TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON JANUARY 8, 2002

I. CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the Town Council was called to order on Tuesday, January 8, 2002, at 9:30 a.m. in the Town Council Chambers. On roll call the following elected officials were found to be in attendance:

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

Mayor Lesly Smith was not in attendance.

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
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
Planning Administrator Timothy Frank
Recreation Director Russ Bitzer
Town Engineer James Bowser
Town Clerk Mary Pollitt

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II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Pollitt gave the invocation. President McDonald led the Pledge of Allegiance. Afterwards a string trio from Palm Beach Public School performed the Star Spangled Banner.

III. PRESENTATIONS

A. Recognition of Marshall Singleton, Laborer, Parks Division, Employee of the Year for 2001.

President McDonald recognized Mr. Singleton for his years of service to the Town of Palm Beach, and his selection as Employee of the Year for 2001.

B. Recognition of William Coleman, Mechanic II, Water Resources Division, Public Works Department, Upon His Retirement From the Town of Palm Beach After Twenty Two Years and Five Months of Service.

President McDonald presented a ring to Mr. Coleman in recognition of his years of service to the Town of Palm Beach.

C. 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.

Mr. Odom was not present at the meeting.

D. Recognition of Eugene Garcia, Police Officer, Upon His Retirement From the Town of Palm Beach After Twenty Years and Six Months of Service.

President McDonald presented Officer Garcia with a watch in recognition of his years of service to the Town of Palm Beach.

E. Recognition of Craig Gunkel, Police Officer, Upon His Retirement From the Town of Palm Beach After Twenty Years and Three Months of Service.

President McDonald presented a ring to Officer Gunkel in recognition of his years of service to the Town of Palm Beach.

IV. COMMENTS OF MAYOR LESLY S. SMITH

Mayor Smith was not present at the meeting.

V. APPROVAL OF THE AGENDA

The following changes were made to the agenda:

WITHDRAW Item XIII.B.1.a., Site Plan Review No. 17-2001 with Special Exception, Gray Mobil, Inc.

Motion made by Councilman Brooks, seconded by President Pro-Tem McLendon to withdraw from the agenda, Item XIII.B.1.a., Site Plan Review No. 17-2001 with Special Exception, Gray Mobil, Inc. On roll call the motion carried unanimously.

DEFER Item XIII.B.1.b., Modified Site Plan Review No. 21-2001 with Special Exceptions and Variances, Heart of Palm LLC., to the February 12, 2002, Town Council Meeting.

Motion made by Councilman Brooks, seconded by Councilman Wyett, to defer to the February 12, 2002, Town Council Meeting - Item XIII.B.1.b., Modified Site Plan Review No. 21-2001 with Special Exceptions and Variances, Heart of Palm LLC. On roll call the motion carried unanimously.

WITHDRAW Item XIII.B.1.c., Variance No. 55-2001, Joseph G. and Marilyn V. Seck;

Motion made by Councilman Wyett, seconded by President Pro-Tem McLendon, to withdraw from the Agenda - Item XIII.B.1.c., Variance No. 55-2001, Joseph G. and Marilyn V. Seck. On roll call the motion carried unanimously.

DEFER Item XIII.B.3.c., Variance No. 3-2002, Kathleen DuRoss Ford, to the February 12, 2002, Town Council Meeting.

Motion made by Councilman Wyett, seconded by Councilman Brooks, to defer to the February 12, 2002, Town Council Meeting - Item XIII.B.3.c., Variance No. 3-2002, Kathleen DuRoss Ford. On roll call the motion carried unanimously.

The Agenda was approved, as amended, through motion of Councilman Wyett, seconded by Councilman Brooks. On roll call the motion carried unanimously.

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

Mary Louise Schwab, 217 Oleander, addressed the Town Council to express concern regarding damage on her property caused by a contractor working on the Oleander storm drainage system, and her experiences in that regard with Town staff.

Eric N. Gilbertson, 151 Chilean Avenue, addressed the Town Council expressing his concern for Town pedestrian street crossings

VII. CONSENT AGENDA

A. APPROVAL OF TOWN COUNCIL MEETING MINUTES OF DECEMBER 11, 2001.

B. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF DECEMBER 11, 2001.

C. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF DECEMBER 11, 2001.

D. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON DECEMBER 18, 2001.

E. APPROVAL OF CHECK REGISTERS FOR DECEMBER 2001.

F. OTHER

The Consent Agenda was approved through motion of Councilman Wyett, seconded by Councilman Brooks. On roll call the motion carried unanimously.

VIII. PUBLIC HEARINGS

A. Landmark Designation of 322 Clarke Avenue, Resolution No. 8-02. [Robert L. Moore, Director of Planning, Zoning & Building]

Town Clerk Pollitt confirmed proof of publication, and administered the oath to all those who would be speaking to the landmark designation in question.

