

make that decision. He stated if the Council chooses not to respond or accept the offer, the offer will be, according to the plaintiffs, pulled from the table. Mr. Heeke felt any discussion on the Council's part would be speculative at this time and he suggested they wait until they can have the benefit of the Town Attorney's opinion, after he has an opportunity to digest this.

Mrs. Wiener felt they basically are saying in this letter what they want and if we give it to them, they will go away and if we don't they'll go back to court and she didn't believe that part of this will change. Mrs. Douthit stated they will be looking for more. Mayor Marx agreed with Mr. Heeke and Mr. Randolph as she has had time to read the letter and the attachments, and she didn't believe a decision can be made at this time.

Mr. Heeke pointed out there is still no written opinion from the Federal Court on this case as yet. Mayor Marx stated she felt they should leave their options open at this time.

Mrs. Wiener believed another option available would be to advise them of the Council's feeling and have them come back with something else. Mrs. Douthit stated she would not want to make any decision at the moment as she hasn't had an opportunity to read the letter as yet.

Mr. Weinberg felt they needed to have the Town attorney's advice on this and he wanted to wait until that was available. Mrs. Wiener felt the figure of \$47,000 for their fees was an outrageous figure. Mr. Randolph advised this has been passed on to the Mayor and Council as a settlement offer, and if it is not accepted within the fifteen days, it will be withdrawn.

XIII. ADJOURNMENT. There being no other matters to come before the Mayor and Town Council, the meeting was adjourned at 1:30 PM.

Grace T. Peters, Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON JULY 20, 1990

I. CALL TO ORDER AND ROLL CALL. President Heeke called the Special Town Council Meeting to order on July 20, 1990 at 3:30 PM in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marx, President Heeke, President Pro Tem Heeke, Councilwoman Douthit, Councilman Weinberg, (Councilwoman Wiener was not in attendance). Also attending were Town Manager Doney, Town Attorney Randolph, Chief of Police Terlizze, Town Clerk Peters, Building Official Moore and Mr. Jakubak.

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Mrs. Peters. Pledge of allegiance was led by President Pro Tem Ilyinsky.

III. APPROVAL OF AGENDA: Motion was made by Mrs. Douthit to approve the agenda. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

IV. CONSIDERATION AND DISCUSSION OF PROPOSED SETTLEMENT OF CASE OF RICHARD FORD AND THE FRATERNAL WHITE KNIGHTS OF THE KU KLUX KLAN VS. TOWN OF PALM BEACH AND JOSEPH TERLIZZE (CASE NO. 90-8267). Attorney Randolph gave his comments on the settlement proposal he recommends for the Town Council's consideration. He noted the settlement figure requested was for a total of \$53,599.50, which included attorneys' fees in the amount of \$47,085.00, damages in the amount of \$5,000 and costs in the amount of \$1,514.50. He stated he has been negotiating with the plaintiffs' attorneys and they are agreeable to settle all issues pending in this case, including, but not limited to, all claims for damages, compensatory and punitive, against the Town and the Chief, the claims relating to the Town's Ordinance, and the matter of attorneys' fees and costs, by accepting the total sum of \$27,501.50 with this figure primarily composed of the attorneys' fees that constitute an amount reflecting the hours actually spent in this case to date, without an additional enhancement, which the Federal Courts normally do allow in cases of civil rights cases. He stated he knows they could choose to appeal the decision from Judge Roettger but the likelihood of the Town prevailing on an appeal is questionable. He indicated in return for the \$27,501.50, the Plaintiffs will dismiss their lawsuit against the Town and Chief Terlizze with the case not dismissed, however, until after the parade event on July 28, in order to ensure the Plaintiffs they are able to go forward with their parade and that it not be cancelled for unforeseen circumstances. He recommended no monies be expended until the case is dismissed and simultaneously with the dismissal of the case, the Town will receive a general release from the Plaintiffs releasing the Town, its agents, employees and representatives and Chief Terlizze from any and all claims against them by the Plaintiffs.

Motion was made by Mr. Ilyinsky, seconded by Mr. Weinberg that the negotiated settlement figure of \$27,501.50 be approved. On roll call, the motion carried unanimously.

Mr. Weinberg stated he was in favor of the settlement but he does vote affirmatively with great regret. Mrs. Douthit stated she also voted for it very regretfully and Mr. Heeke echoed their sentiments.

V. ANY OTHER MATTERS. There were no other matters to come before the Council.

VI. ADJOURNMENT. Mrs. Douthit moved for adjournment. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously. Meeting was adjourned at 3:45 PM.

