



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 13, 2010

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I. CALL TO ORDER AND ROLL CALL

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3 The Special Town Council Meeting was called to order on Monday, September 13, 2009, at 5:01
4 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be
5 present.

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II. PLEDGE OF ALLEGIANCE

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8 Council President Rosow led the Pledge of Allegiance.

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III. APPROVAL OF AGENDA

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11 **Motion made by Council Member Diamond, seconded by Council Member Kleid, to**
12 **approve the Agenda as printed. On roll call, the motion carried unanimously.**

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IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE, "TENTATIVE" FY2011 BUDGETS AND NON-AD VALOREM ASSESSMENTS

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15 Town Manager Peter Elwell explained that there was certain language that needed to be read to
16 comply with State Statutes and the process for adopting municipal budgets. He added that there
17 would be opportunities for the public to speak during the meeting.

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A. Notice of Proposed Property Taxes

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20 Council President Rosow announced that, pursuant to the Notice of Proposed Property Taxes,
21 which had been mailed by the Palm Beach County Property Appraiser to each property owner,
22 the Public Hearing had been announced to commence at 5:01 p.m, to discuss the Fiscal Year
23 2011 proposed millage rate and tentative General Fund, Debt Service Fund, and other fund
24 budgets, including the approvals of Resolution No. 90-10 and Resolution No. 91-10. A Public
25 Hearing was to be conducted on non-ad valorem assessments for commercial solid waste
26 collection and the Worth Avenue Improvement Project, including the approval of Resolution No.
27 95-10, and Resolution No. 98-10, and also to adopt Resolution No. 109-10 to ratify the Town
28 Council's prior approval of certain parking meter fee increases.

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B. Proposed Operating Millage

Council President Rosow announced that the fiscal year 2011 General Fund proposed operating millage rate of 3.2512 mills represented a 11.71 % decrease from the rolled back millage rate of 3.6826 mills. He requested the Town Manager identify the reasons why the ad valorem taxes were being decreased from the rolled-back rate.

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

Town Manager Elwell advised that in Exhibit A of the Town Council back-up, the tentative FY11 general operating fund budget of \$63,734,848 had decreased by \$3,118,452 or 4.7 % from the FY10 adopted operating budget of \$ 66,853,300. The major reasons for the decreases were the elimination of 32.65 positions, reduction in the transfer to the Capital Improvement Program, reduction in lobbying services, reductions in computer hardware and software expenditures, reductions in contractual plan review and comprehensive plan expenditures, and reductions in funding for employee events. These decreases have been partially offset by increases in Town contributions to the pension funds and the transfer for coastal protection projects.

D. Comments and Questions from Public

Council President Rosow opened the floor for public comments.

Ned Barnes, Palm Beach Civic Association, complimented the Town Council and Town Manager Elwell for the work done on this year's budget. He expressed his disappointment in the County budget and urged the Town Council to attend the County Budget meeting on September 14, 2010.

Council President Rosow thanked Mr. Barnes for his comments and stated that this year was only an initial step. The following year would have significant financial challenges and to that point he wanted to request that the Finance & Taxation Committee begin to look at next year's budgets by reviewing all contracts, insurance coverage and items in the contingency funds. He would ask the Town Council to approve his recommendation at tomorrow's Town Council meeting.

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY11.

Council President Rosow announced that they would proceed to approve the proposed General (operating) Fund millage rate for FY 2011. He asked Town Manager Elwell to Read Resolution No. 90-10 by title.

1. RESOLUTION NO. 90-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Proposed Millage Rate Necessary to Fund the Tentative General (Operating) Fund Budget for the 2010-2011 Fiscal Year.

Town Manager Elwell read Resolution No. 90-10 by title, as printed above.

Council Member Diamond inquired about the \$3,090,000 for coastal monies added to the budget. Town Manager Elwell responded that the projects were reviewed item by item in June. They were the recommendations from the Shore Protection Board and conceptually approved by the Town Council. This year's budget included many of the projects that were already underway or would be underway for this fiscal year.

Council President Pro Tem Coniglio moved that Resolution No. 90-10, setting the proposed millage rate of 3.2512 mills for the General (Operating) Fund, be approved. The motion was seconded by Council Member Diamond. On roll call, the motion carried unanimously.

- F. RESOLUTION NO. 109-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Parking Meter Rates within the Corporate Limits of the Town; Providing an Effective Date.

Town Manager Elwell read Resolution No. 109-10 by title, as printed above.

Council President Rosow asked for a motion to adopt Resolution No. 109-10 of the Town of Palm Beach, which sets parking meter rates at \$5 per hour on South Ocean Boulevard fronting on Mid Town Beach and at Phipps Ocean Park and at \$2 for all other metered spaces in Town. This will complete a formality necessary to implement the decision Town Council made on August 12 when it unanimously adopted a motion directing staff to implement the \$5 per hour rate on South Ocean Boulevard and at Phipps Ocean Park.

Council President Pro Tem Coniglio asked if the cross street parameters should be identified in the Resolution. Town Manager Elwell indicated that the change in parking was only at South Ocean Boulevard and Phipps Ocean Park. She also was concerned of the implications to people parking on the residential side streets, but was willing to give the new fees a try.

Council Member Kleid stated that when the cost of \$5.00/hr was adopted, this was a conservative approach in the estimated revenue and the Town realizes that there may be initially a drop in revenue.

Motion to approve Resolution No. 109-10 made by Council President Pro Tem Coniglio and seconded by Council Member Diamond. On roll call, the motion carried unanimously.

- G. Non-Ad Valorem Assessments

Council President Rosow announced that they would now discuss the assessments for commercial solid waste collection rates.

