TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON WEDNESDAY, JULY 2, 2003, REGARDING STRATEGIC PLAN

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order by President William Brooks on Wednesday, July 2, 2003 at 9:30 a.m. in the Town Council Chambers. On roll call the following elected officials were found to be present: Mayor Lesly Smith, President William Brooks, President Pro-Tem Norman Goldblum, Councilman Jack McDonald, and Councilman Samuel McLendon. Councilman Wyett was not present. Also attending the meeting were: Strategic Planning Board Member William Cooley, Strategic Planning Board Member William Watchman, Town Manager Peter Elwell, Town Attorney John Randolph, Assistant Town Manager Thomas G. Bradford, Assistant to the Town Manager Sarah Hannah, Fire-Rescue Chief Kent Koelz, Assistant Director of Human Resources Carla Kneipp, Finance Director Jane Skittone, Assistant Director of Planning, Zoning & Building Veronica Close, Police Chief Michael Reiter, Recreation Director Russ Bitzer, Public Works Director Al Dusey, and Deputy Town Clerk Susan Eichhorn.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Deputy Town Clerk Eichhorn. President Brooks led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The Agenda was approved through motion of President Pro-Tem Goldblum. Councilman McLendon seconded the motion. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

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IV. AUTHORIZATION OF CLOSED DOOR ATTORNEY/CLIENT SESSIONS TO BE HELD IMMEDIATELY FOLLOWING THIS MEETING

A. MARY FLANNERY VS. TOWN OF PALM BEACH AND CITY OF WEST PALM BEACH; CASE NO. 02-11259 AJ

B. SUSAN A. ROWE AND DENNIS P. ROWE, INDIVIDUALLY, AND AS PARENTS AND NATURAL GUARDIANS OF THEIR DAUGHTER MELISSA S. ROWE VS. TOWN OF PALM BEACH; CASE NO. CA 19232 AG

Town Attorney Randolph stated that he would need the advice of the Mayor and Town Council regarding two pending cases:

MARY FLANNERY VS. TOWN OF PALM BEACH AND CITY OF WEST PALM BEACH; CASE NO. 02-11259 AJ

SUSAN A. ROWE AND DENNIS P. ROWE, INDIVIDUALLY, AND AS PARENTS AND NATURAL GUARDIANS OF THEIR DAUGHTER MELISSA S. ROWE VS. TOWN OF PALM BEACH; CASE NO. CA 12932 AG

He requested an Attorney Client Closed Door Session regarding the two above referenced cases.

Town Manager Elwell announced those who would be in attendance:

Mayor Lesly S. Smith, Town Council, Town Council President William J. Brooks, Town Council President Pro-Tem Normal P. Goldblum, Town Councilman Jack McDonald, Town Councilman Samuel C. McLendon, Town Attorney John C. Randolph, Town Manager Peter B. Elwell, and Ley and Marsaa, Court Reporters.

President Pro-Tem Goldblum moved approval of a time certain of 11:00 a.m., today, July 2, 2003, for an Attorney Client Closed Door Session regarding the matters

of:

Mary Flannery vs. Town of Palm Beach and City of West Palm Beach; Case No. 02-11259 AJ

Susan A. Rowe and Dennis P. Rowe, Individually, and as Parents and Natural Guardians of their Daughter Melissa S. Rowe vs. Town of Palm Beach; Case No. CA 12932 AG

The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was absent from the meeting.

V. REVIEW OF VISION STATEMENT AND "RECOMMENDATIONS FOR ONGOING ACTION" AS SET FORTH IN THE TOWN'S STRATEGIC PLAN

President Brooks acknowledged the members of the Strategic Planning Board that were present, and stated that the Strategic Plan of the Town of Palm Beach was a living document, incorporating a "snap shot" of the Town as it would be ten years from now. He requested that Town Manager Elwell read the Vision Statement portion of the Strategic Plan.

President Pro-Tem Norman Goldblum moved approval of the entire Vision Statement as set forth in the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present.

In response to Mayor Smith, Town Manager Elwell advised that the purpose of the meeting today was to address the items that had an ongoing time frame; any items for which the time frame was specific would be addressed on its specific time frame that had already been accepted through the adoption of the implementation schedule of the Strategic Plan (adopted by the Town Council in May 2003).

Please note that the memorandum from Town Manager Elwell, dated June 26, 2003, to the Mayor and Town Council regarding the "Recommendations for Ongoing Action" as set forth in the Strategic Plan is included in its entirety below. The comments and actions of the Town Council are included after each action statement/staff comment section from that memorandum..

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Subject: Staff Report Regarding the "Recommendations for Ongoing Action" Set Forth in the Town's Strategic Plan

Date: June 26, 2003

This report provides the Town staff's comments on each "ongoing" recommendation in the Town's Strategic Plan. (Each item is enumerated to correspond to the action statement numbering system in the Strategic Plan document and in the implementation schedule you adopted at the May 13th Town Council Meeting.) We offer these written comments to help you prepare for the Special Town Council Meeting on July 2, 2003, when you will review and act upon each of these "ongoing" recommendations. We look forward to assisting you in your deliberations at the July 2nd meeting.

Since the "ongoing" recommendations provide general guidance rather than specifically requesting action(s) by a particular date, it will be important for the Town Council to take some affirmative action on each at the July 2nd meeting. By confirming, modifying, or deleting each of these action statements, you will energize them with your policy direction as we move forward with implementation of the Strategic Plan.

A1: **Strategic Planning**: Continue and expand the strategic orientation of Town government with the following measures:

a) Continue to apply the principles of goal-driven management and performance standards throughout the organization.

<u>Comment</u>: *Formally, we accomplish this goal at the Townwide level through the Mayor and Town Council's annual goal setting process, at the department and program level through our annual adoption of program-specific goals and objectives in the budget document, and at the individual level through the Town's pay-for-performance employee evaluation system. Informally, we try to frame every new project or program in the context of specific desired outcomes and to measure our performance in each area against those desired outcomes. This is an ongoing process*

that is increasingly becoming an essential part of our organizational culture.

President Pro-Tem Goldblum moved approval of item A1:(a) - Strategic Planning, of the ongoing recommendations in the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

d) Any time staff proposes a policy action that is intentionally inconsistent with this Strategic Plan, the inconsistency shall be declared and explained in writing.

Comment: Sometimes, due to changing needs and circumstances, it will be necessary for staff to offer recommendations that are intentionally inconsistent with the Strategic Plan. On those occasions, we will identify the inconsistency and explain it in writing.

Councilman McLendon moved approval of item Al:(d) - Strategic Planning, of the ongoing recommendations in the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

A4: **Public Communications**: Expand opportunities for public communication and involvement in Town governance, including the following:

a) Continue to publish Town documents and information in an accessible, user-friendly form.

Comment: We have made great progress in improving communication between the Town government and the citizens we serve. We remain committed to continuously seeking ways to further improve this communication, which is critical both to our effectiveness in governing the Town and to reinforcing among the people of the Town a belief that their opinions do matter and that they can have a positive impact upon the future of their community.

c) Consider expanded use of media for public information, including cable TV, Town web page, etc.

Comment: We have begun to make improvements in this area. Sarah Hannah, Assistant to the Town Manager, has started to rebuild the Town's web site (to make it more informative, timely, and user-friendly) and is working toward the establishment of a cable access channel on which to present "scrolling" Town announcements and *information (to reach residents who are not internet users). We also will be making a more concerted effort to prepare positive, informative news releases to "spread the good word" regarding Town programs, events, and services.*

d) Provide for annual community forums for residents to discuss issues of interest and concern.

Comment: *The Strategic Planning Board's community forums in late 2001 and early 2003 were well attended. They afforded an opportunity for residents to speak directly to the Board members and to each other on a variety of Town issues in a facilitated setting. This was rewarding for the participants and helpful to the Board. We encourage the Mayor and Town Council to host a community forum during the 2003-2004 winter season and to establish a tradition of holding such a forum annually thereafter.*

Mayor Smith commented that many residents had requested that the forums be held in February, when more people were in Town; the three different locations in Town were well received and the attendees found the forums very informative.

President Brooks commented that he enthusiastically supported item (d), as there were many wonderful venues available for the forums, such as Royal Poinciana Chapel, St. Edward's Parish Hall, Bethesda-by-the Sea, and perhaps the Royal Poinciana Theater. He noted that there may be limitations with the cable access channel (item (c).

Town Manager Elwell replied that staff expectations were low concerning the ability to reach people as comprehensively through the cable access channel, as could be expected through many of the other efforts that were being made. The recommendation had been made by the citizens, and some of them who were not on the internet, would have the opportunity to use the cable access channel.

After review of sections (a), (c), and (d) of item A4 - Public Communications, President Pro-Tem Goldblum moved approval of item A4:(a), (c), and (d) of the ongoing recommendations in the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

A6: **Flexibility and Responsiveness**: Continue the Town's policy of monitoring, evaluating, and changing policies and operations as dictated by changing needs and circumstances.

<u>Comment</u>: *Staff remains committed to this approach as a management philosophy for administrative activities and as an important element of how we can assist the Mayor and Town Council in effectively fulfilling your policy-making responsibilities.*

Mayor Smith mentioned that the Strategic Planning Board had spent two or three years developing the Strategic Plan, and had labored long and hard over the language in the Plan; while many of the paragraphs may not seem ideally clear and explicable to everyone, every word had been fully considered by the Board.

Councilman McLendon moved approval of item A6 - Flexibility and Responsiveness, of the ongoing recommendations in the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

A7: **Intergovernmental Relations**: Continue to build and maintain relationships with officials in neighboring municipalities and higher levels of government, enabling the Mayor, Town Council, and staff to effectively address issues that affect the Town but are beyond its jurisdiction.

<u>Comment</u>: *Keeping the Town engaged with our municipal neighbors and with officials at higher levels of government is essential to the Town's ability to address issues that affect the quality of life here but are of a regional or broader scope.*

President Pro-Tem Goldblum moved approval of item A7 - Intergovernmental Relations, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

B1: **Police Department Vigilance**: Continue to focus vigilant attention upon the Town's vulnerabilities to certain types of crime.

<u>Comment</u>: The Palm Beach Police Department will continue to be vigilant in the identification of vulnerabilities to certain types of crime and make all reasonable efforts toward reducing vulnerabilities through proactive and creative means; this is central to the core mission and philosophy of the department.

Town Manager Elwell noted for the record that the appropriate members of the Town staff were present, and prepared to address any particular questions.

Councilman McLendon moved approval of item B1 of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

B2: **Police Department Communication:** Continue to ensure optimal communications between the Town's Police Department and county, state and federal law enforcement agencies.