Planning Administrator Timothy Frank reported that the property at 322 Clarke Avenue had been found by staff to meet the criteria for designation as a landmark in the Town of Palm Beach.

Historic Preservation Consultant Jane Day reported that 322 Clarke Avenue was a Mediterranean Revival style residence that had been built sometime before 1920, with the first Town record occurring in 1928, when the property had been damaged by a devastating storm. Repairs to the property were then done by Mizner Industries, Addison Mizner, architect. Mrs. Day related the specific details of the architectural style of the residence. She explained that the property had been brought forth by the owner, Marilyn E. Tracy, who had requested landmarking.

Councilman Brooks moved acceptance of the Designation Report. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

There were no ex-parte communications made by any member of the Town Council in this regard.

Town Attorney Randolph read Resolution No. 8-02 by title:

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 LOCATED AT 322 CLARKE AVENUE AS HEREINAFTER DESCRIBED MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE 4 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 NO. 2-84,

ALSO KNOWN AS CHAPTER 54, ARTICLE 4 OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Councilman Brooks moved approval of Resolution No. 8-02. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

IX. REGULAR AGENDA

A. Old Business

1. Staff Report Regarding Feral Cats. [Peter B. Elwell, Town Manager]

Police Chief Michael Reiter reported that as of October 1, 2001 there were 41 feral cat colonies in the Town that were registered with the Palm Beach County Division of Animal Care and Control. All were registered by Ms. Catherine Bradley. The registration for one colony was revoked on October 16, and since October 1st, the registrations for 37 colonies had expired and had not been renewed under the more extensive requirements of the revised Palm Beach County Ordinance. Most recently, the registrations for 27 colonies expired on December 29th. Only three feral cat colonies remain to be registered within the Town.

Chief Reiter explained that the revised new ordinance included requirements for notarized statements of approval to establish and maintain a feral cat colony from not only the property owner, but each contiguous property owner where the colony is located. Additionally a new provision of the ordinance provided that persons who provided food or other care for registered feral cat colonies must first be warned if they were not registered; then a thirty day period must transpire before an enforcement action could take place. He noted that the bulk of the registrations for the feral cat colonies registered by Ms. Bradley expired on December 29th, and the Police Department has thus far issued two written warnings (December 29th, and December 30th) to an employee of Ms. Bradley at Palm Beach Cat Rescue. He explained that while the Division of Animal Care and Control remained the primary law enforcement agency for enforcement of the ordinance, the Palm Beach Police Department would continue to issue warnings, and if there was a subsequent violation thirty days later, a violation notice of the Palm Beach County ordinance would be issued. He advised residents who complained of feral cats of the availability of the trapping service that was provided by the Division of Animal Care and Control. He noted that he had recently heard from the Director of the Division that it is a recent policy change on their part that they would only return feral cats to the registered care giver, and the care giver must show some evidence that the cat was taken from a registered colony. He also noted that he had been advised that the Division of Animal Care and Control had issued a notice of violation approximately three weeks ago to Ms. Bradley. A further revision of the ordinance was anticipated sometime later in the year to increase the enforcement ability of those violating the provisions of the ordinance, to require the contiguous property owners to give their written permission before any feeding or care of cat colonies occurred on their property.

Ms. Catherine Bradley, President and founder of Palm Beach Cat Rescue, requested that Chief Reiter read the amendment to the ordinance, because written information or notification was not required to contiguous neighbors.

Town Manager Elwell advised that staff would continue to enforce the ordinance and coordinate with Palm Beach County.

B. New Business

1. Appointment of Members to Town Boards and Commissions.

a. Voting Procedures. [Allen S. Wyett, Town Council Member]

Councilman Wyett commented that he found the voting procedures adopted by the Town Council very upsetting, as one position with six applicants required the numerical ranking of each applicant; he suggested that the system be changed to reflect one vote for each applicant, with the highest number of votes per applicant winning the election. The people serving as alternates would be included with the regular applicants.

President Pro-Tem McLendon agreed that the current system was cumbersome, and supported the recommended change.

Councilman Wyett moved that a new voting procedure for appointment of members to Town boards and commissions be adopted. The motion was seconded by

President Pro-Tem McLendon.

Town Manager Elwell advised that the ballots would be prepared in the same manner as they had been prepared for the past several years; the ballots would include any sitting member who is eligible to be re-appointed, any alternate member who is eligible to be elevated, and other citizens who had expressed interest in serving. If the first vote was not sufficient to settle the question, a second vote would then be held.

On roll call the motion carried unanimously.

b. Term Limits. [Allen S. Wyett, Town Council Member]

Councilman Wyett expressed concern with the requirements concerning architects on certain Town commissions, and the filling of vacancies by the architects. He suggested that the Town Council authorize the re-election of a non-practicing architect to a third term, or to consecutive one-year terms until an alternate architect could be found.

Councilman Brooks moved approval of sending the issue of term limits on Town boards/commissions to the Ordinances, Rules and Standards (O.R.S.) Committee for review. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously. ***(At a later point in the meeting, the O.R.S. meeting was scheduled for Thursday, January 31, 2002, at 10:00 a.m.).***

2. Consideration of D-17 Pump Station - Clarendon Avenue. [Samuel C. McLendon, Town Council President Pro-Tem]

President Pro-Tem McLendon commented that he had spoken with Public Works Director Dusey, and the attorney for the homeowner on the alley near Clarendon Avenue, however, he remained concerned with the drainage in the area.

Town Engineer Bowser commented that the property owner was raising the boat basin walls to elevation +5. He explained that raising Lake Park Drive would trap water on Vita Serena; a low spot would be created for the property owner on the east side of Lake Park Drive. The conclusion had been that a gravity system was not going to work in the area, and that a pump station would be required. He explained that there was a budget of $600,000, however, until analysis was finished as to where the wet well would go, and conflicts with relocating existing utilities were resolved, he could not speculate on the exact costs.

3. Staff Report and Recommendations Regarding Construction Contracting and Project Management.
[Peter B. Elwell, Town Manager]

Town Manager Elwell reported that the complications with the D-12 project along Bradley Place had been outside the norm, and issues had come forward during the project that highlighted the need to protect the Town and its residents during these projects. Over the last few months a committee led by Assistant Town Manager Bradford had studied and analyzed the construction contracting process, which had resulted in 32 recommendations to build upon strengths and correct weaknesses in the construction contracting and project management process. Many of the items could be implemented administratively, however, he requested that the Town Council endorse the recommendations made by staff, and accept the staff report with some indication that staff was to moved forward and implement those things that could be done administratively. He explained that staff would return within the next several months to the Town Council in order to move forward with any additional items that would require Town Council authorization.

In response to President McDonald regarding the situation existing with Ms. Schwab, as heard under Item VI. Communications from Citizens, Town Manager Elwell explained that legal constraints did not allow the Town to be as helpful as it would like to be to Town residents who had suffered circumstances such as Ms. Schwab. The liability in such instances was with the contractor who did the damage. He noted that the staff report had specific recommendations to bolster the Town's efforts in this regard. Explicitly one of those recommendations was to put in a time line where there was a limited period of time during which the contractor must respond to claims that had been made included in the contract document. There were also some recommendations for consideration of having staff become more directly involved in the resolution of claims; more details would be provided by staff in the future.

Councilman Wyett suggested that the Town reserve the right, after certain procedures have been followed, to make the damaged property owner whole.

Town Manager Elwell replied that further legal advice would be necessary in that regard. He requested that input be given by the Town Council regarding any portion of the report that staff should not be pursuing.

President McDonald commented that the report was one of the best staff reports that he had seen in the past several years, and was very well done.

President Pro-Tem McLendon agreed that the report was very well done, and complimented staff on same.

Councilman Wyett noted that Item 22 requested that the Town Council establish a staff position for public relations, and agreed that public relations and communications to the public must be improved, however, he thought it would be premature to hire someone before attempting to address the situation internally.

Councilman Brooks commented that the 32 items could be accepted generally, and then revisited as necessary. He recommended that staff meet individually with the members of the Town Council in order to further review the issues; he noted that he, too, was very impressed with the work and the clear presentation of the report.

Councilman Goldblum concurred that the report was excellent, and moved approval of acceptance of the report, and going forward with any further suggestions at a later date. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

4. Appointment to the Town of Palm Beach Public Safety Retirement Board of Trustees. [William C. Crouse, Director of Human Resources]

After casting ballots, the Town Council appointed Richard Krock and Frazier Wellmeier as full members of the Town of Palm Beach Public Safety Retirement Board of Trustees.

5. Proposed Appointment of Samuel C. McLendon, Town Council President Pro-Tem, to the Citizens' Committee on Airport Noise (CCAN). [Jack McDonald, Town Council President]

President McDonald proposed that President Pro-Tem Samuel McLendon be appointed to the Citizen' Committee on Airport Noise (CCAN).

Councilman Wyett moved approval of the appointment of Samuel C. McLendon, Town Council President Pro-Tem, to the Citizens' Committee on Airport Nosie (CCAN). The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

6. Request to Schedule a Special Town Council Meeting to Review Drainage Basin Studies and Recommended Improvements. [Peter B. Elwell, Town Manager]

Town Manager Elwell reported that the voluminous drainage basis studies had been furnished to each Town Council member for review. He advised that any Town Council member could review items with staff or the consulting engineer for further details/information. A Special Town Council meeting would be scheduled in order to hear the formal presentations of the consulting engineers and to give consideration to the recommendations.

President Pro-Tem McLendon suggested that cost estimates be furnished.

Councilman Wyett suggested that a period of time be set aside for meeting with staff, with a Town Council meeting or a workshop then scheduled in this regard.

Councilman Brooks commented that he favored the Special Town Council meeting, rather than a workshop, as recommendations could be made and voted upon at a Special Town Council meeting, if so desired.

Councilman Wyett commented that the workshop would have the advantage of not rushing to judgment.

Councilman Goldblum moved approval of scheduling a Town Council workshop. The motion was seconded by Councilman Wyett. On roll call the motion failed 2/3, with Councilman Goldblum and Councilman Wyett casting affirmative votes; Councilman Brooks, President Pro-Tem McLendon, and President McDonald casting dissenting votes.

A Special Town Council Meeting was scheduled for February 13, 2002 at 9:30 a.m., for consideration of the drainage basin studies and recommended improvements.

Town Manager Elwell advised that staff would contact each Town Council member to determine individual meetings with staff or consulting engineers prior to the meeting on February 13, 2002.

X. RESOLUTIONS

A. Resolution No. 1-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Town of Palm Beach Police Department Local Law Enforcement Block Grant Program Application to the Florida Department of Law Enforcement and Authorizing the Mayor to Execute the Same on Behalf of the Town.
[Thomas G. Bradford, Assistant Town Manager]

Town Attorney Randolph read Resolution No. 1-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE TOWN OF PALM BEACH POLICE DEPARTMENT LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM APPLICATION TO THE FLORIDA DEPARTMENT

OF LAW ENFORCEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

Councilman Wyett moved approval of Resolution No. 1-02. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

B. Resolution No. 2-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at 860 South Ocean Boulevard as Hereinafter Described and Stating That Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties." [Timothy M. Frank, AICP, Planning Administrator]

Town Attorney Randolph read Resolution No. 2-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT 860 SOUTH OCEAN BOULEVARD AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Brooks moved approval of Resolution No. 2-02. The motion was seconded by Councilman Goldblum.

Councilman Wyett commented that it was his opinion that some of the tax abatement programs were welfare for the wealthy; he stated that he did not see a need for Town residents to have to subsidize a profitable operation.

On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

C. Resolution No. 3-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at 15 Golfview Road as Hereinafter Described and Stating That Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties."
[Timothy M. Frank, AICP, Planning Administrator]

Town Attorney Randolph read Resolution No. 3-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT 15 GOLFVIEW ROAD AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Brooks moved approval of Resolution No. 3-02. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

D. Resolution No. 4-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at 150 South Ocean Boulevard as Hereinafter Described and Stating That Subject Property Meets the Criteria

Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties." [Timothy M. Frank, AICP, Planning Administrator]

Town Attorney Randolph read Resolution No. 4-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT 150 SOUTH OCEAN BOULEVARD AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Wyett moved denial of Resolution No. 4-02. The motion died for lack of a second.

Councilman Brooks suggested that staff comment.

Director of Planning, Zoning & Building Robert Moore stated that each January the properties that had filed for tax abatement were considered. Each of the properties before the Town Council in that regard today were landmarked properties, with little or no chance of ever tearing down or redeveloping. Staff strongly encouraged people to go through the process. He noted that the total taxes on the property last year were $194,000 on a valuation of $9.5 million, which was the building permit evaluation, and was subject to the review of the tax assessor's office.

President Pro-Tem McLendon asked if certain properties could be excluded from obtaining the tax abatement?

Town Attorney Randolph advised that there would have to be a very good reason for excluding any particular property, otherwise it would be discriminatory.

Councilman Wyett commented that there were no recognizable features of the house today, versus the property that was originally landmarked a number of years ago. He stated that it was his opinion that the property did not meet the standards for tax exemptions for historic properties.

Town Attorney Randolph advised that the Landmarks Commission had been appointed to determine whether properties should be designated as landmarks, and it would be difficult to reject this resolution at this time.

Councilman Brooks moved approval of Resolution No. 4-02. The motion was seconded by Councilman Goldblum. On roll call the motion carried 3/2, with Councilman Brooks, Councilman Goldblum, and President Pro-Tem McLendon casting affirmative votes; Councilman Wyett and President McDonald casting dissenting votes.

E. Resolution No. 5-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at 1284 North Lake Way as Hereinafter Described and Stating That Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties."
[Timothy M. Frank, AICP, Planning Administrator]

Town Attorney Randolph read Resolution No. 5-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT 1284 NORTH LAKE WAY AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Brooks moved approval of Resolution No. 5-02. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

F. Resolution No. 6-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at the Breakers Hotel as Hereinafter Described and Stating That Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties."
[Timothy M. Frank, AICP, Planning Administrator]

Town Attorney Randolph read Resolution No. 6-02 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT THE BREAKERS HOTEL AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Goldblum moved approval of Resolution No. 6-02. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

G. Resolution No. 7-02 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Located at 250 Sanford Avenue as Hereinafter Described and Stating That Subject Property Meets the Criteria Set Forth in Ordinance No. 31-93, Also Known as Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions for Historic Properties."
[Timothy M. Frank, AICP, Planning Administrator]

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY LOCATED AT 250 SANFORD AVENUE AS HEREINAFTER DESCRIBED AND STATING THAT SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS FOR HISTORIC PROPERTIES."

Councilman Brooks moved approval of Resolution No. 7-02. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

XI. ORDINANCES

A. Second Reading

1. None.

B. First Reading

1. None.

XII. COMMENTS OF THE TOWN COUNCIL MEMBERS AND TOWN MANAGER

Councilman Brooks suggested that the Ordinances, Rules and Standards (O.R.S.) Committee consider changing the watering restrictions from three times per week to two times per week. He noted that Gene Joyner, of the County Extension Society had recommended one time per week watering.

Councilman Wyett commented that he did not believe an ordinance telling residents how often to water their lawns was necessary, however, an education program may be helpful. He also commented regarding the Preservation Act allowing ad valorem tax rebates, maintaining that it was not intended to apply to mega mansions; he suggested that a $2 million limit be applied to any such program. He suggested that the issue be referred to the O.R.S. Committee.

President Pro-Tem McLendon expressed concern with changing the water restriction regulations and the possible conflict with the County regulations.

Councilman Goldblum commented that better communication with the citizens in the Town was needed, although Town Manager Elwell had made improvements in this area.

Councilman Brooks moved approval of sending the watering restriction issue, to the O.R.S. Committee for further study. The motion was seconded by Councilman

Wyett. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

Councilman Wyett moved approval of sending the Preservation Act tax abatement issue to the O.R.S. Committee for further study. The motion was seconded by Councilman Brooks. On roll call the motion carried 3/2, with Councilman Wyett, Councilman Brooks, and President McDonald casting affirmative votes, Councilman Goldblum and President Pro-Tem McLendon casting dissenting votes.

It was determined that the Ordinances, Rules, and Standards Committee meeting would be held on January 31, 2002, at 10:00 a.m.

Town Manager Elwell commented that there had been a good response to the Better Place Software Program, however, the reporting portion of the program had presented some complications. Staff was in communication with the Florida League of Cities, who own and manage the software, to attempt to get some modifications.

Town Manager Elwell commented that the Phipps Ocean Park Tennis Court Project was moving along well, with completion expected during the month of February.

XIII. DEVELOPMENT REVIEWS

Town Clerk Pollitt administered the oath to all those who would be providing testimony relating to the Development Review matters.

A. Time Extensions

1. Request for a One Year Extension From T.A.J.A. Realty Trust - Variance No. 4-2001. [James R. Brindell, Esq.]

Attorney James Brindell addressed the Town Council, stating that the project in question involved several lots that were physically adjacent to each other on Everglade, Seminole and Ocean. The lots were large enough for five houses, and two were being built presently. The request today was for an additional year to work on the second house.

Councilman Goldblum, the neighboring property owner, stated that he approved with the request as the house was directly across the street from his residence. He suggested that the lot currently piled with dirt be leveled in order to cut down on the dirt and dust in the area.

Councilman Brooks moved approval of the request for a one year time extension for T.A.J.A. Realty Trust - Variance No. 4-2001, with the condition that the dirt and dust be controlled. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/0, as Councilman Wyett had temporarily left the room.

2. Request for a One Year Extension Regarding 223 Seminole Avenue. [Joanne Warshaver, Representative]

Director of Planning, Zoning & Building Robert Moore suggested that this item be deferred until the February 12, 2002 Town Council meeting.

Councilman Brooks moved approval of the deferral of the request for a one year extension regarding 223 Seminole Avenue, to the February 12, 2002 Town Council meeting. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW NO. 17-2001 WITH SPECIAL EXCEPTION The application of Gray Mobil, Inc., Richard Gray, President, relative to property described as The east 129.2 feet of Lots 1, 2, and 3 and all Lots 4 and 5, Block G, Royal park Addition to the Town of Palm Beach; commonly known as 340 South County Road; located in the C-TS Zoning District. To allow construction of a 1,052 square foot addition to Gray's Mobil which will contain retail, office, restrooms, and storage (in the attic), and Special Exception required to increase the retail space of the service station, expanding the total square footage from 2,269 square feet to 3,321 square feet. **Deferred from October 9, November 13, and December 11, 2001, Town Council Meetings.** *(Request for Withdrawal per Letter Dated December 26, 2001, from James R. Brindell, Esq.)*

This item was withdrawn earlier in the Agenda, under Item V. Approval of the Agenda.

b. MODIFIED SITE PLAN REVIEW #21-2001 WITH SPECIAL EXCEPTIONS AND VARIANCES 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, Town Council Meeting.** *(Request for Deferral to February 12, 2002, Town Council Meeting per Letter of December 21, 2001, from James R. Brindell, Esq.)*

This item was deferred earlier in the Aenda, to the February 12, 2002, Town Council Meeting, under Item V. Approval of the Agenda.

c. VARIANCE NO. 55-2001 Reconsideration of the application of Joseph G. & Marilyn V. Seck relative to property described as Revised Plat of Palm beach Shores, Lots 85, 86, 87 and 88, commonly known as 240 Queens Lane; located in the R-B Zoning District. To allow construction of a second story addition requiring a variance to increase the non-conforming angle of vision to 102 degrees in lieu of the 100 degrees maximum allowed. *(Staff Recommends Deferral so the Applicant Can Provide Legal Notice to Adjacent Property Owners.)*

This item was withdrawn earlier in the Agenda, under Item V. Approval of the Agenda.

2. New Business - Minor

   a. None.

3. New Business - Major

   a. VARIANCE NO. 1-2002 The application of Leonard Lauder relative to property described as the South Ocean lot in E. G. Pendleton Tract (lengthy legal description on file); commonly known as 126 South Ocean Boulevard; located in the R-B Zoning District. To allow a generator in the street-side yard with a setback of 33'3" in lieu of the 35' required in the R-B Zoning District.

Ex-parte communication was declared by Councilman Goldblum with Attorney Maura Ziska, on January 7, 2002, by President Pro-Tem McLendon with Attorney Ziska on January 7, 2002, by Councilman Wyett with Attorney Ziska on January 7, 2002, and by Councilman Brooks via telephone with Attorney Ziska on January 4, 2002.

Attorney Maura Ziska, on behalf of the applicant, addressed the Town Council, stating that the property in question was located on the corner of Barton Avenue and Flagler Drive. The variance request was to allow the placement of a generator in the street side yard that would encroach into the setback approximately one foot. She explained that there was a soundproofing wall in the area that had been placed there to encase a cooling tower; the optimal placement for the generator would be in front of the cooling tower. The generator was encased in a special sound proofed container, with a sound proofed sealing, as well as a silencer on the muffler. The owner had purchased all of the additional equipment to make the generator as silent as possible. The generator could not be placed further to the east, because full access to the generator was needed. She stated that the request was reasonable and minor, as Flagler Drive was not a heavily traveled street, and the applicant had mitigated the noised resulting from the placement of the generator as much as possible.

Director of Planning, Zoning & Building Robert Moore provided the staff comments as set forth on the Application Review Sheet: Comprehensive Plan: can be located in a location which would conform to the Code - no hardship; Building Department: describe the hardship; Town Manager: no hardship. He explained that Ms. Ziska had addressed the sound issue.

Councilman Brooks asked if it was possible to move the equipment?

Ms. Ziska responded that it was not possible to move the equipment because of the access needed to the back of the generator.

Mr. Moore stated that by removing a portion of the wall the generator could be placed further away from the setback.

Ms. Ziska replied that would also eliminate the additional sound proofing of the wall. She advised that the hardship was that the street side yard increased the setback, as it was considered a normal side yard because of the location of the property.

Councilman Wyett commented that the hardship must run with the land, and that the Town Council had been sending out a message for months that requests would not be granted if the problem could be solved in any other way.

Mr. Moore commented that extenuating circumstances related to the existence of the wall in place could be found, and that noise would be mitigated with the placement of the generator behind the enclosure.

Councilman Brooks moved approval of Variance No. 1-2002. The motion was seconded by Councilman Wyett. On roll call the motion carried 4/1, with President McDonald casting a dissenting vote.

b. VARIANCE NO. 2-2002 The application of Joseph J. Bianco, Owner and Anthony Solo, Contract Purchaser, relative to property described as All of lot 24, and Lot 23, less the southerly 40 feet of the east 6 feet, Primavera Estates (Ocean Section); commonly known as 180 Barton Avenue; located in the R-B Zoning District. To allow a lot split to create a non-conforming lot 97 feet wide in lieu of the 100 foot minimum required for an R-B zoned lot.

Ex-parte communication was declared by Councilman Goldblum with Attorney Ron Kolins, by President Pro-Tem McLendon with Attorney Kolins, by Councilman Wyett with Attorney Kolins, and by Councilman Brooks with Attorney Kolins, and via walking the property in question.

President McDonald noted that Attorney Kolins had dropped off material for him at the Town Hall yesterday regarding the application in question, however, he had not had the opportunity to collect the material. He suggested that, in the future, any material be dropped off the Friday before the Town Council meeting.

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, stating that there had been some new developments that had occurred that were not contained in the books presented to the Town Council, and those developments had caused him to change the direction of the presentation today. He introduced the following exhibits into the record: Applicant's Composite Exhibit 1: the book accompanying the variance request, containing 14 items; Exhibit 2: documents from the Town records dated 1981, allowing construction on the eastern half of the property in question; Exhibit 3: the 1981 plot plan for the property; Exhibit 4: two indentures; Exhibit 5: documents from the Town records - 1983 survey of the western half of the property; Exhibit 6: a proposed site plan showing configuration of the western portion of the property with a home on it, facing in the direction of South County Road.

