

**MINUTES OF THE TOWN COUNCIL MEETING HELD ON
DECEMBER 9, 1997**

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order by President Smith at 9:30 a. m. on December 9, 1997. On roll call the following Elected Officials were found to be in attendance: Mayor Paul Ilyinsky, President Lesly Smith, Councilmen Jack McDonald, Sam McLendon, and Allen Wyett. (President Pro-Tem Leslie Shaw arrived at the meeting at 9:55 A.M.) Also in attendance for all or a portion of the meeting were: Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Assistant to the Town Manager David Jakubiak, Town Attorney John Randolph, Chief Code Compliance Officer Brian House, Finance Director James Demming, Fire-Rescue Chief Ken Elmore, Planner/Projects Coordinator Timothy Frank, Planning, Building & Zoning Director Robert Moore, Planning, Building, & Zoning Administrator Paul Castro, Police Chief Joseph Terlizzese, Police Major Michael Reiter, Public Works Director Al Dusey, Recreation Director Russell Bitzer, Risk Manager Barbara Martinuzzi, Town Engineer James Bowser, and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Leonid Feldman of Temple Emanu-el. President Smith led the Pledge of Allegiance.

III. PRESENTATIONS

A. Recognition of Robin Weiss, Golf Commission, From 1994 to 1997

Mayor Ilyinsky presented Mrs. Weiss with a plaque in recognition of her service to the Town of Palm Beach with the Golf Commission from 1994 to 1997.

President Smith mentioned that Mrs. Weiss had been named the leading woman amateur golfer in the United States by Golf Magazine.

IV. COMMENTS OF THE MAYOR

Mayor Ilyinsky recognized the loss of Mr. Thomas Reese, who had been the oldest resident of Palm Beach County.

He wished everyone happy holidays.

V. APPROVAL OF THE AGENDA

The following changes were made to the Agenda:

Page 2, Item VIII. A.9. - Charitable Solicitation, Other - The Palm Beach Opera moved from the Approved Agenda to the Regular Agenda. Mr. Burt Hallock, Board Member, was present to address the

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Councilman Wyett moved approval for the withdrawal of Items XVII. 2., 3., and 5. - Variances Nos. 38-97, 39-97, and Variance portion of Special Exception 46-97. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as President Pro-Tem Shaw had not yet arrived at the meeting.

Councilman McLendon moved approval of the Agenda as amended. The motion was seconded by Councilman McDonald. On roll call the motion carried 4/0, as President Pro-Tem Shaw had not yet arrived at the meeting.

VI. COMMUNICATIONS FROM CITIZENS

Mr. Ben Johnson, resident, addressed the Town Council regarding parking in the Publix parking lot at night. He explained that he lived at 333 Sunset since 1996, and he had not had a full night's sleep since then. He presented four boxes of Police Department complaints filed against Bradley's since 1993 and asked that the Town Council review them.

Chief Terlizze stated that under the Public Records Law, Mr. Johnson had purchased the records pertaining to Bradley's for \$630.

Resident Adrian Winterfield commented on the administration of the Occupational Licenses, suggesting that it be reviewed, and inviting attention to two specific matters: The establishment of a radio broadcast studio on Royal Palm Way, which was in the OPI District; the purchase of a commercial unit by Florida National Bank & Trust at Palm Beach Towers, and the issuance of a license to operate as a bank at that location. The district was residential and there was no provision for banks and financial institutions.

Mr. Burt Hallock, representing Palm Beach Opera, commented that Charitable Solicitation Application No. 68-98 had been submitted late because of a misunderstanding by the accountant. He had hand delivered the application and was present today to respond to any questions.

Town Clerk Pollitt explained that Palm Beach Opera had been granted permits from the Town for quite some time, had filed Results Forms late, and the current application had also been submitted very late. This was the first opportunity that had been available for presentation to the Town Council. She had advised Palm Beach Opera to complete the application for presentation at the Town Council Meeting for review.

Councilman Wyett moved approval of Charitable Solicitation Application No. 68-98 for Palm Beach Opera. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as President Pro-Tem Shaw had not yet arrived at the meeting.

APPROVED AGENDA

VII. APPROVAL OF MINUTES OF NOVEMBER 12, 1997

VIII. LICENSES AND PERMITS

A. Charitable Solicitations

2. Application for a New 4COP-SRX Alcoholic Beverage License by Mr. James Enzel for The Ginger Man at 375 South County Road.

IX. AGREEMENT AND CONTRACT RENEWALS

- A. Amendment to Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Mutual Aid Agreement.

X. OTHER

- A. Consideration of Waiver of Recourse/Fiduciary Liability Policy for the Board of Trustees of the Town's Retirement System

Councilman Wyett moved approval of the Approved Agenda. The motion was seconded by Councilman McLendon. On roll call the motion carried 4/0, as President Pro-Tem Shaw had not yet arrived at the meeting.

REGULAR AGENDA

XI. PUBLIC HEARINGS

- A. Consideration of Proposed Settlement - Little vs. Town of Palm Beach

Attorney Randolph explained that a case settled for an amount in excess of \$5,000 should come before the Town Council at a public hearing, and that was the purpose today. Mediation had started with a demand from the plaintiff in the amount of \$50,000, and the case was then settled for \$7,500, in exchange for full and complete settlement.

Councilman McLendon moved approval of the settlement of \$7,500 in the case of Little vs. The Town of Palm Beach. The motion was seconded by Councilman Wyett. On roll call the motion carried 4/0, as President Pro-Tem Shaw had not yet arrived at the meeting.

- B. Landmark Designation of 440 Brazilian Avenue, Resolution No. 52-97

Planner/Projects Coordinator Tim Frank announced that the proper notice had been issued on the subject property at 440 Brazilian Avenue.

Town Clerk Pollitt administered the oath to all those who would be speaking to the issues addressed at the Town Council Meeting.

Mr. Frank stated that the subject property had been reviewed by the Landmarks Preservation Commission, and had met the following criteria for designation: Criterion A: exemplified and reflected the broad cultural, political, economic or social history of the nation, state, county, or town. Criterion C: embodied distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials

