

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING 2007-2008 ZONING HEARING HELD ON FEBRUARY 11, 2008

1 I. CALL TO ORDER AND ROLL CALL

2
3 The Special Town Council Meeting was called to order on Monday, February 11, 2008, at
4 9:30 a.m., in the Town Council Chambers. On roll call, the following elected officials were found
5 to be present:

6
7 Mayor Jack McDonald
8 President Richard M. Kleid
9 President Pro Tem Denis P. Coleman
10 Council Member William J. Brooks
11 Council Member Gail Coniglio
12 Council Member Susan Markin

13
14 Others present for all or a portion of the meeting were:

15
16 Town Manager Peter B. Elwell
17 Deputy Town Manager Thomas G. Bradford
18 Town Attorney John C. Randolph
19
20

21 II. INVOCATION AND PLEDGE OF ALLEGIANCE

22
23 Town Clerk Eichhorn gave the invocation. President Kleid led the Pledge of Allegiance.
24
25

26 III. APPROVAL OF AGENDA

27
28 Motion made by Council Member Brooks, seconded by Council Member Coniglio to
29 approve the Agenda. On roll call, the motion carried unanimously.
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1
2 **IV. PROOF OF PUBLICATION**

3
4 Proof of publication was acknowledged by Town Clerk Eichhorn.
5

6
7 **V. PROCEDURES FOR COMMENTS BY GENERAL PUBLIC**

8
9 President Kleid announced that public comment would be taken with respect to the Agenda.
10

11 President Kleid recognized the Head of Palm Beach Day Academy Dr. Rebecca van der
12 Bogert and several students from the Academy.
13

14 Dr. van der Bogert introduced the students that were present. She explained that each student
15 of the Academy had made something for the Mayor and Town Council; but because they were not
16 certain that Council Member Brooks would be present at tomorrow's Town Council Meeting, she
17 requested that the students present it to him today.
18

19 President Kleid thanked Dr. van der Bogert and the students.
20

21
22 **VI. PRESENTATIONS BY APPLICANTS FOR APPOINTMENT TO THE PLANNING AND**
23 **ZONING COMMISSION**

24
25 Director of Planning, Zoning and Building Department John Page advised that two new
26 applicants had been added to the ballot previously presented to the Town Council.
27

28 Town Manager Elwell noted that two applicants had been added to the ballot: Pamela
29 Hoffpauer Gottfried and C. Tanner Rose, Jr., whose materials were received Friday and were
30 included in the Town Council's folders for review this morning. He advised that the two applicants
31 had been phoned Friday afternoon by the Planning, Zoning and Building Department to alert them
32 to this morning's procedure.
33

34 The following applicants made a presentation to the Town Council for appointment to the
35 Planning and Zoning Commission:
36

37 Walter Anthony Dowell (*Alternate Members applying for promotion to Regular Member*)
38 Bernard R. Kossar
39 Eugene Lawrence (*Alternate Members applying for promotion to Regular Member*)
40 C. Tanner Rose, Jr.
41 E. James Ryan
42

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The following applicants were not present at the meeting:

Floyd L. Wideman, Jr. (*Alternate Members applying for promotion to Regular Member*)

Pamela Hoffpauer Gottfried

Martin Klein (*Letter sent to Mayor & Town Council informing them of his absence*)

VII. STATUS REPORT ON ROYAL POINCIANA AREA PLANNING STUDY

Director of Planning, Zoning and Building Department Page provided a status report on the progress of the Royal Poinciana Area Planning Study. He commented on the following:

- Royal Poinciana Charrette scheduled on Saturday, February 23, 2008 at St. Edward's Parish Hall from 10 a.m. until 3 p.m.
- Staff members from the Treasure Coast Regional Planning Council interviewed individual stakeholders.
- Brochure available online and in Town Hall relative to the Royal Poinciana Charrette.
- Design Studio Process to start immediately following the public Charrette and continuing through the following Friday.
- On Friday, February 29, 2008, from 4 p.m. to 6 p.m., there will be a presentation at The Breakers by the TCRPC to provide a plan in progress, consisting of all the work completed up to that point in time. The public was invited to attend that event.
- The TCRPC, at that point, will be leaving the Town of Palm Beach to put together their plan for final format and delivery back to the Town Council and the public. Tentatively that presentation has been scheduled for the April 8, 2008, Town Council Meeting.