Grace T. Peters, Town Clerk

TOWN COUNCIL MINUTES OF SPECIAL TOWN COUNCIL MEETING HELD ON AUGUST 3, 1990

I. CALL TO ORDER AND ROLL CALL: The Special Town Council meeting was called to order by President Pro Tem Heeke at 9:07AM on August 3, 1990 in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marx, President Heeke, President Pro Tem Ilyinsky, Councilwoman Douthit, Councilman Ilyinsky. (Councilman Weinberg arrived a few minutes later. Councilwoman Wiener was absent.)

II INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by President Heeke. Pledge of Allegiance was led by President Pro Tem Ilyinsky.

III. APPROVAL OF AGENDA: On motion of Mrs. Douthit, seconded by Mr. Ilyinsky, the agenda was approved as printed. On roll call, the motion carried.

IV. FY91 PROPOSED BUDGETS:

A. 1990-91 FISCAL YEAR "TENTATIVE" MILLAGE RATE AND BUDGET FOR GENERAL FUND AND PROPOSED BUDGETS FOR OTHER FUND GROUPS. Before conclusion of meeting in accordance with Section 200.065(2)(b), Florida Statutes, the Town Council shall announce and advise on the following:

1. Advise Property Appriaser of Town's Proposed "Tentative" Operating (General Fund) Millage Rate, Rolled-Back Millage Rate and Debt Service Millage Rate.

2. Set the Date, Time and Place of a Public Hearing When Town Council Will Consider and Act Upon Tentative Proposed Millage Rate and Tentative Budget for General Fund and Other Funds. (Proposed Wed., Sept. 5, 1990 at 5:01 PM in Town Council Chambers and for Final Adoption Public Hearing, Proposed Tuesday, September 11, 1990 at 5:01 PM in Town Council Chambers).

3. Authorize Town Manager to Execute 1990 Certification of Taxable Value with Details Directed Today.

FY91 proposed budgets.

President Heeke noted the Council is not reviewing in detail today the report of the Finance & Taxation Committee which will be done at the August Town Council Meeting. He stated the purpose of this meeting is to propose a millage which will be of a sufficient amount so that when the budget is finally refined, that millage amount will not be exceeded. He anticipated they will be under the proposed millage as if a high enough millage is not set, the budget must be amended and notification must be given to all taxpayers in the Town, which is an added expense.

Mr. Doney reported the Summary Exhibits were furnished the Mayor and Council yesterday, as there was final information obtained from the Finance Director of the Solid Waste Authority this week, which had a bearing on the final calculations with regards to the proposed millage. He pointed out Exhibit A, Page 3, identifies the status of the General Fund and the Operating Budget for FY91 as of this time. He explained they have identified the budget as it exists after the July 13, 1990 Finance & Taxation Committee meeting and several alternatives to recognize the Solid Waste Authority potential impact to the budget. He noted if the Solid Waste Authority is successful in achieving a one year deferral in the implementation of their mandatory assessment program, the Town must pay the tipping fees and have provided adequate dollars to fund that expense. He pointed out that in addition to the current ongoing confusion, the Solid Waste Authority is proposing an increase in the tipping fees from \$46.50 a ton to \$85.00 a ton, or an 83% increase.

Mr. Heeke advised the Solid Waste Authority is meeting today at 2 PM to reach some resolution as to whether the assessment can be deferred for another year and the Town has no choice but to add these items into the tentative budget, not knowing the outcome of that meeting and if necessary, make a correction in September. He indicated the figure of \$800,000 will be added to the budget to take care of these fees, in the event we will have to pay for this expense.

Mr. Heeke noted the total millage proposed is 5.0799 mills which will include the add-back of the tipping fees by the Solid Waste Authority. Mr. Doney indicated that is the total millage which also includes the Debt Service and today's meeting, the Town Council only needs to set the Tentative Operating Millage Rate, and that proposed millage rate is 4.2607 mills which is 9.7% over the roll back rate and 5.08% over last year's millage and the dollar budget proposed would be \$27,204,723. Mr. Heeke asked if he had the figures it would be if we didn't have to add the tipping fees? Mr. Doney responded it would be approximately \$26,400,000 which is 3.94% over the rolled back rate of 3.8833 mills or .46% less than last year's operating millage.

Mr. Heeke complimented the staff and the elected officials in reaching this type of a budget. He recalled the Mayor was very strong about requesting the Department Heads to re-examine their budgets and if there were any places where they could be reduced, to think them through and make some additional recommendations for reduction, if possible. He believed this would set an example for other taxing entities in the County, such as the County School Board, Health Care, and the Solid Waste Authority to understand there isn't a bottomless pit of taxes which comes from our citizens' pockets and they must be responsible about what they are expending this year versus last year.

