Roll Call

I. CALL TO ORDER AND ROLL CALL. Town Council Meeting was called to order by President Heeke at 9:30AM in the Town Hall Council Chambers on November 13, 1990. On roll call, Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwomen Douthit and Wiener and Councilman Weinberg were found to be in attendance. Also attending for all or portions of the meeting were: Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Mr. Dusey, Chief Elmore, Chief Terlizzese, Mrs. Crozier, Mr. Boggs, Mr. Zimmerman, Mr. Moore, Mr. Elwell and Mr. Jakubiak.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was give by Mrs. Peters. Pledge of Allegiance was led by President Pro Tem Ilyinsky.

Approval of Minutes

III. APPROVAL OF MINUTES OF FEBRUARY 1 AND OCTOBER 9, 1990. On motion of Mr. Ilyinsky, seconded by Mrs. Wiener, the minutes of Feb. 1 and October 9, 1990 were approved. On roll call, the motion carried unanimously.

Approval of Agenda

IV. APPROVAL OF AGENDA. Agenda was approved on motion of Mrs. Douthit, seconded by Mr. Ilyinsky with the following modifications: Addition of VII. A. 20 - Brandies University, National Women's Committee; Addition of IX. C. 2. Removal and appointment of Landmark Preservation Commissioner; Withdrawal of Item XI. B-1, 2, and 3 and 3 - Variances No. 13-90, 14-90 and 43-90. Deferral to Dec. meeting of XI. B-9, Variance No. 60-90. On roll call, the motion carried unanimously.

Presentation

V. PRESENTATIONS.

A. Mr. Damon R. Adams, Finance Director of the City of Ft. Lauderdale, representing the Government Finance Officers Association, presented a "Certificate of Achievement for Excellence in Financial Reporting" to the Acting Director of Finance Marie A. Crozier for the fiscal year ending September 30, 1989.

President Heeke commended Mrs. Crozier and her staff for the excellent work they have done to receive this prestigious award.

B. Acknowledgment and Expression of Appreciation to Florida Power & Light for Gift to Town of Palm Beach of Three Ficus Trees Abutting North County Road. President Heeke advised the Mayor will be ackowledging this under her comments.

Comments of the Mayor

VI. COMMENTS OF THE MAYOR: Mayor Marix gave her comments: "I would like to commend Mr. Ted Moffett Vice President, Florida Power & Light and Mr. Bill Ellis, the District Manager for their kind and understanding gift of three ficus trees - to replace three trees that were not going to make it on North County Road near Wells Road. We are fortunate in that most of the trees are seemingly recovering from last Christmas' freeze, the few replacements that we had to make are looking excellent, with the help of Dr. Moore, Civic Association, and now with those given by Florida Power & Light, we face a very "attractive" season for one of our most important Town beauty spots. Thank you, F P & L."

President Heeke read a letter into the record which the Town is sending to Mr. Moffett of Florida Power & Light: "RE: The donation of three ficus trees abutting North County Road between Wells Road and Miraflores Drive. Dear Mr. Moffett: On behalf of the Mayor and Town Council, we extend to Florida Power & Light, the Town's gratitude for its donation of $1800 to acquire the three ficus trees. Thank you very much for your generous gift to the Town of Palm Beach. Cordially, Bernard A. Heeke, President of the Town Council."

Mayor Marix asked if her comments could also be enclosed with this letter, to which President Heeke agreed.

Licenses & Permits

VII. LICENSES AND PERMITS:

A. Charitable Solicitations - Recommended for Approval.

1. The American Heart Association, Palm Beach Region, No. 6-91.
2. JFK Medical Center, No. 16-91.
3. Palm Beach County Chapter, American Red Cross, No. 20-91.
4. Palm Beach Opera, Inc., No. 68-91.
5. American Friends of the Hebrew University, Inc., No. 101-91.
6. Boys and Girls Clubs of Palm Beach County, Inc., No. 104-91.
7. The Eye Research Institute, No. 107-91.
8. The Greater Palm Beach Symphony Association, Inc., No.124-91.
9. American Lung Association of Southeast Florida, Inc., No. 155-91.
10. Croquet Foundation of America, No. 216-91.
11. Palm Beach County Community Foundation, Inc., No. 221-91.
12. Palm Beach Par 3 Hospital Benefit, No. 227-91.
13. National Wheelchair Sports Fund, Palm Beach Chapter, No. 255-91.
14. American Ireland Fund, No. 260-91.
15. West Palm Beach Jaycees, No. 261-91.
16. American Associates, Ben-Gurion University of the Negev, Inc., No. 277-91.
17. American Friends of the Game Conservancy; NO. 307-91.
18. Israel Cancer Research Fund, NO. 308-91.
19. Lt. Col. Netanyahu Unit, #5470 B'nai B'rith; No. 309-91.
20. Brandeis University, National Women's Committee, No. 310-91.

Mrs. Peters explained all of thetwenty charities listed are recommended by staff for approval. Motion was made by Mr. Weinberg to approve the issuance of the charitable solicitation permits as listed. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Other:

1. The Salvation Army, No. 197-91. Mrs. Peters explained the Salvation Army was late in returning their results form last year and their audit is not current. Newton Brown of the Salvation Army addressed the Council advising they had to change their auditors and they hoped to have the new audit within a week. He reported they had a change in personnel and that was the reason their result form was late. Motion was made by Mr. Weinberg to approve the Salvation Army's permit to raise funds in the Town of Palm Beach, with the proviso the Ordinance is adhered to in the future. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

2. Save-A-Pet Florida, Inc., No. 236-91. Mrs. Peters advised if the Council approves this permit, the advertising rule needs to be waived and they were late in filing their application, and also the attorney for this organization had a conflict this morning in court and is not able to be here at this

time to represent the charity. Mayor Marix recalled Mrs. Maxwell has been incapacitated and that may be part of the problem. President Heeke knew the change in the date was due to the restaurant as they were offering the facility without cost to the charity, which he viewed as an unusual circumstance. Mr. Ilyinsky moved for approval of the issuance of the Permit. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

3. Juvenile Diabetes Foundation International, Palm Beach County Chapter, No. 240-91. Mrs. Peters advised this organization also needs a waiver on the advertising. Mr. McGurk, Executive Director of the Juvenile Diabetes Foundation addressed the Council explaining the circumstances asking for the waiver and apologized for the lateness in filing the application. Mr. Ilyinsky moved the waiver to the advertising rule be allowed. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

B. Application for Transfer of a 4 COPS Beverage License from James Carroll Lichtenberger to Ajit Asrani/Plaza Inn, INc., d/b/a Stray Fox Pub at 215 Brazilian Avenue. Mr. Doney advised this is for on-premises consumption and it is recommended for approval by staff. Mrs. Douthit moved the application for transfer be granted. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Old Business

VIII. OLD BUSINESS:

A. Other

Future Water Supply Study

1. Future Water Supply Study dated October, 1990 by James M. Montgomery Consulting Engineers, Inc. - Request to Set Date and Time for Future Town Council Workshop Meeting. Mr. Heeke hoped it could be held prior to the Town Council meeting in December. Mr. Weinberg pointed out the annual Palm Beach Civic Association meeting is to be held on Dec. 5. Mrs. Wiener advised she will be in Europe until the 5th. Motion was made by Mrs. Douthit the meeting be held Dec. 5, 1990. Mr. Weinberg pointed out this is the annual meeting of the PBCA and they have reserved hotel space and he didn't think it was appropriate to have a Town meeting going on at the same time on a very important subject. Mayor Marix suggested the Workshop be held in the afternoon of Dec. 5th, as the Civic Association always holds their meetings in the morning. Mrs. Wiener advised she was going away on business and will be returning the night of the 4th, and it would be difficult for her to attend a meeting on the 5th and she saw no reason why this meeting could not be scheduled later. There was no second to the motion and this matter was deferred until later in the meeting to ascertain whether or not those interested parties who wished to be in attendance were available on December 6, 1990.

New Business

IX. NEW BUSINESS

A. Resolutions

Res. 80-90

1. Resolution No. 80-90 - Request for Authorization to File Application for EMS Grant from Palm Beach County. Mr. Randolph read the resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE APPLICATION FOR FUNDS FROM THE PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES AWARDS PROGRAM TO BE USED FOR THE IMPROVEMENT AND EXPANSION OF EMS SERVICES FOR THE TOWN.

Mr. Weinberg moved for approval of Res. No. 80-90. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Bid Awards

B. BID AWARDS

Sealed Bid 007-90/91

1. Sealed Bid No. 007-90/91 - Three six-yard Bodies for Trash Trucks. Mr. Doney recommended the bid be awarded to Southland Equipment Corp in the amount of $37,782. Mr. Dusey advised the bodies are made in the USA and this has come in under the budgeted amount. Motion was made by Mr. Ilyinsky, seconded by Mrs. Wiener to award the bid to Southland Equipment Corp. as recommended. On roll call, the motion carried unanimously.

Sealed Bid 008-90/91

2. Sealed Bid No. 008-90/91 - One Trash Truck. Mr. Doney recommended the bid be awarded to Palm Beach International Trucks in the amount of $36,487.28 and not to the low bidder who did not meet the specifications. Mr. Dusey advised this has been budgeted but is short about $200, and can be covered in their operating budget within the Equipment Replacment Program. Mr. Ilyinsky moved the recommendation of staff be accepted and the bid be awarded to Palm Beach International Trucks. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Sealed Bid 009-90/91

3. Sealed Bid No. 009-90/91 - Utility Spray Vehicle. Mr. Dusey advised he has recommended the bid be awarded to One Stop Lawn & Turf Equipment North in the amount of $11,262. Mr. Ilyinsky asked if there could be a law suit against the Town between the second low bidder and the One Stop people? Mr. Dusey responded there could be a law suit but it will not be against the Town as the dispute is between Pifer, the second low bidder and One Stop regarding franchise arrangements. Mr. Ilyinsky moved the Sealed Bid No. 009-90/91 be awarded as recommended by Mr. Dusey. Mrs. Douthit seconded the motion. On roll call, the motion carried 4-1 with Mr. Weinberg voting against the motion. Mr. Weinberg advised his negative vote was due to the fact this was made in Korea and he wants to buy American.

Appointment

C. Appointment

Golf Commission

1. Golf Commission - To Fill Vacancy of Term to expire No., 1991. Mr. Heeke noted there has been a resignation by Mr. Irving Kaufman, due to ill health and Mr. Weinberg had a recommendation. Mr. Weinberg nominated Mr. Joseph Berkow of 16 Sloan's Curve and he moved he be appointed to the Golf Commission. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Landmarks Pres.Comm.

2. Removal and appointment of Landmarks Preservation Commissioner. Mr. Heeke called for a motion to be made that the seat held by Mr. Sullivan be declared vacant as he will be unable to attend meetings or visit recommended landmark sites for approximately ninety days. He felt Mr. Sullivan's service to the committee has been noteworthy in the past, however, it must continue to function. He noted Jackie Albarran is the senior alternate member and Mr. Heeke passed the gavel to President Pro Tem Ilyinsky to chair the meeting and moved that the seat of James Sullivan on the Landmarks Preservation Commission be and is here now declared vacant and that Jackie Albarran be appointed to fill the unexpired term and the Town Manager write Mr. Sullivan a letter expressing our appreciation for his years of service. Mayor Marix asked if she would be appointed o fill the unexpired term of Mr. Sullivan? Mr. Heeke agreed and it would come up again in Feb. Mr. Heeke withdrew his motion as he felt there should be two motions. He moved to declare the seat held by Mr. Sullivan vacant on the Landmarks Preservation Commission and the Town Manager prepare a letter thanking Mr. Sullivan for his efforts and energies expended on behalf of the Town in that capacity. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Mrs. Wiener stated she cast her vote with regret as

she felt he was an outstanding member of the Commission, but she knows the Commission must move forward. Mr. Heeke moved that Jackie Alberran, presently an alternate on the Landmarks Preservation Commission be appointed as a member of the Commission to fill the unexpired term of Mr. Sullivan. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Mr. Doney asked if they wished to hold the alternate position open until February? Mr. Heeke didn't feel that needed to be discussed at this meeting.

D. Other

Other

1. Little Red Schoolhouse at Phipps Ocean Park - Request from Preservation Foundation of Palm Beach, Inc. for Town Council Authorization to Make Minor Exterior Improvements. Mrs. Polly Earl of the Preservation Foundation of Palm Beach, Inc. addressed the Council indicating they were in the process of readying the Schoolhouse for the official opening and since there had to be some exterior modifications, it needs to be approved by the Landmark Preservation Commission and the Town Council. She explained it has been before the Landmarks Commission and approved, and they would like to replace the windows and install screens. She reported there is some aluminum screening there now which they would like to paint over with a darker color. She hoped to install a non-skid paint on the ramp in the rear of the Schoolhouse. She stated there is a rustic sign memoralizing the Palm Beach Gardeners Association, which was erected many years ago and she would like to refurbish the sign and add a panel to it which would recognize the Schoolhouse is a project of the Preservation Foundation. She noted there something has been spilled on the front concrete steps which they would like to clean up or have the Public Works people help them clean it up. Mrs. Douthit asked if the Preservation Foundation would be financing these requests to which Mrs. Earl responded affirmatively.

Little Red Schoolhouse at Phipps Ocean Park

Mrs. Douthit thought it would also be appropriate to recognize this is a joint project between the Preservation Foundation and the Town of Palm Beach, as she felt the Town should have some recognition. Mrs. Wiener suggested it be the Town of Palm Beach and the Preservation Foundation. Mr. Heeke agreed. Mr. Ilyinsky moved the Town Council approve the project with the modification to the designation and the sign to read: "The Little Red Schoolhouse 1886 - A Joint Project of the Town of Palm Beach and the Preservation Foundation of Palm Beach." Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

2. Consideration of Proposed "How To Book" on Landmarking Procedures. Mr. Moore explained several years ago, the Town Administration in cooperation with the Preservation Foundation and in answer to public requests from Landmark Commissioners and persons who own landmarked houses asked for an informational type booklet which could be handed out to prospective owners of landmarked paroperties. He explained this would give some understanding of the landmark process. He indicated the Town staff was unable to put this book together and the Preservation Foundation volunteered to write the book and there were monies budgeted to print the book and the Town reserved the right to have the final editing. He indicated the document before them today is a culmination of several efforts of the Landmarks Commission, the staff and the Preservation Foundation staff and its members and various elected officials who had contacted them as a result of the first draft on October 17, 1990. He noted there were several good suggestions and changes have been made but because of the sheer volume of the number of persons involved in the writing of the document, he recommended that the Mayor and Council refer this document back to the staff and have them edit it to formulate one style of writing and he will represent the Town's staff and Mrs. Earl will represent the Preservation Foundation and receive the input from the Mayor and Council which he was hopeful would produce a final copy. He suggested that perhaps the Town Council would like to appoint one of its members to be an ex officio member of this editing process. Mr. Ilyinsky believed it should be Mrs. Douthit and he so moved. Seconded by Mr. Weinberg.

"How To Book" on Landmarking Procedures

Mayor Marix felt it will take a lot of staff time and she wanted to be sure they knew what they were going to do with the book and who it will be given to as depending on whom it is given to, there would be some direction that should be given on how it will be worded. She thought if it was going to be given to a property owner whose home was about to be landmarked, that would be difficult wording; or if it is to help those who are already landmarked, that would also be something different.

Mr. Moore understood the concern, however, he did neglect to mention that Mr. Randolph will also be sitting with them in this final editing process. He pointed out they would still have personal contact with the perspective landmark owner and if the perspective landmark owner wished to understand what they could or couldn't do with their property afterwards, the document would be used as a tool in the explanation process.

He believed there was no reason to change their personal approach to the landmarking process. Mr. Moore stated they will continue with their present approach as it has been difficult to get to the point where people are understanding the landmarking process and they do not wish to change that. Mayor Marix asked if this book would be used by those who already have all the information given to them by someone, be it a Landmark Commissioner or whatever and this book would merely be used to refresh their minds later.

Mr. Heeke noted the Town Attorney has spoken to him about the motion on the floor, and this might be creating a Committee and he would rather the staff simply handle this and those Council members who wish to give input, may do so, rather than run the risk of creating a Committee and public meetings would have to be held.

Mrs. Rose Harwitz addressed the Council questioning the constructive purpose of this book as there already is a procedure in the Ordinance where an owner who has a landmarked property and wants to make a change, he has to go through a certain procedure and he would still have to do that and she couldn't see the purpose of the book of the expense of it. Mr. Moore responded the Landmark Ordinance is a fairly static ordinance and does not reflect constant changing, however, this manual is designed as an informational tool and once a property is landmarked, the land owner can rely on this book before coming to the staff and filing for the Certificates of Appropriateness, which is the vehicle to affect changes to the property. He has heard many requests for these things to be put on paper. Mr. Heeke noted it does not supplant the Ordinance and is an attempt to explain the procedure.

Mrs. Harwitz felt if every rule was going to have a book on them, the party still must come to the Landmark Preservation Commission and to the Council and to Mr. Moore in advance no matter if he understands the book or doesn't understand the book and she could see no need for it.

Mr. Adrian Winterfield believed the Committee should be set up and the public could have access to the discussions and he felt they should be given that opportunity. He questioned the statement made that the Ordinance is static as there are certain provisions in the Ordinance which should be revised, such as the term "consideration" as it is not defined and should be. He felt no property should be considered for landmarking without the unanimous vote of the entire Commission at a public meeting, and that too is a change that should be made in the Ordinance before any explanatory publication is issued.

Mr. Winterfield recalled there was reported in the press a publication distributed to the property owners of already landmarked properties and explained the effect of the State Law and asked if this was sanctioned by the Town Council?

Mr. Heeke stated the public will always have input and he views this as staff procedure and to hold public hearings on something of this nature was in his estimation an exercise in futility and he asked Mr. Moore to look into the things that Mr. Winterfield thought should be modified and if he felt they should be, then he could carry it further. Mr. Moore responded he would do so and clarified he knew of no document his department has sent out to owners of landmarked properties. Mr. Frank indicated there was a Department of State document which outlined the eligibility factors for certain grants for structures which have been landmarked and notifies them who to contact in the State Capital and it is not a Town document.

Proposal by George Lewis to donate plaque

D. Consideration of Proposal by Mr. George Lewis, President, Palm Beach Board of Realtors, Inc. to Donate Bronze Plaque to the Town to Commemorate Site of Former Palm Beach Pier.

Mr. Lewis addressed the Council with the request indicating he has submitted some sketches of the proposed plaque which would be in the center of thearea east of Worth Avenue, which is about where the pier originally was situated. He stated it would be 18" by 14" and the wording will be refined so they would like approval of the concept and direction on who to work with to finalize the details. He indicated this would be at no cost to the Town.

Mr. Doney advised the Town staff has no objections, but as a practical matter based upon the sketch, he would not approve it being placed on top of the seawall. Mr. Lewis indicated they will not place it there but would like to place it on a slanted concrete pedestal just inside the wall.

Mrs. Douthit commented she would like to make a motion that the Council gratefully accept the proposal by Mr. George Lewis on behalf of the Palm Beach Board of Realtors for the bronze plaque to be erected in the green space just east of the sidewalk in commemoration of the Pier. Mr. Ilyinsky seconded the motion. Mrs. Wiener asked if the wording would be worked out with the staff to which Mr. Lewis agreed. On roll call, the motion carried unanimously.

Short Break was taken.

Meeting called back to order by President Heeke.

Mutual Aid Agreement with City of Riviera Beach Police Dept.