Attorney Kolins continued with his presentation, stating that he would discuss the development potential of the property, which was presently comprised of two platted lots; Lot 23 and Lot 24, at the southeast corner of Barton Avenue and South County Road. Both of the lots were nonconforming lots. Approval had been given in 1920, or thereabouts, to construct a home on the eastern half of the property, and the property had since been treated as having an eastern half and a western half. He exhibited a rendering of the house presently on the eastern half of the property, with nothing on the western half. He advised that the house would remain, with the applicant making certain improvements to it, without enlarging it. He explained that the applicant would like to construct a home on the western half of the property, meeting all of the Town lot, yard, and bulk requirements. A variance of 3' was required in order to have the house face Barton Avenue. He explained that the property line width was 103.95', which exceeded the 100' minimum; however, under Town code, the lot must be measured at the building or set back line. The property narrowed as it moved southerly, and as a consequence the lot was 97' wide at that point. The only reason the house would face Barton Avenue was because Town staff had insisted upon that; he noted that the house would then require no other variances, and also have an enormous amount of green space, with the beautiful landscaping along South County Road being retained. He presented photographs of the present landscaping. He also noted that there was an alley to the rear of the lot, and the property would be accessed through that alley for construction purposes. There would thus be very little disruption in terms of trucks, noise, and dirt on the streets of the Town. He presented a diagram of the house and green space proposed. He referred to the zoning in progress item relating to applications regarding abutting lots owned by the same party; when one or both of them is nonconforming a variance would be required in order to get a lot split to build on both of them. If the house faced South County Road, as preferred by the applicant, a variance would not be needed at all, because the way the lots were split would create two conforming lots, as indicated on the technical diagram he presented.

In response to Town Attorney Randolph, Attorney Kolins explained that he was arguing in favor of the variance; the hardship creating the variance was the insistence of Town staff that the house face Barton Avenue. If the Town would approve the house facing South County Road then a variance would not be needed. He explained that the applicant was willing to abide by the decision made.

Town Attorney Randolph advised that the determination for Attorney Kolins to make was whether he wanted to proceed on the variance application, or whether he wanted to appeal the decision of the administrative official that a variance was not needed if the house faced South County Road. He advised that the Town Council should not be put in a position where it had to act on each alternative, when each alternative was not before them today.

Attorney Kolins responded that there was not an administrative decision that indicated the house could not be built facing South County Road; if the variance was not approved today, the next step would be to go to the staff for a decision; if staff did not agree with the applicant at that time, an appeal of the administrative ruling would be made. He explained that the applicant was offering the Town Council the opportunity to approve the variance if it was desired that the house face Barton Road.

Town Attorney Randolph commented that staff had made the decision that a variance was needed if the house faced Barton Road; he noted that if staff had made the decision that a variance was required, the applicant could then have filed an appeal of the administrative official's decision in that regard, and simultaneously asked for the variance, so that both issues would be before the Town Council today.

Zoning Administrator Paul Castro stated that staff had not told the applicant which way the house should face; when the applicant had presented the plan, staff had discussed the situation related to whichever way the house fronted, and that was how staff would determine the lot width and depth. He explained that whichever way the house fronted, the applicant would need a variance, because the depth would be less than what the Code required. If the house faced Barton Road the variance would be less, and staff had discussed that with the applicant, as well as ingress and egress from the property to South County Road. He noted that staff had not indicated a preference to the applicant.

Councilman Brooks noted that the western part of the lot contained beautiful landscaping, and a water lily pond. He stated that in his opinion it was one of the more attractive corners in the Town. He expressed concern about the statement made by Attorney Kolins that if the 3' variance was granted, at least 50% of the green space would be retained, however, there was 100% green space there now. He also noted that in order to build the house as proposed by the applicant, the current cabana would need to be truncated. He stated that this was a classical example of a Procrustean bed, and that the application had been presented today almost in an "either/or" situation.

Attorney Kolins responded that the lily pond was on private property, and very few people received the benefit of it. He maintained that the applicant was present today absolutely in the spirit of cooperation, and he had not intended the presentation to be a "gun to the head" type of thing.

Councilman Brooks commented that in his opinion, the petition cried out to heaven for denial, and was not in keeping with the spirit of the Town in green space.

Attorney Kolins responded that when the applicant had met with Mr. Castro he had said that he was not going to let the applicant front the house on County. The applicant was then faced with fronting the house on Barton, and the variance was needed. Subsequently the applicant had realized that the house could be built facing South County on a totally conforming lot. The applicant then had a decision of whether to withdraw/defer the variance, then approach Town staff to confirm that the house could be built facing South County.

Councilman Brooks commented that he would prefer that the magnificent lot be left the way it presently was, and not shoehorn in another 4,000 sq. ft. house on a magnificent corner of the Town.