VIII. 2007-2008 ZONING SEASON PHASE I AND PHASE II STUDY ITEMS

Zoning Administrator Paul Castro advised that included in the backup material, the Town Council had been provided a "Summary of the Planning and Zoning Commission Actions", which provided the actions on each of the items and how those items were modified by the Planning and Zoning Commission. He noted that, in each case, staff concurred with the changes of the Planning and Zoning Commission, and that he would present a report for each one of those Study Items.

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1 A. Study Item 1. Study Point of Measurement for Building Height, Overall Height and
2 Cubic Content Ratio (where applicable) on Lots along the Atlantic Ocean.

3
4 Zoning Administrator Castro advised that last year, the Town Council had adopted a
5 provision that provided more flexibility not only on the dune but on the lake as well. This year, staff
6 had been directed to come back to the Planning and Zoning Commission and the Town Council with
7 a provision that might provide a little bit more flexibility as it related to the ocean itself. He
8 commented that staff, in doing so, was somewhat uncomfortable with providing even more
9 flexibility, unless it took into account neighboring property owners.

10
11 Mr. Castro reviewed the two proposed code amendments, noting that the alternatives were
12 at the election of the applicant, and were much more flexible than the code provision two years ago.
13 He responded to questions and concerns of the Town Council.

14
15 Town Attorney John Randolph made a procedural comment in regard to President Pro Tem
16 Coleman's statement, and questioned whether, when the Ordinance was brought back, a provision
17 could be included stating that when there was a vacant lot next door, the lot to the north or south
18 would only be considered.

19
20 **Council Member Markin moved approval of the recommendation of the Planning and**
21 **Zoning Commission of Study Item 1., to include the modification that when there was a vacant**
22 **lot next door, only the lot to the north or south would be considered. The motion was**
23 **seconded by Council Member Coniglio. On roll call, the motion carried unanimously.**

24
25
26
27 B. Study Item 2. Study Wireless Telecommunication Antennas in the Single-Family
28 Zoning Districts.

29
30 Zoning Administrator Castro reviewed the recommendation made by the Planning and
31 Zoning Commission that stealth antennas be allowed for all private clubs, provided that the antennas
32 were setback a minimum of 50 feet from all property lines.

33
34 **Council Member Coniglio moved approval of the recommendation of the Planning and**
35 **Zoning Commission for Study Item 2. The motion was seconded by Council Member Markin.**
36 **On roll call, the motion carried unanimously.**

37
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39
40 C. Study Item 3. Proposed Increases in Application Fees for Comprehensive Plan and
41 Zoning Applications.

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1 Zoning Administrator Castro reviewed the recommendation made by staff to increase
2 application fees not only for comprehensive plan applications but all other zoning applications. He
3 explained that staff studied the time spent by staff for each of these applications and arrived at an
4 average cost for each application. Staff believed that the fee increases would recoup most of the
5 costs related to staff time. It did not include consulting fees, which would be over and above the
6 application fees included here. The Planning and Zoning Commission, by a 4-3 vote, recommended
7 approval of the staff's proposal.

8
9 Discussion ensued relative to Zoning Text Amendments and the staff time involved regarding
10 the proposed fee increase.

11
12 **Council Member Markin moved approval of the proposed fee increases as indicated**
13 **and recommended by the Planning and Zoning Commission for Study Item 3. The motion was**
14 **seconded by Council Member Brooks. On roll call, the motion carried unanimously.**

15
16
17 D. Study Item 4. Administrative Approvals of Site Plans for Single-Family Homes.

18
19 Zoning Administrator Paul Castro advised that this item had been deferred in order to provide
20 the Planning and Zoning Commission an opportunity to further study this item. The intent of this
21 code provision change was to allow a property owner to go through the building permit process and
22 go to ARCOM without having to come before the Town Council on a platted nonconforming lot so
23 long as no variances were required. If a variance was required for a new house, the applicant would
24 have to come before the Town Council, as done at present. The intent was to try to take away some
25 of the work of the Town Council on those types of zoning issues that were basically administrative
26 in nature.

27
28 Mr. Castro responded to questions and concerns of the Town Council.

29
30 **Council Member Brooks moved approval of the recommendation of the Planning and**
31 **Zoning Commission for Study Item 4. The motion was seconded by President Pro Tem**
32 **Coleman. On roll call, the motion carried unanimously.**

33
34
35
36 E. Study Item 5. Study the Creation of Zoning Regulations for Distribution Electric
37 Substations.

