TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, AUGUST 11, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, August 11, 2009, at 9:30 a.m., in the City of West Palm Beach Commission 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

A. Applicants for Code Enforcement Board.

The following applicants spoke regarding appointment:

- Riccardo Boehm
- Scotch Peloso

Town Manager Elwell announced that James Ballentine was not present.

Town Manager Elwell indicated that the applications would be posted along with the Town Council Back-up for the public to view after an inquiry from Council Member Diamond.

B. Applicants for Planning and Zoning Commission.

The following applicants spoke regarding appointment:

- Jeffrey Cloninger
- Lewis Crampton
- Thomas Greenbaum

Town Manager Elwell announced that C. Tanner Rose and Michael Spaziani were not present.

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IV. COMMENTS OF MAYOR JACK McDONALD

There were none.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Diamond made a motion to be placed on today's agenda that the Town of Palm Beach solicit offers for the retention of a management audit firm for the purpose of inquiring into the operations of Town government with the goal of achieving significant annual budget savings over both the short and long terms. He cited examples that placed the Town far above other municipalities in government cost.

President Rosow suggested that the motion should be an agenda item for discussion at next month's Town Council meeting so that it could be publicly noticed. Council Member Diamond was in agreement.

President Pro Tem Coniglio commented regarding the coastal management issues. The flow of sand captured by the inlet starved the beaches and negatively impacted the operations at the Port of Palm Beach. The U.S. Army Corps of Engineers (USACE) promised a timely maintenance program of inlet dredging, but continued to offer an ongoing list of excuses. The Shore Protection Board and the Town Council had endorsed a desire to establish an active partnership with Palm Beach County for future coastal initiatives. Palm Beach County had proposed alterations to the interlocal agreement that was adopted at the last Council meeting. The Town's cost sharing for the South Palm Beach breakwater project could be compromised. The changing regulatory landscape of government, the federal, state and county and the scrutiny of environmentalists created an obstacle course for coastal management that must be maneuvered but conquered.

Council Member Kleid noted that many citizens thought that there was a panacea joining with Palm Beach County in talking about alternative structures. He indicated that in working with this project for over five years, the Town faced many difficulties with all of the regulatory bodies; the only thing to do was to keep pressing forward, and he wanted to echo the thoughts that the fact that the Town was partnering with the County was not necessarily a solution to the problem, and alternative structures would not be an easy way to go, because of the many regulations. Many down drift communities would object to the blocking of the passage of sand and the environmentalists would also be concerned. The Town will eventually succeed in this project, but it would not be an easy path.

Council Member Wildrick commented that at the last meeting President Rosow was chastised regarding a letter he wrote to the Palm Beach County Commissioners complaining about the taxes. He said he and the Town Council agreed with the letter and not the procedure. He agreed with Council Member Kleid's comment, at the last meeting, regarding his opinion of the proper procedure of writing a letter on Town stationery, and signed by a Town Council member, that the opinion of the Council should not be expressed at a public meeting. Furthermore, President Pro Tem Coniglio stated that if anyone of the Council members wanted to write a letter to a government entity or any personal commissioner, that personal letterhead stationery should be used. Subsequent to that, Ms. Coniglio wrote a very good letter on Town stationery. He could not resist teasing Ms. Coniglio, as what was good for the goose, was good for the gander. He noted that he agreed with everything she said in the letter, and that the Council should not be chastising each other publicly, but should be patting each other on the back.

Council Member Wildrick commented further with regard to Royal Palm Way. He indicated that over the years there had been problems with any changes in the Royal Poinciana Way. The Town did not need to get into the same problem of cleaning up Royal Poinciana Plaza. He noted that he was conservative relative to changes in the Town Charter and Comprehensive Plan. The street had difficulties and the Town needed to face them as a town and a community, and that he hoped that the Town and community did not get divisive on this issue. One thing all could agree on was that it was an entrance to the Town, and that there was a need to work together. He indicated that reaching out to those, who would stand against any improvement or changes on this particular street and involving them in the process, would help to get something accomplished. The Town needed good transparent leadership on this and he encouraged staff to reach out.

Council Member Kleid asked that discussion of creating a process relative to submitting letters by Council members be placed on the Agenda.

