tem Coniglio	**Yes**
Council Member Wildrick	**Yes**
Council Member Kleid	**No**
Council Member Diamond	**Yes**

The motion passed 3-2.

Town Attorney Randolph read Resolution No. 87-10 by title, as printed above.

Motion to approve Resolution No. 87-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

c. Worth Avenue Project Update.

1. Requested at the August 10, 2010, Town Council Meeting.

Mr. Brazil presented the item and announced that the project was very successful. Burkhart Construction staff were present and the project had very few complaints.

Dennis Hanes, Vice President of Burkhardt, said that the project was on budget, on schedule, and was 70% complete and may be two to three days ahead of schedule. They announced the re-opening of South County Road and the timeline for the remainder of the project.

Mark Kleidesly, Senior Project Manager, along with the 75-100 men working on the project, were recognized and commended by the Town Council for a tremendous job. He highlighted the milestones.

Council Member Diamond asked about the drainage lip and learned that would be resolved with the final lift of asphalt.

Council Member Wildrick hoped the Publix project would go as smoothly as Worth Avenue, as the workers were polite, considerate and hard-working. They also kept the job site extremely clean.

Council Member Kleid also thanked Burkhardt Construction and noted that he saw Architect Mark Marsh with his clipboard on the Avenue, and that merchants and residents were provided with contact phone numbers in case there were any concerns.

Council President Rosow indicated that many people were upset about the project, but when they return in the fall, they will be surprised at how well it turned out.

d. RESOLUTION NO. 100-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement with the City of West Palm Beach for a Subaqueous Force Main Project.

e. RESOLUTION NO. 101-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the Amount of $74,468 for the A-42 and A-43 Sanitary Pump Stations Improvements, Establishing a Design and Construction Documents Phase Budget of $81,915 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

f. RESOLUTION NO. 103-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the Amount of $58,063 for the A-42 to A-43 Force Main Improvements, Establishing a Design and Construction Documents Phase Budget of $63,869 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

g. RESOLUTION NO. 105-10 A Resolution of the Town Council of the Town of Palm

Beach, Palm Beach County, Florida, Awarding a Contract for $35,300 to Kimley-Horn and Associates, Inc., for the Sewage Force Main Intracoastal Waterway Crossing Construction and Bid Administration Services, Establishing a Total Construction Phase Budget for $40,600 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

The items above were heard after Item X, Committee Reports.

Motion to approve Resolution Nos. 100-10, 101-10, 103-10, and 105-10 was made by Council Member Kleid and seconded by Council President Pro Tem Coniglio. On roll call the motion carried unanimously.

B. New Business

1. Recreation Commission's Intended Process and Time Line for Consideration of Privatization Alternatives and Other Potential Modification of Recreation Programs and Facilities.[Jay Boodheshwar, Director of Recreation]

Jay Boodheshwar, Director of Recreation, provided a brief history of the directive to study department operations and consider privatization of many departments. He introduced Danielle Hickox-Moore, Chairman of the Recreation Commission.

Council President Pro Tem Coniglio stated that there was an outcry of public support for the facility. She realizes this has been a directive and admired the speed and full transparency. She appreciates the input from the community.

Council Member Diamond attended the meetings and the word privatization was a flash point. He felt the Dock revenue should go towards sand and not fund recreation. The long run should be efficiency and to be self supporting.

Council Member Kleid stated that this was a worthwhile project with a lot of hybrids. The end result may come away with educating the public and may privatize some of the functions, but not every aspect. There were many options. This does not necessarily mean privatizing everything.

Ms. Moore commented that this was a learning process and the Recreation Commission was taking the task seriously.

Council President Rosow said he brought the subject up because it costs the town a lot of money. If the docks were to stand alone, they would contribute over $3 million to the Town funds instead of funding the losses of golf, tennis and the recreation center. He noted many residents pay taxes for the recreation program yet do not use any of the services. He felt government should not be in the business of providing recreation.

Council Member Wildrick stated that using dock revenue to finance the recreation department was not right The docks were an asset of the town. The $3 million should go into Town coffers.

The total cost of lifeguards to the Town was $78,000 per lifeguard, and they were saved last month, but noted more than one way to skin a cat. Council Member Wildrick agreed with Council President Rosow that recreation services should not cost as much as they do. Mayor McDonald said there were different philosophies. The town is in business to serve residents and profit is not the goal. He disagreed with Council President Rosow. Mayor McDonald felt it still should be the Town's position to provide those services.

Ms. Moore stated that they were directed to do this study and they are volunteers. All of the members of the recreation commission bring different points of view to the entire process. As a town resident for over forty-five years, she only had the best interest of the Town as a whole. She takes issue with the fact that someone would have suggested that she thought otherwise. To say she was close-minded, and was not true.