38
39 Zoning Administrator Castro presented staff comments relative to Study Item 5.

40
41 **Council Member Coniglio moved approval of the recommendation of the Planning and**
42 **Zoning Commission for Study Item 5. The motion was seconded by Council Member Markin.**

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1 **On roll call, the motion carried unanimously.**
2
3

4 F. Study Item 6. Study Proposed Changes to the Regulations for Outside Tables and
5 Seating in the Commercial Zoning Districts.
6

7 Zoning Administrator Castro advised that the Planning and Zoning Commission
8 recommended that the staff proposal be modified by regulating only outdoor tables, and not benches
9 and chairs. The original staff proposal also regulated benches and chairs.
10

11 Mr. Castro advised that Planning and Zoning Commission Member Shaw had some concerns
12 relative to further regulating restaurants as he believed restaurants should have more opportunity and
13 the Town should be more user friendly as it related to seating requirements in the Town.
14

15 At the request of Mayor McDonald, Commission Member Leslie Shaw addressed his
16 concerns relative to that matter.
17

18 Discussion ensued as follows:
19

- 20 • Seating based on restaurant capacity based on parking
- 21 - Moving indoor seating outside
- 22 • Standard for outdoor benches
- 23 • Outdoor furniture
24

25 **Council Member Brooks moved approval of the recommendation of the Planning and**
26 **Zoning Commission for Study Item 6. The motion died for lack of a second.**
27

28 Town Attorney Randolph explained that if there was no change in the Ordinance, it would
29 stand as it presently existed. He advised that the Ordinance was not being adopted today and the
30 procedure today was to receive direction from the Town Council as to whether the recommendations
31 should be included in an Ordinance.
32

33 After clarification by Mr. Castro of the proposed changes, **Council Member Markin**
34 **seconded the motion made by Council Member Brooks to approve the recommendation of the**
35 **Planning and Zoning Commission for Study Item 6.**
36

37 President Pro Tem Coleman questioned whether the issue of cosmetics of tables and chairs
38 should be a consideration of the Town Council.
39

40 Mr. Castro explained that it was not in the proposal, at this point and time, but it was in the
41 original proposal. The Planning and Zoning Commission recommendation supported by staff did
42 not include the aesthetic side of that. It just included the regulation of tables as it related to outside.

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1 He advised that if this proposal was recommended to move forward to Ordinance, the Town Council
2 would have an opportunity to review the tables and associated chairs with any restaurant that would
3 want to go outside. Pedestrian seats outside would not be regulated.

4
5 **On roll call, the motion carried unanimously.**
6
7
8

9 G. Study Item 7. Creation of Visitor Parking Permits for Residential Permit Parking
10 Programs.
11

12 The Planning and Zoning Commission, at its November 6, 2007 meeting, by a 7-0 vote,
13 recommended deferral of this item to provide time for staff and the Town Attorney to further study
14 this issue. Subsequently, the Planning and Zoning Commission, at its January 2, 2008 meeting, by
15 a 5-2 vote (Mr. Shaw and Mr. Golboro dissenting), recommended leaving the Arlington Plan intact
16 and modify the Gainesville Plan to read as shown in the backup.
17

18 Town Attorney Randolph explained that the intent in first bringing this before the Planning
19 and Zoning Commission was to attempt to make the two Ordinances more consistent, but after
20 having studied that, the Planning and Zoning Commission believed there was no need to modify the
21 Arlington Plan. He explained that the Ordinance before the Town Council made minor amendments
22 to the Gainesville Plan.
23

24 **Council Member Markin moved approval of the recommendation of the Planning and**
25 **Zoning Commission for Study Item 7. The motion was seconded by Council Member Coniglio.**
26 **On roll call, the motion carried unanimously.**
27

28 Town Attorney Randolph advised that the visitor parking permits would only be valid on the
29 street of the resident.
30

31 William Guttman, Chairman of the Planning and Zoning Commission, commented on time
32 limits of the visitor parking permits, and that a person would be limited two permits.
33

34 Walter Dowell, Alternate Member of the Planning and Zoning Commission, questioned
35 what streets were part of the Gainesville Plan.
36

37 Deputy Town Manager Bradford responded that there were approximately fifteen to twenty
38 streets that were in the Gainesville Plan and another twelve in the Arlington Plan.
39

40 President Pro Tem Coleman requested that a map of the Town delineating the streets be
41 brought back to the Town Council.
42

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1 Discussion ensued relative to visitor parking permits:

- 2
- 3 • Time limits
 - 4 • Service vehicles
 - 5 • Permitted parking locations
 - 6 • Computerized placards
- 7

8 Council Member Markin commented that she believed more detail was needed relative to
9 visitor parking permits and agreed with President Pro Tem Coleman's suggestion that this issue
10 needed to be revisited with more detail.

11

12 Town Attorney Randolph commented as follows:

- 13
- 14 • Presently there were no time limits for permits.
 - 15 • In the Gainesville Plan, there was no regulation other than that the Police Department
16 could issue temporary visitor permits to anyone coming into the area. There has not
17 been a limit on the number of permits and they could give as many as they wanted.
 - 18 • In the Arlington Plan, there was a total exemption for service vehicles, and they could
19 park anywhere on the street without regulation. The comment made at Planning and
20 Zoning Commission was that Arlington worked well in that regard.
- 21

22 Leslie Shaw, Planning and Zoning Commission Member, commented on the following:

- 23
- 24 • Objected to the word "visitor" being added and included in the dialogue and
25 believed that should be amended.
 - 26 • The reason this Plan had been brought to the Planning and Zoning Commission was
27 because of a problem with construction and service vehicles, not due to a problem
28 with visitors.
 - 29 • Coded Placard
- 30

31 William Diamond, 220 Wells Road, commented that most residents had no idea as to what
32 the Gainesville Plan was and what the Arlington Plan was, and that residents should be notified as
33 to what plan they fell under along with an explanation of that plan.

34

35 President Kleid commented that it was the understanding that a map would be provided
36 identifying which streets were Arlington streets and Gainesville streets.

37

38 Discussion ensued relative to automating/bar coding the parking placards as well as revisiting
39 this issue with more detail at the March 4, 2008, Planning and Zoning Commission Meeting.

40

41 **Motion made by Council Member Markin requesting that this issue be revisited with**
42 **more detail at the March 4, 2008, Planning and Zoning Commission Meeting to include the**

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1 **study of automating/bar coding the parking placards. The motion was seconded by President**
2 **Pro Tem Coleman.**

3
4 Mr. Guttman clarified that the Town Council was not instructing the Planning and Zoning
5 Commission to revisit the Arlington Plan, but was instructing that the Gainesville Plan be revisited
6 along with studying the bar coding of parking placards.

7
8 **On roll call, the motion carried unanimously.**
9

10
11
12 H. Study Item 9. Study a Provision to Prohibit "Formula" Restaurants in Commercial
13 Zoning Districts.

14
15 Zoning Administrator Castro advised that the Planning and Zoning Commission
16 recommended approval of staff's proposal on this item with two modifications. The modifications
17 were to eliminate the word "establishments" from the formula restaurant definition, and add to and
18 modify the proposed conditions identified in the backup material. He advised that staff concurred
19 with the Commission recommendation.

20
21 Discussion ensued relative to the definition of a formula restaurant.
22

23 **Council Member Markin moved approval of the recommendation of the Planning and**
24 **Zoning Commission for Study Item 9. The motion was seconded by Council Member Brooks.**
25 **On roll call, the motion carried unanimously.**
26

27
28 I. Study Item 10. Study the Impact of Condo-Hotels and Potential Zoning Regulations.
29

30 Zoning Administrator Castro advised that the Planning and Zoning Commission, at the
31 December 4, 2007 meeting, by a 5-2 vote (Messrs. Golboro and Shaw dissenting), deferred this item
32 for further study by Town staff. The Planning and Zoning Commission recommended that staff
33 investigate regulations which would specifically require larger "condominium hotel" units than the
34 size of the existing hotel rooms, thereby reducing density in an existing hotel if it was converted to
35 a "condominium hotel".
36

37 Mr. Castro reviewed staff's proposal and recommendations as provided in the original report.
38 He reiterated the recommendation of the Planning and Zoning Commission to defer and further
39 study, noting that staff would not be able to do so until next year. Zoning-in-progress would remain
40 in effect for another year while it was being studied.
41

42 In response to President Pro Tem Coleman, Town Attorney Randolph advised that the Town

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1 could not prohibit a form of ownership and condominiumization was a form of ownership. The Town
2 could not say that a hotel could not renovate to become a condominium due to State laws, and what
3 the Town was trying to do was to come up with regulations that would affect it.

4
5 William Guttman, Chairman of Planning and Zoning Commission, welcomed the reasons
6 why the Commission was requested to study this issue in the first place. He advised that when staff
7 had done an analysis, it indicated density would decrease if converted from a hotel to a
8 condominium, the parking requirement would be reduced, and a better situation would exist. He
9 requested that because the Commission would be revisiting this issue, he welcomed input from the
10 Town Council as to what they wanted the Commission to look at.

11
12 Mr. Castro reviewed staff's concerns relative to converting a hotel to a condominium:

- 13
14 • There were not many studies related to this type of use
15 • Impact on neighboring property owners
16 • Entertainment aspects

17
18 Discussion ensued relative to the following:

- 19
20 • Prohibition of kitchens for condo-hotels
21 • Density issues
22 • Amenities

23
24 David Rosow, 1460 North Lake Way, commented that he had developed two condo-hotels;
25 commented on increased density, amenities, and increase in staff. He urged great caution in
26 allowing more condo-hotels, because it did not solve density issues in the long run.

27
28 President Pro Tem Coleman questioned what the Town could do to discourage condo-hotels
29 and requested that be a study item.

30
31 The consensus of the Town Council was to defer this item to Planning and Zoning
32 Commission.

33
34 Town Attorney Randolph advised that this item could be a zoning-in-progress item for as
35 long as it was reasonable to complete the study, and that could be justified. He questioned whether
36 the Town could stop any particular district hotel from condominiumizing.

37
38 The consensus of the Town Council was to preclude the creation of new facilities.

39
40 Mr. Castro commented that staff recommended that if this item was to be deferred, the
41 zoning-in-progress should be the previous zoning-in-progress to preclude condo-hotels rather than
42 the proposed regulations that originally came to the Town Council. Staff could explore, with the

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1 Town Attorney, existing hotels and discuss new hotels relative to regulating the amount of amenities
2 relative to the number of rooms. He noted that staff would work with the Planning and Zoning
3 Commission over the summer to bring it back to the Town Council.

4
5 **President Pro Tem Coleman made a motion to continue zoning-in-progress regarding**
6 **condominium-hotels. The motion was seconded by Council Member Coniglio. On roll call,**
7 **the motion carried unanimously.**
8
9
10

11 **J. Study Item 11. Study a Provision to Create Zoning Regulations to Permit Accessory**
12 **Entertainment Uses in Restaurants.**
13

14 Zoning Administrator Castro advised that the Planning and Zoning Commission, at its
15 December 4, 2007 meeting, by a 7-0 vote, recommended a simpler approach to regulating
16 entertainment activities in restaurants than that contained in the staff's original proposal. The
17 Commission recommended easing the proposed restrictions for restaurant entertainment and
18 simplifying the language. Subsequently, the Planning and Zoning Commission, at its January 2,
19 2008 meeting, by a 7-0 vote, recommended the modifications, included in the backup, to staff's
20 proposal to accomplish an easier, more simplistic approach to regulating entertainment restaurants.
21 Staff concurred with the Commission recommendation.
22

23 Mr. Castro advised that some of the residents who had experienced problems with
24 neighboring restaurants had not been provided individual notice of this meeting, which had been
25 noticed only in the newspaper. He noted that if these regulations were adopted, providing more
26 flexibility for restaurants to provide entertainment for their guests, it might negatively impact the
27 residential neighbors.
28

29 Council Member Coniglio recused herself from voting due to a voting conflict, as she owned
30 a restaurant in the Town of Palm Beach. She filed, with the Town Clerk, Form 8B - Memorandum
31 of Voting Conflict for County, Municipal and Other Local Public Officials.
32

33 Discussion ensued relative to the following:
34

- 35 • Engagement of homegrown businesses.
- 36 • Hours of entertainment.
- 37 • What the Town was trying to do was to provide more flexibility to allow restaurants
38 the opportunity for more entertainment.
- 39 • Cultural changes.
- 40 • Age of population in community.
- 41 • Notification of residents near restaurants.
- 42 • Nightclubs.