Mayor McDonald indicated that he agreed with the substance of the letters, but that no individual Council person had the authority to represent the Council by writing a letter to any other governmental entity without the approval of the Council. He also noted that a Council member could write on Town stationery if it was indicated that it was their opinion.

Council Member Diamond said that that President Pro Tem Coniglio's letter was very clear that the Town was sending $51 million a year to the County and $17.5 million for shore protection and was receiving nothing in return. The problem was the relationship between the County and the Town. He wanted to reopen the discussion of a few years ago regarding the pros and cons of forming a separate county for the Town, and others along the coast. He would like to see the conclusions of previous discussions and how much it would cost to break free.

President Rosow indicated that he received a response from Palm Beach County Commissioner Abrams, asking how the Town proposed that the County cut their budget, but give money back to the Town. Mr. Rosow stated that would respond to Mr. Abrams, as he could see a lot of waste in the County's budget. The dialogue about how the County spent their money was an important one, of which the Town should be actively engaged. He had heard about seceding from the County for years, but Mayor McDonald learned in his conversations, that it would not happen in several lifetimes.

Mayor McDonald clarified Mr. Diamond's statement about the Town not receiving $51 million worth of benefits from the County, but that the Town did receive benefits from the County, for the record. He would address Mr. Abrams's response to the Town's letter later on in the agenda, when discussing the tax analysis panel.

President Pro Tem Coniglio stated that September was the last opportunity to have a collective response to the County budget and hoped that the Town Council could attend the meeting, in order for Mr. Abrams to have a uniform commitment from the Town Council.

President Rosow indicated that he planned on making a personal phone call to Commissioner Abrams about things he saw in the budget and intended to do more research. He added that the discussion should be continued under the Mayor's report on Adoption of a Coalition.

Council Member Diamond referred to his earlier suggestion to be discussed next month regarding the retention of a management audit firm, and added that the firm could provide a financial analysis of what benefits the Town receives, and the direction of the Town relative to the County.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE (Another opportunity for communications from citizens will be offered immediately after the lunch break.)

There were none.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

TIME CERTAIN: 12:00 Item XI.B.5 Request to Fund Townwide Groin Assessment. [H. Paul Brazil, Director of Public Works]

TIME CERTAIN: 12:20 Item XI.B.6 Discussion Regarding Purchase of New Software for the Town's Cable Channel. [Sarah E. Hannah, Assistant Town Manager]

Motion to approve the Agenda as amended made by President Pro Tem Coniglio, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

VIII. CONSENT AGENDA

A. MINUTES: JULY 14, 2009 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: JULY 14, 2009 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING, CLOSED-DOOR ATTORNEY/CLIENT SESSION TOWN OF PALM BEACH VS THE UNITED STATES OF AMERICA

C. MINUTES: JULY 14, 2009 APPROVAL OF THE MINUTES OF THE SPECIAL TOWN

COUNCIL MEETING, CLOSED-DOOR ATTORNEY/CLIENT SESSION UNDERGROUND UTILITIES

D. MINUTES: JULY 15, 2009 APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON JULY 21, 2009.

F. RESOLUTIONS

1. RESOLUTION NO. 69-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Chaz Equipment for Royal Poinciana Way Sanitary Sewer Improvements for the Town of Palm Beach. [H. Paul Brazil, Director of Public Works]

2. RESOLUTION NO. 82-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Annual Funding Application to the Florida Department of Environmental Protection, Beach Erosion Control Program. [H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 83-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Requesting the Assistance of Governor Crist and the Florida Legislature in Order to Provide Adequate Funding and Stronger Legislation Directed Toward Solutions for the Enormous Problem of Beach Erosion Within the State of Florida; Providing an Effective Date; and for Other Purposes. [Sarah E. Hannah, Assistant Town Manager]

4. RESOLUTION NO. 84-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Agreement Dated September 18, 2006, Between the Town of Palm Beach and Wackenhut Corporation for Security Services at the Town Docks and Authorizing the Town Manager to Execute the Same of Behalf of the Town. [Jay Boodheshwar, Director of Recreation]

5. RESOLUTION NO. 85-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ No. 21-2009 to Carbon Solutions America,

LLC., for Consulting Services to Assist the Town in Achieving Reduction of Energy Use and Improvements in Energy Efficiency in Conjunction with the Energy Efficiency and Conservation Block Grant (EECBG) Program, and Authorizing the Town Manager to Execute an Agreement on Behalf of the Town. [Sarah E. Hannah, Assistant Town Manager]

G. Other

1. Approval of Public Safety Committee Report for the Meeting of July 13, 2009 (Reviewed Verbally at the Town Council Meeting on July 14, 2009). [Robert N. Wildrick, Town Council Member]

2. Ratification of Appointments Made at the July 14, 2009, Town Council Meeting of Ames Bennett and John Nora, Jr. to the Building Board of Adjustments and Appeals. [Peter B. Elwell, Town Manager]

3. Approval of Contract for Skees Road Yard Trash Site Water Quality Evaluation Monitoring. [H. Paul Brazil, Director of Public Works]

4. Acceptance of Donation and Approval of Australian Dock Electrical Service Upgrade. [Jay Boodheshwar, Director of Recreation]

5. Endorsement of the Town's Continuity of Operations Plan (COOP). [Sarah E. Hannah, Assistant Town Manager]

Council Member Kleid asked if his submitted changes to the Minutes had been made. Town Clerk Cunningham confirmed that they had.

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

IX. PUBLIC HEARING

A. RESOLUTION NO. 53-09 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Removal of Historic or Specimen Trees from Properties Located Within the Town of Palm Beach; Adding Newly Designated Historic or Specimen Trees; Providing for the Recording of Said Designations; and Providing That a Copy of this Resolution Be Recorded in the Public Records of Palm Beach

County, Florida. [H. Paul Brazil, Director of Public Works]

Town Attorney Randolph read Resolution No. 53-09, by title, as printed above.

There were no public comments.

Motion to approve Resolution No. 53-09 made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

X. COMMITTEE REPORTS

A. Water Committee Meeting of July 28, 2009. [David A. Rosow, Town Council President]

Council President Rosow presented the Water Committee Report.

1. Request to Fund an Independent Review of West Palm Beach Water Treatment Plant Plans. [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil provided an overview of the Water Treatment Plant Plans.

Discussion occurred among the Town Council members and Mayor McDonald regarding several of the following issues:

- Different types of grass required less watering.
- An underground watering system versus over the top watering, saved irrigation time and money.
- The Town had an existing contract that would be in effect for a long period of time, and if it could be modified or canceled, should the Town spend money looking for alternatives.
- The Town had not yet spent any money on any alternatives for water.
- The Town would need to engage the City of West Palm Beach's commission.
- Reverse Osmosis may not be an option, as it was expensive, and storms in the ocean, would cause debris to be stirred up causing difficulty in purifying the system.

President Pro Tem Coniglio offered thanks to the Water Committee and said that they were doing a phenomenal job.

Motion made by Council Member Kleid, seconded by Council Member Diamond to approve the request to authorize the Town Manager to contract with AECOM USA, Inc., to conduct a cursory review and to Fund an Independent Review of the West Palm Beach Water Treatment Plant Plans at a cost not to exceed $5000. On roll call, the motion carried unanimously.

2. Smart Irrigation Pilot Program. [Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah provided a brief overview of the Pilot Program.

Motion made by Council Member Kleid and seconded by President Pro Tem Coniglio to approve and endorse a Smart Irrigation Pilot Program education campaign as approved by the Water Committee. On roll call, the motion carried unanimously.

Motion made by Council Member Kleid and seconded by President Pro Tem Coniglio to accept the Water Committee Report as amended, in the technical sense, by Council Member Kleid's email. On roll call, the motion carried unanimously.

Town Manager Elwell explained that Council Member Kleid had submitted corrections to the Water Committee Report minutes prior to the meeting. Town Clerk Cunningham confirmed that those changes had been made.

