

TOWN COUNCIL MINUTES OF MEETING HELD ON TUESDAY, JANUARY 10, 1995

I. CALL TO ORDER AND ROLL CALL - The meeting was called to order by President Pro Temp Smith at 9:30 a.m. On roll call, the following Elected Officials were found to be in attendance: Mayor Paul R. Ilyinsky, President Pro Temp Lesly S. Smith, Councilwoman Michele Clarke Royal, Councilmen Leslie A. Shaw and C. Gerald Goldsmith. Also attending were Town Manager Robert J. Doney, Town Attorney John C. Randolph, Police Chief Joseph L. Terlizzese, Fire-Rescue Chief Vincent K. Elmore, Director of Public Works Albert P. Dusey, Director of Planning, Zoning and Building Robert L. Moore, Town Engineer James Bowser, Finance Director Marie A. Crozier, Finance Accountant Debbie Kelly, Finance Acct. Clerk Lisa Gorman, Assistant Town Manager Peter B. Elwell, Assistant to the Town Manager David F. Jakubiak, Town Clerk Grace T. Peters and Deputy Town Clerk Mary A. Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - The invocation was given by Father Woodcock from St. Edwards. The pledge of allegiance was led by Mayor Ilyinsky.

III. PRESENTATIONS

A. Retirement of David C. Zimmerman, Assistant Building Official, Planning, Zoning, and Building Department - 20 Years

Mayor Ilyinsky said the Town of Palm Beach will miss Mr. Zimmerman and his enormous help over the years. He read the following:

The Mayor and Town Council gratefully recognize the retirement of David C. Zimmerman

A motion was made by Mr. Shaw to approve the "Approved Agenda". The motion was seconded by Mr. Goldsmith. On roll call, the motion carried unanimously.

REGULAR AGENDA

VIII. PUBLIC HEARINGS

A. Landmark Designation of 319 Brazilian Avenue; Consideration of Resolution No. 1-95

Mr. Frank reported proof of publication had been received from the local newspaper.

The witnesses who provided testimony for the landmarking were sworn in by Town Clerk Peters.

Mr. Frank stated the first subject property is 319 Brazilian Avenue, and the Landmarks Preservation Commission has found that this property met the following criteria for designation:

A. It exemplifies and reflects the broad cultural, political, economic or social history of the nation, state, county or town.

C. It embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period of style, method of construction or use of indigenous materials or craftsmanship.

Jane Day, Consultant from Research Atlantica, stated the house is a frame-built, bungalow style built in 1925 by East Coast

Mr. Shaw asked Mrs. Day to compare this example of property style to other examples on the "Sea" streets. Mrs. Day replied it is not the finest example, but it is representative of the architecture on those streets; however, other equally good examples exist on the "Sea" streets and those examples will be studied for possible landmarking. Mrs. Day added the owner has consented to the landmarking of this property.

Motion made by Mrs. Royal to approve resolution 2-95, as the property fits criteria A and C, to designate 111 Seabreeze Avenue. The motion was seconded by Mr. Goldsmith.

Mr. Randolph read the resolution:

RESOLUTION NO. 2-95
111 Seabreeze Avenue

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND DOES HEREBY DESIGNATE SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

On roll call, the motion carried unanimously.

Mrs. Smith commended Mrs. Day and the Land

RULES & STANDARDS COMMITTEE that Ordinance ARTICLE V. CHARITABLE SOLICITATION be changed as follows:(underlining shows addition of words)

Section 10-91. Application for permit:

(c)(11) Add to the last line..."within the State of Florida, within the Town of Palm Beach and within Palm Beach County."

(c)(12) Revise line 5..."Said financial statements shall be in the form of a compilation, review or audit at the discretion of the applicant."

(c)(18) Add"Any delinquent fees from prior filings or events must be paid at the time of application in addition to current fees as prescribed herein."

Section 10-94.(a)

Change the wording to: "The town manager shall issue a permit unless one or more of the following facts is found to exist."

Section 10-95. Issuance of permits.

This section will be eliminated.

Section 10-96. Fees

Change the wording to: Before a permit is issued pursuant to this article, there shall be paid to the town clerk an administrative processing fee. When the application is timely filed in accordance with 10-91-b, this fee shall be \$25.00. For application filed in less than the prescribed time, the fee will be \$50.00.

Section 10-106. Reports Required.

Change the time period to 90 days after the last scheduled event in lines 2 and 3....."within ninety (90) days after the conclusion of the last scheduled event (under the permit)."

Add the following sentence under the same section:

Failure to file in the prescribed time will incur an administrative processing fee of \$25.00.

The permits would be separately identified by category on the approved agenda as to the timeliness of the applications.

Mr. Shaw said the Committee investigated the requirements of the Administrative side to process an application, and since additional time is involved from three or four departments to review these applications, the burden is upon the Administrative side rather than the Town Council to investigate and approve these applications. He continued, as with many other applications for governments, charities or individuals, deadlines exist, and if these deadlines are not met, filing fees or late charges are assessed.

Mrs. Royal added the Committee intended these administrative processing fees to be incentives to the organizations.

A motion was made by Mr. Goldsmith to approve the changes in Section 10-96 of the ordinance. The motion was seconded by Mr. Shaw. On roll call, the motion carried 3-1 with Mrs. Smith casting a negative vote.

Mrs. Royal said input from Mrs. Polly Earl from the Preservation Foundation was included in this change to the wording of the 10-106 Fees section to shorten the length of time for filing the financial report as follows: "...within ninety (90) days after the conclusion of the last scheduled event (under the permit)." She noted the change to file within 90 days after the event would shorten the time considerably from the 90 days after the expiration of the permit which is later.

Mrs. Royal noted that an incentive was added by adding: "Failure to file in the prescribed length of time will incur an administrative processing fee of \$25.00." Mrs. Royal stated the amount of money was not the issue, but the \$25 serves as a reminder. She stated she did not wish to be punitive to any charity of any size.

Mrs. Goldsmith questioned the time period of reporting since many charities receive contributions for a long time period after an event.

Mr. Doney wished Mr. David Zimmerman well in his forthcoming retirement.

XVII. ADJOURNMENT The meeting was adjourned at 5:10 p.m.

Mary A. Pollitt
Town Clerk