Attorney Kolins responded that the applicant had more green space on the lot than a great majority of the lots in Town, and far more than what was required by Code. The lot was 14,000 sq. ft., and to say that it could not be built upon because of the landscaping on it would be unfair to the rights of the property owner. He stated that every other lot was built on in Primavera Estates, and there were two sets of lots in exactly the same configuration located immediately across the street. He maintained that the lot in question should not be treated differently than every other lot in the area.

Councilman Wyett commented that the Comprehensive Plan called for reduced density, and that he did not consider the application in question favorably.

Attorney Kolins suggested that the request be deferred in order to give the applicant the opportunity to counsel with Attorney Randolph and the building officials.

Councilman Brooks moved denial of Variance No. 2-2002. The motion was seconded by Councilman Goldblum.

Architect Gene Pandula commented that two conforming lots could be created from the parcel of property, and that the proposed plan would not harm anything on the existing house, with the exception of a trellised walkway leading to the garden area, and the removal of approximately 4' of the back end of the cabana. Other than that the house would stay perfectly intact, meeting all zoning criteria. The remaining lot of 14,500 sq. ft. was significantly larger than every other lot on County Road. The building that could possibly be built there would maintain the entire perimeter hedge.

Director of Planning, Zoning & Building Robert Moore pointed out that the setback must be 30', not 25' from Barton Avenue, and the applicant would trigger a special exception with site plan review if the house faced County Road.

Town Attorney Randolph advised that in order to receive approval on a variance there must be a finding made that all of the criteria set forth in the ordinance relating to variances must be met. He requested that the motion reflect that disapproval was being made because the applicant had not met the criteria set forth in the ordinance.

Councilman Brooks clarified the motion to deny Variance No. 2-2002, in that the hardship, as offered by Attorney Kolins, was not valid, and did not meet the criteria set forth in the ordinance.

In response to Councilman Wyett, Architect Pandula explained that a one-story porch was shown at 25', and the two story mass was at 30'.

President McDonald called for any public comment.

Ms. Hope Annan, 150 Barton Avenue, commented that she had written a letter to the Town Council and she wanted to ensure that it was made part of the record. She protested the variance on the grounds that there was no hardship, and the fact that the alley was being proposed to be used as access for construction.

Ms. Mary T. Harrison, 161 Clarke Avenue, commented in protest to the variance request, noting that there were specimen trees on the property, and wonderful plants that had been in place since the 1920's.

On roll call the motion to deny Variance No. 2-2002 carried 4/1, with President Pro-Tem McLendon casting a dissenting vote.

Attorney Kolins commented that he would discuss further issues in regard to this property with Mr. Moore.

c. 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. *(Request for Deferral to February 12, 2002, Town Council Meeting per Letter of January 2, 2002, from Jacqueline S. Miller, Esq.)*

This item was deferred earlier in the Agenda, to the February 12, 2002, Town Council Meeting, under Item V. Approval of the Agenda.

4. Other

a. Request for Modification of Approval of Variance No. 20-2000 (Il Lugano) Regarding the Location of Construction Trailers. [James R. Brindell, Esq.]

Town Manager Elwell summarized the history relating to Variance No. 20-2000, explaining that staff had conservatively interpreted approval of the placement of construction trailers within the Town right-of-way on Seminole Avenue. When the application for the project had been made, the length of construction time had been estimated for completion in November 2001. He explained that there was not a specific condition of approval referencing a specific deadline for construction completion or for the trailers to be moved, nor was there a construction schedule attached to any of the approval paperwork. There had been some specific discussion of a schedule in the consideration of the application, and staff had conservatively interpreted that it was the intent of the Town Council not to allow a second winter season to be affected with the placement of the construction trailers in the right-of-way on Seminole Avenue.

Town Manager Elwell recommended that the construction trailers be allowed to stay until January 31, 2002, and the construction fence in the trailer parking area recently vacated be removed by March 15, 2002, with the right-of-way then completely available to the public.

Town Manager Elwell noted that another issue regarding the project had been the parking of the employees working at the site, and that had been addressed with enforcement action currently underway. The project managers had assured that employees would not be parking nearby, and would be using the bus system.

Director of Planning, Zoning& Building Robert Moore clarified that the garage would be opened in approximately three weeks.

Councilman Wyett commented that there had been too many inconveniences with the project, and suggested that the functions carried on in the trailers be moved inside the building.

Councilman Goldblum moved approval of the request for modification of approval of Variance No. 20-2000 (Il Lugano), with the following conditions: the construction trailers remain in place until January 31, 2002, with the construction fence removed by March 15, 2002. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

XIV. ANY OTHER MATTERS

There were none.

XV. ADJOURNMENT

There being no further business, the regular meeting of the Town Council held on January 8, 2002, was adjourned at 12:20 p.m.

Town Council President

Attest:

Town Clerk

PREPARED BY:
SUSAN EICHHORN
DEPUTY TOWN CLERK
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