<u>Comment</u>: The Palm Beach Police Department recognizes the necessity to maintain a cooperative environment and optimal communications with federal, state, county and other local law enforcement agencies. Specific liaison contacts and participation in cooperative associations and task forces will be maintained. In furtherance of this important goal, the Palm Beach Police Department assists other law enforcement agencies in operational and other areas as needed and as a result, has established relationships in which the resources of other agencies are readily available to the Palm Beach Police Department when needed.

Police Chief Michael Reiter reported that he was responsible for the law enforcement component (the coordination of the agencies in Palm Beach County) of the Law Enforcement Planning Council and the Anti-Terrorism Committee.

Councilman McLendon moved approval of item B2 of the ongoing

recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

B3: **Police Department Excellence:** Provide for public recognition of, and continue to improve upon, the Town's excellent record in police protection including its rapid response time, low crime rates, anticipation of threats, etc.

Comment: *Excellence in police protection, rapid response time, comparatively low crime rates, and proactive and continual threat and vulnerability analysis are at the core of the Palm Beach Police Department's philosophy and we will continue our efforts in support of those elements.*

Councilman McLendon moved approval of item B3 of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

B4: **Police Department Monitoring and Evaluation:** To ensure that the Town's Police Department remains a national leader in law enforcement and security, continually measure actual performance against established goals, including:

a) Maintain a favorable overall community approval rating for the performance of the Palm Beach Police Department as measured by the Palm Beach Police Department Citizen Satisfaction Survey.

Comment: *Citizen Satisfaction Survey results have been extremely favorable and departmental activities will continue in such a manner to maintain highly favorable citizen satisfaction.*

b) Maintain departmental accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc. (national) and the Commission for Florida Law Enforcement Accreditation, Inc. (state).

Comment: *The Police Department will maintain accreditation by the Commission on*

Accreditation for Law Enforcement Agencies, Inc. (national) and the Commission for Florida Law Enforcement Accreditation, Inc. (state)

c) Maintain a high crime clearance rate as measured by the Uniform Crime Report Index.

Comment: To some extent, clearance rates are indicative of the investigative success of a Police Department. The Palm Beach Police Department will conduct activities resulting in a high clearance rate as measured by the Uniform Crime Report.

In response to Councilman McDonald, Police Chief Reiter explained that the national average crime clearance rate was generally approximately 16-18%. The Palm Beach Police Department was generally in the 20% range, with the goal to be above the national average consistently.

Councilman McDonald suggested that item (c) be amended to include language explaining that the Palm Beach Police Department goal was to maintain a crime clearance rate higher than the national average.

President Pro-Tem Goldblum moved approval of item B4: (a), (b), and (c) - Police Department Monitoring and Evaluation, of the ongoing recommendations of the Strategic Plan, with the incorporation of language explaining that the Palm Beach Police Department goal was to maintain a crime clearance rate higher than the national average in item (c). The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

B5: **Domestic Security:** Continuously update and apply anti-terrorism plans, in close coordination with other applicable government agencies.

Comment: The Police Department recognizes the importance of its role in domestic security and will continually evaluate, update and employ anti-terrorism plans and operations in close coordination with other applicable government agencies.

Councilman McLendon moved approval of item B5 of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at

the meeting.

B6: **Police Department Community Relations:** Maintain and expand communications between the Police Department and the public, including continued sessions of the excellent Citizens' Police Academy program.

Comment: The Police Department's success is largely a result of the outstanding relationship that it enjoys with the community. Existing outreach programs and newly developed programs will support this effort.

Police Chief Reiter commented that the Teen Police Academy had been completed and was very successful. He stated that it was hoped that next summer there would be a Junior Lifeguard/Marine Biologist Program that would be an outreach program of the Beach Patrol staff.

Councilman McLendon moved approval of item B6 - Police Department Community Relations, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

C1: **Additional Medical Services**: Encourage and support private or non-profit health care providers in efforts to expand the array of quality medical services available to Palm Beach residents, including:

- A local emergency clinic
- A local basic medical care clinic
- Full-fledged coronary and stroke units at Good Samaritan Medical Center
- State of the Art equipment and procedures that take full advantage of advancements in medical care

Comment: Based upon the limited benefit in establishing an on-island medical clinic, the Town staff does not recommend the commitment of any substantial Town resources to this project. However, we believe the Town should support any private or non-profit enterprise wishing to proceed with this endeavor.

The Fire-Rescue Department will continue to take advantage of the most recent advances in "state-of-the-art" equipment and medical procedures. The Department and the Medical Director will continue to monitor services provided by area hospitals.

The Town should continue its efforts to convince state legislators and local hospital officials to take action(s) to provide advanced coronary and stroke units at Good Samaritan Medical Center.

Mayor Smith explained that several interested parties had approached the members of the Strategic Plan concerning the possibility of establishing some form of emergency clinic as a for profit organization. It had been the thought of the Strategic Planning Board that the concept should be left in the Strategic Plan, and that the Town should continue to be receptive to offers for such services on the Island, because it was important to the residents.

President Pro-Tem Goldblum noted that once an emergency clinic was opened, it would be available to everyone, not necessarily Town of Palm Beach residents only. He explained that the Town already had an excellent EMS program, and that he did not see a need for the establishment of an emergency medical clinic; most hospitals had now established procedures for clinical services.

Councilman McLendon stated that he agreed with the comments of President Pro-Tem Goldblum, and that the current program was effective.

Strategic Planning Board Member William Watchman commented that he had experienced a situation where there was no stroke unit available at a hospital, and that during a stroke situation, time was absolutely critical. He urged the Town Council to continue its efforts to take action to provide advanced coronary and stroke units at Good Samaritan Medical Center.

Mayor Smith noted that the fire stations were not clinics, and people were not encouraged to use them as clinics. She explained that the comments at the forums had been indicative of the desire and need for a private local emergency clinic.

Fire-Rescue Chief Kent Koelz commented that it was much faster for the Fire Department to come to the resident, rather than having residents come to the Fire Stations. He noted that each Fire Station was not staffed 24 hours per day, as there were times when the staff was out on call at a particular station; a resident could call and the next closest unit would be there in a matter of minutes. He explained that he believed that the local hospitals were providing care to the best of their ability.

Strategic Planning Board Member William Cooley commented that he had experienced a stroke and had called the Town EMS unit, which had been very efficient; he had then been taken to the hospital where he had received immediate attention.

President Brooks commented that the personnel in the Fire-Rescue department were fully trained, and that he did not support a Town government supported emergency clinic.

Town Manager Elwell explained that there was some concern on the part of staff regarding a local emergency clinic, as it would not be attached to a hospital with a full array of services that a worsening condition would require. He recommended that the first bullet (a local emergency clinic) be deleted, along with the suggestion of President Pro-Tem Goldblum to delete the words "and support" under item C1.

President Pro-Tem Goldblum moved approval of item C1- Additional Medical Services, of the ongoing recommendations of the Strategic Plan, with the elimination of the first bullet (a local emergency clinic), and the elimination of the words "and support" in item C1 (Encourage *and support* private or non-profit health care providers in efforts to expand the array of quality medical services available to Palm each residents, including: . . .). The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

C2: **EMS:** Provide for the public recognition of, and continue to improve, the Town's state-of-the-art EMS facilities and training.

<u>Comment:</u> *The Fire-Rescue Department, along with its Medical Director, is committed to keeping up with technological advancements and providing the best Emergency Medical Services. We are constantly seeking new methods, equipment and training opportunities to continue to provide the best possible emergency care for the residents and visitors to the Town.*

Councilman McLendon moved approval of item C2 - EMS, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

C3: **Fire-Rescue Department Monitoring and Evaluation:** To ensure the Town's Fire-Rescue Department remains a national leader in emergency medical services, continually measure actual performance against established goals, including:

a) Improve first due unit response time to all zones by responding to all emergency incidents within four minutes or less. Arrive to all severe patients with six personnel, a two-unit response, within six minutes, 90% of the time.

Comment: *This goal should be changed to read "... response time to all zones by* ***ensuring arrival of the first due unit*** *to all emergency incidents within four minutes or less 90% of the time". The inclusion of a fractile measurement and clearly stating first unit arrival is a better form of performance measurement.*

b) During 2003, initiate planning phase for Fire-Rescue Department accreditation by the year 2005.

Comment: This goal should be changed to read "accreditation in the year 2006" because the Commission on Fire Accreditation International has established a time period of three years from submission of an application to become a registered agency (thereby beginning the self-assessment process that leads to accreditation). This is to ensure that agencies have the appropriate amount of time to complete the self-assessment and make the changes and adjustments necessary to ensure successful accreditation. Initial planning has already begun.

President Pro-Tem Goldblum moved approval of item C3, (a) and (b) - Fire-Rescue Department Monitoring and Evaluation, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

C4: **Fire-Rescue Department Community Relations:** Maintain and expand communications between Fire-Rescue Department and the public, including future sessions of the excellent Citizens' Fire Academy program which was recently established.

Comment: Agreed. Next Citizens' Fire Academy scheduled for fall 2003. CPR/AED classes continue to be offered on a quarterly basis.

Fire-Rescue Chief Kent Koelz commented that classes would continue to be offered to the public, and would be expanded whenever possible.

Councilman McLendon moved approval of item C4 - Fire-Rescue Department Community Relations, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

D1: **Open Space and Beautification**: Continue Town policy of preserving existing open spaces and pursue opportunities for parks, beautification and open space enhancements including:

a) Identify opportunities for expansion of open space and recreation areas.

Comment: The Town has received land from various developers for open space or recreational use. The Town should continue to seek land contributions for these purposes where large scale redevelopment or new development is contemplated. The Town also should remain vigilant for other opportunities to cost-effectively preserve or create open space and recreation areas.

b) Seek opportunities to retain open spaces during redevelopment of large estates.

Comment: One approach to achieving this goal would be to study the possibility of increasing the open space requirement in the R-AA district, where minimum lot size is 60,000 square feet, with a lot coverage requirement of 25%, and the landscape open space requirement is currently 50%.

c) Whenever possible, take action to preserve large open green spaces that are privately owned (e.g. the three privately owned golf courses).

Comment: Per the terms of the Planned Unit Development (PUD) Agreement between the Breakers and the Town, the Breakers Golf Course will remain and be designated as open space for as long as the underlying zoning is PUD or until 2025, whichever is later. Both the Everglades Golf Course and the Palm Beach Country Club have transferred their development rights to private, non-profit organizations for tax purposes, which also will preserve these open spaces for the long term.

In response to Councilman McDonald, Town Manager Elwell explained that open space was valued by the community so much, with the limited land available in the Town, that any opportunity to increase open space would be taken.