XI. REGULAR AGENDA

A. Old Business

1. Discussion Regarding Internal Auditor/Inspector General. [David A. Rosow, Town Council President]

President Rosow indicated that independent audits of municipalities and governments were appropriate and discussed several of the following issues:

- It was a way to prevent corruption and ensure that residents were comfortable with the quality of the Town's policies, procedures and financials.
- A suggestion was to have an internal auditor, who was on the staff, and a member of the Town's management and would report directly to the Town Manager, a member of the Council, or the Town's auditor, but would be independent of the Finance or Human Resources Department.
- Do we want to perform the auditing ourselves, or have it done for us?

Discussion continued regarding an internal auditor, and following are several of the Mayor's and Council Members comments:

- The Town currently had an external auditing firm that also provided guidance to the staff.
- The purpose of an internal auditor was to inspect policies, procedures and improvements in operations
- The State was promoting it, however, it would be preferable to hire an internal auditor, rather than have the County or the State investigate the Town.
- Operations analysis would need to be done first
- The Town would be adding another level of bureaucracy

- The Town would need to have a cost analysis and scope of work done before agreeing to hire an auditor.
- It would be an expensive proposition at a time when the budget was being watched.
- It would be overkill, as there was not a scintilla of evidence in the last five years of any improprieties.
- Put on the Agenda for October or November, to allow time for staff to search for firms and obtain Request for Quotes (RFQ's).

President Rosow noted that if there was no objection, Town Manager Elwell would begin the search for auditing firms, in order for the Council to have a discussion.

Town Manager Elwell clarified that the next discussion would be in October or November, and the Council could then decide whether to go through the whole process or not, based on results of the RFQ's.

B. New Business

1. Reorganization of the Town's Human Resources Department. [Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of Human Resources Department reorganization.

- Human Resource Director William Crouse would be retiring after 31 years of service in January.
- Assistant Human Resource Director Carla Kneipp would be retiring on September 15, 2009.
- Danielle Olson, Human Resource Analyst would replace Ms. Kneipp as Assistant Human Resource Director.
- Kathryn Dyson, Human Resource Assistant would replace Ms. Olson as Human Resource Analyst.

In the future four people would complete the work of five people, as one position of Human Resource Assistant would be eliminated. Mr. Elwell requested that the hiring freeze be waived for the two positions of Human Resource Assistant, and in January, Human Resource Director.

President Pro Tem Coniglio thanked Mr. Crouse for his dedicated service to the Town and Mr. Elwell for the identified savings.

Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, to accept the reorganization of the Town's Human Resources Department. On roll call, the motion carried unanimously.

2. Analysis of the Long Term Viability of the Parking Kiosks and Electronic Chalking System. [Kirk W. Blouin, Police Chief]

Major Szarszewski, presented for Police Chief Blouin, who was unable to attend, as he was ill. He provided an overview of the success of the parking kiosks after the initial challenges were addressed.

Discussion occurred among the Town Council members and staff regarding the shortfalls in parking in several different areas. Town Manager Elwell explained that the demand was lower in some areas and there were some technical problems in the kiosks.

Major Szarszewski noted that Smart Cards would be implemented in the very near future.

> Responding to Council Member Wildrick, Major Szarszewski reported that he spoke with members of the Florida Fish and Wildlife Commission and the Coast Guard regarding the new moorings that were installed off the Breakers Hotel. He noted that the marine biologist indicated that the moorings would not be marked on charts for navigational purposes, but the reef was on the charts. The moorings were relatively visible, the reef was shallow, and the boaters should take caution in that area. The moorings had a great impact on saving the reef. The danger sign, in question, could be trans-atlantic, but his marine unit would look into it further.

President Rosow indicated that the reason residents had to pay for parking, was because the roads were public and everyone had to be treated equally.

Responding to Council Member Kleid, Major Szarszewski noted that Phipps Plaza had two hours of free parking in the morning hours for the tennis players. Recently, the number of parking spaces had been increased in that area for that purpose.

3. Review of Authority to Reduce Code Enforcement Fines. [John C. Randolph, Town Attorney]

Town Attorney Randolph provided an overview of the authority to reduce Code Enforcement fines. He noted that Florida State Statutes indicated that appeals must go to circuit court and any fine reductions to Code Enforcement. Furthermore, when a Code Enforcement fine became a lien, it was under the purview of the Town Council. The Town Council could then reduce the fines. The Code Enforcement Board had been handling the reduction of liens to date, and had not been coming to the Town Council.

