

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 OCTOBER 15, 2009
5

6 The regular meeting was called to order at 7:06 p.m. by Mayor Russo.

7 **I. PLEDGE OF ALLEGIANCE**

8 **II. ROLL CALL**

9 **PRESENT:** Mayor Joseph Russo, Vice Mayor David Levy, Councilmember Eric Jablin,
10 Councilmember Jody Barnett, Councilmember Robert Premuroso.

11 **ABSENT:** None.

12 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

13 **ADDITION TO CONSENT AGENDA**

14 City Council minutes – September 24, 2009.

15 **Vice Mayor Levy** made a motion for approval.

16 **Councilmember Jablin** seconded.

17 Motion passed 5-0.

18 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

19 a. **Solid Waste Authority Update**

20 Presented item: **Solid Waste Authority Executive Director Mark Hammond**.

21 **V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS**

22 **Councilmember Barnett** no report. **Vice Mayor Levy** reported attending the Community
23 Aesthetics Board and Hazardous Materials Oversight Committee meetings and explained the
24 impact of Amendment 4 – Hometown Democracy. **Councilmember Jablin** reported
25 attending the Metropolitan Planning Organization meeting. **Councilmember Premuroso** no
26 report. **Mayor Russo** reported attending a Business Development Board breakfast, Biotech
27 Overlay Committee meeting, giving a radio interview and participating in Read for the
28 Record at the Riverside Youth Enrichment Center.

29 **VI. CITY MANAGER REPORT**

30 None.

31 **VII. COMMENTS FROM THE PUBLIC**

32 **Eileen Tucker**, 1045 Shady Lakes Circle, Palm Beach Gardens.

33 **VIII. CONSENT AGENDA**

34 **Vice Mayor Levy** made a motion for approval.

35 **Councilmember Jablin** seconded.

36 Motion passed 5-0.

37 **IX. PUBLIC HEARINGS**

38 **Part I – Non-Quasi-judicial**

39 **Mayor Russo** announced the procedures for tonight's proceedings.

40 Those preparing to give testimony were sworn in.

41 The City Clerk read Ordinance 32, 2009 by title.

42 a. **Ordinance 32, 2009 – (1st reading) Temple Beth David**. An Ordinance of the City
43 Council of the City of Palm Beach Gardens, Florida relating to the expansion of the Temple
44 Beth David, located on Hood Road approximately 600 feet West of Military Trail, at 4657
45 Hood Road; amending Ordinance 29, 2001, which approved the Temple Beth David
46 Conditional Use. In order to transfer and amend the Conditional Use and site plan approval
47 and related conditions to a separate Resolution; providing that future amendments to the
48 Conditional Use may be made by Resolution of the City Council; providing a conflicts clause,

1 a severability clause, and authority to codify; providing an effective date; and for other
2 purposes.

3 **Mayor Russo** opened the public hearing.

4 No ex parte communication was declared.

5 **Presented item: Architect Larry Winker.**

6 **Comments from the public: Carol Estrada,** 309 Riverside Drive, Palm Beach Gardens.

7 **Mayor Russo** closed the public hearing.

8 **Vice Mayor Levy** made a motion for approval on first reading.

9 **Councilmember Jablin** seconded.

10 Motion passed 5-0.

11 The City Clerk read Ordinance 34, 2009 by title.

12 **b. Ordinance 34, 2009 – (1st reading) Frenchman’s Reserve PCD Amendment.** An
13 Ordinance of the City Council of the City of Palm Beach Gardens, Florida amending
14 Ordinance 4, 2001, which approved the Frenchman’s Reserve Planned Community
15 Development (PCD), located directly East of the intersection of Alternate A1A and Hood
16 Road, by transferring all 20 official exhibits and all 65 conditions of approval to Resolution
17 97, 2009, in order to allow a reduction of the Lake Maintenance Easement from 20 feet to 15
18 feet adjacent to the South property lines of lots 20, 21, 22, and a portion of 23 of Pod G, for a
19 lake (Tract L2) located in the Frenchman’s Reserve Golf Course; providing a conflicts clause,
20 a severability clause and authority to codify; providing an effective date; and for other
21 purposes.

22 **Mayor Russo** opened the public hearing.

23 No ex parte communication was declared.

24 **Presented item: Jennifer Tighe,** Land Design South; **Planning Manager Natalie Wong.**

25 **Comments from the public: Joan Elias,** 1009 Diamond Head Way, Palm Beach Gardens.

26 **Mayor Russo** closed the public hearing.

27 **Vice Mayor Levy** made a motion for approval on first reading.

28 **Councilmember Jablin** seconded.

29 Motion passed 5-0.

30 **Part II – Quasi-judicial**

31 The City Clerk read Ordinance 31, 2009 by title.

32 **a. Ordinance 31, 2009 – (2nd reading and adoption). Amending Chapter 78, Land**
33 **Development.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida
34 amending Chapter 78 Land Development at Section 78-46 Application Procedures by
35 repealing Sub-Sections 78-46(E)(5), F(2)R and (F)(2)S and readopting same, as revised, in
36 order to clarify the requirements for proof of authority to make application for amendments to
37 planned development approvals and to repeal provisions of the code that are no longer
38 applicable; further amending Chapter 78 at Section 78-80 Required Application Material by
39 repealing Sub-Section 78-80(A)(6) and readopting same, as revised, in order to clarify the
40 requirements for proof of authority to make application for amendments to planned
41 development approvals; further amending Chapter 78 at Section 78-155 PCD – Planned
42 Community Development overlay district (PCD) by repealing Sub-Sections 78-155(N)(2)B
43 and C, in order to repeal provisions of the Code that are no longer applicable; further
44 amending Chapter 78 at Section 78-448 Submission Requirements for Subdivision Approval
45 by repealing Sub-Section 78-488(A)(3) and readopting same, as revised; in order to clarify the
46 requirements for proof of authority to make application for amendments to Planned
47 Development Approvals; providing that each and every other Section and Sub-Section of
48 Chapter 78 Land Development shall remain the same as previously adopted; providing a

1 conflicts clause, a severability clause, and authority to codify; providing an effective date; and
2 for other purposes.

3 **Mayor Russo** opened the public hearing.

4 **Presented item: Growth Management Administrator Kara Irwin.**

5 **Mayor Russo** closed the public hearing.

6 **Vice Mayor Levy** made a motion for approval on second reading and adoption.

7 **Councilmember Jablin** seconded.

8 Motion passed 5-0.

9 b. **Ordinance 35, 2009 (2nd reading and adoption) Amending Ordinance 5, 2009 -**
10 **Boards and Committees.** An Ordinance of the City Council of the City of Palm Beach
11 Gardens, Florida amending Chapter 2, Administration at Article III, Boards and Committees
12 in order to amend the composition of the City's Boards and Committees and to revise the
13 attendance policy and the appointment procedures for same; providing that each and every
14 other section and sub-section of Chapter 2, Administration shall remain the same as
15 previously adopted; providing a conflicts clause, a severability clause, and authority to codify;
16 providing an effective date; and for other purposes.

17 **Mayor Russo** opened the public hearing.

18 **Presented item: City Attorney R. Max Lohman.**

19 Discussion ensued.

20 **Comments from the public: Carolyn Chaplik,** 715 Hudson Bay Drive, Palm Beach Gardens.

21 **Councilmember Jablin** made a motion for approval of Ordinance 35, 2009 as amended.

22 **Vice Mayor Levy** seconded.

23 **Councilmember Jablin** withdrew his motion.

24 **Vice Mayor Levy** withdrew his second.

25 **Mayor Russo** closed the public hearing.

26 **Vice Mayor Levy** made a motion for approval of Ordinance 35, 2009 as amended for second
27 reading and adoption.

28 **Councilmember Jablin** seconded.

29 Motion passed 5-0.

30 **X. RESOLUTIONS**

31 The City Clerk read Resolution 83, 2009 by title.

32 a. **Resolution 83, 2009 - Appoint members to the Parks and Recreation Advisory Board.**
33 A Resolution of the City Council of the City of Palm Beach Gardens, Florida approving the
34 appointment of members to the Parks and Recreation Advisory Board; providing an effective
35 date; and for other purposes.

36 **Councilmember Barnett** made a motion for approval of Resolution 83, 2009.

37 **Vice Mayor Levy** seconded.

38 Motion passed 5-0.

39 The City Clerk read Resolution 85, 2009 by title.

40 b. **Resolution 85, 2009 - Appoint members to the Community Aesthetics Advisory Board.**
41 A Resolution of the City Council of the City of Palm Beach Gardens, Florida appointing
42 regular and alternate members to the Community Aesthetics Board; providing an effective
43 date; and for other purposes.

44 **Vice Mayor Levy** made a motion for approval of Resolution 85, 2009.

45 **Councilmember Jablin** seconded.

46 Motion passed 5-0.

47 The City Clerk read Resolution 86, 2009 by title.

1 c. **Resolution 86, 2009 – Appoint members to the Planning Zoning and Appeals Board.** A
2 Resolution of the City Council of the City of Palm Beach Gardens, Florida appointing regular
3 and alternate members to the Planning, Zoning, and Appeals Board; providing an effective
4 date; and for other purposes.

5 **Councilmember Premuroso** made a motion for approval of Resolution 86, 2009.

6 **Vice Mayor Levy** seconded.

7 Motion passed 5-0.

8 The City Clerk read Resolution 87, 2009 by title.

9 d. **Resolution 87, 2009 - Appoint members to the Art in Public Places Advisory Board.** A
10 Resolution of the City Council of the City of Palm Beach Gardens, Florida appointing regular
11 and alternate members to the Art in Public Places Advisory Board; providing an effective
12 date; and for other purposes.

13 **Councilmember Jablin** made a motion for approval of Resolution 87, 2009.

14 **Vice Mayor Levy** seconded.

15 Motion passed 5-0.

16 The City Clerk read Resolution 92, 2009 by title.

17 e. **Resolution 92, 2009 – Appoint member to the Budget Oversight Committee.** A
18 Resolution of the City Council of the City of Palm Beach Gardens, Florida approving the
19 appointment of a regular member to the Budget Oversight Committee; providing an effective
20 date; and for other purposes.

21 **Councilmember Premuroso** made a motion for approval of Resolution 92, 2009.

22 **Vice Mayor Levy** seconded.

23 Motion passed 5-0.

24 **XI. ORDINANCES (For Consideration on First Reading)**

25 None.

26 **XII. ITEMS FOR COUNCIL ACTION/DISCUSSION**

27 **Vice Mayor Levy** discussed having an Ordinance against text messaging while driving and a
28 community garage sale. **Councilmember Premuroso** discussed the 2010-2011 budget,
29 additional revenue sources and the Solid Waste Authority bill.

30 **XIII. CITY ATTORNEY REPORT**

31 None.

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1 **XIV. ADJOURNMENT**

2 **Councilmember Jablin** made a motion to adjourn.

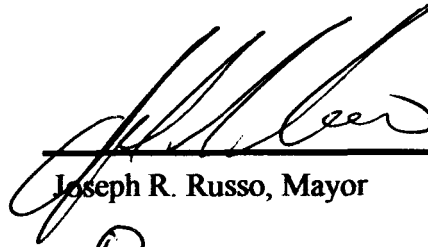
3 **Vice Mayor Levy** seconded.

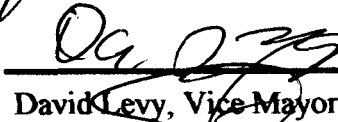
4 Motion passed 5-0.

5 The meeting adjourned at 8:55 p.m.

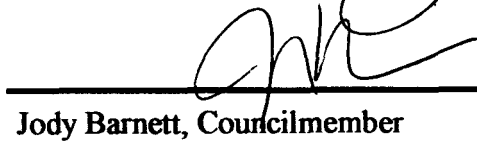
6 The next regularly scheduled City Council meeting will be held November 5, 2009.

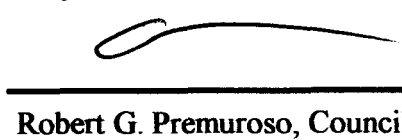
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8 **APPROVED:**

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12 _____
13 Joseph R. Russo, Mayor


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16 David Levy, Vice Mayor

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19 Eric Jablin, Councilmember

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22 Jody Barnett, Councilmember

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25 Robert G. Premuroso, Councilmember

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31 **ATTEST:**

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34 _____
35 Patricia Snider, CMC
36 City Clerk

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40 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of
41 the meeting. A verbatim audio record is available from the Office of the City Clerk.
42 All referenced attachments are on file in the Office of the City Clerk.