

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 FEBRUARY 4, 2010  
5

6 The regular meeting was called to order at 7:01 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 None.

14 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

15 Mayor Russo recognized and presented Certificates of Achievement to the members and  
16 coaches of the W.T. Dwyer High School Football State Championship team. A brick  
17 commemorating the achievement will be placed in Veterans Plaza.

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

19 Councilmember Barnett had no report. Vice Mayor Levy reported attending League of  
20 Cities, Workforce Alliance Consortium, Loxahatchee River Management Coordinating  
21 Council, and Community Aesthetics Advisory Board meetings and the success of the Adopt-  
22 A-Street program. Councilmember Premuroso attended a Budget Oversight Committee  
23 meeting, will attend the Historical Society meeting next Wednesday and announced the  
24 opening of baseball and softball seasons. Councilmember Jablin reported attending a  
25 Scripps Research Institute reception at The Gardens Mall. Mayor Russo reported attending  
26 an Intergovernmental meeting with the North County cities to discuss pain clinics, stated  
27 Palm Beach Gardens City Council's endorsement of the Inspector General, explained issues  
28 exist with the CSX railroad tracks being used for Amtrak, attended the Northern Palm Beach  
29 County Chamber of Commerce Economic Advisory Board meeting, the W.T. Dwyer High  
30 School Honor Society induction ceremony, Arti Gras kickoff meeting and announced the  
31 Inner City Youth Golf Annual Dinner where he will be honored as a Community Leader.  
32 Councilmember Barnett discussed Wackenhut Corporation leaving the City and how to spur  
33 economic development.

34 **VI. CITY MANAGER REPORT**

35 None.

36 **VII. COMMENTS FROM THE PUBLIC**

37 Carol Estrada, 309 Riverside Drive, Palm Beach Gardens; Eileen Tucker, 1045 Shady  
38 Lakes Circle, Palm Beach Gardens; Jon Channing, 5520 PGA Boulevard, Palm Beach  
39 Gardens. Gregory Gibson, 8510 East Gardens Oaks Circle, Palm Beach Gardens; Pat  
40 Hughey, 9120 Reed Drive, Palm Beach Gardens; Kenneth Menard, 8510 E. Garden Oaks  
41 Circle, Palm Beach Gardens.

42 Councilmember Jablin made a motion supporting Mr. Channing's "Wine, Dine & Design"  
43 event.

44 Vice Mayor Levy seconded.

45 Motion passed 5-0.

46 **VIII. CONSENT AGENDA**

47 a. Approve Minutes from January 7, 2010 City Council meeting.

48 Councilmember Jablin made a motion for approval of item a.

1 **Councilmember Barnett** seconded.

2 Motion passed 5-0.

3 **Vice Mayor Levy** recused himself from voting on item b due to possible conflict of interest  
4 because he is an adjunct professor at Palm Beach Community College.

5 b. Resolution 6, 2010 – Interlocal Agreement with Palm Beach Community College. A  
6 Resolution of the City Council of the City of Palm Beach Gardens, Florida approving an  
7 Interlocal Agreement with Palm Beach Community College for professional development  
8 training for Fire-Rescue personnel; providing an effective date; and for other purposes.

9 **Councilmember Jablin** made a motion for approval of Resolution 6, 2010.

10 **Councilmember Barnett** seconded the motion.

11 Motion was approved 4-0.

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

13 The City Clerk read Ordinance 1, 2010 and announced a sign-up sheet for anyone wishing to  
14 receive information concerning the date of publication of the Notice of Intent by the  
15 Department of Community Affairs.

16 a. **Ordinance 1, 2010 – (1st reading) Text Amendment to the Capital Improvements**  
17 **Element.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida  
18 adopting an amendment to its Comprehensive Development Plan in accordance with the  
19 mandates set forth in Sections 163.3177 and 163.3187, et seq., Florida Statutes, pursuant to a  
20 City-initiated amendment which provides for the annual update to the five-year capital  
21 improvements schedule within the capital improvements element, including revised text  
22 necessary to update tabular data in the Capital Improvements Element; providing that the text  
23 and data, as amended or revised, shall be substituted for and replace the existing text or data  
24 in the Capital Improvements Element; providing for transmittal to the State Land Planning  
25 Agency; providing a conflicts clause, a severability clause, and authority to codify; providing  
26 an effective date; and for other purposes.