Mayor Marix reminded all this is not the final budget and there is time to do some more thinking on a couple of these items, which might help. She asked what was last year's millage? Mr. Doney responded it was 4.055 mills or \$4.06 per thousand dollars of taxable value compared to \$4.26 per thousand dollars of taxable value or a 21 cents increase.

Mayor Marix asked what was last year's total millage. Mr. Doney responded it was 4.9003 or \$4.90 per thousand dollars of taxable value, and this year it would be 5.0799 or \$5.08 per thousand dollars of taxable value or 18 cents increase. Mayor Marix noted the total millage of 5.0799 is 3.67% increase over last year. Mr. Doney stated the reason for that is the Debt Service millage went down slightly because of the increase in taxable value. Mr. Doney stated the Operating Millage proposed is 4.2607 which includes the Solid Waste Disposal fee increases. Mr. Heeke pointed out without the Solid Waste Disposal fee increases, the figure would be 4.0361 or .46% less than last year.

Mrs. Douthit moved the Council set the Tentative Operating Millage Rate at 4.2607; the the Rolled Back Millage Rate of 3.8833; and the Proposed Debt Service Millage Rate be set at .8192; and the Operating Millage Rate is 9.72% over roll back rate which is 5.08% over last year's millage rate; and the first Public Hearings to consider and act upon these rates be set for Sept. 5, 1990 at 5:01PM and the second hearing set for Sept. 11, 1990 at 5:01PM in the Town Hall Council Chambers. Mayor Marix stated there is still time to cut this budget down.

Mr. Ilyinsky indicated his concern about the three per cent increase and wondered if this figure would over a one per cent increase to four per cent? Mr. Doney indicated that has been provided for in the proposed millage rate. Mr. Heeke felt the proper time to discuss that is when the Finance & Taxation Committee Report is submitted to the Town Council at their August meeting.

Mayor Marix suggested some of the Departments may be able to come up with a very small reduction, percentage wise in their overall budget, which may make consideration of the salary subject a little easier.

The motion was seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit that the Town Manager be authorized to execute the 1990 Certification of Taxable Value with the millage rates as directed today. Seconded by Mr. Weinberg. ON roll call, the motion carried unanimously.

B. ANY OTHER FY91 PROPOSED BUDGET MATTERS. President Heeke called for comments and there were none.

V. ANY OTHER MATTERS:

A. OFFER OF DONATION OF PARCEL: Mr. Doney reported he has received a letter from Mr. Howard Miller representing Ambassador Hotel Properties offering to donate a parcel of land, approximately 60' north to south and 150 to 180' east to west which is immediately at the east end of Sloan's Curve on the oceanfront. He has reviewed this and provided a memorandum dated July 30, 1990 with other information and he believed this would provide land accessibility to and from the revetment area for maintenance and other activities as needed by the Florida Department of Transportation as the need arises and it is his recommendation the Council authorize the acceptance of this offered donation.

Offer of donation of parcel at east end of Sloan's Curve

Mr. Heeke stated this is a very generous gift and he thought it was important the Council acted in accepting this immediately. Mr. Ilyinsky moved the Council accept the donation of land as described by Mr. Doney. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Banyan Trees

B. BANYAN TREES. Mayor Marix advised she has been informed by Dr. Bart Moore that the nursery from which we procured some of the replacement trees for North County Road had three or four very large Banyan trees available and since these are not easy to come by, she would like the Council to consider having Dr. Moore negotiate with the nursery on a price and report back to the Council at the next meeting of the Council. Mrs. Douthit moved authorization be given to Dr. Moore to negotiate a price on the Banyan trees and bring this matter back to the Council at the August 14, 1990 meeting. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

C. President Pro Tem Ilyinsky advised the Council of the death of the son of Lake Park's Vice-Mayor Wagner.

Adjournment

VI. ADJOURNEMENT. On motion of Mr. Ilyinsky, seconded by Mr. Weinberg, the meeting was adjourned at 9:35 AM.

Grace T. Peters, Town Clerk

TC Mtg.
8-14-90

TOWN COUNCIL MEETING MINUTES OF AUGUST 14, 1990

Roll Call

I. CALL TO ORDER AND ROLL CALL. The monthly meeting of the Town Council of the Town of Palm Beach was called to order by President Heeke. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwoman Douthit, Councilman Weinberg. (Absent was Councilwoman Wiener).