4. Proposed Mutual Aid Agreement with the City of Riviera Beach Police Department. Mr. Doney explained a question has been raised by the Town Attorney, however, there are Mutual Aid Agreements with the City of West Palm Beach, City of Lake Worth, and the Town of South Palm Beach. Mr. Randolph explained on Paragraph three in Section 3, it is unclear what will happen to a dispute where one agency is alleging it is the negligence of the other agency which caused damage to the equipment. He didn't like the wording: "to be determined through administrative procedures" as that was not clearly defined and he thought it could be corrected by the sentence reading: "Each party shall bear the loss of or damage to any equipment furnished by it, in furtherance of this agreement, unless such loss or damage is the direct result of negligence on the part of the employee or officer of the other party."

Mayor Marix asked if the agreements with the other municipalities were worded in the same way? Mr. Randolph did not know. Mayor Marix thought if it was the same wording, it should be changed. Mr. Randolph stated it will be when the agreements are renegotiated.

Mrs. Douthit moved the Agreement be authorized, providing the wording is changed to be mutually agreeable between the Chief and the Town Attorney. Motion seconded by Mrs. Wiener. Mr. Winterfield asked who initiated this request for this Agreement. Chief Terlizzese reported as an accredited law enforcement agency, they have entered into Mutual Aid Pacts in 1989 with contiguous communities and subsequent to that this was discussed at a County Police Chief's Association meeting and all agreed there should be Mutual Aid Agreements with other police agencies and this is the first that came along. Mr. Heeke recalled there were many municipalities involved in the Ku Klux Klan matter. Chief Terlizzese recalled there were several municipalities which responded which we do not have a contract with, and he viewed this as a good thing to have the Mutual Aid Agreements. He stated the Florida State Statutes intends to incur and set forth standards for Mutual Aid between Law Enforcement agencies.

On roll call, the motion carried unanimously.

5. Lake Worth Inlet

Lake Worth Inlet

A. Sand By-Passing to the South at Lake Worth Inlet - Potential Amendments for 1991 Legislative Session. Mr. Doney advised a memo dated Nov. 1, 1990 on this subject was sent to the Mayor and Town Council and it is an issue that through Ron La Face, who has acted on legislative matters during past years, a minimal effort was made during the 1990 Legislative Session, and with the 1991 Legislative Session up comming, discussion on this matter has been had and if there is to be a major effort and they wish to utilize the services of Mr. LaFace and gain allies in the seeking of the Legislative Amendment, and a proposal has been submitted up to an amount not to exceed $35,000. He knew this was a risky issue, as these matters usually are, and it is not known whether the Legislative amendment could be attained. He stated in the meantime they will appeal and voice its concern that the Port of Palm Beach should take the lead and initiative in the funding of the erosion problem south of the Inlet, as the Port is the major benefiter of the Inlet and the Port activity.

He indicated the policy question today is a difficult one as there is no assurance that the effort will be successful and could result in a substantial expense. Mr. Ilyinsky wondered if they were flogging a dead horse. Mr. Doney advised the Ports state wide are very strong legislatively and are well mobilized in Tallahassee and it is Mr. La Face's opinion to gather support by the other municipalities which are negatively impacted by ports.

Mrs. Douthit recalled reading the Army Corps of Engineers had owned up to 80% of the erosion problems in the State and she hoped between the Port and the Federal Government, there may be some help.

Mr. Doney responded indicating that is Part B of this item where discussion will be had on Section 111 of the Rivers and Harbors Act. Mayor Marix believed this was a terrible important subject as it will cost the Town millions if something is not done about the erosion problems, but she wondered if they have taken enough time and initiative to contact these communities which are negatively impacted and find out if we have their support, as well as the Legislative delegation. Mr. Doney responded the communities to the south, South Palm Beach, City of Lake Worth and Lantana have been contacted and the only one who offered support was the

Town of South Palm Beach who will contribute up to $1500 towards the $35,000. He thought it may be desirable for one of the elected officials to discuss with the Legislative Delegation the potential as they see it and Mr. LaFace has offered to contact the Port representatives and the municipal representatives state wide.

Mrs. Wiener believed with the recent election, there may be different opinions from the Cabinet members who are involved with this and before we start spending money, we should write some letters and get their input, as this is a highly political issue. Mr. Heeke agreed.

Mr. Winterfield felt specific language should be established before they make any requests. Mr. Heeke indicated no specific language has been prepared yet as that is something that will be done by Mr. La Face, or some appropriate Legislative Committee. Mr. Winterfield felt one way to approach this would be to establish the specific language and find a Sponsor as though it may not be the final language adopted, it will be a start.

Mr. Doney pointed out some of the Inlets are, by State Statutes, exempt from financially being responsible for the erosion problems and the Port of Palm Beach is one of them. He indicated there is not specific language at this time. He recommended a letter be provided to the members of the Delegation and personal contacts be made also, to determine if they will sponsor legislation and if they see fit to put this on their agenda, Mr. LaFace's services in Tallahassee would be very helpful. Mr. Heeke encouraged all members of the Town Council extend some feelers to see what type of feedback they get from members of the local delegation.

B. Consideration of Status of Section 111 Proposed Study by Army Corps of Engineers.

Study by Army Corps of Engineers

Mayor Marix wondered if anything could be done about the fact that the Army Corps reneged on their agreement. She stated the erosion will continue and if anything is ever built, it would have to be renourished constantly, so part of the attack could be that it will save them money and she believed the Legislators are interested in that possibility of saving money. Mr. Heeke asked if the other members of the Council felt it may be beneficial to contact the Legislative Delegation due to the recent election to which the members of the Council agreed to do before any monies were authorized. Mrs. Wiener felt if there was no support, there was np point in expending any funds, however, on the other hand, if it is found that the Delegation is interested in helping out, then we would be in a better position.

Mr. Doney advised the background on this subject is set forth in his memorandum of Nov. 8, 1990 and Mr. Elwell had attended a meeting back in March of 1990 and at that time the Town was relying on the Corps of Engineers' staff's position that they were going to proceed with the final study report and design specifications, permitting, bidding and construction of a new sand transfer plant which was to commence on 10-1-90 and was to be 100% Federally funded. He recalled recently through the County Department of Research Management, they have been provided a copy of an internal document of the Army Corps of Engineers indicating the current study should be terminated if a sponsor could not be found by 9-30-90. He knows this is a long standing and complex issue, but the approach he would recommend is the Town Council President be authorized to send a letter to each member of the Federal Congressional Delegation adn the President, asking the project be reactivated and fully funded and undertaken. Mrs. Wiener agreed and so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Mayor Marix suggested they contact Mr. Frost who may have some valuable input to put into the letter, to which Mr. Heeke agreed.

6. Comments on Florida League of Cities 64th Annual Convention - October 11-13, 1990 in Orlando. Mrs. Wiener indicated everyone was stirred up about Amendment 3, which has since passed so that in the future the State Legislature will no longer be able to mandate acts on the part of municipalities without providing funds or supply ways of getting the money, and this will be part of the State Constitution. She had met someone close to the new Governor and she thought that would be helpful as with the problems we have in the Town with the Beach and Water, we can't do it alone.

FL.League of Cities 64th Annual Convention

Mr. Ilyinskv agreed these meetings are well worth while going to and much was accomplished.

X. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR OCTOBER, 1990. Motion was made by Mr. Ilyinsky to approve. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Approval of Warrant List

XI. DEVELOPMENT REVIEWS

Development Reviews

A. Major Matters Previously Considered by the Architectural Commission at their meeting of October 24, 1990. Motion was made by Mrs. Douthit to receive the report. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Major Matter Arch. Comm.

The Major matters were:

B28-90 A. Revisions to 133 Wells Road, the Wells Road Land Co. Deferred.

B66-90 - New residence for Mr. & Mrs. Claude Clement Mimun, 1150 N. Ocean Blvd. Approved conditionally.

B16-90 - Revisions/Additions to residence of Michael J. Civitella, 272 Country Club Road. Deferred.

B77-90 - New residence for Mr. & Mrs. Stephen Levin, 446 N. Lake Way. Deferred.

B82-90 - New Residence for Richard Doan, 218 Miraflores Drive. Deferred.

B91-90 - Addition to residence of Seymour and Rhoda Cole, 233 List Road. Deferred.

B27-90 - Color Samples and Lanscaping for residence of John Raimondi, 1420 N. Ocean Blvd. Approved conditionally.

B86-90 - New residence for Peter Stanley, 1332 N. Ocean Blvd. Deferred for further study on various items.

B96-90 - Remodel commercial space - B. Handelsman, 2238 Worth Avenue - Approved.

B42-90 - New residence for Mr. & Mrs. Frazier Wellmeier, 206 Queens Lane. Approved.

B79-90 - Revisions to residence of Mr. & Mrs. Robert Whitacre, 200 Emerald Lane. Approved conditionally.

B100-90- New residence for Gordon Sinclair, 324 El Bravo - Approved.

B101-90- Renovations to residence of Albert Beriro, 20 Middle Road. Approved.

B102-90 - Renovations and New Auxiliary Structure for Lawrence Gordon, 1260 N. Ocean Blvd. Approved conditionally.

B103-90 - Demolition of residence of Dr. Mary Tarzian, 248 La Puerta - Approved conditionally.

B104-90 - Construct Columbarium for Royal Poinciana Chapel, 60 Cococnut Row. Approved.

B. Variances, Special Exceptions and Site Plan Reviews:

Old Business

OLD BUSINESS

Var. 13-90

1. Var. No. 13090 - Lowry Bell, 220 Banyan Road - to allow constructinon of a tennis court providing a 10' front yard setback in lieu of 35' required and providing a 2.5' west side yard setback in lieu of 10' required. R-A District. Deferred from March meeting. Withdrawn.

Var. 14-90

2. Var. No. 14-90 - Lowry Bell, 700 S. County Rd.; to allow construction of a tennis court providing a street side yard setback of 10' in lieu of 35' required; providing 2.5' front yard setback in lieu of 45' required; and providing 2.5' west rear yard setback in lieu of 10' required. R-A District. Withdrawn.

Var. 43-90

3. Var. No. 43-90 - Seymour and Rhoda Cole, 233 List Rd. - to allow constructions of an addition to a non-conforming residence that has a lot coverage of 33.6% and proposes a 35.2% lot coverage, in lieu of 30% maximum permitted. R-B District. Deferred from August meeting. Withdrawn.

Var. 53-90

4. Var. No. 53-90 - Tova Leidesdorf, 203 S. Lake Dr.; applicant proposes to divide subject property and requests variances to allow construction of a single family dwelling on a parcel with a lot frontage of 63' measured at the building setback line in lieu of 125' as required, and to allow the proposed property line to be 5' from an existing two story accessory building in lieu of providing the required 15' side yard setback. R-A District. Deferred from October meeting. Attorney Ray Royce addressed the Council for Mr. Leidesdorf and gave the history of the application. He pointed out the variance is not for the driveway although that was the focal point of discussion at the last meeting. He exhibitdd a drawing which showed the driveway in the same place, however, the wall was pulled back. He reported they tried to get the neighbors together and sent out inviatations to 18 and seven regretted and one couple showed up, Mr. & Mrs. Alban Anderson who have no objection and have sent a letter. He believed the Town planner has looked at this and believed what has been proposed is a good solution and it should be granted.

Mr. Moore advised a memorandum has been sent under date of Nov. 8, 1990 and a portion of that memo included a report from Kimley-Horn, who has subsequently reviewed this matter again and it is a letter to Dr. Gorfine, under date of 11-9-90 and has now concluded the problem of the safety that was reported in the 10-20-90 letter has been addressed. He had Mr. Brisson of Adley look at this also who concurs that the lot split is the way to go rather than the mini-subdivision and believes the driveway on the Seaspray side should remain in its current location so it will not interrupt the Oriental garden. He recommended approval of the variance setback off of the cul de sac as they think that is better than the other alternatives.

Mrs. Wiener moved for the approval of Variance No. 53-90. Seconded by Mrs. Douthit.

Mr. Moore advised the property line will have a jog on it as Mr. Brisson had no problem with that, although staff would prefer that it didn't.

On roll call, the motion carried unanimously for approval.

Var. 56-90

5. Variance No. 56-90 - James and June Sturrock, 141 Seaview Avenue; to allow conversion of a required one car garage into living space per Section 6.21 (f) of the Town Zoning Ordinance. R-B District. Deferred from October meeting. Attorney John Bannister addressed the Council on behalf of his clients, the Sturrocks, who have bought this house which was built in 1927. He noted there is a small laundry facility adjacent to the garage which they wish to utilize as a studio living area as his clients have Mrs. Sturrock's 86 year old mother living with them who requires constant care. He pointed out this would mean they wish to move the existing washer or dryer into the garage. He advised his clients own a station wagon and a van and they cannot park these vehicles in the garage as it isn't functional. He noted there is plenty of parking on the property and they need a variance to allow them to put the washer and dryer at the rear of the garage. He noted it is extremely difficult to maneuver an automobile into the garage. Mr. Bob Moore, the contractor for the Sturrocks addressed the Council noting there is not room in the garage to get into and out of a vehicle and all they want to do is to install the washer and dryer and water heater in the rear of the garage as he didn't believe they intended to use this area as a garage.