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

28 **Staff Presentation: Planner Richard Marrero.**

29 **Public Comment:** None.

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

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

32 **Councilmember Jablin** seconded.

33 Motion passed 5-0.

34 **X. RESOLUTIONS**

35 None.

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

37 The City Clerk read Ordinance 5, 2010.

38 a. **Ordinance 5, 2010 – Pain Clinic.** An Ordinance of the City Council of the City of Palm  
39 Beach Gardens, Florida amending Chapter 78. Land Development. by adopting new  
40 Subsection 78-159(j)(47.1) and by amending Table 21: Permitted, Conditional and Prohibited  
41 Use Chart in order to adopt regulations pertaining to Medical Offices; further amending  
42 Chapter 78 at Section 78-751. Definitions. by repealing the definitions of “Drugstore or  
43 Pharmacy”, “Office, Medical or Dental”, and “Office, Business or Professional” and  
44 readopting same, as revised, in order to revise and clarify such definitions; providing that each  
45 and every other Section and Subsection of Chapter 78. Land Development. shall remain in  
46 full force and effect as previously adopted; providing a conflicts clause, a severability clause,  
47 and authority to codify; providing an effective date; and for other purposes.

48 **Presented Item: Planner Richard Marrero.**

1 **Public Comment: Carolyn Chaplik**, 715 Hudson Bay Drive, Palm Beach Gardens.

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

3 **Councilmember Jablin** seconded.

4 Motion passed 5-0.

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

6 **a. AIPP (Art in Public Places) Impact Fee Moratorium discussion (Councilmember**  
7 **Barnett).**

8 **Councilmember Barnett** explained her economic reasons for requesting the one-year  
9 moratorium on Art Impact Fees. Discussion ensued with Council members declining to  
10 support a moratorium.

11 **Public Comment: Cable Neuhaus**, Chair, Art in Public Places Advisory Board, 1106 Vintner  
12 Boulevard, Palm Beach Gardens; **David Porter**, Vice Chair, Art in Public Places Advisory  
13 Board, 11 Kintyre Road, Palm Beach Gardens.

14 **XIII. CITY ATTORNEY REPORT**

15 **City Attorney R. Max Lohman** discussed an ordinance which had been tabled at an earlier  
16 meeting amending the Occupational License portion of the Code of Ordinance to comply with  
17 Chapter 205, Florida Statutes.

18 **Vice Mayor Levy** made a motion to bring back from the table and reconsider the Ordinance  
19 on Occupational License Code.

20 **Councilmember Jablin** seconded.

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

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1 **XV. ADJOURNMENT**

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

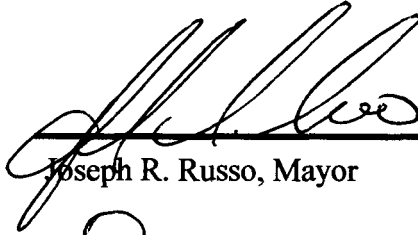
3 **Vice Mayor Levy** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 8: 57 p.m.

6 The next regularly scheduled City Council meeting will be held February 18, 2010.

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8 **APPROVED:**

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12 Joseph R. Russo, Mayor

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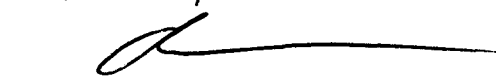
15 David Levy, Vice Mayor

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18 Eric Jablin, Councilmember

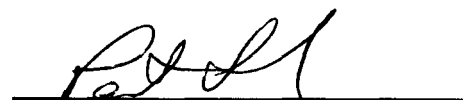
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22 Jody Barnett, Councilmember

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25 Robert G. Premuroso, Councilmember

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31 **ATTEST:**

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34 Patricia Snider, CMC  
35 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.