

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BUDGET) HELD ON THURSDAY, SEPTEMBER 10, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Thursday, September 10, 2009, at 5:01 p.m., in the City of West Palm Beach Commission Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. PUBLIC HEARING ON PROPOSED MILLAGE RATE, "TENTATIVE" FY2010 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

Council President Rosow announced that, pursuant to the Notice of Proposed Property Taxes, which had been mailed by the Palm Beach County Property Appraiser to each property owner, the Public Hearing had been announced to commence at 5:01 p.m. The fiscal year 2010 proposed millage rate would be discussed, and the tentative general fund, debt service fund, and other fund budgets, including the approval of Resolution No. 87-09, and Resolution No. 88-09. A Public Hearing was to be conducted on non-ad valorem assessments for commercial solid waste collection and the Worth Avenue Improvement Project, including the approval of Resolution no. 94-09, and Resolution No. 90-09.

B. Proposed Operating Millage

Council President Rosow announced that the fiscal year 2010 general fund proposed operating millage rate of 3.2512 mills represented a 2.76% decrease from the rolled back millage rate of 3.3435 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 FY10 general operating fund budget of \$66,853,300 had decreased by \$482,300 or .7% from the FY09 adopted operating budget of \$67,335,600. The major increases to the FY10 budget included pension contribution increases, sand transfer plant maintenance cost increases, and increases in debt service funding. They were more than offset by the following significant decreases: elimination of 9.25 positions, early retirement buyout savings, reductions in overtime, elimination of the extraordinary longevity program, health insurance costs decreases and a decrease in funding for the Town-wide software upgrade.

D. Comments and Questions from Public

Council President Rosow opened the floor for public comment. There were none.

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY10

RESOLUTION NO. 87-09 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 2009-2010 Fiscal Year.

Town Manager Elwell read Resolution No. 87-09 by title, as printed above.

Council President Pro Tem Coniglio moved that Resolution No. 87-09, 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. Non-Ad Valorem Assessments

i. RESOLUTION NO. 94-09 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. [H. Paul Brazil, Director of Public Works]

Director of Public Works H. Paul Brazil reported the final non-ad valorem assessment rates for commercial solid waste collection for FY10, as had been set forth in Resolution No. 65-09, previously adopted on July 14, 2009. Director Brazil read the rates listed in the Resolution to the Town Council. He also noted that he had not received any public comments.

Council President Rosow opened the floor for public comment. There were none.

Town Manager Elwell read Resolution No. 94-09 by title, as printed above.

Council President Pro Tem Coniglio made a motion to approve Resolution No. 94-09, and was seconded by Council Member Kleid. On roll call, the motion carried unanimously.

Council Member Diamond added that he wanted the public to realize that the Town was holding the millage rate at the same rate in 2010 as it did in 2009. When there is an increase in the taxes in November, it is due to the County raising its millage rate by 15%. There is no increase for the Town of Palm Beach.

- ii. RESOLUTION NO. 90-09 A Resolution of the Town Council of the Town of Palm Beach, Florida, Relating to the Provision of the Worth Avenue Improvement Project Phase I Services; Providing Authority and Definitions; Amending the Initial Assessment Resolution; Approving the Assessment Roll; Providing for the Imposition of the Assessments to Fund the Worth Avenue Improvement Project Phase I 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. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford presented the item as a final assessment roll for the Worth Avenue Improvement Project. There was discussion among the Town Council as to whether or not the assessment should include residential properties. It was the consensus of the Council to exclude residential, municipal, and club properties and it would be a tax district for the commercial properties only.

Council Member Wildrick stated that he had had several discussions with Deputy Town Manager Bradford and he had done a yeoman's job of being fair and he supported the project 100%. He felt it was not fair to include residents and clubs in the assessment.

Council Member Kleid stated as a "Point of Order" that two Town Council members were members of a club on Worth Avenue and asked the Town Attorney to indicate if they would need to recuse themselves. Town Attorney Randolph responded that it was not a special private gain and they would be permitted to vote. Council Member Kleid accepted the Town Attorney's explanation.

Deputy Town Manager Bradford mentioned that there were two letters and one email that the Town received. He read them into the record. He also noted that Mr. Pete Pimentel of Special District Services was available for any questions.

Council President Rosow opened the floor for public comment. There were none.

Town Manager Elwell read Resolution No. 90-09 by title, as printed above.

1 **Motion made by Council Member Diamond to exclude, residential, club properties and the**
2 **public park and to adopt Resolution No. 90-09. The motion was seconded by Council**
3 **Member Wildrick. On roll call, the motion carried unanimously.**

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5 Deputy Town Manager Bradford asked for a motion to affirm the conclusion of the Town
6 Council that there has been competent and substantial evidence to support eliminating the
7 assessments for the non-commercial properties within the District.

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9 **Motion made by Council Member Diamond, seconded by Council Member Kleid, to affirm**
10 **the conclusion of the Town Council that there has been competent and substantial evidence**
11 **to support eliminating the assessments for the non-commercial properties within the**
12 **District. On roll call, the motion carried unanimously.**

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15 G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt
16 Service Budget, and Budgets for Other Funds for FY2010.

RESOLUTION NO. 88-09 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 2009-2010 Fiscal Year.

17 Town Manager Elwell read Resolution No. 88-09 by title, as printed above.

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19 **Motion made by Council Member Diamond, seconded by Council President Pro Tem**
20 **Coniglio, to approve Resolution No. 88-09. On roll call, the motion carried unanimously.**

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22 H. Second and Final Public Hearing to Adopt Final Millage Rate and Budgets will be on
Wednesday, September 23, 2009, at 5:01 p.m. in the Town of Palm Beach, Emergency
Operations Center.

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24 Council President Rosow announced that the second and final Public Hearing to adopt the final
25 millage rate and budgets would be held on September 23, 2009, at 5:01 p.m. in the Emergency
26 Operations Center.

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28 B. Proposed Operating Millage

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30 IV. ORDINANCE NO. 15-09 An Ordinance of the Town Council of the Town of Palm Beach,
Palm Beach County, Florida, Providing for an Amendment to the Town's General Fund
Budget Adopted for the Fiscal Year Commencing October 1, 2008, Providing an Effective
Date.

Town Manager Elwell noted that this was the Ordinance that would be amending the current year FY 09 budget to allocate \$1,000,000 from general fund balance to the emergency management funds of the Town for the eventual reconciliation of the matter with FEMA.

Town Manager Elwell read Ordinance No. 15-09 by title, as printed above.

Motion made by Council Member Kleid, seconded by Council Member Wildrick to adopt on first reading Ordinance No. 15-09. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS

Council Member Wildrick thanked the Town Staff for the job that they did on the budget. They did a good job and should be commended.

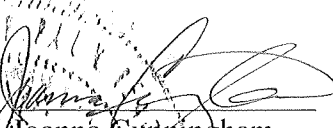
VI. ADJOURNMENT

There being no further business, the Regular Town Council Meeting of Thursday, September 10, 2009, was adjourned at 5:37 p.m.

APPROVED:


David A. Rosow
Town Council President

ATTEST:


Joanna Cunningham
Town Clerk