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1
2 William Guttman, Chairman of the Planning and Zoning Commission, commented on the
3 following:

- 4
5 • Definition of nightclub from Section 134-2;
6 • Nightclubs, restaurants, and entertainment were not regulated within the Zoning
7 Code, but were regulated in Chapter 22 of the Code of Ordinances.
8 • This issue belonged before the Town Council and not the Planning and Zoning
9 Commission.
10 • Focus should be on Chapter 22, which should be made consistent in terms of the
11 types of establishments regulated. Chapter 22 essentially regulated in a noise
12 nuisance context.
13 • The Planning and Zoning Commission should focus on the word "restaurant", which
14 should be added to several areas in the Zoning Code.
15

16 Attorney Peter Broberg, on behalf of three restaurants in Town: Michael McCarty's, 264 The
17 Grill, and Cucina, commented as follows:

- 18
19 • Applauded Town staff in their attempt to allow restaurants to have soft
20 entertainment, but it would hurt other restaurants, specifically Cucina and Michael
21 McCarty's.
22 • Discussion took place on live music vs precoded background music, time
23 limitations, etc.
24 • Recommended that this be governed by code enforcement as nuisance issue.
25

26 Michael R. McCarty, Michael R. McCarty's Restaurant, commented that, at the moment,
27 there was nothing broken; McCarty's and Cucina's had never had a noise complaint and should not
28 be penalized; he did not understand what the problem was; and no changes should be made.
29

30 Mr. Castro commented on the following:

- 31
32 • Staff believed it should be in the Zoning Code as well as the Code of Ordinances,
33 which was the reason the definition of nightclub had been added to the Zoning Code
34 many years ago.
35 • Staff believed direction was needed from the Town Council, from a policy
36 standpoint, and would be happy to bring that back to the Planning and Zoning
37 Commission.
38 • Chapter 22 was not in the purview of the Planning and Zoning Commission, and staff
39 believed the Commission should be involved in whatever specific changes were
40 needed to be made to be consistent with Chapter 22; if staff was requested by the
41 Town Council to change Chapter 22, based upon policy determination, staff would
42 bring back and revisit this as part of normal business for the Town Council.

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1
2 Council Member Markin commented that what was broken and what was not broken needed
3 to be looked at, which came down to whether it was a mixed use area or business district, and that
4 this item should be returned to the Planning and Zoning Commission.
5

6 Town Attorney Randolph noted that Chapter 22 dealt with nightclubs, dance halls, places
7 that played music, etc., which were within 50' of a residential districts and should close at 12
8 midnight.
9

10 Council Member Brooks commented that Chapter 22 addressed violations of the Code, and
11 that there should be no changes as nothing was broken; and that instead of the Planning and Zoning
12 Commission, this should come under the prerogative or purview of the Code Enforcement Board.
13

14 Council Member Brooks made a motion that no changes be made relative to zoning
15 regulations to permit accessory entertainment uses in restaurants. The motion was seconded
16 by President Pro Tem Coleman.
17

18 Mr. Castro commented as follows:
19

- 20 • The Code needed to be changed in order to mirror the Town Council's policy
21 decision today, as the Code did not emulate the position of the Town Council, at this
22 point.
23 • The Code needed to be changed to provide the flexibility that the Town Council
24 wanted.
25 • Staff had the direction of the Town Council and did need to bring this back to either
26 the Planning and Zoning Commission or the Town Council, but some specific
27 language might have to be eliminated as it related to nightclubs, and staff would have
28 to look at the specific hours in Chapter 22.
29

30 President Pro Tem Coleman noted that he was requesting that the Code be as broad as
31 possible, up until the point where they became noisy and interfered with the right of residents to have
32 a calm environment. This item should be returned to staff.
33

34 Town Attorney Randolph commented that Chapter 22 probably should be tweaked.
35

36 Mr. Guttman requested that the Town Council allow the Planning and Zoning Commission
37 to review Chapter 22, which he believed would allow them to fix the problems related to it.
38

39 After discussion, on roll call, the amended motion made by Council Member Brooks
40 carried 4/0, with the direction that this item be referred back to the Planning and Zoning
41 Commission, in order to make it more flexible and broader. Council Member Coniglio had
42 recused herself as owner of a restaurant in the Town of Palm Beach.