Mayor Marix wondered if they could install the laundry fixtures somewhere elso in the house and wondered if the garage could be extended forward where there is no bend and it could be more negotiable. Mr. Moore advised he could bring it out three feet but it would still not be useable as it will be too narrow to get into. Mayor Marix asked if the garage could be widened so they could get in and out of a car? Mrs. Douthit noted the driveway is at the setback line and that wouldn't work. Mr. Moore pointed out the lot is only 60' wide and it just couldn't be made functional and utilize it as a garage.

Mrs. Wiener asked for Mr. Moore;s comments from the Building Department. Mr. Bob Moore indicated staff cannot find a hardship and the existing requirements for a parking space are 9 x 18 and it used to be ten feet so the issue of whether or not they can get it used to be ten feet so the issue of whether or not they can get in and out of the car is not clear. He recalled their first attempt was to create a living area inside the garage which they have withdrawn. He doesn't know if that is what they wish to do today, but he heard they wished to place French Doors on the garage and he felt it was clear that the application is for living space and they see no hardship which can support that request.

Mrs. Peters read a letter from Dr. and Mrs. Rovan who objected; from Miguel and Ann de Braganzo who were not objecting; and a letter from Mr. & Mrs. William Buckley who objected; and a letter from Mr. & Mrs. George Lewis who had no objection.

Mr. Buckley addressed the Council in objection pointing out there has been no hardship demonstrated.

Mr. Bannister stated when the petition was originally filed, the focus was that it would be more of a living area, however, now they just wish to relocate the laundry fixtures. Mr. Moore pointed out the variance is giving up the space in the garage for the washing machine and dryer. He stated that had the variance been brought before them for keeping the garage and adding the laundry facility, staff would have been sympathetic. Mr. Moore asked if they still wished to have the French Doors to which Attorney Bannister responded affirmatively.

Motion was made by Mrs. Douthit to deny the Variance No. 56-90 on the grounds it is not in keeping with the Ordinance to maintain a garage on the premises and no hardship has been demonstrated. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously for denial.

NEW BUSINESS: New Business

6. Var. No. 58-90 - Mr. & Mrs. Ward Carey, 251 Jungle Rd.; to allow construction of a swimming pool providing a 34' street side yard setback from Pelican Lane in Lieu of 41' required. R-A District. Var.58-90
Mr. Ilyinsly indicated he knows this property extremely well and he inspected it and if there are no objections from the Building Department, he would be willing to make a motion to approve. Mrs. Wiener asked if the hardship was due to the irregularly shaped lot to which Mr. Carey responded affirmatively, noting they have reduced the variance. Mr. Moore pointed out another hardship is this is a double frontage lot and the only requirement would be that it be sight-screened so it cannot be seen from the street. Mr. Ilyinsky pointed out the hedge is already quite high and he moved for approval of Variance No. 58-90 with the proviso that the present height of the hedges be maintained and the hardship is in the irregularly shaped lot and it is a double frontage lot. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

PLAQUE ON TREE AT THE PAR 3 GOLF COURSE. Mrs. Rose Harwitz addressed the Council requesting the plaque on the base of a tree at Hole No. 2 which reads: "Donated by Rose and Samuel Harwitz" be replaced as it is no longer there. Plaque on Tree at Par 3

Lunch break was taken.

Mr. Heeke called the meeting back to order.

7. Var. No. 59-90 - Ira Harris, 300 Wells Rd.; to allow construction of a tennis court providing a 30' street side yard setback from Bradley Place, in lieu of 40' required. R-B District. Attorney Frank Lynch addressed the Council for his client, Mr. Harris, who would like to install a tennis court and this too is a corner lot with two frontages and two front yard setbacks are required. He stated the reason they are here is not technically the set back but because of the additional footage required for the insufficient width of Bradley Place. He stated this is necessary in the event Bradley Place is ever widened in that location. He felt this would be a less intensive use of the property than if a single family residence was put on the lot and there is a great deal of precedence which has been set in the past. Mrs. Douthit asked why they couldn't place the tennis court a bit more westwardly? Mr. Lynch indicated this would necessitate the destruction of the motor court which is already in place and additionally, the lot to the west on the lake is approximately 24" higher than this property. Mr. Moore explained it was a high lot and was levelled off on the west side of the property and Mr. Harris purchased the house later. Mr. Moore gave the staff comments noting that the previous variance granted today was due to the irregular shape of the lot also and this property is not an irregular shape. He stated the staff does not have an objection to the request as it is set back more than existing homes in the area, however, if this is granted, there should be a condition that there be a Unity of Title between this property and the current home. Mr. Lynch had no objection, indicating that the Architectural Commission has requested this also. Mr. Heeke asked Mr. Moore if there was a precedent to this type of approval? Mr. Moore indicated there is, however it is not due just to the double frontage lot but also because of the right-of-way. Var.59-90

Mayor Marix asked how this went before the Architectural Commission before it came to the Council? Mr. Lynch responded the contract to purchase this property was signed, conditioned upon his ability to demolish the house and install a tennis court and plans were drawn and they went to ARCOM, however, when the plans were drawn, the architect did not take into consideration the additional right-of-way footage that was necessary and that is the reason they were before ARCOM.

Mr. Ilyinsky moved that Variance No. 59-90 be granted with the condition that a Unity of Title be submitted. Seconded by Mrs. Wiener. Mrs. Douthit pointed out they will not be able to have lights, to which Mr. Lynch agreed. Mr. Moore advised it would also have to be sight-screened. On roll call, the motion carried unanimously.

8. Variance No. 60-90 - Peter Schuster, 1375 South Ocean Blvd. - to allow a kitchen in a guest house previously approved under Variance Nos. 31-78and 32-87, which stipulated that any subsequent owners seek an agreement to continue. R-AA District. Postponed to the December 11, 1990 meeting. Var. 60-90

9. Variance No. 61-90 - Francis Gallagher, 232 Park Avenue; to allow installation of an awning providing a rear yard setback of 8' in lieu of 15' required. RC District. Var. 61-90

Mr. Gallagher addressed the Council asking for an awning over a deck to utilize the rear of his house as the house faces south. He noted the awning will not be visible from the street. Mr. Moore advised staff has no objection as the 70' depth of the lot is a hardship, and it is a minimum request. Mrs. Douthit moved for approval of Variance No. 61-90 on the grounds that it is a shallow lot and this cannot be seen from the street. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mayor Marix pointed out this particular area has been very nicely upgraded by the residents who live there.

XII. COMMUNICATIONS FROM CITIZENS: Communicaiton from citizens

ADRIAN WINTERFIELD: Mr. Winterfield addressed the Council suggesting on the matter of the sand he believed they should submit specific language to the Legislative Delegation and if what they need is a modification of two existing sections, it could be tacked on to another Bill, which has happened in the past. Mr. Heeke responded this is a point well taken.