Assistant Director of Planning, Zoning & Building Veronica Close reported that there were 25 study items scheduled for the Zoning Season study, and that a study item related to item (b), the possibility of increasing the open space requirement in the R-AA district could be added, if so desired.

President Goldblum moved approval of item D.1 - Open Space and Beautification, of the ongoing recommendations of the Strategic Plan, with the specific instructions to staff, that the staff comment under (b) be added to the Zoning Study Item List for the 2003/2004 Zoning Season. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

Town Attorney Randolph suggested that the appropriate action would be not to include the staff comment under item (b) into the motion, but to simply direct staff to move forward with item (b) during the upcoming Zoning Season. He noted that the comment was just one of the many things that could be considered in increasing the open space requirement in the R-AA district; another consideration would be modification of the subdivision code. He recommended that the motion be confined to approving (a) (b) (c) under item D1 - Open Space and Beautification, with a separate recommendation for staff to move forward with item (b).

The makers of the motion rescinded the portion of the motion relating to adopting the staff comment under (b), and moved approval of item D1 - Open Space and Beautification (a) (b) (c).

Town Manager Elwell clarified that direction was to add item (b) to the Zoning Study list for the upcoming Zoning Season, however, it would be pursued more broadly than just the one example indicated in item (b).

On roll call, the modified motion carried 4/0, as Councilman Wyett was not present at the meeting.

D3: **Young Families:** Pursue community enhancements and other actions to attract, encourage and support young families, including but not limited to the following:

a) Retention of public and private schools, with no net loss of green space.

<u>Comment</u>: Since the Palm Beach Public School redevelopment issue was successfully

resolved in a manner consistent with this goal, this item may have little direct relevance to future actions during the 10-year planning period. However, it would be *appropriate to leave this statement in the Strategic Plan since it expresses two important values of the community (supporting the education of children and preserving open green space).*

Councilman McLendon moved approval of item D3 - Young Families. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

The Special Town Council Meeting of July 1, 2003, was adjourned at 11:00 a.m., in order to hold the Closed Door Attorney Client Session as announced earlier in the meeting. President Brooks identified the two subject matters to be discussed, and those who would be in attendance, both of which had been announced earlier in the meeting.

Town Council President William Brooks announced the termination of the Closed Door Attorney Client Session, and called the Special Town Council Meeting of July 2, 2003, to order at 11:31 p.m.

D4: **Cultural Institutions:** Nurture and encourage private cultural institutions in and near the Town to sustain and expand their services to the public.

Comment: *The Town staff (directly and in support of the Mayor and Town Council) will continue to work with the area's cultural institutions, as needed, to encourage them in their important current and future roles within this community.*

President Pro-Tem Goldblum moved approval of item D4 - Cultural Institutions, of the ongoing recommendations of the Strategic Planning Board. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

D6: **Nuisance Factor - Feral Cats:** Continue Town actions (using Town and private resources) to humanely reduce the feral cat population problem, including a "trap/neuter/relocate" program and/or "trap/neuter/release" program in partnership with PB Cats, Palm Beach County Animal Care and Control, and/or other public or private animal welfare agencies or persons.

Comment: *We have made great progress on this issue in the past 6 months and are* *committed to the public/private partnership which will humanely manage and steadily reduce the Town's feral cat population over the long term.*

Mayor Smith commented that the Strategic Planning Board believed it was important to leave this item in their report as an ongoing action, even though the PB Cats program had started prior to the release of the Strategic Planning report.

President Pro-Tem Goldblum moved approval of item D6 - Nuisance Factor - Feral Cats, of the ongoing recommendations of the Strategic Planning Board. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

E2: **Intergovernmental Coordination During Emergencies:** Provide for optimal coordination with County, State, and Federal emergency management agencies.

Comment: This requires an on-going effort by staff as well as a continued commitment by the Mayor and Town Council to allocate resources to ensure that sufficient manpower and equipment are provided to enable Town staff to engage in on-going emergency management planning and training activities with other agencies so that optimal coordination and communication can exist before, during and after emergency situations. We are committed to succeeding at this critical task and will continue to make resource recommendations to the Mayor and Town Council, as needed.

President Pro-Tem Goldblum moved approval of item E2 - Intergovernmental Coordination During Emergencies, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

E4: **Human Resources:** Plan to utilize contractual services, temporary employees, and volunteers, as needed, to ensure a sufficient workforce to accomplish post-disaster damage assessment, communication, and relief services.

Comment: It is agreed that Town management needs to plan to utilize resources from outside of this organization in order to accomplish post-disaster activities. The Comprehensive Emergency Management Plan contemplates use of contractual services, temporary employees and volunteers, as needed, for post-disaster activities. These human resources will be organized on an on-going basis in advance of disaster *events by Town emergency preparedness officials.*

Mayor Smith commented that the volunteers that the Strategic Planning Board discussed were in addition to the Police VIP program; volunteers who would be able to assess damage post-disaster. The volunteer program was intended to be coordinated as part of the Town, as opposed to independent services obtained by residents.

President Pro-Tem Goldblum moved approval of item E4 - Human Resources, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

E6: **Financial Preparedness**: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster. (Also see L6: Disaster Preparedness)

<u>Comment</u> - *The above recommendation can be accomplished easily, if required. Our current financial institution, Wachovia, has indicated that a short term line-of-credit could be pre-approved. If needed, the Town's Bond Council would draft the necessary documents and resolutions for Town Council approval at either a special emergency meeting or at a regular scheduled meeting depending on the urgency. Staff is working on a new banking contract that will include this pre-approval provision. These funds could be used if the Town's ample reserves would not be enough to pay for emergency services that may be reimbursed by FEMA or the State of Florida. Once FEMA/State proceeds were received, the line could be paid off and the Town's reserves be replenished. The Town could also, if necessary, issue bonds or obtain a loan from a bank if any rebuilding costs would not be covered by FEMA. These bonds/loans would be the paid back over a longer period of time. Due to the Town's AAA ratings, bonds could be issued within a few months and for competitive interest rates.*

Town Manager Elwell commented that the Town's banking services agreement allowed a pre-approved line of credit, if it was ever needed. He observed that the Town's financial planning and substantial reserves would allow it to function in the immediate aftermath of an extreme disaster until outside assistance was received.

President Pro-Tem Goldblum moved approval of item E6 - Financial

Preparedness, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

F4: **Private Water Systems:** Encourage private emergency potable (R.O.) Water sources and alternative irrigation sources for new and existing condominium developments.

<u>Comment</u>: It is difficult to see a strategic benefit to the Town except that in times of drought, such properties may retain their aesthetic value. Staff does not oppose this objective, but we would not recommend substantial commitment of Town resources to this element.

Town Manager Elwell commented that the recommendation related to independent systems for irrigation, as opposed to emergency potable R.O. He noted that substantial discussions had taken place by the Town Council regarding the potential for the Town to have an emergency water system, as opposed to an emergency water procedure, and it had been determined that, for the time being, the emergency water procedure would be continued, rather than developing a separate system. He explained that the policy direction of the Town Council had been that the Town would not actively proceed with tying the golf course systems into an emergency water system, but rather would be developing the emergency procedures for how to handle that circumstance, together with the City of West Palm Beach. He explained that the recommendation of staff was that large private entities, particularly condominiums, ought to consider having their own stand alone emergency system, or irrigation only system, however, without a financial incentive from the Town. He considered that, without a financial incentive it was unlikely that the recommendation would be pursued.

After further discussion, Councilman McDonald moved approval of item F4 - Private Water Systems, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

G4: **Construction Traffic:** Continue improving policies and practices to minimize traffic disruptions from public and private construction (e.g. Bradley Place 2002).

<u>Comment</u>: We are committed to success on this objective. It will require an on-going effort by staff as well as a continued commitment by the Mayor and Town Council to allow unique approaches to minimizing impacts of all projects.

Councilman McLendon moved approval of item G4 - Construction Traffic, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

H3: **Lake Worth Casino Area**: Regulate Town commercial uses and monitor City of Lake Worth commercial uses east of Lake Worth Bridge so as to protect the interests of South End Town residents.

<u>Comment</u>: Agreed. In fact, as the Mayor and Town Council are well aware, we currently are very actively monitoring the evolution of proposed redevelopment of the Lake Worth property east of Lake Worth Bridge, so that the Town may take appropriate action(s) at the appropriate time.

Assistant Director of Planning, Zoning & Building Veronica Close commented that she continued to monitor the evolution of proposed redevelopment of the Lake Worth property east of the Lake Worth Bridge.

President Pro-Tem Goldblum moved approval of item H3 - Lake Worth Casino Area, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

I1: **Neighborhood Scale:** consider additional actions to maintain appropriate neighborhood scale and reduce the impact of large homes inconsistent in size and/or design with established neighborhood conditions. Provide for "reasonableness" by accepting gradual evolution in neighborhood scale and by avoiding severe restrictions on house sizes to levels below market acceptance.

<u>Comment:</u> The Planning, Zoning, and Building Department is currently studying the Strategic Planning Board's recommendation regarding a gradual approach to

residential redevelopment through a zoning study item for the 2003-2004 Zoning Season. This study item involves the development of a formula which incorporates the cubic content of existing nearby homes when determining the allowable cubic content of redevelopment or new construction in the neighborhood.

d) Architectural Variety: Promote the maintenance and modernization of existing homes (in lieu of "tear downs") through the judicious granting of variances and a flexible approach to architectural review.

<u>Comment:</u> Town staff agrees with this recommendation and will continue to work with private property owners and the Mayor and Town Council to achieve this goal.

President Pro-Tem Goldblum moved approval of item I1 - Neighborhood Scale, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

J2: **Beach Nourishment Re-evaluation:** During the course of the entire project, changing circumstances and new information will be evaluated to determine whether modifications to subsequent phases of this project should be developed and implemented. This includes remaining sensitive to the municipal bond market to determine whether there may exist an opportunity to significantly reduce costs by refinancing the Town's portion of the project.

<u>Comment</u>: This is an ongoing staff responsibility that does not require specific Mayor and Town Council action. Staff will continue to provide monthly written reports on this program and will bring to the Mayor and Town Council all relevant information on new techniques, opportunities, approaches, etc. The Beach Bonds were, of course, refinanced earlier this year to take advantage of record low interest rates.

Town Manager Elwell explained that the Town had refinanced the beach bonds to capture the low interest rates, and staff remained aware of any new developments that would change the financial picture, or the course of the beach project. He explained that the beach projects were so large and complex that the shape of the project would change from time to time as the concept was turned into a detailed plan.

Councilman McLendon moved approval of item J2 - Beach Nourishment Re-evaluation, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblm. On roll call the motion carried 4/0, as

Councilman Wyett was not present at the meeting.

J3: **State Funding for Beaches:** Continue seeking State funding assistance except where State requirements conflict with Town policy regarding parking and access.

Comment: Staff brings an annual application for State funding to the Mayor and Town Council for approval and will continue to do so as long as State funding is available.

President Pro-Tem Goldblum moved approval of item J3 - State Funding for Beaches, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

J4: **Sand Transfer Plant:** Continue to pressure the U.S. Army Corps of Engineers and Palm Beach County to honor their previously made commitments to expedite the replacement or substantial upgrading of the Lake Worth Inlet Sand Transfer Plant.

Comment: Agreed.

Public Works Director Al Dusey reported that the U.S. Army Corps of Engineers was moving forward with the environmental work, and were having internal problems with obtaining approval, however, they were fairly confident that they would be successful in obtaining approval. He explained that the Sand Transfer Plant did a fairly good job of transporting sand, however, the discharge pipe was too far north, and the intention was to move the pipe south. He explained that the U.S. Army Corps was committed to pay for the program to rehabilitate the Sand Transfer Plant, replace the pumping system, improve the collection system, and extend the pipe.

Councilman McLendon expressed concern with the delays in the upgrading of the Sand Transfer Plant.

After further discussion, Town Manager Elwell indicated that the Sand Transfer Plant would be added for discussion at the August 12, 2003, Town Council Meeting, at which time staff would present analysis on the Town taking more initiative on the project

for replacement and upgrading.

President Pro-Tem Goldblum moved approval of item J4 - Sand Transfer Plant, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McDonald. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

J5: **Legal Action on Beach Erosion:** Reconsider legal action to require the Federal government (USACE) and/or Port of Palm Beach to pay for beach restoration necessitated by sand loss due to inlet dredging.

Comment: Previously seated Town Councils considered and rejected this approach based on a risk/reward analysis. Such litigation could be long and costly for the Town, delaying our Beach Management Program with no certainty of prevailing in court. For this reason, we recommend against considering litigation at this time. Also, one particular difficulty of receiving Federal funding for beach renourishment is the requirement that the local sponsor (the Town) obtain perpetual easements from upland property owners to make all beach created by renourishment a "public beach." There is no Federal ECL - the entire constructed beach is public.

When this item was heard in its scheduled order, Town Manager Elwell noted that there had been some communication from the public regarding this item within the past several days, however, there was no one present at this time from the public to address the matter.

The Town Council determined that it would defer discussion of this item until the end of the meeting, in order to provide ample opportunity for public discussion.

At the end of the meeting, item J5 was again presented for discussion. President Brooks noted that the item had been reserved until the end of the meeting in order to accommodate citizens, who had been present earlier in the meeting, and who desired to provide input. At this time there were no members of the public present to address the issue.

Councilman McDonald suggested that pertinent legal cases, and decisions, be monitored in terms of beach restoration issues so that if re-evaluation was necessary the Town would be prepared.

President Brooks suggested that options available to the Town be mentioned, such as lobbying, political, goodwill, and monitoring litigation.

Councilman McDonald moved approval of item J5 - Action on Beach Erosion (title change from *Legal* Action on Beach Erosion), of the ongoing recommendations of the Strategic Plan, with the following language modification: *consider, from time to time, appropriate actions which would require the Federal government and/or the Port of Palm Beach to pay for beach restoration necessitated by sand loss due to inlet dredging.* The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

K4: **Drainage Upgrade on Individual Properties:** Evaluate opportunities and benefits of installing upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped. The Town will provide leadership on this issue by documenting efforts on Town-owned properties to encourage voluntary upgrades of privately owned properties.

Comment: Within the past year, the Town has adopted an amendment to its storm drainage ordinance which decreases the threshold of redevelopment from 50% to 25% which requires conformance to the Town's 2" stormwater retention requirement. Given the significant expense to retrofit developed properties without the ability to tie the work to other construction, such as additions or remodeling, we believe it would be impractical to promote such retrofitting unless the Town is prepared to offer a financial incentive of some sort to encourage voluntary participation. Staff does not believe the marginal benefits of such retrofitting would justify the expense of an incentive program at this time.

Town Manager Elwell commented that if the goal was to accelerate the process of retrofitting private properties, it would require some substantial commitment of taxes to create some sort of incentive program. He noted the significant improvements being made in the public drainage system, as well as the positive contributions of redeveloping properties having to retain two inches of water, would protect the Town.

After discussion, it was determined that the language in the first sentence would read: *Encourage upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped.*

Councilman McDonald moved approval of the revised item K4 - Drainage Upgrade on Individual Properties, of the ongoing recommendations of the Strategic Plan.

The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

L2: **Fund Balances:** Reassess and, as necessary, adjust Town policy regarding fund balances and reserves, employing the following principles:
- Manage Town's funds as one set of funds, for decision making purposes (not for accounting purposes).
- Provide for adjustments in reserves between enterprise funds, as needed.

Comment - The Town has adopted reserve policies for the General Fund, Risk Insurance Fund, and Enterprise Funds. Staff will be recommending a policy on the Health Insurance Fund reserves once the GASB pronouncement regarding this matter has been finalized. The General Fund and Risk Insurance Fund reserves can both be used in case of an emergency, such as a hurricane or other disaster. These reserves should be sufficient to cover immediate emergency services. If additional funds are needed, we can access a line of credit or other borrowing to finance rebuilding efforts.

The Town's healthy reserves are part of the reason that Moody's and Standard & Poor's issued the Town AAA ratings in their most recent reports. For their purposes, they look at all the Town's reserves when they evaluate the Town's financial condition.

The FY2004 budget includes the establishment of a Leisure Services Enterprise Fund which combines Marina, Golf Course and Recreation activities (including tennis) into one fund. The current reserves and anticipated net income of this fund should be more than sufficient to make improvements to facilities as well as maintain the 25% Retained Earnings balance as required by Town policy.

President Pro-Tem Goldblum moved approval of item L2 - Fund Balances, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

L3: **Financing Methods:** Continue Town policy regarding decisions on long-term vs. short term financing (bonds vs. "pay-as-you-go"), by applying case by case evaluations of options depending on nature of investment, competitive bond rates, equity for taxpayers, etc.

Comment- Town policy directs staff to evaluate all options to determine the appropriate method to finance capital projects.

Councilman McLendon moved approval of item L3 - Financing Methods, of the ongoing recommendations of the Strategic Plan. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

L5: **Tax Information:** Continue and enhance the distribution of information to inform citizens regarding the structure and components of local property taxes (chart of tax district/taxing authority allocations).

Comment - The Town currently issues this information in the Annual Report that is mailed to all residents and businesses in the Town once per year. This information is also printed in the Budget-in-Brief document that is made available to the public in the Town Manager's Office and the information area at the front door of Town Hall.

Town Manager Elwell noted that only 20% of the local property taxes collected from residents remained in Palm Beach; $.80 of each dollar went elsewhere to support other services.

President Brooks commented that is was important to remind citizens of this fact, as well as to remind them to obtain the homestead exemption.

President Pro-Tem Goldblum moved approval of item L5 - Tax Information, of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

L6: Disaster Preparedness: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster. (Also see E6: Financial Preparedness.)

Comment - The above recommendation can be accomplished easily, if required. Our current financial institution, Wachovia, has indicated that a short term line-of-credit could be pre-approved. If needed, the Town's Bond Council would draft the necessary documents and resolutions for Town Council approval at either a special emergency meeting or at a regular scheduled meeting depending on the urgency. Staff is working on a new banking contract that will include this pre-approval provision. These funds could be used if the Town's ample reserves would not be enough to pay for emergency services that may be reimbursed by FEMA or the State of Florida. Once FEMA/State proceeds were received, the line could be paid off and the Town's reserves be replenished. The Town could also, if necessary, issue bonds or obtain a loan from a bank if any rebuilding costs would not be covered by FEMA. These bonds/loans would the paid back over longer period of time. Due to the Town's AAA ratings, bonds could be issued within a few months and for competitive interest rates.

***This item was discussed and approved under* E6: Financial Preparedness.**

L7: Property Taxes:

A: Approach the Florida State Legislature to promote tax fairness for property owners in the Town of Palm Beach.

Comment - Staff will work with and support the Mayor in her efforts to lobby our State representatives for tax fairness.

B: Inform residents of benefits of registering their property for a State of Florida "Homestead Exemption."

Comment - In the recently issued Annual Report, a paragraph was added to the Property Tax Information section that described the Homestead Exemption. We will update this section annually and supply the residents with information on the Homestead Exemption process.

President Pro-Tem Goldblum recommended the creation of a folder with information regarding homestead exemption, for distribution to citizens.

Mayor Smith suggested that the Palm Beach Civic Association and the Palm

Beach Citizen's Association print the information and make it available to residents.

Town Manager Elwell commented that staff would check with the Property Appraiser's office to determine what information was already available. He explained that if a resident applied for the homestead exemption, property tax increases were capped at 3% or the rate of inflation, whichever was lower. That was the critical value for a Town property owner.

Councilman McDonald commented that there was also a downside in terms of revenues collected when properties were homesteaded, and that there were also legal requirements to be met when residents applied for the homestead exemption.

Town Manager Elwell replied that homesteading redistributed the tax burden within the Town, towards those that were not homesteaded, and that had been considered by the Strategic Planning Board. The Board had decided that it was still worthy of providing the information to the residents.

President Pro-Tem Goldblum moved approval of item L.7 (a) and (b), of the ongoing recommendations of the Strategic Plan. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

C: AUTHORIZATION OF SETTLEMENT OF LITIGATION: SUSAN L. ROWE AND DENNIS P ROWE, HER HUSBAND, VS. TOWN OF PALM BEACH; CASE NO 02-10989 AG

Town Attorney Randolph explained that the case stemmed from an accident which occurred in a rear-end collision with a vehicle driven by a Town employee. He recommended settlement in the amount of $40,000 to Susan L. Rowe, and $2,500 to Dennis P. Rowe on a loss of consortium claim, for a total settlement of $42,500.

Councilman McDonald moved approval of the recommendation of Town Attorney Randolph for settlement in the amount of $42,500 in the litigation: Susan L. Rowe and Dennis P. Rowe, her husband, vs. Town of Palm Beach; Case No. 01-10989 AG. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman Wyett was not present at the meeting.

D: ANY OTHER ITEMS

There were none.

E: ADJOURNMENT

There being no further business, the Special Town Council Meeting of July 2, 2003 was adjourned at 12:30 p.m.

William J. Brooks
William J. Brooks
Town Council President

Mary A. Pollitt
Mary A. Pollitt
Town Clerk