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- 1
2 K. Study Item 14. Housekeeping Item to Change the Construction Time Limits for
3 Renovation and Reconstruction of Nonconforming Buildings or Structures.
4

5 Zoning Administrator Castro advised Study Item 14. was a housekeeping item, which would
6 eliminate any mention of construction times relative to restorations, demolitions, reconstructions
7 of nonconforming buildings or structures and to simply cross reference the time frames in Chapter
8 18, Building and Building Regulations, Section 18-242 relative to construction hours. Staff along
9 with the Planning and Zoning Commission recommended approval of those modifications.
10

11 **Council Member Coniglio moved approval of the recommendation of the Planning and**
12 **Zoning Commission for Study Item 14. The motion was seconded by President Pro Tem**
13 **Coleman. On roll call, the motion carried unanimously.**
14

- 15
16
17 L. Study Item 8. Complete the Next Phase of the Intersection Vision Study Which Includes
18 Modifying the Existing Proposal and Determining When the Intersection Vision
19 Requirement Should Be Met.
20

21 Zoning Administrator Castro advised that Study Item 8. had not been placed on today's
22 Agenda as the Planning and Zoning Commission had recommended deferring this item to the March
23 4, 2008, Commission Meeting, at which time staff along with the Town's consultant would provide
24 additional information to the Commission.
25

26 Council Member Markin noted her disappointment in the deferral of this item as she believed
27 there was truly a safety issue and a liability issue. She recommended promoting this as a safety issue
28 and advise homeowners, before the growing season, if there was a need to move their hedges.
29
30
31

- 32 M. Study Item 12. Study a Modification to the Zoning Regulations to Require Easements
33 and Underground Placement of Electric Utilities.
34

35 Zoning Administrator Paul Castro advised that Study Item 12. has been deferred.
36
37
38

- 39 N. Study Item 13. Study the Code as it relates to Flags and Flag Poles.
40

41 Zoning Administrator Paul Castro advised that Study Item 13. has been deferred.
42

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IX. ANY OTHER ITEMS

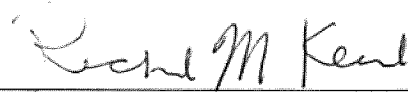
Council Member Brooks commented that, as a point of personal privilege, this would be the last motion he would make as a member of the Town Council. He stated that in light of empirical evidence, namely the vote on the docks, he was proposing a motion, as a member of the prevailing party, to rescind the Town Council's vote to add to the dock; to rescind the vote, perhaps, not indefinitely, since the Town would eventually need the money from the Enterprise Fund that would pay for the docks, for the rehabilitation of Lakeside Park, and the complete rehabilitation of the Park. He noted that there was a movement to add two additional tennis courts at Phipps Ocean, and that the Town also still had an obligation for the complete rehabilitation of Seaview.

Council Member Brooks made a motion to rescind the Town Council vote to approve the 5-8 additional docks that were scheduled for the south end of the dockage area. The motion was seconded by Council Member Markin. On roll call, the motion carried unanimously.

X. ADJOURNMENT

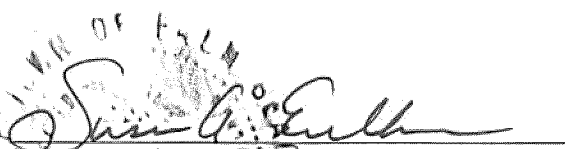
There being no further business, the Special Town Council Meeting of February 11, 2008, was adjourned at 12:22 p.m.

APPROVED:

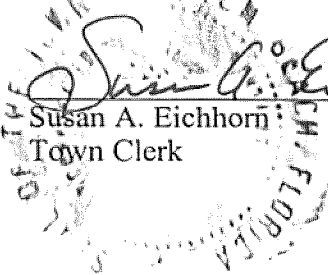


Richard M. Kleid
Town Council President

ATTEST:



Susan A. Eichhorn
Town Clerk



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CONIGLIO Gail Lynn		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TC	
MAILING ADDRESS 1139 N. Ocean Blvd.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED February 11, 2008		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gail Coniglio, hereby disclose that on 2-11-, 20 08:

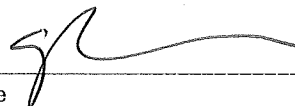
(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the owner of property (restaurant) relevant to the discussion related to Zoning Study Item 11. - Regulations to Permit Accessory Entertainment Uses in Restaurants.

2-11-08
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.