Town Attorney Randolph offered three alternatives for the Town Council to handle in the future:

1. Code Enforcement could continue with the present policy of entertaining lien reductions or satisfactions.
2. The Town Council could hear all matters regarding lien reduction.
3. As was with foreclosures, Code Enforcement would give consideration to lien reductions and that would be a recommendation to the Council, who would make the final determination.

Discussion occurred among the Town Council members, Town Attorney Randolph, and Code Enforcement Chair Timothy Hoffman regarding several of the following suggestions:

- The Town Council could hear only the fines that were in contention;
- Maintain the present policy;
- There would be a distinction of foreclosures to remain with the Town Council;
- The Town Council should be responsible for liens with a certain limit.
- Authority of commissions and boards would not be diluted.
- A split vote would come to the Council.

Council Member Kleid indicated that an appeal for a lien reduction should be entrusted with the Code Enforcement Board, as they were the most knowledgeable, and if the person did not agree with the fine, it could be settled by the courts.

Motion made by Council Member Kleid that the Code Enforcement Board would be the authority to make a decision regarding a lien reduction. The motion was seconded by Council Member Wildrick.

Discussion occurred among the Town Council Members and Code Enforcement Board Member Hoffman regarding the decisions of the Code Enforcement Board being brought to the Town Council.

Town Attorney Randolph clarified that the Attorney General had ruled that the exclusive province of lien reductions, meaning that once the fines had been reduced to a lien and recorded against the property, was with the Town Council. The motion was to delegate the Council's authority in that regard, back to Code Enforcement.

Council Member Kleid agreed that was the intent of his motion.

Upon roll call, the motion carried 3-2.

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

4. <u>Town of Palm Beach Centennial Planning Update. [Jay Boodheshwar, Director of Recreation]</u>

Director Jay Boodheshwar was complimented on his presentation in his memorandum. Mr. Boodheshwar requested that the Mayor and Town Council provide feedback relative to the scope of the Centennial celebration, which would include the integration of Town residents, religious institutions and private clubs, if desired. Also, suggestions of any organizations not listed in the report were welcomed.

Responding to President Pro Tem Coniglio, Mr. Boodheshwar noted that the intent of the informal planning team was to bring together a core group of individuals representing different organizations that had a stake in Town. He added that there would be subcommittees to look into documentaries, the historical celebration of the Town, events and other things that would evolve. He noted that historically based organizations that had committed to be involved on the core planning team, were the Flagler Museum, the Four Arts, the Preservation Foundation, and the Palm Beach County Historical Society.

Council Member Kleid provided numerous ideas and suggestions for the Centennial week.

Town Manager Elwell indicated that the Par 3 group's project provided a very good model for Mr. Boodheshwar to follow.

Bill Metzger, 277 Esplanade Way, added his endorsement for the project, and commented that he met with Mr. Boodheshwar and under Jesse Newman's leadership, Jim Ponce was persuaded to put his work on film; the Worth Avenue story was completed, along with the Breaker's film with Jim Ponce's tour in it. It was designed as the beginning of a series of DVD's and video production about the Town leading up to its Centennial. They had worked with all of the 10 organizations named in the backup and looked forward to being supportive and responsive in any way they could.

Town Manager Elwell addressed the concern regarding forming a committee versus a list of stakeholders that were appropriate to be the prime resources for this planning effort, and that staff would be going forward in the same manner as Par 3.

The Centennial Planning Update was accepted.

5. Request to Fund Townwide Groin Assessment. [H. Paul Brazil, Director of Public Works]

TIME CERTAIN: 12:00 p.m.

Public Works Director Brazil provided an overview of the request to fund Townwide Groin Assessment.
The Shore Protection Board and Town staff recommended that the Town Council approve the expenditure of up to $60,000 for Isminger & Stubbs Engineering, Inc., to perform the initial field work and investigation associated with a Town-wide Groin Analysis

Discussion occurred among the Town Council Members, staff, Mayor McDonald, and Charles Isminger regarding the difference between reconstructing existing groins versus applying for a permit for something new; a permit for rehabilitation of a groin would not require placement of sand; the function of a groin was to hold sand;

Mr. Brazil indicated that for $60,000, each groin would be visually inspected, 80 to 90 groins would be dived on, the locations would be surveyed, and the database would be created. The results of the inspection would allow the Town to know exactly the condition of the groins, and whether they were functional or not, which helped in the next step, in creating a decision matrix of which ones would be kept, etc. They would evaluate the existing seawalls for the entire town on the ocean side.

