

Mayors  
proclamation

FOR A TWO YEAR PERIOD WITH THE TERM ENDING THE FIRST TUESDAY AFTER  
THE FIRST MONDAY IN FEBRUARY, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Town of Palm  
Beach this 16th day of January, 1990.

Yvelyne deMarcellus Marix, Mayor

ATTEST:

Grace T. Peters, Town Clerk

Publish Palm Beach Daily News and Palm Beach Post  
January 27, 1990

Any other  
matter

VI. ANY OTHER MATTERS:

A. Mr. Doney requested a Workshop Meeting Date to discuss with the South Florida Water  
Management District the water problem. After discussion, the Workshop Date was set for February 21,  
1990 at 9:30 AM on motion of Mr. Heeke, seconded by Mrs. Wiener. Motion carried unanimously.

B. Mr. Doney reported Mr. LaFace in Tallahassee has been contacted and will be in town  
to attend the Palm Beach County Delegation meeting to be held on February 12th at the Riviera Beach City  
Hall.

There being no further business, the meeting was adjourned at  
9:50 AM on motion of Mr. Ilyinsky, seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Grace T. Peters,  
Town Clerk

TOWN COUNCIL MINUTES OF MEETING HELD ON  
JANUARY 22, 1990 AT 5:01 PM

Call to  
order &  
roll call

I. CALL TO ORDER AND ROLL CALL: A meeting of the Town Council was called to order at 5:01 PM in  
the Town Hall Council Chambers on January 22, 1990 by President Douthit. On roll call, the following  
were found to be in attendance: Mayor Marix, President Douthit, President Pro Tem Heeke, Councilmen  
Weinberg and Ilyinsky and Councilwoman Wiener. Also attending were Town Manager Doney, Town Attorney  
Randolph, Town Clerk Peters, Mr. Elwell, Mr. Jakubiak, Mr. Frank, Mr. Zimmerman, Mr. Moore and Mr.  
Dusey.

Invocation  
& pledge

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Mrs. Peters and Pledge of  
Allegiance was led by Mr. Doney.

Approve  
agenda

III. APPROVAL OF AGENDA: On motion of Ilyinsky/Heeke, the agenda for this meeting was approved.  
Motion carried unanimously.

Ordinance  
1-90

IV. PROOF OF PUBLICATION: Mr. Moore indicated he had received the proof of publication.

V. FIRST READING OF ZONING ORDINANCE NO. 1-90. Mr. Moore referred to Page 6 of the Ordinance,  
Item H, with regards to holding charitable functions in residential areas, he believed Mr. Randolph had  
some remarks he wished to make on this matter. Attorney Randolph indicated there was some question as  
to whether or not it was appropriate to include this language relating to charitable events in the  
Zoning Ordinance, as another way to handle this would be to amend the charitable solicitation ordinance  
so as to provide that one of the requisites of a charitable solicitation would be they could have an  
event in a home once a year within a residential district without putting it in the Zoning Ordinance.  
He felt if it was included in the Zoning Ordinance and it is a quasi-commercial activity, it should not  
be allowed at all.

Mayor Marix asked if they would still be able to have control over it and how could this be controlled  
if they had several events in a home for different charities? Mr. Randolph felt they would have control  
over the Charitable Solicitation Permit as it could be revoked or not granted at all. He stated under  
the Zoning Ordinance as it exists, this would not be allowed and it would be in violation. Mayor  
Marix recalled there are some hotels and other places who do not warn those who are applying that they  
need a permit and she doesn't believe they are careful enough and asked if it were a possibility that  
when an event is to be held in a private home, and the owner supports two different charities and holds

two events, that both the charities would lose their permit for the next year. Mr. Randolph felt that would have to be made clear in the amendment to the Charitable Solicitation Ordinance and it should be indicated that not only would the permit be revoked, but the applicant may not receive a charitable solicitation permit for the next year. President Douthit felt this would put some teeth in it, to which Mayor Marix agreed. Mr. Heeke felt a fining procedure could also be incorporated in the Ordinance, that the property owner would have to pay a fine. Mayor Marix indicated the only fine that can be charged is \$500 and that wouldn't mean much to a place like the Breaker's. She felt the charitable organizations themselves would help the Town with this provision. Mr. Randolph stated this would need some research on his part.