He noted on the appointment of the Commissioner to the Landmarks Preservation Commission, the address given by Mrs. Alberran de Mendoza is in Phipp's Plaza and he believed it is a professional address but it is possible there is a residence there also; however, he felt the Ordinance could be amended to allow a Commissioner to either be a resident of the Town or a holder of an Occupational License issued by the Town. He suggested they could also require if a person does not live or work in the Town that it be a person with special professional capabilities.

Mr. Heeke knew Phipp's Plaza was her professional address. Mr. Moore believed she lived on one of the "SEA" streets.

PALMO WAY PROPERTY: Mr. Winterfield asked what the present status was of the $50,000 building to be erected on Palmo Way for storage of fertilizer. Mr. Doney advised this goes to the Architectural Commission this month.

Mayor Marix asked if they wished to spend $50,000 for a building to store fertilizer? Mr. Heeke stated they would need a motion to reconsider.

Mr. Winterfield reminded the Council this is green space in the Charter and there may be a violation of the spirit of the amendment as he didn't think it was absolutely necessary to have that space at this facility. Mr. Winterfield believed that the Public Works Director had told him that if the Council wished him to find another place to store fertilizer, he would find it.

ROBERT M. GRACE: Mr. Grace addressed the Council wondering why the Town permits the leaf blowers to exist as they are extremely noisy and they blow the trash onto public rights of way or onto the neighbor's property and fill the air with fine particles. Mrs. Douthit responded there have been many hours spent on this subject and special meetings have been held at which time there were many gardeners in attendance who informed the Council if the blowers were banned, the gardeners would have to charge everyone thirty to thirty-five per cent more for the yard services. She recalled they also looked into the merits of having electric engines as opposed to gas engines; and the legalities of policing these with the noise meters.

Mr. Grace felt if the Town didn't want to have these noisy machines, there are ways of eliminating them, for instance, require them to be licensed and they would have to pass the Noise Ordinance in order to get a license; secondly, they could be required to have mufflers. He asked if they could reconsider this matter. Mrs. Douthit wondered if the blowers themselves have been modified since the Council last addressed the problem.

Mr. Grace didn't believe they were modified as until steps are taken to outlaw them, the manufacturer has no incentive to come up with modifications. Mayor Marix and Mrs. Wiener and Mrs. Douthit thought it was a good idea to require the licensing for the blowers.

Mr. Grace indicated he owned an electric blower and they are not as powerful but they do work.

Mr. Heeke asked Mr. Moore to check on this and see if he could come up with something that would be workable.

Mr. Grace indicated he had another subject and that was the maintainance building at Par 3 on the west side of Ocean Blvd. which he did not believe was up to the Town's standards architecturally and hoped they would consider installing more landscaping.

Any Other Matters

XIII. ANY OTHER MATTERS

Per Diem Expenses

A. PER DIEM EXPENSES. Mr. Ilyinsky moved the per diem expenses for breakfast be increased to $7.00; for lunch to $10.00 and for dinner - $18.00, or a total of $35.00 per day. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Planters on Sidewalks

B. PLANTERS ON SIDEWALKS. Mrs. Wiener noticed there has been a proliferation of plants being placed on the sidewalks and she asked that this be checked out. Mayor Marix asked this be checked out in a soft way as we are talking about people who are trying to improve their premises with plants. Mrs. Wiener advised she was talking about public sidewalks and she didn't believe they should be allowed. Mr. Moore advised the Town has tried to maintain a free and clear right of way, however in most areas it is a ten foot walkway and the first five feet is Town property and the second five feet is private property, but they have always taken the position that it cannt be obstructed. Mr. Heeke did not believe there were any options or choices. Mayor Marix believed they could sign a waiver if there is an accident, the Town will not be responsible. She felt there should be a way found to legally make it safe and still keep things quite pretty and encourage others to do the same. Mr. Moore indicated if it is the Town's wish to have additional obstructions, be they beautiful, it will take direction from the Town Council. Mayor Marix suggested this should be taken up at a meeting after the attorney looks into the legalities, or have ORS look at it.

Mrs. Wiener commented she was thinking about the legal protection of the Town and she merely asked the Building Official whether or not it was in order to have them, and she wasn't talking about destroying the Town or making it ugly, but being in a situation where we are legally correct and not closing our eyes to a problem.

Disabled Veterans

C. DISABLED VETERANS. Mayor Marix noted the Disabled Veterans have been notified by the County they can no longer use their facilities once a month unless they pay for it and she wondered if the Fraternal Order of Police, the Palm Beach Chapter, might possibly try and work out something with them for the Veterans to use the Club House once a month. Mr. Doney indicated he will read the article in the newspaper and get them in touch with the proper contacts.

Timed Bridge Openings

D. TIMED BRIDGE OPENINGS. Mr. Weinberg recalled a few years ago, the Town officials complained to the Coast Guard about the Lake Worth Bridge openings and now they are coming into another season and the grid lock is more prevalent. He knew the people in North Palm Beach were able to lean on their Congressman and get a timed opening for the bridge in that part of the Country and he would like to attempt to have the bridge opened on a timed basis and not on a demand basis. President Heeke recalled there was a Resolution passed a few years ago on this subject. Mr. Weinberg suggested a letter be written to Senator Harry Johnston to encourage the timed openings to which President Heeke agreed.

Evaluation of Town Manager

E. EVALUATION OF TOWN MANAGER DONEY. Mrs. Douthit believed that all of the Council members and the Mayor have had their private visits with Mr. Doney and she would like to move that an increase be given of $4000 per annum effective as of September 1.

Mrs. Wiener asked what percentage would that be. Mr. Heeke believed it was about five per cent. Mrs. Wiener stated they are working within a system which she didn't believe was workable, however, she wanted to be sure they were working in the right area percentage-wise. Mr. Heeke stated he looked on Mr. Doney as the CEO and believed they could look beyond that limitation. He stated he too had problems with the pay for performance system. Mrs. Wiener asked Mr. Doney to explain. Mr. Doney advised he does not receive the general pay increase unless approved by Council and if he wasn't doing a good job, he should be fired and if he was doing a good job, he should get the general pay increase, but separate from that and in addition, the Performance Evaluation Increase should also be considered by the Mayor and Council. He advised the general pay increase was four per cent this year.

Mrs. Wiener felt if they were working within the Pay for Performance System, she thought iw would be unfair not to include the Town Manager in that system and he should not be treated like an employee who is not working up to par and that is what they would be doing if they merely gave him the increase which everyone else has gotten. Mayor Marix stated she didn't quite understand the figures because four per cent is not $4000. Mrs. Wiener stated her feeling is that he should have the four per cent which everyone else has gotten and then if we are really working under this system, he should be paid accordingly and we either work under the system or we don't.