1. Commercial Solid Waste Fee Assessments [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil stated that the affected property owners had received notice of the commercial solid waste fee assessment via notice of the proposed property taxes and non ad valorem assessments. The published notice of today's Public Hearing occurred on August 23, 2010. It was recommended to the Town Council to call for any public comments on these rates from any affected property owners. Upon receiving public comment as recommended, that the Town Council reaffirm the assessment rates previously adopted in July. Using the rate analysis methodology approved previously, final non ad valorem rates for commercial rates were adopted as they were presented in the Resolution. He also noted that he had not received any public comments.

a. RESOLUTION NO. 95-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Non-Ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date.

Council President Rosow opened the floor for public comments.

There were none.

Council President Pro Tem Coniglio commented on the methodology and the assessment was very fair, but said this was a pass through which goes directly to the user. She asked why the number had decreased for apartments. Public Works Director Brazil responded that many things can affect the total rate such as the budget, as well as the number of units that are assessed.

Council Member Diamond asked if all of the empty units were accounted for, and Town Manager Elwell indicated that if it is vacant for a lengthy amount of time, it would change, but most of the time there was no relief.

Town Manager Elwell read Resolution No. 95-10 by title, as printed above.

Motion made by Council President Pro Tem Coniglio to approve Resolution No. 95-10, which was seconded by Council Member Diamond. On roll call, the motion carried unanimously.

2. Worth Avenue Commercial District Improvement Project [Thomas G. Bradford, Deputy Town Manager]

Council President Rosow announced that they would now be discussing the assessments for the Worth Avenue Project and introduced deputy Town Manager Tom Bradford.

a. RESOLUTION NO. 98-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Worth Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls;

Providing for the Imposition of the Assessments to Fund the Worth Avenue Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

1 Deputy Town Manager Bradford presented the item and noted that this was the final resolution
2 for the implementation of assessments for the debt service that has been incurred for Worth
3 Avenue as well as the first time for the maintenance of those improvements that are currently
4 underway.

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6 Deputy Town Manager Bradford reminded the Town Council that back in July there was an
7 initial resolution to impose the assessments and, subsequent to that meeting, a letter was sent to
8 every property owner within the assessment district advising them of the methodology by which
9 they proposed to assess, as well as the amount for the debt service and the maintenance.

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11 To date, Deputy Town Manager Bradford indicated that they had received three letters from
12 property owners requesting a review and a correction. They received a letter from the
13 Everglades Club, Mimi Duncan of 9 Via Perigi, and a third letter from Mrs. Duncan objecting
14 to the assessment in general. The other two letters objected to the square footage applied. Those
15 were reviewed and corrected.

16
17 The reallocation of the revisions created a shortfall of \$65,000 but there would be savings in the
18 Worth Avenue Project of approximately \$500,000. The Town could pay the shortfall from the
19 surplus funds generated from the construction project and use it for the shortfall.

20
21 Council Member Diamond asked about the leftover money, and if it could go into the general
22 fund. Deputy Town Manager Bradford responded that it could not go the maintenance and its
23 uses were spelled out in the bond covenants.

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25 Council Member Kleid asked if the \$65,000 shortfall would occur every year or if it was only a
26 one time shortfall.

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28 Council President Rosow opened the floor for public comments.

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30 There were none.

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32 Town Manager Elwell read Resolution No. 98-10 by title, as printed above.

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34 **Motion to approve Resolution No. 98-10 was made by Council Member Diamond, seconded**
35 **by Council Member Kleid. On roll call, the motion carried unanimously.**

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37 **Motion to use the assessable portion of the value in the methodology was made by Council**
38 **Member Kleid, seconded by Council Member Diamond. On roll call, the motion carried**
39 **unanimously.**

H. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY2011.

Council President Rosow announced that they would now proceed to approve the tentative General Fund operating budget, debt service budget, and budgets for other funds for FY11.

1. RESOLUTION NO. 91-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Tentative General (Operating) Fund, Debt Service Fund and Budgets for Other Funds for the 2010-2011 Fiscal Year.

Town Manager Elwell read Resolution No. 91-10 by title, as printed above.

Council President Rosow opened the floor for public comments.

Gerry Goldsmith, 285 Colonial Lane, commented that if an assessment goes down, the taxes should not increase. He wanted to make sure that the people were aware of why that occurred.

Council President Rosow informed Mr. Goldsmith that this had been explained at previous meetings. Town Manager Elwell responded that property values went down and thus the town revenue decreased. The Town Council had adopted the same millage rate for the past three years. Individual property owners will see an increase in taxes, but not due to town taxes.

Mr. Goldsmith asked the Town Council to continue to educate the public.

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve Resolution No. 91-10. On roll call, the motion carried unanimously.

Council President Rosow announced that this concluded the process of approving the Town's proposed millage rates and tentative budgets for the year beginning October 1, 2010.

I. Second and Final Public Hearing to Adopt Final Millage Rate and Budgets will be on Wednesday, September 29, 2010, at 5:01 p.m. in the Town of Palm Beach Council Chambers.

Council President Rosow announced that that the Second and Final Public Hearing to Adopt Final Millage Rate and Budgets would be held on September 29, 2010 at 5:01 p.m. in the Town Council Chambers.

V. ANY OTHER MATTERS

There were none.

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2 VI. ADJOURNMENT

3 There being no further business, the Special Town Council Meeting of Monday, September 13,
4 2010, was adjourned at 5:39 p.m.
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6
7 APPROVED:

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10 _____
11 David A. Rosow
12 Town Council President
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14
15 ATTEST:

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18 _____
19 Joanna Cunningham
20 Town Clerk