Mayor Marix indicated she was in favor of taking this provision out of the Zoning Ordinance, but she did want to have some teeth in it for enforcement.

Mr. Heeke asked if there were any charities waiting for this approval so they can hold events in their homes? Mrs. Peters believed there were two waiting.

Mr. Adrian Winterfield addressed the Council asking if it was permitted to have a non-residential activity in a residence, it still would be a violation of the Zoning Ordinance and it would be simpler to impose direct sanctions against the owner of the property for being in violation of provisions in the Zoning Ordinance. He suggested the whole question of group activity in residences should be looked at very closely as one can hold a strictly social function with just as many people which presents the same Public Safety problem as if it were a charitable solicitation or for business purposes. He knew of instances where private residences have been used for commercial purposes and he thought there should be a restriction that any event, at which more than a certain number of people are in attendance, require a permit primarily for public safety purposes.

He stated there is an informal permitting process already in existence which is used for permitting commercial still photography in the commercial areas and is handled administratively and has never been incorporated into the Code and since this whole area is being looked at at this time, it might be a good time to look into that procedure and if necessary, revise it, and incorporate it into an Ordinance.

Mr. Randolph felt the Zoning Ordinance as it exists now would not allow that type of function and the two pending applications would definitely be affected and they would not be able to move ahead until the charitable solicitation ordinance is amended.

Mr. Heeke felt that they have indicated to the public that this was going to probably be approved and he would rather see it enacted in the Zoning Ordinance and then remove it when the Charitable Solicitation Ordinance is amended. Mr. Randolph stated that would be an amendment to the Zoning Ordinance and it would have to go through the Zoning Commission. Mr. Randolph reminded all this amendment will sunset on April 30, 1992 and it would not do great damage to keep it in the Zoning Ordinance and this can be revisited at the time it does expire. Mayor Marix asked why this couldn't be approved now and send this back to the Zoning Commission to revisit it prior to the end of this Zoning Season on April 1st? Mr. Randolph stated this is too minor an amendment to recall the entire Zoning Commission and have the staff revise the ordinance. Mr. Moore stated it would be costly because of the advertising requirements. Mr. Moore stated it could be revisited in the next Zoning Season rather than waiting until 1992.

Mayor Marix wondered if the two charities who wished to have a function in the residential district that were pending could be given some kind of consideration now. Mr. Heeke believed it would have to be a variance. Mr. Randolph did not believe this could be done.

Mrs. Wiener felt the Council was committed to it and there was a reason why they did it and she didn't believe that after having the Zoning hearings by the Zoning Commission and then by the Town Council and recommending this and now going off on an entirely different tangent was in the public interest. She was not interested in having people get permits for their private parties. Mr. Heeke stated he felt there was a signal sent to the community about this matter at prior meetings that this was going to be permitted and even though he would rather not have this in the Zoning Ordinance, he feels it should be at this point and they look at an appropriate method of modifying this in the future. Mayor Marix agreed it should be modified in the future, but since they have all taken the trouble to be here, they should realize they do have the right to approve it or to disprove it and if people do imagine that it would be approved or not approved, that is their problem.

Mr. Moore indicated the staff was not recommending the registering of private parties.

Mr. Heeke moved the adoption of Ordinance No. 1-90, subject to it being read by caption by Mr. Randolph. Seconded by Mrs. Wiener.

Mr. Randolph read the Ordinance No. 1-90 by title:

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING AMENDMENTS TO ARTICLE 2, SECTION 2.10 ENTITLED "DEFINITIONS", TO ADD NEW DEFINITIONS, "BUILDING ANGLE OF VISION,"; "BUILDING HEIGHT PLANE," "FOSTER CARE FACILITY," "GROUP HOME", AND MANUFACTURED HOUSING", TO MODIFY EXISTING DEFINITION, "SPECIAL EXCEPTION: TO PROVIDE AMENDMENTS TO ARTICLE 4 ENTITLED "DISTRICT REGULATIONS"; BY AMENDING SECTION 4.20 SCHEDULE A, SCHEDULE OF LOT, YARD AND BULK REGULATIONS, BY MODIFYING FRONT YARD SETBACK REQUIREMENTS IN R-AA, R-A, AND R-B DISTRICTS; REDUCE LOT COVERAGE PERCENTAGE IN R-D(1) AND R-D(2) DISTRICTS TO 35% FOR TOWNHOUSE DEVELOPMENT; ELIMINATE FOOTNOTE #13A; ADD NEW FOOTNOTE #23, BUILDING ANGLE OF VISIONS,"; ADD NEW FOOTNOTE #24, "BUILDING HEIGHT PLANE"; AMEND SECTION 4.20, SCHEDULE B, "SCHEDULE OF USE REGULATIONS," BY INCLUDING A NEW DISTRICT ENTITLED "CONSERVATION DISTRICT";, AMEND SCHEDULE OF USE REGULATIONS, BY ADDING "GROUP HOMES" AND "FOSTER CARE FACILITIES" AS SPECIAL EXCEPTION USES IN ALL RESIDENTIAL DISTRICTS; AMEND SCHEDULE OF USE REGULATIONS IN R-AA AND R-A, R-B, R-C, R-D(1) and R-D(2) DISTRICTS BY ALLOWING CHARITABLE EVENTS AS ACCESSORY USES; AMEND SCHEDULE OF USE REGULATIONS IN R-AA, R-A AND R-B DISTRICTS, BY PERMITTING SUPPLEMENTAL PARKING ONLY IN A MANNER CONSISTENT WITH ZONING DISTRICT; TO PROVIDE AMENDMENTS TO ARTICLE 5 ENTITLED "SUPPLEMENTARY LOT REGULATIONS", BY AMENDING SECTION 5.17 "EXISTING SINGLE FAMILY DEVELOPMENT" BY ALLOWING SECOND FLOOR ADDITIONS TO NONCONFORMING STRUCTURES IF NEW CONSTRUCTION MEETS EXISTING SETBACK CRITERIA; AMEND SECTION 5.22 "PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS" BY LIMITING HEIGHT OF SKYLIGHTS ABOVE ROOF; AMEND SECTION 5.22 BY ADDING NEW PARAGRAPH (C) LIMITING HEIGHTS OF BUILDINGS AS VIEWED FROM LAKE WORTH; FURTHER AMEND SECTION 5.22 BY ADDING NEW PARAGRAPH (D) ALLOWING FOR CONSTRUCTION OF OBSERVATION TOWERS AS AN INTEGRAL PART

Ordinance  
1-90

OF SINGLE FAMILY DWELLINGS IN R-AA AND R-A DISTRICTS; AMEND SECTION 5.36, "GARDEN WALLS AND FENCES," BY AMENDING PARAGRAPH (B) TO ALLOW INCREASE IN GATE HEIGHT AND PROVIDE FOR INCREASED SETBACK FROM STREET; AMEND SECTION 5.47, "BEACH AREA", BY REVISING PARAGRAPH (B) TO INCLUDE CLARIFYING LANGUAGE LIMITING NUMBER OF BEACH HOUSES ON SINGLE PARCEL; AMEND SECTION 5.50, "ACCESSORY BUILDINGS AND/OR STRUCTURES", BY AMENDING SUBSECTION 5.51(F), "DISH ANTENNAS" TO PROVIDE FOR SCREENING FROM PUBLIC VIEW; TO PROVIDE AMENDMENTS TO ARTICLE 6, ENTITLED "SUPPLEMENTARY USE REGULATIONS" BY AMENDING SECTION 6.15, "TENNIS COURTS SHUFFLEBOARD COURTS", BY INCLUDING THEREIN PROVISIONS FOR RACQUET BALL COURTS; AMEND SECTION 6.30 "SIGNS", BY REVISING SUBSECTION 6.31 (G) TO PROHIBIT PAINTING OF LETTERING, ILLUSTRATIONS, LOGOS OR CHARACTERS ON STRUCTURES IN RESIDENTIAL DISTRICTS; AMEND SECTION 6.32, "SIGNS IN RESIDENTIAL DISTRICTS", BY REVISING SUBSECTION 6.32 (D) (2) (d) TO PROVIDE FOR REMOVAL OF DEVELOPMENT SIGNS IN TIMELY MANNER, AMEND SECTION 6.40, "SPECIAL EXCEPTION USES", BY ADDING NEW PARAGRAPH (P); TO AMEND ARTICLE 10, ENTITLED "APPEALS AND VARIANCES" BY AMENDING SECTION 10.41, "HEARING PROCEDURE", BY REVISING PARAGRAPH (A) TO ALLOW BUILDING OFFICIAL TO EXAMINE VARIANCE APPLICATIONS NOT MEETING ORDINANCE REQUIREMENTS; AMEND SECTION 10.41, "HEARING PROCEDURE"; BY REVISING PARAGRAPH (E) WHICH PROVIDES CRITERIA FOR DEFERRED ACTION REQUESTS; AMEND SECTION 10.41 "HEARING PROCEDURE", BY REVISING PARAGRAPH (F) WHICH PROVIDES THAT DENIED APPLICATIONS SEEKING SAME RELIEF CANNOT BE RECONSIDERED FOR ONE YEAR; PROVIDING FOR REZONING OF CERTAIN PROPERTIES DESCRIBED HEREIN; MODIFYING THE TOWN'S ZONING MAP ACCORDINGLY BY THE PROPER TOWN OFFICIAL TO REFLECT CHANGES IN ZONING DISTRICT CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mr. Winterfield addressed the Council asking if they were now authorizing a non-conforming residence to expand on the second floor without coming before the Council for a Variance providing the second floor addition falls within the established setbacks. Mr. Moore agreed. Mr. Winterfield respectfully suggested the Council look very closely at this action in conjunction with the plane of vision concept, as it imposed a greater standard on an applicant who comes in with new construction. He felt there was an alternative to the plane of vision which was not considered by the Council before adoption and he summarized that it was the allowance of setbacks which are in conjunction with the average of other construction, which meant they wouldn't have the same restrictive treatment if all houses on a street are treated the same, however, if someone who wants to add a second bedroom and is told they didn't have to come before the Council but to have a more stringent provision on the applicant for new construction didn't seem equal.

He stated on a second subject, he would like an explanation of why Council has chosen to overrule the Zoning Commission's recommendation on the ban of all motion picture making as he knew there were two opinions by the Town Attorney's office and not one case is presented which would provide authority for a motion picture producer who might wish to challenge such a ban. He suggested an attempt to impose the seven day rule may be difficult to defend as there is no difference between the seventh and the eighth day and if there is an accident or illness, will the Council be able to deny them the right to continue filming and he thought it was far simpler and cleaner to follow what everyone seems to believe is the sentiment of the population and ban all commercial motion picture photography.

Mr. Heeke advised the first question on the setbacks he would like to address. He did not believe the Council has ever denied one that met the setbacks and the Council was trying to eliminate the need of those variance applications come before Council when the rule of precedent was being applied to them. He addressed the ban on motion picture filming noting they asked for his opinion, it was given and it is not the function of an elected official to go against that.

Mrs. Wiener agreed with Mr. Heeke.

On roll call, the motion carried unanimously for the adoption on first reading of Ord. No. 1-90.

VI. RESOLUTION NO. 17-90 - AMENDMENT TO FLAGLER SYSTEM ("THE BREAKERS") PLANNED UNIT DEVELOPMENT.

Mr. Randolph read the Resolution No. 17-90 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO THE APPLICATION OF FLAGLER SYSTEM, INC., FOR MODIFICATION OF TENTATIVE APPROVAL FOR A PLANNED UNIT DEVELOPMENT: AMENDING RESOLUTION NO. 6-71, RESOLUTION NO. 9-72, RESOLUTION NO. 13-74 and RESOLUTION NO. 10-81.

He indicated there have been some amendments to this with suggested word changes from the applicant, which have been reviewed by Mr. Moore's office and his office and there are no substantive changes and he recommended approval.

Mrs. Wiener moved for adoption of Resolution No. 17-90. Seconded by Mr. Ilyinsky.

Mr. James Brindell on behalf of the Flagler System, Inc. addressed the Council, asking for one clarification which had to do with the Coffee Shop and would appreciate if the wording could be added to include the preparation area which has to hold refrigeration, work benches, dishwasher, soup wells, pizza oven, coffee makers, hot dog steamer, blender, trash, bottle cooler, soda dispenser, milk, iced tea juice, water dispensers, hot food wells, food storage, paper, utensil and dishware storage, which will be 900 square feet. Mrs. Douthit noted they were not enlarging the footprint of the building. Mr. Moore stated they are permitted 8000 square foot total, so he felt they were not exceeding any maximums.

Mr. Brindell felt the wording should be added after the word "counter", and would be: "and 900 square feet for preparation, storage and cleaning." Mrs. Wiener had no problem with that and amended her motion to include this wording. Seconder Ilyinsky also had no problem with the amendment.

Mr. Weinberg referred to the 8th modification which postpones the widening of County Road and asked if they had addressed the traffic problem which now exists there? Mr. Brindell responded they will be negotiating this at a more precise time and will be addressing that issue along with the drainage over the next two years period. Mr. Weinberg felt that was a long time. Mr. Moore indicated this was not an unusual length of time to discuss this detail and they are not adding to the traffic problem as they are not adding any more residential units or hotel rooms at this point in time. Mr. Weinberg stated there currently exists a traffic problem and something could be done to alleviate that problem without waiting the two years. Mr. Brindell stated there was an assumption that these phases would all go in sequence but there was a caveat that they didn't have to, and they haven't and this will go in the pot

of negotiation, along with drainage, and the transfer of development rights issues and the waste transfer facility issue and these problems will be resolved and they will come back with a package on all of those items.

Mayor Marix understood there is a problem on County Road with the traffic and it is other things that have added to the problem.

On roll call, the motion carried unanimously to adopt Res. 17-90 with the amendment.

VII. ANY OTHER MATTERS.

(A) WORKSHOP ON FEB. 21: Mrs. Douthit stated she would like people to be notified of the meeting which will be held on the 21st of February with regards to water, such as Gee and Jensen and all of the people who have shown interest. Mayor Marix agreed.

(B) TOWN HALL DEDICATION: Mr. Doney reported the plaques are not ready for the dedication of the Town Hall in February and requested the ceremony be put over to March 13th, 1990 at Noon, to which the Council agreed.

(C) EROSION PREVENTION REEF: Mayor Marix indicated she was in receipt of a letter dated January 18, 1989 from Representative Frank Messersmith which contain two items of interest, one being that if the Town is interested in participating in a reef, and are able to utilize a public beach with all structures removed, the DNR is willing to participate in financing the installation and monitoring of the project, however the cost of construction of the reef would be the responsibility of the Town. She stated the second item is if private beach residents are willing to invest in an erosion prevention project to better protect their property, the DNR would not participate in the funding mechanism but would be willing to assure a more simplified and timely permitting process.

She requested a letter be sent to the property owners who were at the meeting last week and who were concerned about how to protect their seawall. Mr. Heeke recommended a copy of the letter received by the Mayor from Mr. Messersmith be sent to the property owners by the Town Manager and the paragraph relating to the options available to them be highlighted and he so moved. Seconded by Mr. Ilyinsky. Mr. Doney indicated he will send them a cover letter with the letter from Mr. Messersmith.

Mayor Marix referred to the other item in this letter which states the DNR was willing to participate in financing the installation and monitoring the project and she felt that something should be done about investigating that item. President Douthit felt they should continue on with the sand project and she felt they needed to look into it further. Mayor Marix felt they needed to move forward on it. Mr. Heeke indicated he doesn't know what will work and what won't work and he would rather explore any kind of an option which will be open and available to the Council as there is an application for certain funding on groin removal which the Town will probably not take advantage of until they are forced to do it, so he felt they would be foolish not to explore this type of an approach further, and if it works, that's fine and if it doesn't, they haven't lost anything.

Mayor Marix believed they would not want to try this approach if there are still groins and the Town should look into where they could try this and who would do it and give information and prices and when that is known, it can be determined who might be interested in helping to pay and this was with regards to the public beach, however, some of upland owners may be interested in working with the Town, if there was to be some advantage to them, and a determination needs to be made as to what should be done.

Mr. Doney requested a copy of the letter from Mr. Messersmith be circulated to all the Council members as he had many questions on it and if the Council directs him to take other actions relative to the PEP Reef, he needs to know what they want him to do. Mayor Marix wondered who would take the necessary steps in order for them to find out more about this, as the letter states they want to utilize the beach area in which there are no other structures, such as groins. Mr. Dusey indicated he has not seen the letter to which they are referring, however, groins have been removed at center-Town. Mayor Marix stated if that area has no groins, then they need to find out what it will cost or not cost. Mr. Dusey suggested DNR should be written a letter and we find out what their proposal is and what the conditions are with regards to their proposal.