Sharon Neri, 225 El Pueblo Way, and a member of the Garden Club, has raised her family here and uses the recreation center with her family. Her neighbors were outraged at the privatization. She asked all of them to make an effort to try to have responsible stewardship. She begged the Town Council to not take away the service and facility which she felt was the responsibility of the Town. In 1932 there was an organized recreation program in the Town. She also spoke on behalf of Betsy Mathews, Past President of the Garden Club,who supported the recreation center, and also mentioned that Cindy Hoyt, current President of the Garden Club, felt if the Town lessened the facilities, it would take away from the essence of Palm Beach.

The Commission will report back to the Town Council once the studies have been completed.

2. Internal Audit Reports. [Robert N. Wildrick, Town Council Member]

Council Member Wildrick presented the items.

a. Construction Project Bidding and Contract Administration.

b. Construction in Process Accounting

Council Member Wildrick explained the results of the reports and the procedure. In all cases, the staff had been non-defensive and cooperative. That was how it should be.

Bob Benson, from Crowe Horwath was available to answer any questions. Town Manager Elwell agreed with Council Member Wildrick's comments and said this was a way to improve operations. There will also be additional reports coming.

Mr. Benson echoed the receptiveness of the Town Manager and staff. There were some recommendations and they have been corrected.

Council Member Diamond asked about Chaz Equipment on page 7 of the audit report and asked why those contracts were highlighted. In many cases with change orders, there were many circumstances that could cause further questioning. Mr. Benson indicated that by placing each project on the website, the Town will be more transparent. Council Member Kleid added that he also was drawn to that page because of the extensive costly change orders.

Town Manager Elwell concurred with the remarks. Both the points of more complete documentation and overlap of functions of town will be implemented.

Council President Rosow commended Council Member Wildrick on these two audits and his hard work on the Finance and Taxation Committee.

Motion to accept the Internal Audit Reports was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

3. RESOLUTION NO. 96-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Liability, Property, Workers' Compensation, Automobile, Loss Fund Insurance Coverages and other Insurance Coverages incidental to the Town's operations for FY2011; Approving the Proposed Preferred Governmental Claims Solutions Claims Management Services Fee; Approving the Insurance Agent Services Agreement with Wells Fargo Insurance Services and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Resolution No. 96-10 by title, as printed above,

Council President Pro Tem Coniglio asked about the number of town vehicles. Karen Temme, Risk Manage, responded that there were 191 vehicles insured, and a review takes place annually regarding the vehicles and the coverage.

Town Manager Elwell indicated that her concern was not an insurance aspect, but in conjunction with operations review, the reduction of the fleet and the size of vehicles would be addressed in future months. Council President Pro Tem Coniglio also asked if the cost of Wells Fargo was in line with other companies and it was. She found it abhorrent that the criminal crime insurance rate increased 183%, based on one incident that that town has recently had, and finds fault with that agent.

Council Member Wildrick stated that he had been involved with the RFP's and the Purchasing Department and Deputy Town Manager Tom Bradford does a very thorough job. They have saved money through banking services etc. He mentioned that yesterday, Council President Rosow made a comment to review all insurance policies, including flood insurance and asked Ms. Temme if the policies were necessary. She responded that they do reviews frequently but would be happy to do reviews of all policies.

Council President Rosow requested that the Finance and Taxation Committee look at the insurance program to make sure the Town is insured for the correct amounts.

Motion to approve Resolution No. 96-10 was made by Council president Pro Tem Coniglio, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

4. RESOLUTION NO. 107-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Pursue a Special Category Grant from the Florida Department of State, Division of Historical Resources for the Restoration of Addison Mizner's Memorial Fountain, Subject to Prior Approval by the Town Attorney of the Grant Agreement for Legal Form and Sufficiency.[John S. Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Resolution No. 107-10 by title, as printed above.

Planning, Zoning and Building Director John Page, presented the item. He provided a brief history of the fountain's condition. The fountain was over eighty years old and had deteriorated. He stated that there was a $350,000 special category State Grant available with matching funds from the Town.

Motion to ratify the grant application was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

Alex Ives, Preservation Foundation, urged the Town Council to support this project. He noted that it had Landmarks, Garden Club and other community support.

Council President Rosow asked if the Preservation Foundation would pay for some of it. Mr. Ives said there would have to be a board meeting to discuss it. Town Manager Elwell said that because of the community interest, they are hoping to receive donations, but could have contingency appropriations to cover costs.

Council Member Kleid said that it should be pointed out that the Centennial Committee was interested in the adjacent property for a legacy project. This should be a joint project. Council President Pro Tem Coniglio encouraged both the Town Council and Landmarks to move forward with the grant request. She felt the community would rally around it and she supported it.