Town Manager Elwell noted that the recommendations from the previous Shore Protection Board emphasized placement of sand. He requested copies of all Shore Protection Board minutes and records.

Motion made by Council President Pro Tem Coniglio, seconded by Council Member Kleid, to Fund the Townwide Groin Assessment.

Council Member Wildrick requested that staff provide the minutes of the proceedings that occurred whether in the 1970's, 80's or 90's that allowed the groins to deteriorate, and the logic behind it, in order to learn from it.

Town Manager Elwell indicated that he would provide the minutes from the 1980's, as prior to that he did not think that there was a conscious decision to not maintain the groins, and that he would also provide the minutes of the meetings when the original Comprehensive Coastal Management Plan was approved and again in 1999 and 2000 which related to the updated plan.

On roll call, the motion carried unanimously.

6. Discussion Regarding Purchase of New Software for the Town's Cable Channel. [Sarah E. Hannah, Assistant Town Manager]

TIME CERTAIN: 12:20 p.m.

Assistant Town Manager Hannah provided an overview of the new software for the Town's cable channel.

Discussion occurred among the Mayor and Town Council Members regarding the effectiveness of the cable channel.

Motion made by Council Member Wildrick, seconded by Council Member Kleid to conduct a Request for Purchase (RFP) for a software company for possible upgrades. On roll call, the motion carried 4-1, with President Rosow dissenting.

Town Manager Elwell thanked Assistant Town Manager Hannah for her service to the Town, as this would be her last Town Council meeting.

7. Discussion Regarding E-mails, Text Messages, Notes, and Phone Calls During Public Meetings and Executive Sessions of the Town Council. [Gail Coniglio, Town Council President Pro Tem]

President Pro Tem Coniglio called attention to the e-mails, text messages, notes, and phone calls during public meetings and executive sessions of the Town Council, and that there was a perception in the community that the Sunshine Law was being violated. She suggested that the

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item be discussed at the next Ethics Committee meeting and then brought back to the Town Council.

President Rosow noted that Town Attorney Randolph provided an Attorney General's opinion regarding the item. He noted he had not received any substantive emails; he did receive a request for a bathroom break.

Council Member Kleid said he was in favor of looking into the emails and text messages, as the Town Council would be moving toward electronic media. He added that it would be difficult to enforce.

It was the consensus of the Town Council to place this item on the Ethics Committee agenda for next week.

8. Discussion Regarding Countywide Tax Cooperation and Appointment of a Panel to Analyze County Taxes. [Mayor Jack McDonald]

Mayor McDonald provided suggestions to the Town Council regarding the Countywide Tax Cooperation, and Appointment of a Panel to analyze the County taxes. He offered his insight to the Town Council as to the requirements necessary regarding the taxes. He discussed the letters that were received from County Commissioner Abrams.

Discussion occurred among the Town Council Members and Mayor McDonald regarding the panel, two Town Council Members addressing Commissioner Abrams, the Mayor obtaining cooperation from the other mayors of other municipalities; and that the Town was frugal, but the County did not seem to have a mechanism in place to keep taxes in line.

9. Evaluation of Town Manager Peter B. Elwell's Performance During 2008-2009. [Peter B. Elwell, Town Manager]

Mayor McDonald commented that he did not provide performance evaluation of the Town Manager, as the Mayor did not vote on his retention, or any salary adjustment. He met with the Town Manager weekly and provided performance feedback to the Town Manager on a weekly to monthly basis. He added that it was the Mayor's choice to do it in this manner.

Town Manager Elwell noted that it was explicit in the Charter that the Town Council provided the evaluation.

