MINUTES OF THE TOWN COUNCIL MEETING OF OCTOBER 13, 1992

I. CALL TO ORDER AND ROLL CALL - The Town Council meeting of October 13, 1992 was called to order by President Heeke at 9:30 AM on October 13, 1992 in the Town Hall Council Chambers. On roll call, the following Elected Officials were found to be in attendance: President Heeke, Councilwomen Douthit and Wiener and Councilman Ilyinsky. Absent were Mayor Marix and President Pro Tem Weinberg. Also attending for all or portions of the meeting were Mr. Doney, Mr. Randolph , Mrs. Peters, Chief Terlizzese, Chief Elmore, Mr. Jakubiak, Mr. Elwell, Mr. Dusey, Mr. Bowser, Mr. Moore, Mrs. Crozier, Mr. Zimmerman, Mrs. Crozier, Mrs. Kelly, Mrs. Gorman, Mrs. Martinuzzi, and Mr. Boggs. Roll Call

II. INVOCATION AND PLEDGE OF ALLEGIANCE - Invocation was given by Mrs. Peters. Pledge of Allegiance was recited. Invocation

III. PRESENTATIONS

Presentations

A. Presentation by Mr. Robert Nachlinger, Finance Director, City of Miami Beach of Government Finance Officers Association's "Distinguished Budget Presentation Award" to Town's Elected Officials and Staff.

Mr. Nachlinger presented Mrs. Crozier, Finance Administrator with the Distinguished Budget Presentation Award. Mr. Nachlinger indicated in order to earn this Award, the Town had to meet GFOA standards for budget documentation, and these standards were developed by experienced budget professionals and are designed to assess how well the budget assesses four major areas which are (1) The budget serves as a policy tool; (2) The budget presents a clear financial Plan listing all expenditures and revenue sources in current and previous years; (3) The Budget is a guide for the Town's operations and explains the relationship between the organizational components; (4) The Budget serves as a communication medium providing summary information on the Town's programs, services and finances in a manner suitable for use by both the public and the media. He explained only 580 of approximately 45,000 governmental organizations receive this Award and the taxpayers and elected officials should take pride in the fact that this budget has been judged one of the best in its class. Mrs. Crozier accepted the award and complimented her staff.

B. Retirement of Frank Passavanti, Electrician - Public Works Department - This matter was deferred.

IV. COMMENTS OF THE MAYOR - none.

V. PUBLIC HEARING

A. Request for Abandonment of a Public Utility Easement and Re-Dedication of a Public Utility Easement at 1100 North Lake Way - Consideration of Resolution No. 43-92 - Attorney Randolph read the Resolution: Res. 43-92

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING A CERTAIN TWO AND ONE HALF FOOT PUBLIC UTILITY EASEMENT ON PROPERTY LOCATED AT 1100 NORTH LAKE WAY, PALM BEACH, FLORIDA, AND DEDICATING A PUBLIC UTILITY EASEMENT ON PROPERTY LOCATED AT 1100 NORTH LAKE WAY, PALM BEACH, FLORIDA.

Attorney M. Timothy Hanlon of the law firm of Alley, Maass, Rogers & Lindsay addressed the Council on behalf of his client Carl Hj. Asplundh, Jr. requested the abandonment of an existing 2.5' easement and relocation of same. Mr. James Bowser advised the request is to abandon the 2.5 utility easement and rededicate it to the north. He stated they have acquired a portion of the subdivision to the north and the original platted subdivision had a 2.5' utility easement on the north boundary, and since they have acquired approximately 9' of the lot to the north, the utility easement does fall within their property and would conflict with the house now under construction and they are asking to have it relocated to the north. He stated the new easement will not lie along the existing lot line but will be 2.5' south of it. He stated there are no existing utilities in the easement and there is no reason to object to the request. He requested if this is granted, there be conditions put on the request, which are:

1. All costs associated with the preparation of the easement documents and recording in the Court House should be paid by the applicant.

2. All costs associated with the relocation of utility facilities, as well as restoration costs, be paid by the owner requesting the abandonment.

3. That there shall be no trees, hedges, walls, fences, or other structures placed over the utility easement.

Mr. Bowser advised he has notified the surrounding property owners and there has been no response. Mrs. Wiener asked when the letters were sent? Mr. Bowser responded they were sent certified mail approximately three weeks ago. Mrs. Wiener wondered if all of the property owners live here year round or would this mail have had to be forwarded to their northern addresses to which Mr. Bowser responded the property owner to the north had two addresses and the letter was sent to each address.

Mr. Hanlon indicated the applicant has no problem with accepting the conditions as stated by Mr. Bowser.

Mr. Ilyinsky asked how close would the relocated pole be to the neighboring house? Mr. Hanlon responded it will be on the north corner of the property where there is a 5 by 9 easement and that is 18' from the structure to the north, but it is street side so it is an additional 35' in front of the existing structure.

Motion was made by Mrs. Douthit to approve Res. No. 43-92 to authorize the relocation of the utility easement, subject to the conditions outlined by Mr. Bowser. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mrs. Peters noted the Proof of Publication has been received on this public hearing.

Mrs. Wiener commented she would feel more comfortable if there were on file in the future written approval from the neighbors, and she thought this should be done administratively from hereon to which Mr. Heeke agreed. Mr. Doney stated they would request a letter of no objection from surrounding property owners. Mrs. Wiener suggested it be sent to the neighbors with the notification and they could just sign it and return it. Mrs. Douthit agreed and thought they needed to continue to send the information to the local and up north addresses.

VI. APPROVAL OF AGENDA

NOTE: Items listed on the "APPROVED AGENDA" will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that certain items be deleted from same and be individually considered.

Mr. Moore asked that XIII.B.9, Special Exception 26-92 Winthrop, Stimson be withdrawn. Mrs. Wiener asked if the approval of the minutes, Item VII on the Approved Agenda could be deferred. She noted the minutes are contained in their packet of information on the Friday before the Town Council meeting and she finds it impossible to get through all of the minutes. She asked if the Minutes could be distributed to the Mayor and Council as they are completed, to which Mr. Doney agreed.

Mrs. Douthit commented she had an item to be considered under "Any Other Matters, Item XV, and she moved the Approval of the Regular Agenda with the changes. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mrs. Wiener commented she has a problem with items being put under Any Other Matters when it is known days ahead of time what it is and she thought items of this kind needed to be listed on the Agenda. She didn't mean things that come up at the last minute. Mr. Heeke thought it should be recognized that under Any Other Matters any items could be pulled and not discussed as it may not be germane or enough information available at the time of the meeting. Mrs. Wiener knew usually there were a list of things and she thought they needed to give this more attention and if the item to be discussed is known as such an item at the time the agenda is being prepared, then that should be listed on the agenda.

APPROVED AGENDA (ITEMS VII. THROUGH IX.) Motion was made by Mr. Ilyinsky to approve the Approved Agenda with the Minutes (Item VII) removed. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

VII. APPROVAL OF MINUTES OF JUNE 15, JULY 14, AUGUST 27, SEPTEMBER 2, 8 (5:01 P.M.), AND 14 1992

Licenses & Permits

VIII. LICENSES AND PERMITS

A. Charitable Solicitations

Charitable Solicitations

1. Comprehensive Alcoholism Rehabilitation Programs, Inc.; No. 259-92
2. Brandeis University National Women's Committee - Palm Beach Chapter; No. 310-92
3. Center for Children in Crisis; No. 341-92
4. Opportunity Inc. of Palm Beach County; No. 342-92
5. Positive Link; No. 343-92
6. St. Mary's Hospital Foundation, Inc.; No. 9-93
7. Hadassah Angel of Mercy; No. 14-93
8. The Henry Morrison Flagler Museum; No. 74-93
9. Anti-Defamation League of B'nai B'rith; No. 83-93
10. American Society for Technion; No. 137-93
11. Mental Health Association of Palm Beach County, Inc.; No. 145-93
12. Women's American Ort of North Palm Beach County; No. 167-93
13. Community Foundation for Palm Beach and Martin Counties; No. 221-93
14. Big Band Hall of Fame; No. 234-93
15. Adopt-A-Family of the Palm Beaches, Inc.; No. 254-93
16. American Associates, Ben-Gurion University of the Negev, Inc.; No. 277-93
17. Edna Hibel Art Foundation; No. 292-93
18. YWCA of Palm Beach County Florida, Inc.; No. 325-93
19. Epilepsy Association of Palm Beaches; No. 344-93

Beverage Licenses

B. Beverage Licenses

1. Request to Transfer Name on a 4COPSRX Alcoholic Beverage License from Alexander Roman d/b/a The Garden Club Restaurant to Branko Rancic d/b/a The Garden Club Restaurant at 140 Sunrise Avenue

2. Request to Transfer a 4COP Alcoholic Beverage License from South Florida Restaurant Corp./Mark Delorme d/b/a 264 Restaurant to Alyce Jeanne Marks d/b/a 264 Restaurant at 264 South County Road

New Business

IX. NEW BUSINESS

A. Bid Award

Sealed Bid 022-91/92

1. Sealed Bid No. 022-91/92 - Towing and Storage Contract

REGULAR AGENDA

Old Business

X. OLD BUSINESS

A. Other

PEP Reef Project

1. Consideration of PEP Reef Project at Mid-Town Regarding Issues Discussed at September 14, 1992 Special Town Council Meeting and Consideration of Date and Time for Special Town Council Meeting on PEP Reef Project Issues - Mr. Doney indicated he had a listing of the dates which Mr. Kirby Green of Department of Natural Resources could be in attendance.

Mrs. Wiener suggested the meeting be set for a time when Mayor Marix can also be in attendance.

Mr. Heeke asked Attorney Randolph if he was ready to comment on the letter sent by Murphy Construction's attorney, Mr. McBane, asking that payment be made to this sub-contractor prior to October 19, 1992, or they would take further legal action. Mr. Randolph indicated he was not in a position to comment at this time, but perhaps could later in the meeting. Mrs. Wiener believed this brought up another matter in that the original decision was to advance the $200,000 to the Town's contractor, American Coastal and now we have this letter for an additional 25%. After further discussion, a Special Town Council meeting was set for 10 AM on October 26, 1992 to discuss the PEP Reef Project on motion of Mrs. Wiener, seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

XI. NEW BUSINESS

New Business

A. Ordinances - First Reading

1. Ordinance No. 12-92 - Amendment to Coastal Construction Code, Chapter 5 of Town Code of Ordinances - Attorney Randolph read Ord. No. 12-92 by caption:

Ord. 12-92

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER FIVE OF THE CODE OF ORDINANCES RELATING TO BUILDINGS, AT ARTICLE 1 A APPENDIX COASTAL CONSTRUCTION CODE, SECTION FOUR, AS TO DEFINITIONS SO AS TO AMEND THE DEFINITION OF SUBSTANTIAL IMPROVEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Douthit moved for approval of Ordinance No. 12-92. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

2. Ordinance No. 13-92 - Use of Town-Owned Properties and Right-of-Ways - Attorney Randolph read Ordinance No. 13-92 by title:

Ord. 13-92

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING PROCEDURES FOR THE HOLDING OF SPECIAL EVENTS IN THE TOWN OF PALM BEACH; PROVIDING A DEFINITION; PROVIDING FOR PERMITS AND APPLICATION REQUIREMENTS; PROVIDING FOR REGULATIONS; PROVIDING FOR STANDARDS OF ISSUANCE OF PERMITS; PROVIDING FOR NOTICE OF APPROVAL OR DENIAL; PROVIDING PROCEDURES FOR APPEAL; PROVIDING FOR REVOCATION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener wondered if the intent was to include fund-raising activities to which Mr. Heeke responded negatively.

After discussion, a motion was made by Mr. Ilyinsky to put this Ordinance No. 13-92 over until after the Ordinance, Rules and Standards Committee holds their meeting on this subject on Friday, October 19, 1992. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

B. Resolution

1. Resolution No. 44-92 - Annual Readoption and/or Amendment of the Town's "Guidelines for Routine Dune Maintenance" - Attorney Randolph read the Resolution NO. 44-92:

Res. 44-92

A RESOLUTION OF THE TOWN COUNCIL, TOWN OF PALM BEACH,PALM BEACH COUNTY, FLORIDA, AMENDING AND READOPTING THE TOWN'S GUIDELINES FOR ROUTINE DUNE MAINTENANCE.

Motion was made by Mrs. Douthit to approve Resolution No. 44-92. Seconded by Mrs. Wiener. Attorney Randolph commented there should be an addition in Section One adding the phrase: " in the manner and form attached hereto" to which the maker and seconder agreed. On roll call, the motion carried unanimously.

C. Other

1. Consideration of Request by Mr. Robert Miller to Have 100 Block of Banyan Road (Private Road) Declared to be a Public Road. Mr. Miller addressed the Council noting last month his daughter was coming home late in the evening and there was an open manhole cover on the street and it badly damaged her car. He has been advised this street is not maintained by the Town as this is a private drive and this needs to be repaired by the property owners. He requested the Town rededicate the street as a public street as presently it is not safe, and he doesn't think the residents on the street wish to bear this expense. Mrs. Douthit noted it is a private road and she doesn't see what benefit it would be to the Town to make this a public road.

Request to have 100 Block of Banyan Rd. declared public

Mrs. Wiener noted there are a number of these private roads in the Town, most of which are not in good condition, as they have not been kept up over the years by the people who have lived on these private street and she thought it would be an astronomical amount on the budget. She believed they might take it on, if the street was brought up to par. Mr. Miller believed it was the Town's responsibility to take over the maintenance of these roads, pointing out he doesn't pay any less taxes because his road is private. Mrs. Wiener asked if there any possibility he could get together with his neighbors and get the road up to some standard and the Town would take it over from there. Mrs. Douthit thought perhaps it would have to be widened in order to bring it up to the proper standards and she didn't want to set a precedent as tomorrow there will be others who wish to have their private streets made public. Mr. Miller did not agree. Mr. Heeke noted it is also in the deed and title insurance. