

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, OCTOBER 14, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Wednesday, October 14, 2009, at 9:30 a.m., at 355 S. County Road, Palm Beach, Florida 33480, in the Central Fire Station, in the Emergency Operations Center (EOC). On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Cunningham gave the invocation. President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR JACK McDONALD

There were none.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Rosow commented that the Town Council's discussion on Reach 8 was one of the better ones and very informative. He also noted that it troubled him that there was as much time spent on the schedule as the discussion of catering for the Par 3 Golf Course.

V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE (Another opportunity for communications from citizens will be offered immediately after the lunch break.)

There were none.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

1 **DEFERRED:** Item IX.C.3.a. Special Exception #10-2009 with Site Plan Review and Variance
2 to the December 17, 2009, Town Council Meeting.

3
4 **TIME CERTAIN 11:00:** Item IX.B.1. Request for Waiver at 150 Worth Avenue (Gucci) and
5 IX.C.2.b., Special Exception #11-2009 with Site Plan Review and Variances.

6
7 **Motion to approve the agenda as amended made by President Pro Tem Coniglio, seconded**
8 **by Council Member Kleid. On roll call, the motion carried unanimously.**
9

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11 VII. BOARD/COMMISSION ANNUAL REPORT

12 A. Discussion with Retirement Boards Regarding Asset Allocation.

13
14 1. Police Officer Retirement Board. [Raymond W. Snow, Chair, and William Hanes, Pension
15 Administrator]

16 Raymond Snow, chair of the Police Officer Retirement Board, provided a presentation of the
17 asset allocation for the Police Officer Retirement Board, as a result of the June 9, 2009, meeting.

18
19 2. Firefighter Retirement Board. [Wilbur Ross, Trustee, and William Hanes, Pension
20 Administrator]

21 Wilbur Ross, trustee of the Firefighter Retirement Board, provided a presentation of the asset
22 allocation for the Firefighter Retirement Board.

23
24 3. General Employee Retirement Board. [James A. Karman, Chair, and William C. Crouse,
25 Director of Human Resources]

26 James Karman, chair of the General Employees Retirement Board, provided a presentation of the
27 asset allocation for the General Employees Retirement Board.

28 Town Manager Elwell provided an update on the pension benefit consultant. The study would be
29 posted on the internet at the end of this month. He noted that the three retirement board meetings
30 would be held, for the public, on November 11th, 12th, and 13th; a Special Town Council
31 Meeting had been scheduled to review the report on December 3, 2009.

32 Mr. Ross, Mr. Snow, and Mr. Karman responded to questions and comments by the Town
33 Council.

34
35 President Rosow complimented the three board chairs for the star power and dedication that was
36 brought to the positions and on behalf of the residents, he thanked them for their expertise. He

1 added that within the next 48 hours, a time schedule regarding the board meetings would be
2 posted on the Town's website.

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5 VIII. ORDINANCES

6 A. Second Reading

7 None
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9

10 B. First Reading

- 11
12 1. ORDINANCE NO. 16-09 An Ordinance of the Town Council of the Town of Palm Beach,
13 Palm Beach County, Florida, Amending Chapter 134, Zoning and Chapter 18, Buildings
14 and Building Regulations at Sections 134-2179, Relating to Decreasing the Amount of
15 Required Enclosed Off-Street Parking for Single-Family and Two-Family Dwellings in the
16 R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) Zoning Districts; Section 134-893 Relating to
17 Reducing the Front Yard Setback Provided That the Rear Setback is Increased on Lots in
18 the R-B Zoning District; Sections 18-999 and 18-1000 Regarding the Creation of a Time
19 Limit for Temporary Tents in the Beach Area Zoning District; Section 134-1474 Relating to
20 Providing Regulations Limiting the Time Temporary Tents Can Remain in the Beach Area
Zoning District; Section 134-1607 Eliminating Antiquated Point of Measurement Language
for Lots Between A-1-A and the Ocean; Section 134-1731 Relating to an Increase in the
Height for Light Poles; Section 134-796, 134-846, 134-896 and 134-1607 Relating to an
Increase in the Amount of Roof Coverage Allowed for Solar Panels and Limiting Their
Location; Section 134-1728 Relating to Reducing the Side Yard Setback for Air
Conditioning Units on Wider Lots in the R-AA, R-A and R-B Zoning Districts and
Providing Specific Regulations Requiring That Cooling Towers Meet the Same Setback as
the Principal Structure in Those Districts; Sections 134-2327 and 134-2329 Relating to
Modifying Provisions Pertaining to On-Street Visitor Parking Passes and Associated Fees;
Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for
Codification; Providing an Effective Date. [John S. Page, Director of Planning, Zoning, and
Building]

11 Town Attorney Randolph read Ordinance No. 16-09, by title, as printed above.

12
13
14 **Motion made by President Pro Tem Coniglio, seconded by Council Member Diamond, to**
15 **approve on first reading Ordinance No. 16-09.**

16
17 Responding to Council Member Kleid, Zoning Administrator Paul Castro noted that the height of
18 the lights would not be changed, as 15 feet would be the maximum, per the recommendation of
19 the Planning and Zoning Commission. It would be removed from the Ordinance at second
20 reading.

1
2 **Upon roll call, the motion carried unanimously.**
3

2. ORDINANCE NO. 17-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 22, Businesses, Division 2, Window Treatment, Providing for Definitions; Providing Specifications for Window Treatments and Screening of Store Fronts in Commercial Zoning Districts; Providing Exceptions; Providing a Penalty; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date. [John S. Page, Director of Planning, Zoning, and Building]

4
5 Town Attorney Randolph read Ordinance No. 17-09, by title, as printed above.
6

7 **Motion made by Council Member Diamond to approve on first reading Ordinance No. 17-**
8 **09.**
9

10 **Motion died for lack of a second.**
11

12 President Pro Tem Coniglio and Council Member Wildrick expressed disappointment in the
13 outcome of the Ordinance, as their expectation was that the appearance of the store fronts would
14 improve. Ms. Coniglio indicated that she was not sure that had been accomplished. Mr. Wildrick
15 noted that the business leadership of the Chamber of Commerce and others would need to move
16 forward and take action.
17

18 Discussion occurred among the Town Council, Mayor McDonald, Laurel Baker, of the Chamber
19 of Commerce, and John Ripley, of the Preservation Foundation of Palm Beach, regarding the
20 covering of the vacant store front windows.
21

22 President Rosow requested that staff come back to the Town Council with a new Ordinance,
23 which would require the use of the drawings or photographs of the Town that would
24 encompass 75% of the window. In addition, he directed staff to come back next month with
25 recommendations regarding the Town's exemption to certain storefronts with shutters, shades,
26 curtains or blinds.
27

28 In conclusion, President Rosow suggested that the following associations: Chamber of
29 Commerce, Worth Avenue, South County Road, and Royal Poinciana provide the necessary
30 window coverings for their members.
31
32

IX. DEVELOPMENT REVIEWS

33
34 Town Clerk Cunningham administered the oath to all those who would be providing testimony.
35

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Town Ordinance, Section 42-199, Hours For Construction Work and Request for Determination of Time Limitation Per Town Code Chapter 18, Section 105.4, Table 1, at 150 Worth Avenue (Gucci) Per Letter Dated September 1, 2009, From James R. Brindell. (See IX.C.2.a. on Page 4.) TIME CERTAIN: 11:00 AM

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney James Brindell, and read a letter submitted on behalf of his client.
- Council Member Kleid spoke with Attorney Brindell and the landlord, who both advocated for their position, and he visited the site.
- President Rosow spoke with Attorney Brindell, who advocated his client's position and walked the site.
- President Pro Tem Coniglio received a voicemail from Attorney Brindell, and did not speak with him.
- Council Member Wildrick said that he did, as well, and also walked the site.

Attorney James Brindell, on behalf of 150 Worth Avenue (Gucci) and the Goodman Company, provided an overview of the request for a waiver of hours of construction work. He noted that the proposed work hours were 8:00 a.m. to 8:00 p.m., with Saturday construction hours of 8:00 a.m. to 6:00 p.m., through November 30, 2009, and from December 1, 2009 through March 30, 2010, 8:00 a.m. to 5:00 p.m., Monday through Friday, and on Saturdays from 9:00 a.m. to 5:00 p.m., with the condition that there were no complaints from neighbors.

Staff Comments:

Planning, Zoning and Building Director Page discussed the issues of concern relative to interior and exterior work being done on Worth Avenue during the season.

Attorney Brindell responded to staff's comments and pointed out the differences in the proposed project versus previous projects, and why the conditions of approval would not apply in this project.

Discussion occurred among Mayor McDonald and the Town Council Members, who made several of the following comments:

- This project was an unusual situation, as the Esplanade was considered interior space.
- There was ample parking in a garage.
- It was not close to the residential area.
- If there were complaints, the Council would revisit it.
- A precedent would be set for doing exterior work on Worth Avenue during season.

Mr. Page noted that if the exterior work was approved it could go on record that it was not precedent setting, and each case would be decided individually.

Motion made by Council Member Diamond to approve the Request for Waiver of Town Ordinance, Section 42-199, Hours For Construction Work and Request for Determination of Time Limitation Per Town Code Chapter 18, Section 105.4, Table 1, at 150 Worth Avenue (Gucci), with the conditions as identified by staff, with the exception of hours, 8:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday through November 30, 2009, thereafter to March 31, 2009, 8:00 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday and the removal of the condition of the fine until March 31, 2010, then \$2,000 per day, excluding acts of God; exterior screening treatment to be observed with full-sized photographs. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

2. Request for Waiver of Town Ordinance, Section 42-199, Hours For Construction Work, Behind John's Island, Per Undated Letter from Robert Rogers. [H. Paul Brazil, Director of Public Works] TIME CERTAIN 11:00 A.M.

Director of Public Works Paul Brazil provided a presentation describing the project and the need for an extension of hours for construction work.

Discussion occurred among the Town Council Members, Mayor McDonald, and Robert Rogers, who was responsible for the construction work. The timing of the high tide, and the loading of the barge, which was the cause of the noise, was discussed.

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve the Request for Waiver of Town Ordinance, Section 42-199, Hours for Construction Work, behind John's Island, and allow work hours to occur from 7:00 a.m. to 8:00 p.m., with the condition that no further noise complaints would be received. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

- a. VARIANCE #22-2009 The application of Franklyn P. deMarco, Jr.; relative to property commonly known as 1098 North Lake Way; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a point of measurement of 10.50' NGVD (the existing main floor slab elevation) in lieu of 8.78' NGVD which is 18" above the highest point of the center line of the adjacent street. The applicant is requesting a Cubic Content Ratio (CCR) of 4.76 in lieu of the 4.50 allowed by Code and the 4.25 existing, which is the CCR when calculated from the existing main floor slab elevation. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendation: The architecture presented merits the variance. Carried 7-0.] Deferred from the September 9, 2009, Town Council Meeting (Special Circumstances).

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Brindell on behalf of his client.
- Council Member Kleid spoke with Attorney Brindell.
- President Rosow spoke with Attorney Brindell.

Attorney Brindell, on behalf of Franklyn P. deMarco, Jr., provided an overview of the variance request.

Staff Comments:

Zoning Administrator Castro addressed the changes in the code and the Cubic Content Ratio (CCR) that were made to rectify the issues, but did not in this case. He noted that Attorney Brindell needed to speak to the hardship in this issue.

Attorney Brindell indicated that the hardship was the point of measurement, whereas the applicant was penalized by having 7,000 cubic feet of dirt, which could not be used. Attorney Brindell, noted that in regard to the increase in CCR, it was necessary, as was concluded previously, in order to make older living spaces more livable. He noted that he provided a summary for staff, for the record.

Motion made by Council Member Diamond that Variance No. 22-2009 be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met.

Motion died for lack of a second.

Attorney Brindell requested a deferral.

1 **President Pro Tem Coniglio moved for deferral to the November 12, 2009, Town Council**
2 **Meeting.**

3
4 President Pro Tem Coniglio commented that in the last year she had served on the Council, two
5 alterations had been made to the Code in order to provide more flexibility to the homeowner.

6
7 **Council Member Diamond seconded the motion. On roll call, the motion carried**
8 **unanimously.**

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11 2. New Business- Less Than 15 Minutes

a. SPECIAL EXCEPTION #11-2009 WITH SITE PLAN REVIEW AND VARIANCES The application of Gucci America, Inc.; relative to property commonly known as 150 Worth Avenue; described as lengthy legal description on file; located in the C-WA Zoning District. Request approval of special exceptions for a Town-serving retail use in excess of 2,000 square feet and illuminated signage, several signage variances, a site plan approval including a new entrance onto Worth Avenue, and a construction hours work waiver to allow expanded work hours during the season. Special Exceptions are requested for a permitted retail business which contains greater than 2,000 square feet of gross leasable area; to allow illuminated signs (the duratrans) on the east and south facade of the Gucci space. Site plan approval is requested for changes to permitted uses which involve more than 2,000 square feet of building floor area. Variances are requested for a 57.62 gross square feet of surface area for all individual business signs on or visible from the 150 Worth Avenue frontage in lieu of the 20 square feet maximum allowed by code; business signs on the east end of the 150 Worth Avenue arcade and in the east entranceway which do not front onto a street or street side and are there not permitted by code; 65.47 gross square feet of surface area for all individual business signs on the south internal via, in lieu of the 20 square feet maximum allowed by code; two logos on the south internal via which total 22.61 square feet in area, where only one logo totaling one square foot is allowed. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendations: (1) Approval without duratran on east side. Carried 7-0. (2) Approval of all other logos and signs on interior. Carried 7-0. (3) Approval of two logos and total sign square footage. Carried 6-1.] (See IX.B.1. on Page 3.) **TIME CERTAIN: 11:00 AM**

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13 Ex-parte communication was declared by:

- 14
- 15 • Council Member Diamond spoke with Attorney Brindell and read his letter.
- 16
- 17 • Council Member Kleid spoke with Attorney Brindell and the landlord, he visited the site
- 18 and read his letter.
- 19
- 20 • President Rosow spoke with Attorney Brindell, who advocated his client's position and
- 21 read his letter.

- President Pro Tem Coniglio received a voicemail from Attorney Brindell, and did not speak with him, a voicemail from Mr. Moore, in which she did not speak with him, visited the site, sat through the ARCOM discussion, and read Attorney Brindell's letter.
- Council Member Wildrick said that he did, as well, and also read Attorney Brindell's letter.

Attorney Brindell provided an overview of his client's request.

Town Attorney Randolph, Town Council and the Mayor discussed the regulation of vias.

Council Member Diamond moved that Special Exception #11-2009 With Site Plan Review And Variances shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #12-2009 The application of Holistic Paw, Inc., dba Chateau de Puppy; relative to property commonly known as 150 Worth Avenue; described as lengthy legal description on file; located in the C-WA Zoning District. Request approval of a special exception for a use not specifically enumerated as a permitted use, but by having traffic, patronage and intensity of use characteristics similar to permitted uses. The pet grooming aspect of the business will have traffic, patronage, and intensity of use characteristics similar to permitted use (12) of Sec 134-1157, "hair styling/beauty salon."
[Attorney: James R. Brindell, Esq.]

Ex-parte communication was declared by:

- Council Member Diamond had visited the store, and spoke with Attorney Brindell.
- Council Member Kleid spoke with Attorney Brindell and the landlord, who advocated his client's position, and he visited the site.
- President Rosow spoke with Attorney Brindell, the adjoining owner, and visited the site.
- President Pro Tem Coniglio did not speak to anyone, but visited the site.

Attorney Brindell provided an overview of the request.

Staff Comments:

Zoning Administrator Paul Castro noted that staff had received one complaint about dogs barking.

Motion made by Council Member Diamond that Special Exception #12-2009 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

c. SPECIAL EXCEPTION #13-2009 The application of Orchid Island Trust; Peter S. Broberg Trustee; relative to property commonly known as 115 Parc Monceau Court; described as Parc Monceau Lot 3; located in the R-A Zoning District. Request approval of a special exception to construct a new entrance will with piers, gate posts and gates including a driveway perpendicular to the face of the gates. The gate are proposed to be setback 10' to 19' from the edge of pavement on a cul-de-sac. This proposed placement requires a special exception for the Code requirement to have an overall 18' clear driveway perpendicular to face of gate. A reduction of the driveway depth is allowed via a Special Exception under this portion of the Town's Zoning Code. [Attorney: Peter S. Broberg, Esq.]

Ex-parte communication was not declared by any members of the Town Council.

Attorney Peter Broberg, as the applicant, provided an overview of the request.

Staff Comments:

Zoning Administrator Castro noted that staff did not see any issues with traffic or other issues that would occur normally with gates close to the street.

Attorney Broberg responded to questions and comments by the Town Council.

Motion made by President Pro Tem Coniglio that Special Exception No. 13-2009 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

3. Old Business- More Than 15 Minutes

a. SPECIAL EXCEPTION #10-2009 WITH SITE PLAN REVIEW AND VARIANCE The application of Palm Beach Orthodox Synagogue, Inc.; relative to property commonly known as 120, 122 & 126 North County Road; described as Lots 178, 177, 176 and the South 8.14 feet of Lot 175, according to the Plat thereof, on file in the Office of the Clerk of

the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 6, less the East 15 feet of Count Road Right of Way; located in the C-TS Zoning District. Request to modify a special exception use by expanding the entry of the Synagogue by allowing a pediment and gable roof detail that will extend 11.5 inches from the existing building. A site plan review is requested as part of the special exception use to allow the Synagogue to expand their entry feature; a request for site plan review to allow the Synagogue to modify their entry feature; a request for a variance to expand a non-conforming building by allowing the proposed pediment/architectural feature to increase the height; a variance to allow a building identification sign and emblem to be at 16.4 feet and 17.83 feet in height (respectively) in lieu of the 15 foot maximum allowed. [Attorney: Maura A. Ziska, Esq.] [Landmarks Recommendation: Deferred to the October 20, 2009, Landmarks Preservation Commission meeting.] Deferred from the September 9, 2009, Town Council Meeting. Request for Deferral to the November 12, 2009, Town Council Meeting Per Letter Dated September 9, 2009, From Maura A. Ziska (Special Circumstances).

Item IX.C.3.a. was deferred to the December 17, 2009, Town Council Meeting.

4. New Business- More Than 15 Minutes

None

D. Other

1. Review of Scope of Services and the Consultant Selection Process for Development Applications. [John S. Page, Director of Planning, Zoning, and Building]

Planning, Zoning and Building Director Page provided an overview of staff's recommendations of the scope of services for consultant work on applications.

President Rosow noted that it was not to the advantage of the Town for the applicant to have a role in selecting consultants that the Town would employ.

Motion made by President Pro Tem Coniglio to accept staff recommendations on the Scope of Services and the Consultant Selection Process for Development Applications. Council Member Diamond seconded the motion. On roll call, the motion carried 4-0, as Council Member Kleid was temporarily absent.

