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**CITY OF PALM BEACH GARDENS
CITY COUNCIL
REGULAR MEETING
JANUARY 21, 2010**

The regular meeting was called to order at 7:00 p.m. by Mayor Russo.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

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

ABSENT: None.

III. ADDITIONS, DELETIONS, MODIFICATIONS

None.

IV. ANNOUNCEMENTS AND PRESENTATIONS

None.

V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS

Councilmember Barnett had no report. **Vice Mayor Levy** reported attending the Arbor Day celebration and Water Resource meeting. **Councilmember Premuroso** had no report. **Councilmember Jablin** congratulated Jon and Joel Channing for the "STORE Fine Storage" award recognition and requested support for Haiti. **Mayor Russo** reported attending Biotech Overlay and Anti-Defamation League meetings, Arbor Day and Green Market 8th birthday celebrations; announced the name change for Palm Beach Community College to Palm Beach State College; requested support for Project Aberdeen; requested City Manager Ferris to look into Palm Beach County legislation regarding pain clinics; stated he declined Sister City status with Mersin, Turkey due to staff shortage; spoke to a representative at Congressman Ron Klein's office who advised him the Emergency Operations and Communications Center (EOCC) financing is proceeding and reported on the meeting with Evergrene residents and the Palm Beach County School Board regarding the elementary school bus stop and requested support for a letter to be sent to **Dr. Monroe Benaim**.

VI. CITY MANAGER REPORT

None.

VII. COMMENTS FROM THE PUBLIC

Mark Marciano, 2610 Prosperity Oaks Court, Palm Beach Gardens; **Patrick Rooney**, 6659 Audubon Trace, West Palm Beach.

VIII. CONSENT AGENDA

None.

IX. PUBLIC HEARINGS: (*Designates Quasi-Judicial Hearing)

Mayor Russo announced the procedures for tonight's proceedings.

Those preparing to give testimony were sworn in.

The City Clerk read Ordinance 3, 2010 and Resolution 3, 2010 by title.

a. ***Ordinance 3, 2010 - (1st reading) Regions Bank Planned Unit Development Major conditional use with site plan.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida rezoning certain real property within the corporate limits of the City of Palm Beach Gardens, consisting of one (1) parcel of real property comprised of one (1) platted lot totaling 1.54 acres, more or less, in size located on the North side of Northlake Boulevard approximately 500 feet East of I-95, with a street address of 3855 Northlake Boulevard, Informally known as the "Regions Bank Property"; providing that this parcel of real property which is more particularly described herein shall be assigned the City zoning designation of

1 Planned Unit Development (PUD) Overlay with an underlying zoning designation of CG-1;
2 providing that the zoning map of the City of Palm Beach Gardens be amended accordingly;
3 providing a conflicts clause and a severability clause; providing an effective date; and for
4 other purposes.

5 **Resolution 3, 2010 is a companion item to Ordinance 3, 2010 and will require Council
6 action on Second Reading.**

7 **Resolution 3, 2010 - Regions Bank PUD - Major conditional use with site plan.** A
8 Resolution of the City Council of the City of Palm Beach Gardens, Florida approving the
9 Regions Bank Planned Unit Development (PUD), Major Conditional Use, and site plan in
10 order to allow a 3,820-square-foot bank with five (5) drive-thru lanes as more particularly
11 described herein; providing waivers; providing conditions of approval; providing an effective
12 date; and for other purposes.

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

14 No ex parte communication was declared.

15 **Presented Item: Andrea Cardo**, Interplan, LLC.

16 **Staff Presentation: Planner Kathryn Wilson.**

17 **Public Comment:** None.

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

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

20 **Councilmember Jablin** seconded.

21 Motion passed 5-0.

22 The City Clerk read Ordinance 4, 2009 by title.

23 **b. Ordinance 4, 2010 – (1st reading) BallenIsles West Outparcel.** An Ordinance of the City
24 Council of the City of Palm Beach Gardens, Florida adopting a small-scale amendment to its
25 Comprehensive Development Plan in accordance with the mandates set forth in Chapter 163,
26 Florida Statutes, specifically Section 163.3187(1)(c), et seq., Florida Statutes, which provides
27 for an amendment to the City’s Future Land Use Map designating one (1) parcel of real
28 property comprising approximately 7.31 acres, more or less, in size as “(PO) Professional
29 Office”; such parcel of land is located at the Southwest corner of the intersection of PGA
30 Boulevard and BallenIsles Drive, informally known as “BallenIsles West Outparcel”;
31 providing for compliance with all requirements of Chapter 163, Florida Statutes; providing a
32 conflicts clause and a severability clause; providing an effective date; and for other purposes.

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

34 **Mayor Russo** declared separate meetings with the petitioner and with BallenIsles residents.

35 **City Attorney R. Max Lohman** stated **Mayor Russo** does not have a conflict of interest.

36 **Presented Item: Donaldson Hearing, Coteleur & Hearing, John Tiffany** on behalf of the
37 petitioner.

38 **Staff Presentation: Growth Management Administrator Kara Irwin.**

39 **Public Comment: Greg Kino**, Casey, Ciklin, Lubitz Martens & O’Connell Law Office, 515
40 N. Flagler Drive, Suite 1700, West Palm Beach representing the BallenIsles Community
41 Association (BICA); **Anne Booth**, Urban Design Kilday Studio, 477 S. Rosemary Avenue,
42 West Palm Beach, representing BICA; **Andrea Troutman**, 5114 Okeechobee Boulevard,
43 West Palm Beach; **David Paulsen, M.D.**, BICA president; 27 St. George Place, Palm Beach
44 Gardens; **Hank Gonzalez**, 3950 RCA Boulevard, Palm Beach Gardens; **Norman Greenberg**,
45 115 Grand Palm Way, Palm Beach Gardens; **Will Willis**, 16107 75th Avenue N, Palm Beach
46 Gardens; **Robert W. Erikson**, 123 San Marita Way, Palm Beach Gardens; **Robert E. Davis,**
47 **M.D.**, 118 Orchid Cay, Palm Beach Gardens; **Robert H. Hurwit**, 119 St. Martin Drive, Palm
48 Beach Gardens; **Joseph Isenstein**, 102 Victoria Bay Court, Palm Beach Gardens.

1 The following speakers yielded their time to the BICA speakers: **Fred Burke**, 122 St. Martin
2 Drive, Palm Beach Gardens; **Jay Rosenthal**, 114 Windward Drive, Palm Beach Gardens;
3 **Larry Levery**, 131 Sunset Bay Drive, Palm Beach Gardens; **Burrill N. Josephs**, 323 Sunset
4 Bay Lane, Palm Beach Gardens; **Dirk Gould**, 1110 Crystal Drive, Palm Beach Gardens,
5 **George Vieto**, 174 Windward Drive, Palm Beach Gardens; **Robert Ettinger**, Palm Beach
6 Gardens; **Richard Feldon**, 85 Laguna Drive, Palm Beach Gardens; **Maureen Goldfarb**, 18
7 St. Thomas Drive, Palm Beach Gardens; **Bernard Strauss**, 116C Palm Point Circle, Palm
8 Beach Gardens; **Iris Burke**, 122 St. Martin Drive, Palm Beach Gardens.

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

10 **Councilmember Jablin** made a motion to deny Ordinance 4, 2010.

11 **Vice Mayor Levy** seconded.

12 Motion passed 4-1 with **Councilmember Barnett** dissenting.

13 **X. RESOLUTIONS**

14 None.

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

16 a. **Ordinance 2, 2010 - Police Officers' Retirement Trust Fund**. An Ordinance of the City
17 Council of the City of Palm Beach Gardens, Florida amending Chapter 50. Police. of the City
18 of Palm Beach Gardens Code of Ordinances at Section 50-61. Definitions. By repealing the
19 definitions of "Credited Service", "Police Officer", and "Salary" and readopting same, as
20 revised; further amending Chapter 50 by repealing Sections 50-82, 50-90, 50-124 and 50-127
21 and subsections 50-114(e), 50-118(d), 50-120(b) and 50-152(d) in order to adopt provisions
22 of the Heroes Earnings Assistance and Relief Tax Act of 2008 into the Police Pension Trust
23 Fund regulations and for consistency with Chapter 185, Florida Statutes; providing that each
24 and every other Section and Subsection of Chapter 50. Police. shall remain in full force and
25 effect as previously adopted; providing a conflicts clause, a severability clause, and authority
26 to codify; providing an effective date; and for other purposes.

27 **Presented Item: Finance Administrator Allan Owens**.

28 **Public Comment:** None.

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

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

31 **Councilmember Jablin** seconded.

32 Motion passed 5-0.

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

34 None.

35 **XIII. CITY ATTORNEY REPORT**

36 None.

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1 **XV. ADJOURNMENT**

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

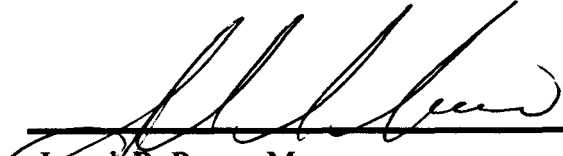
3 **Vice Mayor Levy** seconded.


4 Motion passed 5-0.


5 The meeting adjourned at 10:07 p.m.

6 The next regularly scheduled City Council meeting will be held February 4, 2010.

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8 **APPROVED:**

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13 Joseph R. Russo, Mayor

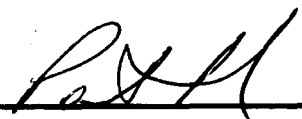
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17 David Levy, Vice Mayor

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21 Eric Jablin, Councilmember

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25 Jody Barnett, Councilmember

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29 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.