TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 18, 2007

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Monday, June 18, 2007, at 9:30 a.m., in the Town Council Chambers. On roll call, the following elected officials were found to be present:

Mayor Jack McDonald
President Richard M. Kleid
President Pro Tem Denis P. Coleman
Council Member William J. Brooks
Council Member Gail Coniglio
Council Member Susan Markin

Others present for all or a portion of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas G. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
William Amador, Acting Fire-Rescue Chief
Kirk Blouin, Administrative Captain, Police
Jay Boodheshwar - Recreation Director
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Veronica Close - Director of Planning, Zoning and Building
Paul Castro - Zoning Administrator
Tim Frank - Planning Administrator
Charles Langley - Public Works Assistant Director
Michael Mason - Law Enforcement Major
Michael Reiter - Police Chief
Gary Sallenbach - Support Services Major, Police

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5416 • Facsimile (561) 838-5417
E-mail: townclerk@townofpalmbeach.com • Website: www.townofpalmbeach.com

Jane Struder, Finance Director
Karen Temme, Risk Manager
Susan Eichhorn - Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Eichhorn gave the invocation. President Kleid led the Pledge of Allegiance.

III. PRESENTATIONS

There were none.

IV. COMMENTS OF MAYOR JACK McDONALD

There were none.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Kleid commented on the recent legislation passed in Tallahassee regarding property tax reform; commented that the Town would not have the exact numbers relative to the cuts until about June 25th when the State of Florida and the Property Appraisers office had to provide the Town with official notice; commented on budget; and on the first reading of Ordinance No. 12-07, which related to the proposed property tax reform.

President Pro Tem Coleman congratulated Code Enforcement for their diligence and equal enforcement on water restrictions in the Town.

Council Member Brooks commented on his disappointment on the actions taken by the State Legislature: the cuts were not deep enough; nothing about portability was mentioned; and there was nothing to assist businesses. He commented on the opportunity it provided the Town to examine their entire operation; commented that he was confident the Town would be able to cut the budget by the unofficial number of $2,140,000, which was to be cut from the ad valorem, from the Town's budget. He encouraged the residents to contact members of the Town Council or staff with suggestions.

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

Ralph Del Deo, 265 Fairview Road, thanked Director of Public Works Paul Brazil and his staff for their work on drainage issues. He commented regarding possible budget cuts due to the action taken by the State Legislature.

Sam Boykin, 285 Jamaica Lane, commented regarding budget cuts. He suggested the formation of a Blue Ribbon Panel of experienced business people who had the expertise to recommend meaningful budget cuts to the Town Council.

In response to Mr. Boykin's concern with costs for the Royal Poinciana Way area study, President Kleid advised that the Town Council had not authorized any expenditure of money relative to a study for Royal Poinciana Way.

Council Member Markin commented that Mr. Boykin's idea relative to engaging some of the Town's top business leaders and financiers in the Town was an excellent one. She suggested that it might behoove the Town to engage such people in a Blue Ribbon Panel.

Jere Zenko, 232 Tangier Avenue, requested that the agenda be published prior to the Friday before the meeting and suggested that it be published 10 days prior to scheduled meetings.

President Kleid advised Ms. Zenko that the preparation of the agenda was evolutionary.

In response to President Kleid, Town Manager Elwell advised that it may be possible to publish the agenda in that time frame, but there were pros and cons, which he discussed.

President Kleid advised Ms. Zenko that the Town worked on the budget during the summer months because State law mandated that budget work be done at that time. The property appraiser supplied budget numbers to the Town on June 1st and July 1st. He commented, as well, that it had been harder years ago for snowbirds to track what occurred in Town during the summer, but now everything was posted on the internet and the Town tried to engage everyone in the process.

Ms. Zenko advised that she agreed with everything President Kleid had said noting that her remarks did not necessarily pertain to the budget. She suggested that the Town would run more effectively if there was a longer period of time to review the items.

Amy Shaughnessy, 226 Australian, commented that the municipal election should be held in conjunction with the January 29, 2008, Primary Election, if possible.

Peter Pettie, 3400 South Ocean Blvd., commented regarding private seawalls and how residents could move forward in that regard. [Staff would be available to assist residents that need help with the process]. [President Pro Tem Coleman suggested that staff review the making of an application to relocate A1A along South Ocean Boulevard to Royal Palm and then head west.]

VII. APPROVAL OF AGENDA

Motion made by Council Member Brooks, seconded by Council Member Markin, to approve the Agenda.

Town Manager Elwell noted for the record that Ordinance No. 12-07 was no longer on the Agenda for emergency adoption but for first reading.

Motion made by Council Member Brooks to approve the Agenda as amended.

Council Member Markin requested that **Item IX.D.** , Resolution No. 25-07, be moved from the Consent Agenda and added to Regular Agenda as **Item X.B.3.b.**

Motion made by Council Member Brooks, seconded by Council Member Markin, to approve the Agenda as amended. On roll call, the motion carried unanimously.

VIII. BOARD/COMMISSION ANNUAL REPORT

A. Firefighter Retirement Board.
[Keith Elliot, Firefighter Retirement Board Member]

Keith Elliott, 249 Tradewind Drive, Firefighter Retirement Board Member, supplied a power point presentation and presented the Firefighter Retirement Board's Annual Report; and Sean Higman, Principal of Prime Buchholz & Associates, Inc., provided performance criteria.

Mr. Elliott and Mr. Higman responded to questions from the Town Council.

President Kleid, on behalf of the members of the Town Council, thanked Mr. Elliott and the other board members for their dedicated service.

IX. CONSENT AGENDA

A. MINUTES: MAY 7, 2007
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING

B. MINUTES: MAY 8, 2007
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON MAY 23, 2007.

D. RESOLUTIONS

1. RESOLUTION NO. 25-07 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Preliminary Non-ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date. [H. Paul Brazil, Director of Public Works]
(Resolution No. 25-07 removed from Consent Agenda added to Regular Agenda as Item X.B.3.b.)

E. OTHER

1. Approval of Payment Under Town's Supplemental Life Insurance Program. [Jane Struder, Director of Finance]

2. Florida League of Cities 81st Annual Conference- Authorization of Town Council Attendance and Designation of Mayor McDonald as the Town's Official Voting Delegate.
[Peter B. Elwell, Town Manager]

Motion made by Council Member Brooks, seconded by Council Member Markin, to approve the Consent Agenda as amended. On roll call, the motion carried unanimously.

X. REGULAR AGENDA

A. Old Business

1. Florida Department of Transportation Update on A1A Projects.
[Melvin Pollock, P.E., West Palm Beach Operations Engineer]
TIME CERTAIN: 10:00 A.M.

Melvin Pollock, Florida Department of Transportation (FDOT) introduced Sandy Daniel, Senior Project Engineer for A1A projects.

Mr. Daniel provided an update on the A1A Projects and responded to questions from the Mayor and Town Council.

In response to Council Member Markin, Public Works Director Paul Brazil advised that the vast majority of the work done in Town replacing light fixtures was the responsibility of the Public Works Department. He noted that he was not aware that two of the new light fixtures had fallen over after the last storm.

Stanley Rumbough, 655 Island Drive, advised that the two poles that had gone down were new light poles: one on Island Road, and the other on South County Road.

Mr. Brazil advised that he would research this matter, and report back to the Town Council at the next meeting.

2. Traffic and Parking Improvement Plan.
[Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford referred to his memorandum to the Mayor and Town Council dated June 6, 2007, and included in the backup material, to review follow-up strategies for the Royal Poinciana Way Commercial Area, Residential Parking Strategies, and Townwide Traffic and Parking Strategies within the Traffic and Parking Improvement Plan. He discussed the following items:

ROYAL POINCIANA WAY COMMERCIAL AREA STRATEGIES

1. **Implementation of Placard Permit Parking for Those Parking Spaces along the South Side of Bradley Park.**

   There was no action taken on this item.

2. **Cost Estimate on All Intersection Improvements in the Royal Poinciana Way Commercial Area.**

   There was no action taken on this item.

3. **Consider Valet Parking to Serve the Area.**

   There was no action taken on this item.

4. **Create Parking Improvements to the Lot and Vacant Lot Due East of Publix.**

   The consensus of the Town Council was to direct staff to research incentives/tax abatements for the owner of the vacant commercial lot east of Publix, as well as other property owners of parking garages in the area with empty space on both a short term and long term basis, and to return at the July 10, 2007, Town Council Meeting with further information.

5. **One-Way Street Evaluation for Sunrise and Sunset Avenues.**

   Mr. Bradford noted that the Town Council had indicated a desire to convert the recommended one-way pair without providing for angled parking at this time, and parallel parking on the streets would remain.

   Mr. Bradford explained that if the Town Council wanted to proceed with using paint instead of thermoplastic, which was much more expensive, an expenditure not to exceed $29,231 from the FY 2007 General Fund Contingency would need to be authorized at this time.

Town Manager Elwell suggested that the Town Council wait to discuss this item in July when the Town's budget would be reviewed.

Motion made by Council Member Brooks authorizing appropriation of $29,231 from the FY2007 General Fund Contingency.

Town Manager Elwell advised that if the Town Council proceeded with this item today, they would be committed to spend $30,000 to make that change. He suggested that the Town Council wait until July to decide whether to use FY 2007 dollars or put this item into the FY2008 budget.

After further discussion, it was decided that no action would be taken on this item at this time.

6. **Publix Should Be Encouraged to Apply for the Appropriate Zoning Application So That a Formal Review of the Proposal to Modify Their Northeast Corner Parking Lot to Contain 90' Parking Spaces Can Be Undertaken by the Town's Development Staff and Formally Considered by the Town Council.**

   There was no action taken on this item.

7. **Check FDOT Position and Validity of Angled Parking on South Side of Royal Poinciana Way Median.**

   The consensus of the Town Council was that this item should no longer be considered.

RESIDENTIAL AREAS PARKING STRATEGIES

1. **Town Parking Regulations Should Be Strictly Enforced.**

   Motion made by Council Member Brooks, seconded by President Pro Tem Coleman, to approve the modification of the Gainesville Plan to allow temporary permits or passes for service personnel.

   Town Manager Elwell advised that staff, with direction from the Town Council, could determine what would be allowed officially in the ordinance relative to permitting of visitors.

After further discussion, **Council Member Brooks amended the motion to approve the concept subject to final work prepared by staff to modify the Gainesville Plan to allow temporary permits or passes for service personnel and visitors. The motion was seconded by President Pro Tem Coleman. On roll call, the motion carried unanimously.**

2. **Permit Parking.**

In response to President Pro Tem Coleman's suggestion, Mr. Bradford advised that staff would send letters to the residents of the 100 block of Brazilian Avenue to ask what their preference was relative to the Gainesville Plan.

Discussion ensued relative to the recommendation that the 20 parking spaces on the north side of the 100 block of Royal Palm Way located at the extreme east end of the block, which was currently limited to one hour parking, become an overlay zone for permit placard parking.

Motion made by Council Member Markin to approve an overlay of permit placard parking on the north side of the 100 block of Royal Palm Way located at the extreme east end of the block with the intent that it provided, for businesses on South County Road, a place for employees to park. The motion was seconded by President Kleid. On roll call, the motion failed:

Council Member Markin:	**Yes**
President Kleid:	**Yes**
Council Member Brooks:	**No**
Council Member Coniglio:	**No**
President Pro Tem Coleman:	**No**

3. **Review All Applicable Town Codes for the Ability to Add a Tow Away Provision for Violations of the Town's Parking Code.**

Police Chief Reiter advised that the levels of discretion used for tow away could be defined in the proposed ordinance. The ordinance could reflect areas where the tow away provision would and would not be in effect.

Mr. Elwell requested that the Town Council provide staff with policy direction as to whether they wanted to apply a tow away zone regulation differently then what was done in the past, which was to strictly enforce it as it related to safety.

President Kleid clarified that staff was asking if the Town Council wanted to use this provision as a parking tool.

Discussion ensued regarding the issuance of multiple tickets versus instituting a tow away provision for violators of the Town's parking code as well as placard parking/Gainesville Plan. It was determined that this issue would be discussed at a later date after information had been gathered, disseminated, and input from residents had been received.

Council Member Coniglio made a motion to approve selling 10 parking placards for the 100 block of Royal Palm Way on a trial basis. Council Member Markin seconded the motion. On roll call, the motion carried unanimously.

Mr. Elwell noted that he wanted to clarify one issue related to the towing question because of some difference of opinion. He clarified that, at this point, because this was still being conceptually considered, the tow away zone item would be kept in the discussion, and not eliminated. At the point, when all of the items came back before the Town Council, after dialogue with the residents, this issue would be considered and a determination could be made whether to proceed or not with it.

4. Contractor Right-of-Way Parking Considerations.

- Shuttle parking for contractors and subcontractors

  Council Members Coniglio and Markin suggested that North Lake Way should be included among the streets that would require mandatory shuttle parking.

- The 3 Strike Rule

  Mr. Bradford clarified for the Town Council "The 3 Strike Rule" and the fines related to it.

After further discussion, President Kleid noted that "The 3 Strike Rule" would be discussed further by the Ordinances, Rules and Standards Commission, which would then report back to the Town Council.

TOWNWIDE TRAFFIC AND PARKING STRATEGIES

1. **Devise a Townwide parking plan or philosophy for the Town.**

   Mr. Bradford reviewed for the Town Council's consideration a proposal for a Townwide parking plan.

   Mr. Elwell suggested that if the Town Council wanted additional information relative to increasing parking revenues, staff could return before the Town Council, at a future date, with a full analysis.

   After discussion regarding the Worth Avenue commercial district, staff was directed to provide the exact the number of parking spaces on Worth Avenue and how many employees utilized parking on Worth Avenue.

   Discussion ensued and Mr. Bradford suggested that this item could be deferred and taken up during the forthcoming budget hearings.

2. **Expand Controlled Parking.**

3. **Disabled Parking Enforcement.**

4. **Parking Payment Devices.**

   - Smart Park
   - Smart Card
   - Park by Phone
   - Parking Enforcement Tools

   Motion made by President Pro Tem Coleman to institute electronic chalking.

   After discussion, President Pro Tem Coleman withdrew his motion since there was a consensus of the Town Council to support the use of electronic chalking, and for staff to provide financial information regarding electronic chalking to the Town Council at the July 11, 2007, Special Town Council Meeting.

5. **Zone Parking**

Mr. Bradford stated that if there was a consensus of the Town Council, a draft ordinance would be finalized and brought back for first reading at the Town Council Meeting in July.

OTHER TRAFFIC AND PARKING ITEMS

1. **Need to require additional parking data submitted each time a commercial property applicant seeks a permit or zoning approval.**

The consensus of the Town Council was for staff to prepare an ordinance regarding parking zones for first reading; and that staff would begin to collect information regarding employee parking on zoning applications.

Leslie Evans, 135 Seminole Avenue, commented on parking problems facing businesses in Town, in particular problems with employee parking, and suggested that a committee be formed comprised of residents, landlords and business owners to involve them in the study of this issue.

2. **Seaview Tennis Facility Parking Costs.**

Mr. Bradford discussed project costs and cost sharing for the raised tennis court concept proposed for Seaview Park. He requested feedback on staff's work to date as well as approval from the Town Council to present the project costs to Palm Beach Day Academy and Palm Beach Public School for consideration of cost sharing for the proposed facility.

Mr. Elwell noted that there appeared to be a reduced level of interest in this project as expressed by members of the Town Council today.

Discussion ensued regarding a Declaration of Use Agreement, which was believed to have been signed by the neighbors on Seaview Avenue and Palm Beach Day Academy relative to vacant property on the northwest side of the Palm Beach Day Academy that allowed the school to park there for special occasions. Attorney Randolph advised that he would review same to determine if there was any involvement of the Town in the lawsuit that resulted in that Declaration of Use Agreement.

After further discussion, President Kleid concluded that there was a consensus of the Town Council on the following:

- Staff should no longer fully pursue the elevated tennis court project, and staff should research an alternate parking source;
- There should be stricter code enforcement of parking violations;
- Staff should implement a proactive plan to deal with illegal parking by school employees in the Palm Beach Public School/Palm Beach Day Academy.

President Kleid thanked Mr. Bradford for a very comprehensive and exhaustive report.

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****The Special Town Council Meeting was adjourned for the luncheon recess at 12:05 p.m.****

****The Special Town Council Meeting was reconvened at 2:08 p.m.****

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3. Potential Noise Ordinance Amendments Regarding Lawn Maintenance Equipment, etc.
[Michael S. Reiter, Chief of Police]

Town Manager Elwell noted that this item had been placed on the Agenda because several months ago Scott Lewis had raised certain questions on behalf of landscape service providers. He advised that this item would be deferred to the July 10, 2007, Town Council Meeting, because Mr. Lewis had wanted to address the Town Council, but had to leave the meeting during the morning session.

B. New Business

1. Scott Lewis Proposal Re: Quadrille Area Properties in West Palm Beach. [Peter B. Elwell, Town Manager]

Town Manager Elwell suggested that due to Scott Lewis' absence, he would provide a brief summary of this item, and the Town Council could then determine whether they wanted to consider it today or not.

Motion made by Council Member Brooks to authorize Town Manager Elwell to discuss the Quadrille Avenue properties with Scott Lewis and report back to the Town Council at the July 10, 2007, Town Council Meeting. The motion was seconded by President Pro Tem Coleman.

Mr. Elwell summarized Scott Lewis' request regarding Quadrille area properties in West Palm Beach.

Council Member Markin commented in opposition to Mr. Lewis' proposal, which she did not believe the Town should explore any further.

On roll call, the motion carried 4/1 with Council Member Markin casting a dissenting vote.

Discussion ensued and the Town Council informed Mr. Elwell that he did not have to report back at the July 10, 2007, Town Council Meeting, due to the short window between meetings. He could report back, at a future Town Council Meeting.

2. Reach 8 Dune Restoration Project.
   [H. Paul Brazil, Director of Public Works]

   a. RESOLUTION NO. 26-07 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring that an Emergency Situation Exists with Respect to Rebuilding the Dunes in Reach Eight South of Lake Worth Pier.

Public Works Director Paul Brazil referred to his memorandum to the Mayor and Town Council dated June 12, 2007, and included in the backup material, to provide a report regarding beach emergency dune restoration in Reach 8 South of Lake Worth Pier, and review Resolution No. 26-07.

After discussion, it was the consensus of the Town Council to defer this item to the July 10, 2007, Town Council Meeting, at which time staff would have a much clearer picture of the situation and would be able to provide additional information for consideration.

Jere Zenko, 232 Tangier Avenue, questioned when the bond issue started and how much money was involved.

Mr. Elwell responded that the bond was issued in 2000 in the amount of $23.5 million. He noted that when full discussion occurred on July 10th, staff would provide financial information related to the bond.

Sten Lilja, 1330 North Ocean Boulevard, commented that he had addressed the Town Council relative to this issue since 1998. The discussion today mentioned seawalls and also sacrifice, and he noted that any beach renourishment was sacrificial in nature. The south end problem was a catastrophe, but the Town had to look forward to what they basically needed to do. He stated that seawalls protected property, and sand protected the seawalls to some extent, but rocks offered more protection. He urged the Town to try to figure out what the cause was and treat it. He advised that sand was not going to work at all.

3. Proposed Process for Mayor and Town Council Review of Town Manager's Proposed FY08 Budget.
[Peter B. Elwell, Town Manager]

a. ORDINANCE NO. 12-07 An Emergency Ordinance Relating to the Provision of Services, Facilities, Programs and Local Improvements in the Town of Palm Beach, Florida; Authorizing the Imposition and Collection of Assessments Against Property Within the Incorporated Area of the Town of Palm Beach; Providing Certain Definitions and Defining the Terms "Assessment," "Service Assessment," and "Capital Assessment"; Providing for the Creation of Assessment Areas; Providing Certain Legislative Findings Relating to the Assessments and the Exigent Circumstances Requiring the Immediate Adoption of this Ordinance as an Emergency; Establishing the Procedures for Imposing Assessments; Establishing Procedures for Notice and Adoption of Assessment Rolls; Providing That Assessments Constitute a Lien on Assessed Property upon Adoption of the Assessment Roll; Providing

That the Lien for an Assessment Collected Pursuant to Sections 197.3632 and 197.3635, Florida Statutes, upon Perfection Shall Attach to the Property on the Prior January 1, the Lien Date for Ad Valorem Taxes; Providing That a Perfected Lien Shall Be Equal in Rank and Dignity with the Liens of All State, County, District, or Municipal Taxes and Assessments and Superior in Dignity to All Other Prior Liens, Mortgages, Titles, and Claims; Creating the Town of Palm Beach Municipal Services Special District and Providing for the Authority and Functions of Said Special District, Including the Authority to Levy Special Assessments and Ad Valorem Taxes; Providing Procedures for Collection of Assessments; Providing a Mechanism for the Imposition of Assessments on Government Property; Authorizing the Issuance of Obligations Secured by Assessments and Providing for the Terms Thereof; Providing That the Town's Taxing Power Shall Not Be Pledged; Providing Remedies; Deeming That Pledged Revenues Shall Be Considered Trust Funds; Providing for the Refunding of Obligations; Providing for Severability; and Providing an Effective Date.

Town Manager Peter Elwell referred to his memorandum to the Mayor and Town Council dated June 8, 2007, and included in the backup material, to discuss the proposed process for the Mayor and Town Council to review the Town Manager's proposed FY08 Budget. He reviewed the proposed meeting schedule and topics for each meeting as follows:

July 11th - Overview Meeting
Topics to be discussed:

- Baseline Budget
- Impacts of Property Tax Reform Legislation
- Potential New Revenues and Discussion of Proposed FY08 Revenues
- Policy Decision on Revenues vs. Cuts vs. Override vs. Combination
- Coastal Protection Program Financing
- Financing for Town Hall and North Ocean Boulevard Seawall

For the record, if the Town Council adopted Ordinance No. 12-07 on first reading today, nothing would be enacted, but it would be the first step taken in preserving the ability to enact these assessments later. It was important to note that the ordinance contained several assessments that were commonly charged in other municipalities.

July 19th - Follow-up Meeting
Topics to be discussed:

- Additional Review of Open Issues from July 11th Meeting
- Adoption of Tentative Millage Rate Resolution

August 6th - Proposed FY08 Budget Presentation
Topics to be discussed:

- FY08 Budget Presentation based upon Town Council policy decisions made on July 11th and July 19th
- Consideration of Alternatives for Achieving Desired Mix of Service Levels and Revenue Levels

Mr. Elwell noted that if necessary, additional issues could be reviewed at the August 14th Town Council Meeting and the September 11th Town Council Meeting or at Special Town Council meetings during August.

The Town Council granted Mr. Elwell approval to move ahead with the proposed schedule.

Town Manager Elwell recommended that Ordinance No. 12-07 be adopted on first reading. He clarified that Ordinance No. 12-07 had been modified from an Emergency Ordinance, which had been structured that way initially because it was anticipated that the special session of the State Legislature would still be ongoing at this time. The session ended last Thursday, so it became appropriate to adopt the ordinance not as an emergency, but in the normal first and second reading. He explained that the ordinance had been modified, it was a long and complex ordinance, and Mr. Bradford would address an additional correction to the ordinance before action was taken today.

Deputy Town Manager Bradford reviewed the modifications made to the ordinance. He explained the reasoning behind this ordinance, which would allow the Town Council to utilize every assessment vehicle available under the law for both services and capital expenditures. It would create a dependent special district overseen by the Town Council, which allowed for the utilization of ad valorem taxation as well the assessments previously mentioned.

Town Attorney John Randolph read Ordinance No. 12-07, by title, as printed below.

> ORDINANCE NO. 12-07 An Ordinance Relating to the Provision of Services, Facilities, Programs and Local Improvements in the Town of Palm Beach, Florida; Authorizing the Imposition and Collection of Assessments Against Property Within the Incorporated Area of the Town of Palm Beach; Providing Certain Definitions and Defining the Terms "Assessment," "Service Assessment," and "Capital Assessment"; Providing for the Creation of Assessment Areas; Providing Certain Legislative Findings Relating to the Assessments; Establishing the Procedures for Imposing Assessments; Establishing Procedures for Notice and Adoption of Assessment Rolls; Providing That Assessments Constitute a Lien on Assessed Property upon Adoption of the Assessment Roll; Providing That the Lien for an Assessment Collected Pursuant to Sections 197.3632 and 197.3635, Florida Statutes, upon Perfection Shall Attach to the Property on the Prior January 1, the Lien Date for Ad Valorem Taxes; Providing That a Perfected Lien Shall Be Equal in Rank and Dignity with the Liens of All State, County, District, or Municipal Taxes and Assessments and Superior in Dignity to All Other Prior Liens, Mortgages, Titles, and Claims; Creating the Town of Palm Beach Municipal Services Special District and Providing for the Authority and Functions of Said Special District, Including the Authority to Levy Special Assessments and Ad Valorem Taxes; Providing Procedures for Collection of Assessments; Providing a Mechanism for the Imposition of Assessments on Government Property; Authorizing the Issuance of Obligations Secured by Assessments and Providing for the Terms Thereof; Providing That the Town's Taxing Power Shall Not Be Pledged; Providing Remedies; Deeming That Pledged Revenues Shall Be Considered Trust Funds; Providing for the Refunding of Obligations; Providing for Severability; and Providing an Effective Date.

Motion made by Council Member Brooks, seconded by President Pro Tem Coleman to approve on first reading Ordinance No. 12-07.

Council Member Markin clarified that the ordinance would allow the Town the option, in the future, to issue assessments, but any fee that was to be assessed, for any reason, would have to come before the Town Council again, with public input, for approval. The ordinance itself did not mean automatic assessments.

On roll call, the motion carried unanimously.

b. RESOLUTION NO. 25-07 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Preliminary Non-ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date. [H. Paul Brazil, Director of Public Works]

Town Manager Elwell explained that before the Town Council today was the tentative schedule of rates for Commercial Solid Waste Collection and Disposal. He noted that if this was approved today, the Town Council would hold a public hearing on July 10th.

Director of Public Works Paul Brazil explained the process, noting that for the past few years the Town had been charging commercial sanitation assessments on the property tax bills. The County collected the assessment, and transferred the money to the Town.

Discussion ensued relative to the administrative fee, and Mr. Elwell noted that staff would return next month with a firm answer as to what percentage was charged.

In response to Council Member Markin, Mr. Elwell clarified that this process was changed four years ago explicitly for the reason that the Town had a billing system in place that took entirely too much time and money to collect fees and chase payments that were not being made. The collection rate was lower than it was now. It was much more of a burden to the Town, and so the Town went to a Non-ad Valorem assessment in order to have a more efficient process for the collection. He advised that because the assessment was on the tax bill, the Town received better than a 95% payment, usually a 100% payment, for the annual fee, in place of using a quarterly process.

Council Member Markin stated that she had wanted Mr. Elwell to go through this explanation, because it was important for the taxpayers to hear and know that this was the most efficient cost method for the residents and the Town.

Mr. Elwell reported that the increase was a direct relationship to the cost of providing a service.

Town Attorney John Randolph read Resolution No. 25-07, by title, as printed above.

Motion made by Council Member Brooks, seconded by Council Member Coniglio, to approve Resolution No. 25-07. On roll call, the motion carried unanimously.

4. Risk Retention Report.
[Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Thomas Bradford referred to his memorandum to the Mayor and Town Council dated June 8, 2007, and included in the backup material, to discuss the risk retention analysis regarding the Town's insurance program. The Town Council had indicated in September 2006, at renewal of the Town's insurance program, that, upon the next renewal, one way to save money was through the assumption of more risk.

Mr. Bradford introduced Karen Temme, Risk Manager for the Town of Palm Beach, and consultants, Allan Waters and J. Hayden Knowlton, both of Waters Risk Management.

Mr. Allan Waters, Waters Risk Management an independent risk management consulting firm specializing in Florida public entities, provided a power point presentation of the Risk Retention Report to address the Town's retention of risk and to determine if there were opportunities for greater retentions and less reliance on commercial insurance.

President Kleid, on behalf of the Town Council, thanked Mr. Waters for his comprehensive report.

Town Manager Elwell requested direction from the Town Council as to whether they wanted to pursue this further or if they wanted staff to move forward with the normal renewal process.

After further discussion, it was the consensus of the Town Council that staff move forward with the normal renewal process.

In response to Council Member Markin, Mr. Elwell advised that the Town did not use the same carriers every year, but has had the same agent for the past four years, and basically the same package for the last four years. He noted that, at that time, there was a dramatic change from the process the Town had followed for 26 years prior, where there was a more traditional broker relationship, which relied very heavily on the broker to put the package together. The Town was now much more directly involved through both Karen Temme and Tom Bradford.

Risk Manager Karen Temme explained that every year the Town went out to shop the products noting that the Town had the same insurance agent for the past four years. The agent every year went out to the different markets and provided to her any available quotes. At renewal time, she would select the best available insurance and provide that information to the Town Council.

5. Discussion Regarding Town's Donation Policy.
[Susan Markin, Council Member]

Council Member Markin commented that she had requested the placement of this item on today's Agenda for discussion with the intent to decide whether or not the Town Council wanted to solidify a donation policy for the Town. She reviewed some concerns and questions she had related to donations received by the Town.

After discussion, there was a consensus of the Town Council to include on the Consent Agenda any donation to the Town in excess of $5,000; and to direct staff to prepare a proposed donations policy for consideration at a future Town Council

Jere Zenko, 232 Tangier Avenue, thanked the Town Council for their consideration of this matter; and commented in favor of the Town Council's actions. She believed that aggregating authority to the pertinent head as opposed to taking away authority from the Town Council and Town Manager, would be wrong. The proper procedure would be for the Town Council to rule on donation designations.

6. Palm Beach International Airport Expansion Project.
[Susan Markin. Council Member]
TIME CERTAIN: 11:30 A.M.

Bruce Pelly, Director, Palm Beach County Department of Airports, introduced Gary Sypek, Director of Planning.

Gary Sypek, Director of Planning, Palm Beach County Department of Airports, provided a power point presentation of ongoing and recent projects at Palm Beach International Airport (PBIA) including the proposed airfield improvement project.

Lisa De La Rionda, Director of Noise Abatement and Community Affairs, Palm Beach County Department of Airports, provided two slides to outline noise abatement depicting flight arrivals and departures.

Mr. Pelly responded to comments and questions from the members of the Town Council.

President Kleid thanked Mr. Pelly and his staff for attending today's meeting to educate the Town Council on the progress being made at PBIA.

XI. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 13-07 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10, Animals, Article I, in General, Section 10-6, Animals Creating Nuisances; Amending Chapter 10, Animals, Article II, Dogs and Cats, Adding a New Section 10-45, Dangerous Dogs; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John C. Randolph, Town Attorney]

Town Attorney Randolph read Ordinance No. 13-07 by title, as printed above.

Town Manager Elwell advised that there had been a recent case in Delray Beach, involving the city's liability for a person who was injured by'a dangerous animal. They had more of a formal program of animal control, which was supplemental to what the County provides. He clarified that was NOT what was being set forth with Ordinance

No. 13-07. The intent of Ordinance No. 13-07 was to lower the Town's threshold for when a dog would be considered dangerous, and to increase the burden upon an owner of such a dog at such time as their dog would meet the threshold. The ordinance did not, in any way, indicate that the Town would take on any greater burden for removing dangerous dogs from the community.

Council Member Brooks moved approval of Ordinance No. 13-07 on first reading. The motion was seconded by Council Member Markin. On roll call, the motion carried unanimously.

XII. ANY OTHER MATTERS

There were none.

XIII. ADJOURNMENT

There being no further business, the June 18, 2007, Special Town Council meeting was adjourned at 4:40 p.m.

APPROVED:

Richard M. Kleid

Richard M. Kleid
Town Council President

ATTEST:

Susan A. Eichhorn

Susan A. Eichhorn
Town Clerk