Council Member Diamond stated that he felt this should be considered a capital project. It was a long term, substantive project.

Motion to approve Resolution No. 107-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

5. Possible Return to One-Day Town Council Meetings.[David A. Rosow, Town Council President]

Council President Rosow had placed this item on the agenda for discussion since the agendas in the past few months have been light. He proposed to have Development Review items begin at 2:00 p.m.

After brief discussion among the Town Council Members and the Mayor, it was decided to continue with the current two-day schedule.

6. Amendment 4

Mayor McDonald felt the Town Council should discuss the implications of Amendment 4 at length at the next Town Council meeting in October.

Town Attorney Randolph was asked if the Town Council could discuss it. He responded that Town funds cannot be used for supporting or opposing an amendment, but they could educate the public.

Council President Pro Tem Coniglio suggested having a presentation to educate the residents.

Council Member Diamond suggested having Ms. Leslie Blackner and Beth Kigel as the speakers for each side to present their positions.

Council Member Wildrick stated that he would be open-minded, but wanted the discussions to have a time limit.

Ned Barnes, Civic Association, stated that Amendment 4 could have has huge implications for the Royal Poinciana Plaza. The Civic Association is planning on having a debate on the issue.

Town Manager Elwell would work with Council President Rosow to determine which Town Council Meeting Day in October that this item would be placed on the Agenda.

7. Status of Debris on the Beaches

Council President Pro Tem Coniglio had distributed photos of the current condition of the beaches on the north end with a large amount of trash and debris. The beach cleanings had been eliminated from the budget. She noted that the pier attracts needles, tanks, etc. and asked for suggestions as to how it can be remedied. She stated it was a health and safety issue at this point.

Council Member Kleid reminded the Town Council that there were volunteer groups that perform beach clean-ups and perhaps they could help again. Town Manager Elwell confirmed that and said that different groups go to different beaches, and very often a group contacts the Town. The Town is happy to work with groups that volunteer.

After further discussion, Council President Pro Tem Coniglio and Council Member Kleid were tasked with organizing a beach day.

Council Member Wildrick stated that he agreed with the comments and the beach conditions were pretty bad.

Council Member Kleid said that the Citizens Association taxes the condos, and they contract to clean the southern end of the island.

Council President Rosow said the Town Council cut the budget and now wanted to add money back in. You could not have it both ways and at some point, taxes will have to be raised.

Council Member Diamond suggested having a user fee.

Council President Rosow suggested that Public Works provide a truck and supplies for the larger items, and perhaps clean the beaches instead of doing other duties.

Public Works Director Paul Brazil added that in addition to the cleaning, you have to be cognizant of sea turtle nesting season, and no equipment could be placed on the beach. New garbage receptacles were not acceptable to the neighbors in the past.

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 24-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances at Subdivision IV, Section 82-111, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]

Town Attorney Randolph read Ordinance No. 24-10 by title, as printed above.

Motion to adopt Ordinance No. 24-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 25-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances at Subdivision III, Firefighters, Section 82-91, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]

Town Attorney Randolph read Ordinance No. 25-10 by title, as printed above.

Motion to adopt Ordinance No. 25-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 27-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Building and Building Regulations, Section 108.2(1) Permit Fees; Providing for State Required Building Permit Fee Surcharges; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 27-10 by title, as printed above.

Motion to approve Ordinance No. 27-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 28-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 78 Peddlers and Solicitors, Article II Peddlers, Section 78-40; and at Article III Charitable Solicitations, Sections 78-102 and 78-105, so as to Provide for an Administrative Processing Fee and Late Fees as Adopted by Resolution of the Town Council Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 28-10 by title, as printed above.

Motion to approve Ordinance No. 28-10 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 29-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks, and Other Public Places, at Article VI, Parades, Division 2, Permit, Section 106-216, So as to Exempt the Town of Palm Beach from the Requirements Relating to Parade Permits for Parades Officially Sponsored by the Town of Palm Beach with Approval of the Town Council; Providing an Amendment to Article VII, Special Events on Public Property, Division 2, Permit, Section 106-281, Exempting the Town from Requirements for Permitting and Regulations Relating to Special Events; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[John C. Randolph, Town Attorney]

Town Attorney Randolph read Ordinance No. 29-10 by title, as printed above.

Motion to approve Ordinance No. 29-10 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio.

Council Member Kleid announced that the Centennial Commission did research a parade idea, and did not embrace it.

On roll call, the motion carried unanimously.

XIII. ANY OTHER MATTERS

There were none.

XIV. ADJOURNMENT

There being no further business, the September 14, 2010, Town Council Meeting was adjourned at 1:10 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham

Stormwater Pump Stations D-6 & D-7 PowerPoint