Mayor Marix asked if they have him the four per cent, plus something else, what would the four per cent be? Mr. Ilvinsky responded four per cent plus merit. Mr. Doney advised it would be approximately $3300. Mayor Marix noted they would be giving him $700 more than the four per cent. Mrs. Wiener pointed out all of the other employees have the four per cent, which was the cost of living increase and from there you would go to a system of merit. She stated they would have to determine whether Mr. Doney is working beyond or is average or below performance standards and she wanted to know what is the percentage, as she viewed this as out of their hands. Mr. Heeke did not agree. He recalled there is a mid-point and where the salary is with regards to the mid-point and we are already at that point and if we put it in terms of dollars, this is a raise because they all think Mr. Doney is doing a good job or however you want to phrase it, an excellent job - a fine job. He is hearing that this Council wants to give him a raise and that to him is indicative of satisfaction with the job. Mrs. Wiener advised that is not "pay for performance". Mr. Heeke stated he was not satisfied that that is what they should be doing with the Town Manager. He knew they all met with Mr. Doney and they all have some ideas in their minds, and he would certainly go to $5000, but again he is concerned about where they would end up eventually.

Mayor Marix stated this is a difficult time for everbody as a lot of the residents in the Town are paying everything through taxes and are living on interest which has been cut and yet the taxes continue to increase. She felt they had to walk a narrow line between the benefits all employees receive and the benefits which are due the Town Manager, whom she viewed as the best we have ever had; but on the other hand, is not making this money. She stated as the value of the dollar goes down adn the people's longevity gets longer, the amounts of the percentage react in a much bigger way, as five or six per cent of $100,000 is a great deal more than five or six per cent of $20,000. Mrs. Wiener stated that is why she said originally either they are on the pay for performance or they are not. Mayor Marix thought perhaps they needed to decide whether they should stay with the system. Mrs. Wiener felt a very peculiar message is sent throughout the Town or the employee network system when the manager is not accorded the same type of fair consideration that other employees are, considering the fact that he puts in enormous hours due to the many requests which are made of him.

Mr. Ilyinsky moved the Town Manager recieve a four per cent across the board plus three per cent merit. Seconded by Mrs. Wiener.

Mrs. Douthit asked what that would come to in dollars. Mrs. Wiener felt it needed to be interpreted that he is our highest paid employee and we are concerned about the people in the Town. Mrs. Douthit asked what the figure would be. Mr. Heeke responded it would come to $5,775. Mayor Marix asked if that was about where the other department heads were also? Mr. Doney responded it depends on where you are as each position is valued in terms of its worth within the Pay for Performance system. He stated he is at 101% midpoint and comp ratio and that is where, under the guidelines of Pay for Performance, is where he is, however, he works under an agreement with the Town Council and serves at their pleasure.

Mayor Marix reiterated she didn't know that the Pay for Performance system is the direction that the Town Manager should be under as he is not like everyone else and if they were in a position to pay him twice as much as everyone else, the system would stop them from doing so. Mr. Heeke stated moreover they are looking at the very beginning of September and he was not sure when they roll around the next twelve month period, if they are going to be in a four per cent inflation or not as he would much rather have a dollar figure and not tie it into these figures and he agreed they should not apply this to the Town Manager position as there are too many unique factors that are involved in it. On roll call, the motion did not carry with Mrs. Wiener and Mr. Ilyinsky voting affirmatively and Mr. Weinberg, Mrs. Douthit and Mr. Heeke voting negatively.

Mr. Weinberg moved the lump sum figure of $5000 be given. Seconded by Mrs. Douthit. On roll call, the motion carried 3-2 with Mr. Ilyinsky and Mrs. Wiener voting against the motion.

Mr. Doney reported this would be effective October 1st and he wished to thank the Mayor and Council and realized there are a lot of things to weigh and knows he has strengths and certain weaknesses. He understands what they were saying about the economic times we have now but in fairness to himself, he believes the duties and responsibilities of the Town Manager have to be evaluated on their own merits.

Motion was made by Mrs. Douthit that the funds for this increase come from the Undesignated Funds. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mr. Heeke noted that Mrs. Wiener is being consistent with the feelings she has about Pay for Performance system and he has problems with it too, as he has expressed to the Town Manager and he believes others on the Council do also, however, he thought it should be obvious to Mr. Doney the Council is pleased with his services.

Mayor Marix wondered if some serious thought should be given to perhaps not using the Pay for Performance for the Department Heads also.

Mr. Doney pointed out it is after 3 PM and the Workshop on Water Conservation needs to be held. Mr. Heeke adjourned the meeting and the Workshop was held.

G. WORKSHOP DATE SET FOR FUTURE WATER SUPPLY STUDY. After discussion, it was decided to set this meeting for Dec. 6, 1990 at 9:30AM. *Workshop Date for Future Water Supply Study*

H. PER DIEM. Mr. Doney asked if the new per diem rates would be effective tomorrow? Mr. Heeke agreed. Mayor Marix thought perhaps they could be a little bit more picky on the traveling and perhaps not send several people and this would help pay the new amounts. *Per Diem Rates*

I. UNDERGROUND UTILITIES ON NORTH COUNTY ROAD. Mr. Heeke noted Mr. Moore of the Civic Assoc. was going to make a statement on this and he is not here so this item will be put over. *Underground Utilities*

J. AIRPORT FEE OF THREE DOLLAR TAKE OFF FEE FOR EACH PASSENGER. Mrs. Douthit asked if this was to pay off bonds as she thought they should be prepared to object strenuously as they wish to put in a road from I-95 or build a second airport, both of which she doesn't believe we need. Mayor Marix felt they needed to find out precisely what this will be used for and if it is going to be used for the things mentioned, the fact should be publicized that there will be an additional charge for a bigger airport or a bigger road. *Airport Fee*

K. MID TOWN BEACH. Mr. Doney advised there is a proposed redesign of the Mid-Town Beach Nourishment Project which is contemplated as a result of the proposed PEP reef and that issue will be brought back to the Council. Mayor Marix asked if there was any news on the Federal Funding as if the Army Corps of Engineers is not going to fund the Sand Transfer, will we be able to get the money for the Mid-Town Beach. Mr. Heeke felt it doesn't look very promising. Mayor Marix thought it would have a bearing on the redesign as if we are not going to get the money for the sand, we may think one way as the money is the key. *Mid Town Beach*

XIV. ADJOURNMENT. Meeting was adjourned at 4:50 PM. *Adjournment*

Grace T. Peters
Town Clerk