2. Plan Review and Construction Inspection Procedures (1744 South Ocean Boulevard) and Options for Correction of Building Permit Violations. [John S. Page, Director of Planning,

Zoning, and Building]

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2 Planning, Zoning and Building Director Page provided an update of the history of a side yard
3 wall height variance of September 9, 2009. He presented staff's options of correcting building
4 permit violations.

5
6 President Rosow asked the Town Council Members if a fine should be imposed up front for
7 violation of the building codes and as a result would require a variance.

8
9 Town Attorney Randolph noted that there was not a provision in the code that would allow the
10 fine. He added that if the code could be amended, it would seem as if the Town was selling a
11 variance. A variance could be denied and the applicant could pay up to \$500 a day until
12 compliance was obtained.

13
14 It was the consensus of the Town Council not to pursue the discussion imposing fines on
15 building code violations, as it only occurred a few times each year.
16

- 17
18 3. Request to Consider Ordinance No. 16-09 prior to 5:00 p.m. at the November 12, 2009,
19 Town Council Meeting. [John S. Page, Director of Planning, Zoning, and Building]

20
21 **Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to**
22 **approve the request for consideration that Ordinance No. 16-09 be heard prior to 5:00 p.m.**
23 **at the November 12, 2009, Town Council Meeting. On roll call, the motion carried**
24 **unanimously.**

- 25
26 4. Status Report on Building Permit for Palm House. [David A. Rosow, Town Council
27 President]

28
29 Planning, Zoning and Building Director Page provided a status report on the building permit for
30 Palm House.

31
32 Discussion occurred among the Town Council Members, Town Attorney Randolph and staff
33 regarding that the owner would have until February 2011 to complete the project at Palm House.
34 Building Official Jeff Taylor noted that there had not been any work done in the last month, and
35 if there was no activity within 30 days, a new building permit would be required. Council
36 Member Wildrick commented that the project had gone on too long and the owner had not
37 shown good faith.

38
39 After discussion, President Rosow noted that the owner had until October 16, 2009 to perform
40 construction work on Palm House.

- 41
42 5. 3-Strikes Construction Parking Rule. [David A. Rosow, Town Council President]

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2 President Rosow asked Town Manager Peter Elwell to explain the 3-Strikes and you're out
3 construction parking rule.
4

5 Mr. Elwell noted that for better regulation of parking construction vehicles, a zero tolerance
6 would be imposed, if violated three times without extenuating circumstances. The construction
7 job would be red tagged to cease work and come before the Town Council to explain the
8 situation and see if the permit could be reactivated. It had the desired impact of getting the
9 contractors attention, and had a noticeable improvement in the situation.
10

11 President Pro Tem Coniglio concurred with Mr. Elwell regarding the appeal process.
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13

14 X. ANY OTHER MATTERS

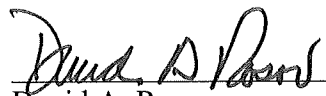
15 John Ripley, Preservation Foundation, commented regarding 1744 S. Ocean Boulevard, that a
16 wall was built without a variance. He suggested that it could be approved with a condition that
17 there would be an automatic code enforcement fine at the maximum per day for willful disregard
18 of the Town code.
19

20 Town Attorney Randolph advised that, if a citation had been issued, and a variance was being
21 requested, the administration would send the applicant to Code Enforcement for consideration of
22 a fine, prior to obtaining a variance. He indicated that this method would be preferred rather
23 than the Town Council making a determination whether or not the applicant would go to Code
24 Enforcement.
25

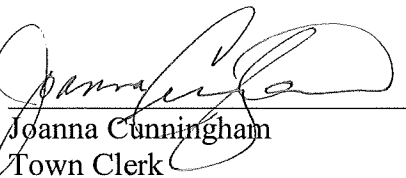
26 XI. ADJOURNMENT

27 There being no further business, the October 14, 2009, Regular Town Council Meeting was
28 adjourned at 12:16 p.m.
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30 APPROVED:

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David A. Rosow
Town Council President

38 ATTEST:

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Joanna Cunningham
Town Clerk