

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 Marix 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 Marix 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passed on to the Mayor and Council as a settlement offer, and if it is not accepted within the fifteen days, it will be withdrawn.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 Marix, 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 Terlizzese, Town Clerk Peters, Building Official Moore and Mr. Jakubiak.

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 TERLIZZESE (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 plaintiff's 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 Terlizzese 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 Terlizzese 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 Marix, 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: