



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FRIDAY, MARCH 20, 2009

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Friday, March 20, 2009, at 10:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present:

II. APPROVAL OF AGENDA

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

III. SURFRIDER FOUNDATION, INC., ET AL VS TOWN OF PALM BEACH, DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, RESPONDENTS, STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS, DOAH CASE NO. 08-1511

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

1 Town Council President Rosow Announced:

2 a.) The Attorney/Client Closed-Door Session

3 b.) The estimated time is thirty minutes

4 c.) The names of the persons attending:

5 Jack McDonald, Mayor

6 David A. Rosow, Town Council President

7 Gail Coniglio, Town Council President Pro Tem

8 William J. Diamond, Town Council Member

9 Richard M. Kleid, Town Council Member

10 Robert N. Wildrick, Town Council Member

11 Reginald Bouthillier, Attorney

12 Peter B. Elwell, Town Manager

13 Ley and Marsaa, Court Reporters

14
15 Town Manager Elwell announced that Attorney Reginald Bouthillier would be
16 attending via conference call and it was a possibility that Town Attorney Randolph may
17 arrive later in the session, and if so, it would be announced once the meeting was
18 reconvened.

19
20 d.) Persons attending the meeting (listed above) relocate from Town Hall
21 Council Chambers to the immediately adjacent conference room.

22
23 The participants relocated at 10:32 a.m. into the adjacent conference room.

24
25 IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN
26 COUNCIL CHAMBERS

27
28 A.) Call to Order

29 B.) Town Council President to Announce the Termination of the
30 Attorney/Client Session.

31
32 At 11:22 a.m., the participants reconvened in the Town Council Chambers.
33 Council President Rosow announced a Call to Order and that the Closed-Door Session
34 had concluded. He announced that there would be another session in the future.

35
36 Town Manager Elwell announced that the Attorneys felt they needed more time
37 and guidance from the Town Council. **The next Closed-Door Session would be**
38 **scheduled for March 26, 2009 at 2:00 p.m. in a Special Town Council Meeting.**

39
40 Jerry Frank, 2784 S. Ocean Blvd. announced that there was also a Shore
41 Protection Board meeting the same date, also in Chambers. Town Manager Elwell
42 indicated that the Shore Board Meeting would be concluded prior to the Special Town
43 Council Meeting.

1 Town Manager Elwell also informed the public that Town Attorney Randolph did
2 not participate in the Closed-Door Session, but Daved Jordan, an Attorney from
3 Greenberg Traug, attended by Telephone.

4
5 V. CONSIDERATION OF SCHEDULING A SPECIAL TOWN COUNCIL
6 MEETING FOR THE PURPOSE OF TOURING ALL BUILDINGS IN THE
7 ROYAL POINCIANA PLAZA

8
9 Council President Rosow indicated he would like the Council and anyone else
10 interested in touring the Poinciana Plaza to schedule a tour prior to the April 14, 2009
11 Town Council Meeting where a decision is to be made on the future of the theater.

12
13 Town Manager Elwell indicated that the Sunshine law would not be violated, the
14 meeting would begin and end in Town Council Chambers. The Town Clerk would be in
15 attendance to take minutes.

16
17 **After the discussion of schedules, it was decided that the Special Town**
18 **Council Meeting to tour Royal Poinciana Plaza would be April 8, 2009 at 3:00 p.m.**

19
20 VI. ANY OTHER MATTERS

21
22 President Pro Tem Coniglio was troubled by the designation of budget advisors
23 that occurred at the previous week Finance and Taxation Committee Meeting. She felt
24 there should have been public advertisement, used an application similar to the Boards
25 and Commissions, and have open communication that this was going to happen- maintain
26 transparency. She added further that the Town Council should have had a say in the
27 appointments and been approved by the Council.

28
29 Council Member Kleid said he also was concerned with the process. He stated he
30 felt out of the loop because he had attended that meeting and was not aware of any such
31 appointments being made. He stated there needed to be more process. He inquired about
32 the qualifications of the people selected, and were they asked to serve or did they
33 volunteer. He stressed that this was not an indictment on the people chosen, but more a
34 concern over what their role will be and how they were chosen. He noted that the very
35 same person who talked about "passing the smell test" at a recent Town Council meeting
36 was the same person who made the appointments. Council Member Kleid said that these
37 appointments did not pass his "smell test".

38
39 Council President Pro Tem Coniglio agreed with Council Member Kleid and
40 expressed her concern over a letter that Council President Rosow mailed on February 24,
41 2009 that gives people Carte Blanche regarding Boards and Commissions.

1 Council President Rosow responded that he sent the letter to encourage the
2 Commissions and Boards to get expert advice. He cited an example of the ARCOM
3 chairman stating he needed help with the holiday decorations, as they were not designers.
4 He was encouraging more participation in Town. He was very disappointed in the two
5 day meeting on the Royal Poinciana Plaza when only 80 citizens attended the meetings.
6

7 Mayor McDonald applauded Council Member Wildrick for being creative and
8 exuberant. But he also understood the Positions of Council President Pro Tem Coniglio
9 and Council Member Kleid. He stated that Council Member Wildrick was a CEO of and
10 business and is used to calling all of the shots, but in Town Council, there need to be
11 discussions and by appointing the advisors, he bypassed the "Team" of the Town
12 Council. Those types of decisions need to be made at the Town Council level.
13

14 Council Member Kleid asked what powers were given to the Advisors? The
15 Town does not operate as a business. It speaks as one body.
16

17 Council Member Wildrick spoke and indicated that his motives were not sinister.
18 He indicated that several people in the community had approached him and felt the Town
19 had a "good ol' boy" network and that they would not get appointed to positions if they
20 applied. In response to the power of the people, Council Member Wildrick indicated
21 that they have the power of inquiry- the true power still lies with the Town Council. He
22 stressed that he intends to speak for the people who elected him, and to protect the
23 people. He apologized if he had offended anyone.
24

25 Council Member Diamond applauded the efforts of Council Member Wildrick.
26 He asked if there was a written process that should have been followed.
27

28 Council President Rosow stated that the Town is filled with processes and that is
29 why government doesn't work. He also declared that other than the Town Ordinances
30 which outlines the various Committees, there is no written charter. He applauded
31 Council Member Wildrick's actions and stated that if Town Council had to interject and
32 give approval on every item coming before the committees, it was overwrought and
33 unnecessary.
34

35 Council President Pro Tem Coniglio stated she was not offended, but was acting
36 on participation. All Town residents should have been invited to participate. There
37 already is an open door policy. A special Advisor is not going to obtain any new
38 information. The members should work as one Town Council and she also was elected
39 by the people in the Town.
40

41 Mayor McDonald felt it was inconceivable how the Chairman of one Committee
42 could appoint people to look into the actions of another Committee (Such as Public
43 Works)

1
2 Council President Rosow indicated he planned on appointing former Council
3 Member Denis Coleman to the Water Committee as an advisor.
4

5
6 Council Member Wildrick felt this was a good discussion and again apologized if
7 he had offended anyone. He was using his role as Chairman to seek advise of those with
8 more expertise. It was no different than the various civic groups in Town providing input
9 to Town Council. He stated that his appointments stood.
10

11
12 VI. ADJOURNMENT
13

14 There being no further business, the March 20, 2009, Special Town Council
15 meeting was adjourned at 11:57 p.m.
16

17
18 APPROVED:

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20 
21 _____
22 David A. Rosow
23 Town Council President
24

25 ATTEST:

26
27 
28 _____
29 Joanna Cunningham
Town Clerk