Mr. Heeke moved a letter be written to the DNR to determine what is being proposed under this recommendation and the Town staff review the response and be prepared to discuss the matter with the Town Council. Seconded by Mrs. Wiener who asked that in the letter some of the information we need is whether or not they will continue to permit the reef that is there to stay and what their findings have been. She recalled the last time this subject was visited, there were a number of other types of reefs available as last week Mr. Campbell showed a slide of a rock situation. She would like to hear from others who are not representing the particular reef throughout the State sending the Town a letter of this nature. Mayor Marix recalled there has been reef information from people up north and we know there has been litigation on some of these items. She knew Mr. Bowser has checked out that reef quite a lot. Mr. Dusey recalled Mr. Bowser had inspected it a month or two again. Mayor Marix asked if Mr. Bowser submitted a report on it? Mr. Dusey stated he did in a summary form and it was nothing of any substance. Mr. Ilyinsky commented it seems to be working. Mr. Dusey stated it may or may not be, but he will study the cross-sections just received to see if sand is doing anything there.

Mr. Heeke noted there are a number of products out there on the market and it would be good to know what is available, as if they get to that point, it would be a competitive bidding process. Mayor Marix stated there are cement ones, and the coquina rock and these are the things we need to investigate as to how much each costs per square feet, how tall is it, whether it is one that can be used at this particular location, etc.

Mrs. Wiener felt the first thing that should be done is to send the letter off to the DNR and see how serious they are about what is contained in the letter from Mr. Messersmith. Mr. Heeke agreed as this could be a lot more permanent than pumping sand onto the beach at a great expense. Mr. Doney indicated he will write Mr. Gardner. Mr. Heeke suggested a copy of the letter from Mr. Messersmith should be enclosed with that letter and ask what we should be doing from this end.

Mr. Randolph noted there are two motions on the floor, the first one is with regards to sending the Messersmith letter to the property owners along the oceanfront. Mrs. Wiener felt perhaps more information needed to be secured from DNR before this is sent to the property owners. Mayor Marix did not agree nor did Mr. Heeke. Mrs. Wiener felt it looked as though the Town was selling something and she did not agree. President Douthit pointed out there are no recommendations being made.

Res. 17-90

Any Other  
Matters

Workshop -  
Feb. 21

Town Hall  
Dedication

Erosion  
Prevention  
Reef

Erosion  
Prevention  
Reef

Mr. Heeke felt the people who were at the meeting who showed an interest should be sent the letter from Mr. Messersmith, to which Mrs. Douthit agreed. Mr. Doney believed he would be receiving phone calls on this and he would not know to whom he should refer the people as he felt it was about the PEP reef. Mr. Heeke did not believe that was mentioned in the letter and they were talking about something being put there to get sand. Mrs. Wiener quoted a phrase in the letter which states "to get a true evaluation of the reef performance." Mayor Marix felt they were talking about a reef performance, and whether it was Tom Campbells' or anyone else's reef as to get a true evaluation, they want to have a longer section of reef than what they are watching at the south end, and they don't want any structures nearby which effect it and if the Town finds such a location, they would speed up the possible permitting and these people should get in touch with DNR and stay in touch with the Town officials as to what is going on. Mrs. Wiener felt there was nothing to tell these people as the Town Manager is going to write DNR and find out information about what is being proposed in the letter. Mayor Marix felt that information can be transmitted to them and they can also be in touch with the DNR.

Mr. Randolph indicated the first motion on the floor is to have the Town Manager send the letter received from Mr. Messersmith to the property owners who showed interest at the last special meeting of the Town Council on the seawall. Mrs. Douthit noted this will be with a cover letter that we are simply passing this information along to the property owners. On roll call, the motion was carried with a negative vote cast against the motion by Mrs. Wiener.

Mr. Heeke stated the second motion was to write a letter to the DNR to obtain more information and have staff report back to the Council after that information is received. On roll call, the motion carried unanimously.

Publix

(D) PUBLIX. Mr. Doney advised staff has had a preliminary meeting with the Publix representatives with the Town Attorney and there will be further meetings and he will report in memorandum form of what was discussed but he wished to pre-alert the Mayor and Town Council that this will be the subject of an article in the Palm Beach Daily News probably before the Mayor and Council receive his report.

Adjournment

VIII. ADJOURNMENT. Meeting was adjourned at 6:18 PM.

Grace T. Peters, Town Clerk