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE. The Invocation was given by Father Hughes. Pledge of Allegiance was led by President Pro Tem Ilyinsky.

Appr. of
Minutes

III. APPROVAL OF MINUTES OF JUNE 12, JULY 10, 20 AND AUGUST 3, 1990. Motion was made by Mrs. Douthit to approve the minutes of June 12, July 10, July 20 and August 3, 1990. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Appr. of
Agenda

IV. APPROVAL OF AGENDA. Motion was made by Mr. Ilyinsky, seconded by Mr. Weinberg to approve the agenda as printed. On roll call, the motion carried unanimously.

Presentation

V. PRESENTATION:

A. Recognition of Joan Zmistowski - Par 3 Golf Course. Mayor Marix presented Mrs. Zmistowski with a plaque in recognition of her service with the Town for 17 years.

B. Recognition of Palm Beach Police Department and Other Law Enforcement Agencies for Services Rendered on July 28, and 29, 1990. President Heeke read a letter of commendation recognizing Chief Terlizze and his Police Department Personnel, and other personnel employed in the Fire-Rescue Department and the Public Works Department and the Town Administration, as well as the Florida Department of Law Enforcement, the West Palm Beach Police Department, Lake Worth Police Department, Palm Beach County Sheriff's Office, Boca Raton Police Department, Greenacres City Police Department, Mangonia Park Police Department and the Palm Springs Police Department for their excellent assistance to the Town.

Comments of
the Mayor

VI. COMMENTS OF THE MAYOR: Mayor Marix indicated her comments today would be focusing on trees and gardens. "The Town recently has had a very close call on maybe losing one of our greatest attractions, the trees over County Road. At this time we have saved most of them and although we may still lose a few more, they are certainly beautifully trimmed and the replacements are excellent. In this matter, we owe a complete debt of gratitude to Dr. Bart Moore, who not only advised but supervised the trimming and helped find replacements far better than we had hoped for, however, this trimming and replacement is only part of the picture. I have been informed, as has the Town, that the problem with the trees was only partly due to the cold, but was also the result of long-term, poor pruning practices. As I mentioned before, I lived almost under those trees from 1945 when the family and I moved to Palm Beach, but it is only in recent years that the pruning has become so strange, as we have all noticed. I believe it is time that we seriously rethink this maintenance and take steps to correct the problem. I would like to the Town to consider our local resident, Dr. Moore, as an advisor on a part time basis. I know he was instrumental in guiding us to a very favorable pricing of plants, earlier this year, which saved the Town a great sum on plantings. I am concerned also about reports I've had concerning the Royal Palm bug, I think it is a beetle actually. It would seem that we differ with our neighbors on the seriousness of the problem and I would like to have much more information on this matter. I see more and more mulch in use. Most people do not realize that maleleuca can be used instead of cypress. One gets rid of a problem while the cypress robs our forest. Let us promote more maleleuca mulch or for cost savings, do like Riviera, process our own trimmings. I would like to see us re-examine the matter of mulching our trash. I am asking then for the following items to be examined: Consider asking Dr. Moore to help us on a regular basis and we are going to hear more about a tree bank later on by the way. His knowledge would probably offset his retainer. Restudy the Royal Palm bug problem. Consider mulching our trash and promote the use of maleleuca. That's it for the time being."

Licenses &
Permits

VII. LICENSES AND PERMITS

A. Charitable Solicitations:

1. Paracare Association of Palm Beach, No. 143-91.
2. Big Bank Hall of Fame, No. 234-91.
3. Raymond F. Kravis Center for the Performing Arts, No. 245-91.
4. Joseph L. Morse Geriatric Center, No. 248-91.

Mrs. Peters reported recommended for approval by staff are Items 2, 3 and 4. Motion was made by Mr. Weinberg, seconded by Mr. Ilyinsky that Items 2, 3, and 4 be approved. On roll call, the motion carried unanimously.

Mrs. Peters reported on the Paracare application, indicating the Finance Director has pointed out the revenues last year were \$25,000 whereas in previous years it has been \$200,000 and Mr. Doney has some comments.

Mr. Heeke called on Mr. Doney who stated while the application for the charitable solicitation permit meets the criteria of the Ordinance, he felt it was necessary administratively to bring to the attention of the Mayor and Council that there are continuing problems which exist relative to funds donated to the organization as they pertain to the Town of Palm Beach and the Fire-Rescue Department, as it is believed the funds that go to Paracare reduce the amount that would go to the Town of Palm Beach, which would eliminate the need to budget for certain items in the