TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING HELD ON
FEBRUARY 12, 2002

I. CALL TO ORDER AND ROLL CALL

The regularly scheduled Town Council Meeting was called to order by President Jack McDonald at 9:30 a.m. in the Town Council Chambers on February 12, 2002. On roll call the following elected officials were found to be in attendance:

Mayor Lesly Smith
President Jack McDonald
President Pro-Tem Samuel McLendon
Councilman William Brooks
Councilman Norman Goldblum
Councilman Allen Wyett

Others in attendance for all or a portion of the meeting were:

Town Manager Peter Elwell
Assistant Town Manager Thomas Bradford
Assistant to the Town Manager David Jakubiak
Town Attorney John Randolph
Finance Director Jane Skittone
Fire-Rescue Chief Kent Koelz
Human Resources Director William Crouse
Police Chief Michael Reiter
Public Works Director Al Dusey
Planning, Zoning & Building Director Robert Moore
Assistant Planning, Zoning & Building Director Veronica Close
Zoning Administrator Paul Castro
Recreation Director Russ Bitzer
Town Engineer James Bowser
Town Clerk Mary Pollitt

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5416
Fax No. (561) 838-5417

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Pollitt gave the invocation. President McDonald led the Pledge of Allegiance.

III. SWEARING IN OF NEWLY ELECTED OFFICIALS - The Honorable Walter N. Colbath, Jr., Senior Judge, 15th Judicial Circuit, Palm Beach County.

President McDonald introduced The Honorable Walter N. Colbath, who would administer the oaths of office to William Brooks, Norman Goldblum, and Jack McDonald.

The Honorable Walter N. Colbath administered the oaths of office.

IV. ORGANIZATIONAL ITEMS

A. Election of Town Council President - Pursuant to Section 3.01 of the Town Charter.

(The Mayor becomes the Presiding Officer)

Mayor Smith, acting as the presiding officer, stated that there were ballots, with four names printed, available for all of the Town Council members to vote for Town Council President and Town Council President Pro-Tem. She noted that Mr. McDonald had voiced his intention not to be a candidate in this procedure. She thanked Mr. McDonald for a wonderful job during his two years as Town Council President

After the ballots were cast, Mayor Smith announced that William J. Brooks had been elected Town Council President.

B. Election of Town Council President Pro-Tem - Pursuant to Section 3.01 of the Town Charter.

(Town Council President William Brooks becomes the presiding officer)

Newly elected Town Council President William Brooks announced that voting would now take place for the Town Council President Pro-Tem.

After the ballots were cast, President Brooks announced that Norman P .Goldblum had been elected Town Council President Pro-Tem.

V. PRESENTATIONS

A. Recognition of Bazzie Odom, Equipment Operator, Water Resources Division, Public Works Department, Upon His Retirement From the Town of Palm Beach After Twenty Years and Eleven Months of Service.

Mayor Smith presented Mr. Odom with a commemorative ring to recognize his years of service to the Town.

VI. COMMENTS OF MAYOR LESLY S. SMITH

I don't usually begin my remarks with a joke, but when I heard this one, I couldn't stop laughing. It seems that a Town gas station whose remodeling plans were turned down by the Council had a brainstorm for an offer they thought we couldn't refuse. It involves selling their property to the Town for three million dollars - no, don't laugh, there's more. In addition, they would get the old Boynton Landscape property, the site of our new park, as a free bonus - another 2.2 million dollar value - giving them a total of $5.2 million in the deal. I'm not sure what the punchline is here, but there seems to be a misperception that the Town is a punching bag and stupid to boot. I'm not sure that's very funny.

Moving along, one item under "old business" on our agenda is implementation of recommendations for construction contracting and project management. Town staff has worked hard on a plan to prevent the kinds of cost- and time-overruns we have had on several projects in the past couple of years. One recommendation, for example, is a design-build procedure which places the burden of both design and construction on a single firm. Under some circumstances, this can save time and money - and it provides Town staff with greater project control. I commend our staff for responding so quickly and creatively to the challenge of public construction projects, because they won't go away - we simply have to manage them better.

We will hear today some options for addressing the Town's facility needs and I am sure the Council and staff will be equally responsive and creative.

We have received the five drainage studies commissioned by the Town last year and they warrant considerable analysis and discussion before we act on any recommendations. North-end residents are concerned, and rightly so, that we plan an adequate drainage infrastructure for future land use as well as existing use. This relates, of course, to planning and zoning regulations and our attempts to control overbuilding in the north end. We have received from some residents comments critical of the studies, and I want to reassure them that this is the beginning, not the end of public discussion and Town Council negotiation.

After all the work we have put into it, implementation of the Town's coastal management plan is on our priority list this year and Mr. Dusey will be giving us a status report. As you may recall, we made a trip to Tallahassee to negotiate a more favorable treatment for the Town in establishing the Erosion Control Line (ECL) for our beach management plan. We came out of the meeting with a good deal but the State DEP later imposed additional conditions upon us that are not favorable to the Town financially. The key players in our original deal are no longer in office a new administration has taken their place. Because of the financial implications to the Town, staff is recommending that we set the location of the ECL in the traditional way. I agree and urge Town Council to approve the staff recommendation. I am still concerned about the financing of this enormous project and I am sure we will address this as we prepare the budget for our next fiscal year. When I spoke last week to the Citizens Association, I emphasized the Town's obligation to fiscal responsibility as we - and all Americans - are grappling with financial uncertainties. We have a great many projects on our plate and we can't fund them all. The Council and staff are in the process of prioritizing our goals, working toward a budget that accommodates the most urgent projects first and phases in our remaining needs. This will be a discussion at our March 12 Council meeting and I hope we will have considerable public input at that time.

On a minor but annoying note, we were assured by Adelphia that they would provide ample notice to residents of the change in cable channels - but they didn't. They didn't write, they didn't call, they just scrambled our stations, and the Town has received a number of complaints. Mr. Jakubiak is pursuing our options for fines and penalties, but regardless of these I want to put Adelphia on notice --just because they have a monopoly here doesn't mean they can so rudely inconvenience our residents.

As a final note, we have a very comprehensive report on "Options for Addressing Town Facility Needs". Congratulations to staff for an excellent report; however, I believe this may take a special meeting or committee meeting.

She congratulated the newly elected Town Council officers.

VII. APPROVAL OF THE AGENDA

ADD D-12 Drainage Improvement Project as XII. Regular Agenda A. Old Business Item No. 3.

Motion made by Councilman McLendon, seconded by President Pro-Tem Goldblum to add Discussion of Drainage Improvement Project to the Agenda, under Item XII. Regular Agenda, A Old Business, 3. On roll call the motion carried unanimously.

MOVE Item G. Other, 3. Approval of FY 2003 Budget Calendar from the Consent Agenda for discussion under XII. Regular Agenda. B. New Business, Item No. 9.

Councilman McLendon moved approval of moving Item G. 3 from the Consent

Agenda to become item XII. Regular Agenda. B. New Business, 9. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

WITHDRAWAL Item XVI. Development Reviews. A. Time Extensions Item No.1. (Request for a one year extension regarding 233 Seminole Avenue).

Councilman Wyett moved approval of withdrawal from the Agenda of Item XVI. Development Reviews. A. Time Extensions 1. (request for a one year extension regarding 233 Seminole Avenue). The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

DEFER to the March 12, 2002 Town Council Meeting, Item XVI. Development Reviews. Item No. 3. Other a. (Appeal for the Breakers Hotel Tax Abatement Application).

Councilman Wyett moved approval of deferral of Item XVI. Development Reviews. 3. Other a. (Appeal for the Breakers Hotel Tax Abatement Application) to the March 12, 2002 Town Council Meeting. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

President Pro-Tem Goldblum moved approval of the Agenda, as amended. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

Councilman Wyett recommended the following for consideration at the March 12, 2002, Town Council Meeting: that an outside consultant be hired to review the EMC medical procedures and programs that had undergone change in the last decade, and report back to the Town Council.

Town Manager Elwell suggested that a brief discussion of the subject be added today to XII. Regular Agenda, B. New Business, Item No. 10, (Discussion of Hiring a Consultant to Review EMC Practices and Procedures) so that the Town Council could determine whether the subject would be included as an agenda item next month. Councilman Wyett so moved.

President Pro-Tem Goldblum seconded the motion to add Item No. 10 to XII. Regular Agenda, B. New Business. He advised that residents with an emergency heart attack that lived south of Sloan's Curve would automatically go to JFK Hospital. At the north end, depending on the severity, residents would go to Good Samaritan Hospital or be transferred to Palm Beach Gardens Hospital, and suggested that subject

be included with the discussion regarding hiring an outside consultant to review EMC medical procedures and programs. He noted that there were some questions as to whether Palm Beach Gardens Hospital met the quality of care that was needed.

Councilman Wyett incorporated the suggestion of President Pro-Tem Goldblum into the motion. On roll call the motion to add item No. 10, to XII. Regular Agenda, B. New Business - Discussion of Hiring a Consultant to Review EMC Practices and Procedures, carried unanimously.

Councilman Wyett recommended that a study be made to establish a third emergency medical transport to be stationed at the north Fire Station, and requested that discussion of same take place under the discussion that would take place regarding an outside consultant being hired to review the EMC medical procedures and programs.

Councilman Wyett requested that the Town Council also discuss setting up a liaison committee or liaison person with Good Samaritan Hospital and St. Mary's Hospital, to improve the service to the community and to push to have them add a stroke program. Councilman McDonald seconded the motion. On roll call the motion carried unanimously.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE **(Another Opportunity for Communications From Citizens Will Be Offered Immediately After the Lunch Break)**

Erik Gilbertson, 151 Chilian Avenue, congratulated the new Town Council and remarked on the lack of attention paid to pedestrians using crosswalks by drivers of vehicles in the Town of Palm Beach.

IX. CONSENT AGENDA

A. APPROVAL OF SPECIAL TOWN COUNCIL MEETING 2001-2002 ZONING HEARING MINUTES OF JANUARY 3, 2002.

B. APPROVAL OF TOWN COUNCIL MEETING MINUTES OF JANUARY 8, 2002.

C. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF JANUARY 15, 2002.

D. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF JANUARY 22, 2002.

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON JANUARY 23, 2002.

F. APPROVAL OF CHECK REGISTERS FOR JANUARY 2002.

G. OTHER

1. Status Report Regarding Containerized Yard Trash Pilot Project. [Albert P. Dusey, Director of Public Works]

2. Request to Form a Selection Committee for Traffic and Parking Engineering Services in Accordance with the Consultants' Competitive Negotiation Act (CCNA).
[Albert P. Dusey, Director of Public Works]

3. Approval of FY 2003 Budget Calendar.
[Jane Skittone, Director of Finance]

4. Appointment of C. Gerald Goldsmith to Continue His Service as a Member of the Public Safety Retirement Board of Trustees. [William C. Crouse, Director of Human Resources]

5. Approval of Re-allocation of FY02 Drug Control and System Improvement Funds to Palm Beach County.
[Michael S. Reiter, Chief of Police]

President Pro-Tem Goldblum moved approval of the Consent Agenda, as amended. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

X. PUBLIC HEARINGS

A. Proposal to Include Solid Waste Collection Fee for Commercial and Other Specific Properties as Non-Ad Valorem Assessment on the Property Tax Bill. [Jane Skittone, Director of Finance, and Thomas G. Bradford, Assistant Town Manager]

1. Resolution No. 9-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Collecting Non-Ad Valorem Assessments Levied Within the Incorporated Area of the Town for Solid Waste Collection Services Provided to Commercial Properties, Certain Governmental Properties, Multi-Family Residential Properties, Exclusively Used for Rental Purposes, and any Other Properties Currently Being Billed for Solid Waste Collection Services Provided by the Town of Palm Beach.

Town Attorney Randolph read Resolution No. 9-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE TOWN FOR SOLID WASTE COLLECTION SERVICES PROVIDED TO COMMERCIAL PROPERTIES, CERTAIN GOVERNMENTAL PROPERTIES, MULTI-FAMILY RESIDENTIAL PROPERTIES, EXCLUSIVELY USED FOR RENTAL PURPOSES, AND ANY OTHER PROPERTIES CURRENTLY BEING BILLED FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE TOWN OF PALM BEACH.

Assistant Town Manager Bradford explained the proposal of staff to the Town

Council to consider the uniform method for the levy, collection, and enforcement of non-ad valorem assessments for the cost of garbage collection service currently billed to specific properties within the Town of Palm Beach. He recalled that the Town Council had recommended that staff review its collection procedures; meetings between staff and Town Attorney Randolph had ensued, and it had been determined that the collection problem could be eliminated if the uniform assessment procedures were utilized. Instead of being billed quarterly for garbage collection services, the cost of the service would appear on the property owner's tax bill. There were four resolutions being presented to the Town Council for that purpose today: one resolution concerning the establishment of the intent to do a non ad valorem assessment; three resolutions concerning agreements with other agencies that would work with the Town to actually implement the assessment. Between June 1, 2002 and September 15, 2002, the Town would have to hold a public hearing, wherein the Town would establish the assessment role for specific properties that would be assessed and the unit of measurement that would be used to establish the assessment, and the actual rates associated with the unit of measurement. If the Town Council wished to revert back to the billing as was currently being done, it could do so, with proper notification to the tax collector and property appraiser. In August, every property owner who would be assessed would receive a letter informing them of the public hearing (date, time and place) to establish the assessment, informing them of the unit of measurement.

In response to Councilman McDonald, Assistant Town Manager Bradford advised that the property appraiser would charge administrative costs in the amount of $100 to the Town; the tax collector would charge 1% of the amount of the collections, which was calculated to be approximately $8,112.00 per year. Staff had calculated that currently 519 man hours were expended annually, for a total cost of $12,540.00 per year to the Town to do the billing.

In response to President Pro-Tem Goldblum, Mr. Bradford advised that the property owners would be told what the new proposed rates would be, through notification by first class mail. Staff would be prepared at that time to discuss former and current rates.

President Pro-Tem Goldblum requested that the property owner be advised of both the new rate and former rate in the notification letter. Mr. Bradford replied that would be done, if allowed by State regulations.

Town Manager Elwell commented that the amount paid by each property owner would be the same as what it would have been under the current method. He advised that staff would review the matter.

Councilman McDonald moved approval of Resolution No. 9-02. The motion

was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

2. Resolution No. 11-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Agreement Between the Palm Beach County Property Appraiser and the Town of Palm Beach, for the Implementation of the Town's Non-Ad Valorem Assessments and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Town Attorney Randolph read Resolution No. 11-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE PALM BEACH COUNTY PROPERTY APPRAISER AND THE TOWN OF PALM BEACH, FOR THE IMPLEMENTATION OF THE TOWN'S NON-AD VALOREM ASSESSMENTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

Councilman McLendon moved approval of Resolution No. 11-02. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

3. Resolution No. 12-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Agreement Between the Tax Collector for Palm Beach County and the Town of Palm Beach for the Implementation and Collection of the Town's Non-Ad Valorem Assessments and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Town Attorney Randolph read Resolution No. 12-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE TAX COLLECTOR FOR PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE IMPLEMENTATION AND COLLECTION OF THE TOWN'S NON-AD VALOREM ASSESSMENTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

President Pro-Tem Goldblum moved approval of Resolution No. 12-02. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

4. Resolution No. 13-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Palm Beach County Information Systems Services, Palm Beach County Property Appraiser and the Town of Palm Beach for Assignment of Computer Tape to Facilitate the Implementation and Collection of the Town's Non-Ad Valorem Assessments and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Town Attorney Randolph read Resolution No. 13-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE PALM BEACH COUNTY INFORMATION SYSTEMS SERVICES, PALM BEACH COUNTY PROPERTY APPRAISER AND THE TOWN OF PALM BEACH FOR ASSIGNMENT OF COMPUTER TAPE TO FACILITATE THE IMPLEMENTATION AND COLLECTION OF THE TOWN'S NON-AD VALOREM ASSESSMENTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

President Pro-Tem Goldblum moved approval of Resolution No. 13-02. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

XI. COMMITTEE REPORTS

A. Ordinance, Rules and Standards Committee Meeting on January 31, 2002.

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE HELD ON JANUARY 31, 2002

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:05 a.m. by Chairman Allen Wyett. On roll call, Committee Chairman Allen S. Wyett and Committee Member Norman P. Goldblum were found to be in attendance. Other Elected Officials present for all or part of the meeting were: Mayor Lesly S. Smith and Town Council President Pro-Tem Samuel C. McLendon. Also attending the meeting for all or part were: Town Manager Peter B. Elwell; Town Attorney John C. Randolph; Director of Planning, Zoning and Building Robert L. Moore; Police Chief Michael Reiter; Assistant Director of Planning, Zoning and Building Veronica Close; Public Works Facilities Maintenance Manager Joe Ugi; Planning Administrator Timothy M. Frank; and Town Clerk Mary A. Pollitt.

II. PLEDGE OF ALLEGIANCE

Chairman Wyett led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The agenda was approved on the motion of Mr. Goldblum and the second of Mr. Wyett.

IV. Potential Change in Term Limits for Architects Serving on Town Boards and Commissions

After discussion including the recent changes made in the balloting procedures; having greater flexibility in appointing off-island architects to Town boards; and having no limitations on terms or extending terms for architects, **THE COMMITTEE RECOMMENDED NO CHANGES AT THIS TIME.**

V. Potential Schedule Change in Town Water Conservation Ordinance Reducing Three Days per Week Irrigation to Two Days per Week Irrigation

The Committee discussed the problems that would be caused by going to a two days per week irrigation schedule during the drier but warmer period during the year, usually spring going into summer, when two days per week is not sufficient as advised by Gene Joyner, County Extension Service. After this discussion, **THE COMMITTEE RECOMMENDED A PUBLIC EDUCATION EFFORT TO INFORM RESIDENTS OF THE SUFFICIENCY AND BENEFITS OF GOING TO A TWO DAYS PER WEEK IRRIGATION SCHEDULE WHEN CONDITIONS WARRANTED AND TO TAKE NO ACTION REGARDING CHANGING THE WATER CONSERVATION ORDINANCE AT THIS TIME.**

VI. Potential Limitations on Tax Abatement for Restoration of Historic Landmarks

After a lengthy discussion regarding the definitions of restorations/improvements; the Secretary of the Interior Standards; and what construction activities the tax abatement should cover, **THE COMMITTEE MADE THE FOLLOWING RECOMMENDATIONS:**

1. **TOWN STAFF WILL REVIEW THE TAX ABATEMENT PROCEDURES AND DEVISE A WRITTEN PROTOCOL TO DEAL**

WITH THE PROGRAM BY APRIL 12 TO BE SUBMITTED TO AN O.R.S. MEETING TO BE SCHEDULED LATER IN APRIL;

2. **THE WRITTEN PROTOCOL WILL INCLUDE A TWO PART APPLICATION FORM WITH ONE PART ADDRESSING THE TAX ABATEMENT ISSUE WITH ITEMS MEETING THE SECRETARY OF INTERIOR'S STANDARDS AND THE SECOND PART WOULD LIST ADDITIONAL PROPOSED IMPROVEMENTS THAT ARE NOT RESTORATIONS.**

VII. ANY OTHER MATTERS

There were no other matters.

VIII. ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

____

Allen S. Wyett, Chairman

____

Norman P. Goldblum, Committee Member

********End of Report of the Ordinances, Rules & Standards Committee of January 31, 2002*********

Discussion now took place regarding the Report of the Ordinances, Rules & Standards Committee of January 31, 2002:

Councilman Allen Wyett, Chairman of the Ordinances, Rules & Standards (ORS) Committee, reported that the ORS Committee had considered the following issues:

- Potential change in term limits for architects serving on Town boards and commissions: The Committee had recommended no changes at this time, as the crises had passed.

- Potential schedule change in Town water conservation ordinance, reducing three days per week irrigation to two days per week: The Committee had recommended a public education effort to inform residents of the sufficiency and benefit of going to a two-day per week irrigation schedule when conditions warranted, and to take no action to change the water conservation ordinance at this time.

He noted that there was a movement at the State level to go to a two days per week irrigation schedule year-round.

- Potential limitations on tax abatement for restoration of historic landmarks: The Committee made the following recommendations:

1. TOWN STAFF WILL REVIEW THE TAX ABATEMENT PROCEDURES AND DEVISE A WRITTEN PROTOCOL TO DEAL WITH THE PROGRAM BY APRIL 12 TO BE SUBMITTED TO AN O.R.S. MEETING TO BE SCHEDULED LATER IN APRIL;

2. THE WRITTEN PROTOCOL WILL INCLUDE A TWO PART APPLICATION FORM WITH ONE PART ADDRESSING THE TAX ABATEMENT ISSUE WITH ITEMS MEETING THE SECRETARY OF INTERIOR'S STANDARDS AND THE SECOND PART WOULD LIST ADDITIONAL PROPOSED IMPROVEMENTS THAT ARE NOT RESTORATIONS.

Councilman McDonald moved acceptance of the report of the ORS Committee, and the recommendations contained therein. The motion was seconded by Councilman McLendon.

President Brooks commented that substantial discussion had taken place at the State level since he had requested that the ORS Committee review the irrigation schedule, and that the subject would most likely be re-considered in the future.

Mayor Smith commented that for the last five to six years the Building Department had offered hand-outs on water restrictions and hints for water conversation, which could be picked up at the front desk of the Building Department. She noted that Director of Planning, Zoning & Building Moore would be available to speak to various groups that were interested in learning more about water conservation, and/or members of the Garden Club would also address the subject matter.

Town Manager Elwell commented that the need for water conservation had become an issue of public concern; that the frequency of watering of all Town properties was tailored to the weather conditions/season, and that there were many resources available to anyone who was interested in doing more in this regard.

Councilman Wyett commented that the Town Council should consider advising the County in the future that they move to a two-day per week irrigation schedule, and that they do not adopt a shorter period of watering, as many people in Palm Beach had multiple zone systems. He explained that all of the zones could not be operated within the limits of the law.

On roll call the motion made by Councilman McDonald, seconded by Councilman McLendon, to accept the report and recommendations of the ORS Committee, carried unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Adelphia Request to Work in Right-of-Way.
[Doug Bennett, General Manager, Adelphia]

Mr. Doug Bennett, General Manager, Adelphia, addressed the Town Council, requesting permission to perform digging in the Town right-of-ways, as some cable needed replacement in order to enhance performance of the system. He explained that there were eleven spans of cable, totaling 4,343 feet.

Town Manager Elwell advised that Mr. Bennett was making the request today because of the seasonal restrictions, and that off-season the digging would not be an issue. He explained that permission for work of this type had previously been granted by the Town Council for improvement to the cable system up through December 31, 2001. Adelphia had now determined that additional work was necessary, and the question for the Town Council was whether it was urgent enough to allow to happen now, or whether it could wait until May 1, 2002.

In response to the concerns of Councilman Wyett concerning disruption of traffic, Mr. Bennett responded that there may be one location that would impact traffic - Island Road crossing bridge.

Councilman Wyett suggested that, if there was any disruption to traffic, evening construction hours could be utilized. He also suggested that Adelphia provide notices of channel changes in a brochure that would not entail four to five pages, such as the most recent notice; also, he suggested that all condominiums receive enough notices to distribute to each resident of the condominium.

In response to Town Manager Elwell, Mr. Bennett advised that the work would not be excessively noisy, a small gasoline engine would power hydraulic equipment that would push a boring rig, and that he would work closely with Town staff to ensure that the noise level was appropriate.

Town Manager Elwell requested direction from the Town Council regarding the appropriate hours for the generator to be operating.

Mayor Smith suggested that the hours of work be from 5:00 p.m. to 9:00 p.m., and that notification to Town Hall be submitted one week prior to the work starting in each location, so that the residents could be notified. She pointed out that many residents did not receive notification of the channel change, and recalled that the negotiations with the cable company had required certified letters informing them of changes.

Mr. Bennett responded that Adelphia was required to send certified mail at the beginning of the project, in September, which had been done. He noted that the certified mail returned to Adelphia had numbered approximately 4,000, as undeliverable, with notations such as "resident unavailable." He explained that, to his knowledge, certified mail had not been required in the recent instance, however, Adelphia had run a series of ads in the Palm Beach Daily News in an effort to reach as many residents as possible; in addition, the Town website had been utilized to communicate the changes to residents; within 48 hours after the December 11, 2001 meeting with the Town Council, a letter had been prepared and mailed to all residents notifying of the project launch date of January 29, 2002, the new services that were coming, and the changes that were taking place. The letter had been mailed to every resident in the Town of Palm Beach. The following week, a four panel, perforated channel card had been sent to every resident in the Town of Palm Beach. He clarified that although only one billing was usually sent to any condominium having a bulk agreement with Adelphia, any customer requesting additional services also received a bill. Each unit was in the database as a customer, and each was on the Adelphia mailing list. He submitted that every resident had received both of the items, whether they usually received a bill from Adelphia or not.

Mayor Smith replied that there obviously had been some miscommunication in the Town as to when the certified mailing would be sent out; certified mailing in September would generate many returns, as most residents were not in Town at that time.

Mr. Bennett explained that 4,797 additional channel cards had been sent to the condominiums to augment the four panel brochure that had been sent previously.

President Brooks thanked Mr. Bennett for his cooperation and for the improvements in the cable system. He requested a technical update regarding the audio levels associated with the insertion of commercials.

Mr. Bennett replied that Adelphia did not do any insertions on broadcast channels, however, it was done on satellite channels; he advised that he would have the audio deviation levels checked to ensure that the deviation was proper.

Town Manager Elwell identified three conditions of the approval for Adelphia to work in the right-of-way in the 11 locations identified:

1. One week advance notification of the commencement of work provided to the office of the Town Manager.

2. Evening hours of 5:00 p.m. to 9:00 p.m. for any areas that would impact traffic flow; staff to use its discretion in approving specific locations if the traffic impact was in an area that was subject to rush hour congestion.

3. Normal daytime hours for the areas that were not subject to traffic impact.

President Pro-Tem Goldblum moved approval of the Adelphia request to work in the Town right-of-way with the conditions as so stated. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

2. Implementation of Recommendations Regarding Construction

Contracting and Project Management.

a. Status Report. [Peter B. Elwell, Town Manager]

Town Manager Elwell reported that staff was proceeding with the preparation of procedures, contract language, and other steps to improve contracting and project management. Staff would report on a regular basis during the next several months regarding items that would require the policy consideration of the Town Council.

b. Proposed Expansion of Town Role in Resolving Damage Claims Filed by Residents Against Contractors. [Thomas G. Bradford, Assistant Town Manager]

Assistant Town Manager Tom Bradford reported regarding the status of the extent of the Town's role in the administration of damage claims for construction sites for Town projects. The following recommendations were being made in this regard:

1. The general contractor should be required by the Town's contract documents to identify a person by name and title along with mail, telephone, email and fax information for the person designated by the general contractor who shall be the sole person that damage claims are reported to. This person shall also be the primary contact person with whom the Town shall coordinate its claims resolution facilitation efforts.

2. The role of the Town staff should be as an intermediary on behalf of Town property owners who have alleged damage claims as a result of the construction project, without Town assumption of any liability under the terms of the contract. Damage claims that arise from the construction zone are legally the responsibility of the general contractor. We investigated different scenarios where the Town might pay, or force payment to the affected resident(s) without directly incurring liability and extra costs. We have yet to find an option that accomplishes avoidance of extra costs or liability. As such, the role of intermediary is recommended. The intermediary role will include letter writing, telephone follow up, site inspections, photographs and video as needed and meetings with contractors, insurance carriers, residents, business owners and town staff. The intent is not for the Town to act as an advocate for the claimant; rather, the intent is for the Town to act as a facilitator

between the claimant and the contractor, in part through the enforcement of contract language which requires contractor responsiveness. If approved, this role should be made clear in the bid documents and the construction contract documents.

3. The Town's administrative procedure should be changed to increase the amount of general liability insurance coverage the Town will mandate to be in effect during its construction projects to more accurately reflect the potential damage to the many expensive properties located in Town. If approved, the input of reputable local general contractors will be considered along with the input from the Town's insurance brokers. The complexity and value of the construction work to be done should also be considered creating a tiered system of insurance based upon the same.

4. The general contractor's underwriter of the insurance coverage in effect for the Town construction project should be given a specific number of business days to respond in writing to the claims of Town property owners, with a copy of the same provided to the Town staff person designated as the intermediary. If the general contractor's underwriter fails to respond within the designated time frame, the Town staff person designated as intermediary shall notify the Director of Public Works, or his designee, in writing of such failure. Such failure to respond within the designated time frame shall constitute default and , therefore, shall be cause for termination of the contract if the contractor fails to cure the discrepancy within a designated time frame.

Mr. Bradford advised that staff had determined that the person most qualified as the intermediary in this regard was the Risk Administrator of the Town of Palm Beach, and if the parameters outlined were approved, staff would return to the March 12, 2002 Town Council Meeting with specific, contractual and other language to implement same.

Town Manager Elwell commented that staff would also provide a specific recommendation regarding the additional staff position requested, as well as associated costs.

In response to Councilman Wyett regarding responsibility for video taping and photography of sites, Mr. Bradford advised that would be discretionary on the part of the Risk Administrator and the staff overseeing the project.

Councilman Wyett commented that he believed that would put a burden on the Town, as the contractor could claim that the video/photography was inadequate, and he suggested that issue should be left to the insured and the claimant.

Town Attorney Randolph advised that the Town should be very careful about becoming too involved between the parties; its role was to assist in getting the parties together.

Councilman McDonald commented that he agreed with some of the recommendations, however, had some reservations about others; he suggested that tighter contract language may reduce the number of claims.

President Pro-Tem Goldblum commented that the Town should be an advocate to the citizen making a claim involved with Town projects; the Town had the power to obtain action, whereas the individual citizen did not.

In response to Mayor Smith, Councilman McDonald advised that he did not agree with the idea of being involved as an intermediary between the contractor and the resident, and could not conceptually approve the increase of staff at this point. He explained that the contract language could reduce the amount of claims, and the amount of work; he stated that he did not want to conceptually approve any staff increase at this time.

In response to Mayor Smith, Mr. Bradford explained that the concept of the Town as facilitator would be relative to Town of Palm Beach construction projects.

Town Attorney Randolph advised that the Town would want to limit its role to one as a facilitator, as opposed to an advocate, in order to avoid liability that was not appropriate for the Town to take on – the contractor was responsible to the resident, and the Town was insulated from that.

Councilman Wyett moved conceptual approval of the recommendations of staff regarding the role of the Town in administration of damage claims from construction sites for Town projects, with the language limited to assign the Town a "helper" role to residents, and delete the recommendation for an additional full time secretary. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

3 D-12 (Bradley Place) Drainage Improvement Project

Town Manager Elwell referred to his memorandum dated February 11, 2002, regarding the D-12 (Bradley Place) drainage improvement project. He explained that Town staff and the Town Attorney had met on several occasions, including meetings with the contractor, Florida Blacktop. It had become apparent that contract modifications could not be made in order to give the Town greater control over the work that was to occur next summer. Staff had then developed the plan delineated in his memorandum to terminate the contract with Florida Blacktop, and hire D.S. Eakins Construction Corp., and Murray Logan Construction Company to perform the majority of the remaining work, beginning on or about April 15th, with other contractors performing smaller work elements under the direct supervision of Town staff. An estimated $1 million would be necessary to complete the project. He noted that Florida Blacktop had requested an additional $1.3 million to complete the remaining work.

In response to Councilman Wyett, Town Manager Elwell explained that the payments to Florida Blacktop to date had been based on the work that was completed last summer, not including the button up expenses.

Councilman Wyett suggested that the sequence of approval for payments from the Town be reviewed. Town Manager Elwell noted that the payments that had been made thus far were for work that was final and in place; he offered that the sequence of approval, that had been thoroughly reviewed by the auditor in the past, could be discussed at another time.

In response to Councilman McDonald, Town Attorney Randolph explained that the legal downside for terminating Florida Blacktop "for convenience" of terminating for default, was that the Town was responsible for entertaining any and all claims to date. He explained that there were several claims that were being reviewed. The other consideration was the responsibility of the Town for potential lost profits in regard to future claims. It was the position of the Town that the contract would not allow for that.

Town Manager Elwell noted that ongoing discussions were taking place with Florida Blacktop in order to attempt to reach a fair settlement figure of the claim submitted by Florida Blacktop, that could be presented to the Town Council at a future date.

In response to President Brooks, Town Manager Elwell explained that it was planned that the work next summer would have significantly less impact because the work would be done block by block, as opposed to the entire area at once, and because the work that remained to be done in some of the blocks could be accomplished digging smaller trenches, rather than excavating the entire roadway.

Councilman Wyett suggested that the funding language be re-worded to state that up to $1 million was being requested, he noted that the Bradley Place area had been underwater in the recent flooding.

Town Manager Elwell replied that only a small portion of the improvements were currently in place; he noted that the $1 million being requested was not intended to pay Florida Blacktop, and was intended to increase the available funds to actually complete the work using the new contractors. Any further payment made to Florida Blacktop would be subject to a settlement figure that would be discussed at a future meeting.

Councilman Wyett moved approval of staff recommendations relating to the D-12 (Bradley Place) drainage improvement project, as follows:

1. **Terminate "for convenience" the contract with Florida Blacktop, Inc.**

2. **Hire D. S. Eakins Construction Corp. and Murray Logan Construction Company to perform the majority of the remaining work (with other contractors performing smaller work elements) under the direct supervision of Town Engineer Jim Bowser and his staff.**

3. **Construct the remaining improvements in the fastest manner, with the least impact possible, beginning on or about April 15th.**

The motion was seconded by President Pro-Tem Goldblum.

Mayor Smith clarified that the residents and businesses in the area had met with staff and understood the scope of the work that would be done.

Town Engineer Bowser responded that staff was awaiting Town Council action today for definitive direction; staff would be conducting meetings with businesses and residents.

Town Manager Elwell commented that a protocol was in place regarding complete communication with residents and those in the affected area.

On roll call the motion carried unanimously.

B. New Business

1. Department of Transportation Request for Waiver of Section 42-198 to Install Sheet Piling During In-Season Construction on the Royal Park Bridge. [Geri de Bijl, Ballast Nedam Construction, Inc.]

Ms. Clare Scott, Florida Department of Transportation (FDOT) project manager for the Royal Park construction project, addressed the Town Council, requesting a waiver for two weeks of the construction restrictions, in order to allow the closure of one lane of traffic during the non-peak hours (9 a.m. to 3 p.m.), from February 13-28, 2002.

Councilman Wyett expressed some concerns regarding the impact to traffic.

Mr. Kelly Krick, Senior Project Manager, Ballast Nedham Construction, Inc., reported that preparations were being made to start the work; a low vibratory hammer would be coming in from Europe, and he was hopeful that the work could be completed within one week.

President Pro-Tem Goldblum moved approval of the request from the FDOT for a two-week waiver of Section 42-198, in order to install sheet piling on the Royal Park Bridge, from February 13-28, 2002, which would include the closure of one lane of traffic during the hours of 9:00 a.m. to 3:00 p.m. The motion was seconded by Councilman McLendon.

In response to Mayor Smith, Mr. Bob Williams, Project Manager, Ballast Nedham Construction, Inc. advised that he hd met with representatives of the Society of the Four Arts several weeks ago and had explained the plans for the project, as well as the temporary lane closure.

Mayor Smith noted that the Four Arts held a lecture series every Tuesday afternoon at 3:00 p.m., and the traffic sometimes backed up to County Road; she recommended that the time be shortened on Tuesday afternoons to become 2:00 p.m., rather than 3:00 p.m.

President Pro-Tem Goldblum amended the motion approving the request from the FDOT for a two-week waiver of Section 42-198, in order to install sheet piling on the Royal Park Bridge, from February 13-28, 2002, including the closure of one lane of traffic during the hours of 9:00 a.m. to 3:00 p.m., with the exception of Tuesdays, when the one lane of traffic would be closed from 9:00 a.m. until 2:00 p.m. The amended motion was seconded by Councilman McLendon. On roll call the motion

carried 4/1, with Councilman Wyett casting a dissenting vote.

2. Revised Design for Peruvian Avenue Park.
[Albert P. Dusey, Director of Public Works]

Public Works Director Al Dusey reported that Mr. Richard Brooks, of R.K.B. Architects was present to respond to any questions regarding the revised park design for conceptual approval.

Mr. Richard Brooks, R.K.B. Architects, addressed the Town Council, providing a rendering of the revised Peruvian Avenue Park design. He explained that the revised plan was much more simplified, and included an entrance feature, low walls, a center mall fountain, one large sweep of a walk, seating, and treescape with an under story planting. He estimated that the costs would approximate $185,000.

Mr. Dusey reported that the plan had been before the Architectural Commission (ARCOM), and based upon conceptual approval today, Building Director Moore would review the plans and made a determination as to whether additional input would be required from ARCOM. He estimated the start date as May 2002.

Councilman Wyett expressed concern with the screen buffer, the looks of the parking lot, the use of concrete inside the park, the extent of the benches and tables. He maintained that residents would not be stopping in the park to have paper bag lunches, and that an excessive area was being provided for lunch, to the detriment of the looks of the park.

Town Manager Elwell advised that the concrete used would be a decorative concrete, and that the architect had been advised explicitly regarding taking the elevation change out, and using less expensive materials.

Councilman Wyett responded that he would like to see what the decorative concrete looked like, and that the Garden Club should have further input. He commented that he believed it was very important to screen out the building to the south.

Architect Brooks advised that he had noted the comments of Councilman Wyett, and all of them would be addressed in the plan for the park.

President Pro-Tem Goldblum moved conceptual approval of the plan for Peruvian Avenue, with the final plan presented at the March 12, 2002, Town Council

Meeting.

Town Manager Elwell noted that staff could not proceed with the bidding process if the plan would again be presented at the March 12, 2002, Town Council Meeting. He explained that there was no action required from the Town Council today if the plan was to be presented at the March 12, 2002, Town Council Meeting. If the Town Council wished to authorize final approval of the plan today, staff could then move forward with the bidding process, although the Town Council would not see the final, detailed plan before it was put out to bid.

President Pro-Tem Goldblum moved approval of moving forward with the plan today.

Councilman Wyett requested an amendment to approval; he suggested that the revised final plan be presented to the Town Council at the Special Town Council Meeting to be held on February 19th, at 9:30 a.m.

President Pro-Tem Goldblum amended his motion of approval of the park on Peruvian Avenue to approve presentation of the revised final plan for the Peruvian Avenue Park at the February 19, 2002, Town Council Meeting. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

****

Mayor Smith noted that in addition to her Mayor's Comments made earlier, she would like to give special recognition to two past members of the Town Council that had passed away during the last month: **Richard Burn**, and **Nancy Douthit**. She stated that she was pleased to have considered both of them as close friends, who were admirable leaders, great assets to the community; both had served as Town Council President, and were leaders of the Town Council. She stated that the would both be greatly missed, and suggested that it would be appropriate to give a round of applause in their memory.

****

3. Options for Addressing Town Facility Needs.
[Peter B. Elwell, Town Manager]

Town Manager Elwell reported that the Town Council had been provided with a booklet summarizing the current options available for addressing Town facility needs. Two of the options related to the potential permanent relocation of the Planning, Zoning & Building Department, and one related to the temporary relocation of that department into leased space; there was more detailed information included concerning these alternatives. He stated that the most urgent need regarding Town facility needs was the space needed for the Planning, Zoning & Building Department. Construction options that had been considered by the Town Council in 2000 were also included for reference. Gray's Mobil Gas Station and the Handelsman property were also included, as well as financing information on all of the options. The final section dealt with information regarding the consideration of the potential sale of the Pike Road property owned by the Town.

Mr. Elwell noted that the option concerning relocation of the Planning, Zoning & Building Department off-Island was being presented because of the substantial benefit that would result in moving the parking demand and traffic congestion from the Town Hall Square area; 32 parking spaces were required for staff and Town owned vehicles relating to the operation of the department, and substantial traffic from the public related to Building Department business. He suggested that the Planning, Zoning & Building needs be reviewed initially, perhaps expediting the relocation, thus allowing the related issues of potential fire station, etc., to be discussed at a more reasonable pace.

Councilman Wyett suggested that the proper venue for discussion of the Town facility needs would be at a Public Works Committee Meeting, as the booklet presented was rather complex with the seven proposals. He suggested that after a reasonable period of discussion by the Town Council today, the matter be referred to the Public Works Committee.

President Pro-Tem Goldblum commented that he had thoroughly studied the booklet, and stated that he would like to see the Building Department and all of the associated records in a secure location on the mainland. He suggested that the current fire engine bays could be made wider, and perhaps the height of the floor could be lowered in the fire station.

Town Manager Elwell advised that option #1 and option #2 were paired; the significant benefits of that were that discussion could begin by focusing on the Planning, Zoning & Building facility, and allow consideration of the fire station issues over a period of time so that a final determination could be made regarding a new building or modification of the existing building.

President Brooks commented that he favored taking the initial step of solving Planning, Zoning & Building Department needs.

Councilman Wyett commented that costs would need to be considered for modification of the fire station bays; he maintained that one area of facility needs could not be solved without making a decision on the others, and the question was the future home of the Fire Department. He maintained that the two considerations must be decided simultaneously.

Councilman McDonald commented that he favored building the fire station as it was planned currently, and that the Town Hall should not be altered to try to keep the fire department in it; if the Fire Department was relocated the Building Department could then stay in the Town Hall building.

Councilman McLendon commented that he believed the Building Department should move because of the parking and traffic issues; he indicated that his mind was open with regard to the fire station.

Director of Planning, Zoning & Building Robert Moore commented that it was essential that the Building Department be maintained in totality at one location. Currently the space was much too small, and 32 parking spaces were needed. He submitted that the concept of where the department was located was not a concern; services could be provided from a unified location. Moving to the Town owned property across from the north bridge would be convenient for contractors, attorneys, and contractors. The only other location that would make sense on-Island was 375 S. County Road.

Mr. Richard Weber, managing member of Royal Palm Center, LLC, which owned the building at 250 Royal Palm Way, addressed the Town Council. He stated that the building at 250 Royal Palm Way was convenient, had sufficient parking, and would enhance the clean-up of the historic district. He advised that the use of 250 Royal Palm Way as a municipal complex would allow the Town to attain the ownership and value of the two parking lots currently being used. He noted that he had not determined a specific price for the property, however, he stated that it would be less than the options being discussed today, as $7.5 million in real estate would be given up by the Town in order to build on the sites proposed.

Fire-Rescue Chief Kent Koelz reported that Option #2 (keeping the fire station in-house) appeared to be the least desirable: the fire station would have to be moved to a temporary facility while remodeling was accomplished; the original plan had also included a police facility behind the fire station on the Beaumont Lot; the multi-purpose gym was also not addressed with Option #2. He noted that the height of the equipment could be controlled by the placement of appliances (such as lights) that were put on top of it

Town Manger Elwell commented that one of two paths would allow more specific exploration of the detail of the plans – whether the Planning, Zoning & Building Department should be considered for relocation first, then approach the other decisions in a slower process over the next several months; or, remain with the program to construct the fire station as planned, or in some alternative plan, as a first priority. He noted that a significant consideration to keep in mind was that the third floor of the planned new fire station was that the third floor of the building was proposed to be an emergency operation center for the Town.

Former Mayor Yvellene deMarcellus Marix commented that a piecemeal approach to the options for addressing Town facility needs was not appropriate; there were also long range considerations; there was also time to hold many committee meetings to discuss the issues. She suggested that intensive analyzing of all of the associated issues would be necessary.

Councilman Wyett moved that the options for addressing Town facility needs issue be tabled and referred to the Public Works Committee. The motion died for lack of a second.

President Pro-Tem Goldblum moved that the Town Council discuss the entire issue at the March 12, 2002, meeting, with solid figures in place regarding 250 Royal Palm Way.

Councilman Wyett suggested that consideration of purchasing the cottages behind the Beaumont Lot also be taken into consideration.

Mayor Smith noted that there may be space available in the Wachovia Building, and suggested that all properties available in the Town of Palm Beach should be considered, eliminating those that did not include parking.

Councilman McDonald requested that staff study the contractor parking associated with the Building Department, as it was not clear how much traffic would be eliminated by relocating the Building Department.

Mr. Al Flamm commented that the decisions regarding Town facilities be made sequentially, since the Town Manager and Building Director Moore indicated that the department could be run efficiently at an off-Island location. He explained that if that was the case, and it was determined that route would be taken, the Town Council would not have to commit to anything else at this point in time. He suggested that Options 1, 2, and 6 be considered.

Town Manager Elwell noted that the Town had been on a course to build a fire station on the Beaumont Lot, then renovate the Town Hall, which was Option 3. That option could still be pursued, however, the reason that the situation had become more complex was that the Town Hall Square study had brought forth parking issues. The response had been to request staff to resurrect the parking garage alternatives so that the Council could consider the complete picture. He cautioned that delaying a decision regarding the Town facility needs would not be in the best interest of the Town.

Mr. Moore clarified that the issue of the Building Department moving off-Island had been predicated by the selection of the location at the end of the north bridge. The re-location of the Building Department would only reduce the amount of traffic in the Town Hall structure area, not the total number of construction vehicles in Town. In response to Councilman McDonald regarding the reasons why residents would come to the Building Department at the Town Hall, Mr. Moore replied that residents would come to the Building Department for occupational licenses, or to make inquiry as to zoning restrictions. He estimated that the vast majority of visitors to the Building Department were professional contractors, then professionals, residents, and those seeking occupational licenses.

Mr. Moore noted that the cottage on the Town-owned property near the Beaumont Lot was a landmarked cottage, and would have to be demolished in order to get 24-parking spaces on the property.

President Brooks urged that the Town Council members consider a comprehensive motion concerning the Town Hall facility needs.

Councilman Wyett moved approval of incorporating the initial study, adding two parcels to it: 1) Option 3 to include the acquisition of necessary land and property that could be added for surface parking; 2) investigate 250 Royal Palm Way, the Wachovia property, and others that may be available, for purchase by the Town. The motion was seconded by Councilman McDonald.

Town Manager Elwell noted that the current phrasing of the motion would send staff on an unlimited mission to go into the commercial real estate market; he stated that he would need to know if the majority of the Town Council wished staff to throw the net as wide as described by Councilman Wyett. He indicated that staff would need clear direction concerning the exploration of additional property.

Councilman Wyett clarified his motion, noting that there had been two buildings mentioned today (250 Royal Palm Way and the Wachovia building), and they would be the two primary potential purchases as office space, however, one phone call to real estate brokers would identify if there were any other buildings available. He clarified that the Handelsman space would NOT be included in the investigation for acquisition of additional property, and that the property at 150 Australian Avenue and 359 South County Road be investigated for use as parking.

Town Manager Elwell clarified that, according to direction, staff would:

1. Investigate the Wachovia Building and 250 Royal Palm Way as the two primary potential purchases as office space. A commercial real estate broker would be contacted regarding any other properties that may be available.

2. Explore two different parcels for potential razing of the buildings for surface parking: 150 Australian Avenue and 359 South County Road.

On roll call the motion of Councilman Wyett, as stipulated above, and as seconded by Councilman McDonald, carried unanimously.

4. Status Report Regarding Implementation of the Town's Coastal Management Plan. [Albert P. Dusey, Director of Public Works]

Public Works Director Al Dusey referred to his memorandum to Town Manager Elwell, dated January 29, 2002, detailing the status of all coastal projects. He reported that:

- Reach 3 and 4, the mid-Town project, was on track for construction to occur in November 2002; the permitting issues had been resolved.

- Reach 7, Phipps Ocean Park, had been side-tracked by the Army Corps of Engineers, who had demanded an environmental impact statement, which was a fairly long process and would be concluded in October 2002. After that time a permit would be issued, and construction would proceed, however, the project would be delayed until November 2003. He noted that mitigation building could be done in order to speed up the project, however, staff was not recommending that, as it was quite risky.

- Reach 2, Onondoga to El Mirasol, was in the midst of a feasibility study, and it had been found that there was a huge amount of near shore rock that had been uncovered by erosion, which was a problem for permitting purposes. Staff was working with the Florida Department of Environmental Protection (FDEP) to determine ways to get sand to the area.

- Reach 5, Banyan Road to Widener's Curve, was in the feasibility study phase; there was almost no rock involved, and it was expected that construction would commence in November 2003, if an environmental impact statement was not required by the Army Corps of Engineers. He explained that the Army Corps of Engineers decided the need for an environmental impact statement on every project individually.

- Reach 8, Ambassador Hotel to south Town limits, contained two critically eroded areas – the very north end and the very south end, however, the area in between was not critically eroded, and the State required demonstration of public benefit in that area. Staff was working with the State to determine a viable solution.

- Reach 1, from the south jetty to Onondaga, was the disposal area for the Army Corps of Engineers, and the Corps was on a track to either re-build the sand transfer station or rehabilitate the existing one. Staff was working with other agencies, such as Palm Beach County and Port of Palm Beach regarding ownership and operating issues.

Mr. Dusey explained that policy direction was now needed regarding the erosion control line; staff was recommending that the Mayor and Town Council authorize the establishment of the erosion control line at the traditional location at the mean high water elevation, rather than at a set distance seaward based on the design berm.

Councilman Wyett suggested that the north end of Reach 8 be added to Reach 7.

Mr. Dusey replied that was an option, however, that would entail not pursuing the approved plan, which was placing sand throughout the entire Reach. He explained that any sand placed would have to pass through Lake Worth to get down to the rest of the Town, and the City of Lake Worth would be the beneficiary whether they participated or not.

In response to Councilman Wyett regarding Reach 2, Mr. Dusey explained that anything that occurred naturally would not be considered environmentally damaging. He explained that there was almost no hard bottom in Reach 1, and the extension of the pipeline would occur within Reach 1 far enough south so that the natural occurrence would pick up the sand and move it south. Currently, too much sand was being placed in the shelter of the south jetty, and it was not being moved south. He explained that both sets of steps previously placed on public access points were doing well.

In response to Councilman McLendon, Mr. Dusey replied that the Army Corps of Engineers was now finalizing their inlet dredging and sand had been placed south of the jetty, and the area was now filled. They were pursuing a project to plug the leakage holes in the south jetty, as they had determined that a lot of the sand was moving back into the inlet. He noted that the Corps of Engineers worked on their own schedule. The County had agreed to take over the design of the sand transfer plant project once it was approved through the hierarchy of the Army Corps of Engineers. Staff had proposed that the pipeline be laid below mean high water in order to avoid easement questions. Staff was pursuing discussion with the Port Authority and Palm Beach County regarding support for the federal funds.

The following discussion took place between resident William Cooley and Public Works Director Dusey, and is included verbatim below:

Cooley: A question for Mr. Dusey. There was a one for one mitigation that would have been allowed on the Breakers' reef and the Breakers' rock pile if it had been done in advance of the project. It was my understanding that the Town turned down the one for one, and has taken the option of a three for one mitigation if, in fact, the Breakers' rock pile is covered with sand, which it probably will. Is that additional, let's say $2 million, that it's going to cost for mitigation after the fact, been accounted for in the budget anywhere?

Dusey: Well, the suppositions you make aren't necessarily correct.

Cooley: They never are.

Dusey: Well, they often are, but this one is not, I'm afraid. The actual coverage that was proposed in the original project, before we eliminated the fill at the Breakers was one tenth, and we were mitigating for five tenths, .49, which is about a five to one ratio, so going for a three to one ratio actually is a bonus if, in fact, we cover anything. As you probably know, we've eliminated the fill over a length in front of the Breakers in a groin field area, and the modeling indicates that will never fill out more than the extent of the groins, which will not affect the Breakers' rock pile. So, we're saying we don't believe we're going to have that impact, but even so, it's a better deal than we had in the original permit, because that was a five to one.

Cooley: It was five to one, not one to one. Okay. Thank you.

Councilman McLendon moved approval of the staff recommendation that the Mayor and Town Council authorize the establishment of the erosion control line at the traditional location at the mean high water elevation, rather than at a set distance seaward based on the design berm. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

5. Zoning Commission Appointments.
[Robert L. Moore, Director of Planning, Zoning & Building]

After casting ballots, the Town Council appointed Jorge Sanchez and Lowry Bell as regular members of the Zoning Commission.

6. Consideration of Invitation to Meet With the Elected Officials of the City of West Palm Beach. [Peter B. Elwell, Town Manager]

After discussion, Councilman Wyett moved approval of scheduling a meeting in early April 2002 with the elected officials of the City of West Palm Beach. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

7. Consideration of Emergency Medical Transport Fees. [Councilmen McDonald and McLendon]

Councilman McDonald moved approval of staff updating the figures concerning emergency medical transport fees, from those prepared by former Fire-Rescue Chief Elmore, and present them at the Town Council Meeting of March 12, 2002. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

8. Consideration of Seeking Reimbursement from Defendants for Certain Police Crime Expenses. [Councilman McDonald]

Councilman McDonald moved that Town staff and the Police Department report regarding the procedure of reimbursement from defendants for certain police crime expenses, at the March 12, 2002, Town Council Meeting. He suggested that afterwards, perhaps a Town policy could be set, or further direction provided to staff. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

9. Consideration of FY 2003 Budget Calendar *(pulled from Consent Agenda).*

Town Manager Elwell reported that there was a conflict in the Budget Calendar regarding the proposed March 26, 2002, Special Town Council Meeting regarding the budget. He proposed that the meeting be held on March 25, 2002 in lieu of March 26, 2002.

In response to Councilman Wyett regarding the necessity of a Special Town Council Meeting, Town Manager Elwell replied that the timing was an issue, and staff would be in the process of developing budget proposals by the time of the April 9, 2002 meeting; it would be very helpful for the meeting to be held near the end of March.

Councilman McLendon moved approval of the Special Town Council Meeting

to approve the FY 2003 Budget Calendar on Monday, March 25, 2002, at 10:00 a.m. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

10. Consideration of Adding a Third Emergency Vehicle to be Stationed at the North Fire Station

Councilman Wyett suggested that the Fire Department be authorized to activate a third emergency medical transport unit to be stationed at the North Fire Station. He explained that with the additional time of going to JFK Hospital or Palm Beach Gardens, there would be increased pressure to maintain the service, and the response time for residents in the north end would be faster.

Councilman McDonald moved approval of adding consideration of adding a third emergency vehicle to be stationed at the North Fire Station to the agenda for the March 12, 2002, Town Council Meeting. The motion was seconded by Councilman Wyett. On roll call the motion carried 4/0, as Councilman McLendon was absent (excused) from this point of the meeting until the meeting was adjourned.

11. Consideration of Setting Up a Liaison Committee/Person with Good Samaritan and St. Mary's Hospital to Improve Services to Palm Beach

Councilman Wyett suggested that a liaison committee/person be set up with Good Samaritan and St. Mary's Hospital to improve the service to the community, to be more responsive to the community, and to strongly request that they provide a stroke program.

Councilman McDonald moved approval of adding consideration of a liaison committee/person with Good Samaritan and St. Mary's Hospital to the agenda for the March 12, 2002, Town Council Meeting. The motion was seconded by Councilman Wyett. On roll call the motion carried 4/0, as Councilman McLendon was absent (excused) from the meeting at this time.

12. Consideration of Hiring a Medical Consultant to Advise the Town Regarding EMC Practices and Procedures

Councilman Wyett commented that he had been speaking to various medical doctors in the area, and the observation had been made that it would be a good idea to have an outside consultant from a major hospital facility review the emergency medical program in Palm Beach, and its relationship to the hospitals.

Fire-Rescue Chief Kent Koelz commented that the Town employs a doctor as a medical advisor, and all of the paramedics work under the license of that doctor; each year the protocols are updated, drugs therapies changed, etc.

Councilman Wyett replied that he was suggesting a more comprehensive review from a major hospital facility in order to see what their recommendations would entail.

Councilman Wyett moved approval of placing the consideration of hiring a medial consultant to advise the Town regarding EMC practices and procedures on the agenda for the March 12, 2002, Town Council Meeting. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman McLendon was absent (excused) from the meeting at this time.

XIII. RESOLUTIONS

A. Resolution No. 14-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Town of Palm Beach Application with the Florida Department of Community Affairs for Emergency Management Preparedness and Assistance (EMPA) Competitive Grant Program and Authorizing the Mayor to Execute the Same on Behalf of the Town. [David F. Jakubiak, Assistant to the Town Manager]

Town Attorney Randolph read Resolution No. 14-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE

TOWN OF PALM BEACH APPLICATION WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE (EMPA) COMPETITIVE GRANT PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE TOWN

Councilman Wyett moved approval of Resolution No. 14-02. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0,as Councilman McLendon was absent (excused) from the meeting at this time.

XIV. ORDINANCES

A. Second Reading

1. None.

B. First Reading

1. Ordinance No. 7-02 - An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance No. 31-01, Which Amended Chapter 102, Solid Waste, Section 102-45, Relating to Curbside Placement and Collection of Trash; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Town Attorney Randolph read Ordinance No. 7-02 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 31-01, WHICH AMENDED CHAPTER 102, SOLID WASTE, SECTION 102-45, RELATING TO CURBSIDE PLACEMENT AND COLLECTION OF TRASH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

Councilman McDonald moved approval of Ordinance No. 7-02. The motion was

seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0,as Councilman McLendon was absent (excused) from the meeting at this time.

XV. COMMENTS OF THE TOWN COUNCIL MEMBERS AND TOWN MANAGER

Town Manager Elwell announced that there would be a grand opening ceremony for the Phipps Ocean Park Tennis Facility on Monday, February 18, 2002, at 10:30 a.m. He congratulated staff, in finishing the project approximately one month ahead of time.

XVI. DEVELOPMENT REVIEWS

Town Clerk Pollitt administered the oath to all those who would be addressing the Development Review items.

A. Time Extensions

1. Request for a One Year Extension Regarding 223 Seminole Avenue. [Joanne Warshaver, Representative] **Deferred from January 8, 2002, Town Council Meeting.** *(Staff Recommends Withdrawal as This Matter is Now Being Addressed Within the Jurisdiction of the Architectural Commission.)*

This item was withdrawn earlier in the Agenda.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. <u>MODIFIED SITE PLAN REVIEW NO. 21-2001 WITH SPECIAL EXCEPTIONS AND VARIANCES</u> The application of Heart of Palm LLC relative to property described as all of Lots 31, 32 and 33, Block F, Royal Park Addition; commonly known as 160 Royal Palm Way; located in the C-B & C-TS Zoning District. Site plan approval requested for a modified site plan to the Heart of Palm Beach Hotel to include one and two story additions to provide for a ballroom/function place and associated service area, elevator, handicap chair lift, meeting room, and new handicap restroom and storage building; and special exception approval requested to allow a two story addition to the existing hotel located in the C-TS District; and variance requested to allow an expansion of a non-conforming hotel use in existence over 15 years; and variance requested to allow the expansion of a non-conforming building or structure by completing the proposed site plan changes; and variance requested for a total building length of 264 feet in lieu of the required maximum of 150 feet for a variance of 114 feet; and variance requested to allow floor area within the C-TS Zoning District of 27,101 square feet in lieu of the 25, 388 square feet existing and 15,000 square feet allowed maximum for a variance of 1713 square feet; and variance requested to allow a 25.09 foot front setback in lieu of the 30.29 foot required setback for a variance of 5.2 feet; and variance requested to allow valet only parallel parking in existing parking areas and a reduction in aisle width to 13' in lieu of the required 25' for valet parking only for a variance of 12'; and variance to allow parallel parking automobiles to block another automobile requiring one automobile to be moved to allow another to be taken from the property which is contrary to Section 134-2172. **Deferred from December 11, 2001, and January 8, 2002, Town Council Meetings.**

Attorney Jim Brindell, on behalf of the applicant, addressed the Town Council, stating that the request had been reduced since its origination in two regards: the elimination of the proposed enclosure of a pool area, and a storage/bathroom proposed to be located slightly into a setback.

President Brooks reminded Attorney Brindell that Councilman McLendon was not in attendance, and it was the option of the applicant to defer or to continue.

Attorney Brindell noted that there were two associated variances relating to parking.

President Pro-Tem Goldblum suggested that the Police Department and Building Department review the traffic plan/study and that the applicant return to the Town Council next month with Site Plan Review No. 21-2001.

Attorney Brindell agreed with the suggestion to defer Site Plan Review No. 21-2001 to the March 12, 2002, Town Council Meeting.

Police Chief Reiter commented that he had only recently received the traffic study, and would require further time for review.

Zoning Administrator Paul Castro explained that the traffic study had been received Friday afternoon, and distribution had been made after that time; more time was needed to review the document.

(Please note: a formal motion to defer was not made by the Town Council).

b. VARIANCE NO. 3-2002 The application of Kathleen DuRoss Ford Revocable Inter Vivos Trust relative to property described as Lots 7, 7-A, 8 and 8-A of Stotesbury Park; commonly known as 359 North Lake Way; located in the R-B Zoning District. To allow construction to expand the existing house to have a lot coverage of 27.84% in lieu of the 16.35% existing and 25% maximum allowed; and, to allow expansion of the house resulting in an angle of vision of 135 degrees in lieu of the 86 degrees existing and 116 degree maximum allowed. **Deferred from January 8, 2002, Town Council Meeting.**

President Brooks advised Attorney Frank Chopin that he had the opportunity to take a deferral, if so desired, as Councilman McLendon had left the meeting, and would not be submitting a vote.

Ex-parte communication was declared by Councilman Wyett with Attorney Chopin, by President Pro-Tem Goldblum via a conversation with the next door neighbor, and by President Brooks with Attorney Chopin, as well as looking at the model.

Attorney Frank Chopin, representing the applicant, addressed the Town Council, stating that the applicant wished to expand on an existing home at 359 North Lake Way, in order to add approximately 4,000 sq. ft. of additional space on the property to the north. In order to do that, two variances would be required: one variance for lot coverage to allow lot coverage of 27.84% versus the maximum allowed of 25%; the other variance was regarding the angle of vision. He presented a model of the proposed construction, indicating the proposed construction and the reasons for the variance requests. He cited the hardship as the fact that when the property was purchased the rules had been different; the R-A zoning requirements were not in place, and the setback requirements had also changed since the property was purchased. He explained that the applicant was attempting to preserve the character of the existing home. Neighboring property owner Stuart Shulman had submitted a letter of approval of the proposed construction.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments as submitted on the Application Review Sheet: Building Department: one story and there could be two houses built on the two individual lots, however, staff was requesting unity of title.

Attorney Chopin replied that there was already a unity of title.

Councilman Wyett moved approval of Variance No. 3-2002. The motion was seconded by Councilman McDonald. On roll call the motion carried 4/0, as Councilman McLendon had left the meeting.

2. New Business

a. SITE PLAN REVIEW NO. 1-2002 The application of 447 Primavera Way, LC (Dan E. Swanson, Authorized Agent) relative to property described as Primavera Estates Lakefront, certain portions of Lot B, commonly known as 447 Primavera Way; located in the R-A Zoning District. To allow construction of a two story, single family residence on a non-conforming lot that is 137 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District.

Ex-parte communication was declared by President Pro-Tem Goldblum with Attorney Maura Ziska; by Councilman Wyett with Attorney Ziska; by President Brooks via telephone with Attorney Ziska, as well as walking the property.

Attorney Maura Ziska, on behalf of the applicant, addressed the Town Council, stating the proposed residence would be approximately 12,000 sq. ft. of habitable space and approximately 3,000 sq. ft. of non-habitable space. Site Plan Review was required because the existing lot was non-conforming in depth; the drainage plan had been revised to re-direct the overflow to the intracoastal; the pool perimeter would be shielded by landscaping, and the electrical equipment would be at 7.5 NGVD; the proposed residence would not increase or decrease the density in the neighborhood and will fit in with the mix of residences in the area; granting site plan approval would not adversely affect the neighborhood.

Director of Planning, Zoning & Building Robert Moore referred to the Application Review Sheet with staff comments, and noted that the staff comments regarding drainage had been addressed; the Building Department had commented that the garages should be re-located; all electrical equipment must be at 7.5 NGVD minimum; the Town Manager had commented that there should be a sound barrier for the pool equipment.

Councilman Wyett expressed concern with the way the house was sited and the architecture; he suggested that if site plan approval was received today, it should be totally subject to the review of the Architectural Review Commission (ARCOM).

Councilman Wyett moved approval of Site Plan Review No. 1-2002, subject to all of the conditions and prerogatives of ARCOM. The motion was seconded by President Pro-Tem Goldblum.

In response to Attorney Ziska, Town Attorney Randolph advised that the Town Council could condition its approval based upon the applicant following the requirements of ARCOM, in order to ensure that the applicant had not pre-empted ARCOM in any way in regard to the approval.

In response to Mayor Smith, Attorney Ziska advised that the two buildings located on the site line that were currently existing would be demolished.

In response to President Brooks regarding the large trees currently on the property, Attorney Ziska advised that the trees would be relocated onto the lot, and would be part of the landscape plan; no Banyan trees would be removed; all of the large trees on the lot would remain, or be relocated.

After further discussion regarding the conceptual approval suggested by Councilman Wyett, the motion was withdrawn.

Town Attorney Randolph noted that the primary purpose of the site plan review process was to examine for potential adverse impact on the adjacent area, neighborhood or Town, those uses having characteristics identified as possessing the potential for negative impact, and to ensure that such uses were located, sited, and designed so that they result in a positive contribution to their area, neighborhood and Town. To achieve these purposes the Town Council may have to review and impose such operational and/or design conditions as would eliminate or minimize such impact.

President Pro-Tem Goldblum moved deferral of Site Plan Review No. 1-2002, so that the applicant could submit a re-design. The motion was seconded by Councilman Wyett.

Attorney Ziska advised that the proposed house was currently legally sited on the property.

Councilman Wyett responded that the Town Council did not have to approve any type of house that was believed to be detrimental or negatively impact the Town. He stated that he found that the house had a negative impact to the Town, street, and neighborhood, and that re-design was necessary.

Director of Planning, Zoning & Building Robert Moore advised that staff would discuss the concerns of the Town Council relating to the design of the house with Attorney Ziska.

On roll call the motion carried 4/0, as Councilman McLendon had left the meeting.

b. <u>SITE PLAN REVIEW NO. 2-2002</u> The application of Dina and Gary Wexler relative to property described as East 23 feet of Lot 10 and West 61 feet of Lot 9 of New Siears Tract; commonly known as 249 Orange Grove Road; located in the R-B Zoning District. To allow construction of a two story, single family structure on a non-conforming lot which is 84 feet wide in lieu of the 100 feet minimum required and 9, 135 square feet in area in lieu of the 10,000 square feet minimum required.

Ex-parte communication was not declared by any member of the Town Council.

Applicant, Dr. Gary Wexler, addressed the Town Council, requesting that the existing structure at 249 Orange Grove be demolished in order to build a two-story house. He explained that the lot was nonconforming, and the proposed house had been designed within all of the rules and regulations of the Town of Palm Beach.

Zoning Administrator Paul Castro commented that the project had inadvertently gone to the Architectural Commission (ARCOM), and had been approved. Subsequently, it had been found that the project needed site plan approval because it was a nonconforming lot. The comments from Town staff were as follows: the fence could not be in the rear easement, as shown on the plans; the drainage plan was insufficient to retain 2". Staff had no other objections, except that the heater and pool equipment would be required to be moved closer to the house, and there were only two air conditioning units allowed in a setback, whereas three or four were shown on the plans. Contingent upon all code requirements being met, staff had no objection.

Architect Mark Stumer, Mojo Stumer Associates, P.C., addressed the Town Council, stating that the plan would be revised to reflect only two air conditioning units. The pool equipment would be moved to conform to code; formal plans would be submitted to the Building Department; a drainage engineer would work with the applicant to meet any drainage requirements.

Councilman Wyett moved approval of Site Plan Review No. 2-2002, subject to all conditions as stated (fence would not be in rear easement; drainage plan would be sufficient to retain 2"; pool equipment would be moved closer to house; two air conditioning units only). The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried 4/0, as Councilman McLendon had left the meeting.

3. Other

a. Appeal for the Breakers Hotel Tax Abatement Application. [James R. Brindell, Esq.] **Deferred from October 9, and November 13, 2001, Town Council Meetings**. *(Request for Deferral to March 12, 2002, Town Council Meeting per Letter of January 23, 2002, from James R. Brindell, Esq.)*

This item was deferred earlier in the Agenda.

b. Landmarks Commission Request to Allow Two (2) Out-of-Town Architects to Serve on the Commission. [Robert L. Moore, Director of Planning, Zoning & Building]

Director of Planning, Zoning & Building Robert Moore commented that the Ordinances, Rules & Standards Committee had recommended that no action be taken regarding the Landmarks Commission request to allow two out-of-town architects to serve on the Commission.

The Town Council took no further action on this item.

XVII. ANY OTHER MATTERS

Town Attorney Randolph clarified one of the ballots received for the election of Town Council President and Town Council President Pro-Tem had been incorrect; thus the actual tally for Town Council President would change, however, President Brooks would still remain as Town Council President, according to the new tally; the tally for Town Council President Pro-Tem would remain as it had been.

XVIII. ADJOURNMENT

There being no further business, the regular Town Council Meeting of February 12, 2002, was adjourned at 3:25 p.m.

Attest:

William J. Brooks
Town Council President

Mary A. Pollitt
Town Clerk