Mayor McDonald asked for clarification from Council Member Diamond as to why he rated Mr. Elwell on media relations with the lowest he had ever seen. Council Member Diamond indicated that the Town Manager's role was to inform the Council, unless there was an emergency when he dealt with the press, so that the Council would know before they read about it, what was coming from the Town Manager's office.

10. Adoption of 2009-2010 Goals and Objectives for Town Manager [Peter B. Elwell, Town Manager]

Town Manager Elwell described his goals in the memorandum, as shown in the backup,

Council Member Diamond commented that he wanted to add in Goal I, Item #2, the following language: without raising ad valorem taxes.

Discussion occurred among the Town Council Members and Town Manager Elwell regarding changing Goal I, Item #2.

Motion made by Council Member Diamond to add in Goal I, Item #2 the phrase "without raising ad valorem taxes".

Motion dies for lack of a second.

Substitute motion made by Council Member Wildrick to modify Goal I, Objective #2 by eliminating the words "or significantly reduces projected" and eliminate Objective #3, as it would be unnecessary by eliminating the words in Objective #2. Council Member Diamond seconded the motion. On roll call, the motion failed 3-2.

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

Substitute motion made by President Pro Tem Coniglio to accept Goal 1 with the following three objectives as is. Motion seconded by Council Member Kleid.

President Rosow was not in favor of Goal 1, Objective #3, as he would like it to be eliminated, as it was premature.

Amended motion made by President Pro Tem Coniglio to accept Goal 1, Objectives #1 and #2. The seconder agreed.

Council Member Wildrick noted that he was not in favor of eliminating Goal 1, Objective #3

On roll call, the motion carried 3-2.

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

Council Member Kleid indicated that he wanted to amend Goal 2, Objectives #1 and #5 the language of "Long Term Coastal Protection Plan" should be both "Short and Long Term…"

Motion made by Council Member Kleid, seconded by Council Member Diamond to change the language of Goal 2, Objectives #1 and #5 from "Long Term Coastal Protection Plan" to "Short and Long Term…" On roll call, the motion carried unanimously.

Motion made by Council Member Kleid, seconded by Council Member Diamond to approve Goal 3. On roll call, the motion carried unanimously.

11. Code Enforcement Board Appointments. [Kirk W. Blouin, Police Chief]

President Rosow announced the following appointments to the Code Enforcement Board:

Regular Member: James Ballentine

Alternate Member Scotch Pelosi

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio to approve and ratify the Code Enforcement Board appointments. On roll call, the motion carried unanimously.

12. Planning and Zoning Commission Appointments. [John S. Page, Director of Planning, Zoning, and Building]

President Rosow announced the following appointments to the Planning and Zoning Commission:

Regular Member: C. Tanner Rose

Alternate Members: Jeff Cloninger
Michael Spaziani

Motion made by Council Member Diamond, seconded by Council Member Kleid to approve and ratify the Planning and Zoning Commission appointments. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 14-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances, Alcoholic Beverages, at Section 6-9, Relating to the Prohibition of Consumption of Alcoholic Beverages in Public Places, So as to Modify the Exception to Such Prohibition in Public Parks to Provide That Patrons of the Par Three Municipal Golf Course May Consume Alcoholic Beverages Which Are Sold and Served on the Premises of the Par Three Municipal Golf Course; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Jay Boodheshwar, Director of Recreation]

Town Attorney Randolph read Ordinance 14-09, by title, as printed above.

Council Member Kleid noted that the Ordinance should be reworded to be more specific, such as adding a food facility.

Recreation Director Boodheshwar explained that when the new clubhouse was built, with a full food and beverage program, would be when the alcohol and other products would be served.

Council Member Kleid indicated that was not how the Ordinance was worded.

Mr. Boodheshwar noted that staff's intent was to serve only beer or wine in the interim.

Mr. Elwell suggested that it could be the direction of the Town Council that hard liquor would not be served until the clubhouse was built.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio to adopt the Ordinance with the caveats expressed by Council Member Kleid and affirmatively responded to by Town Manager Elwell. On roll call, the motion carried unanimously.

XII. ANY OTHER MATTERS

There were none.

XIII. ADJOURNMENT

There being no further business, the Regular Town Council Meeting of Tuesday, August 11, 2009, was adjourned at 1:34 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham
Town Clerk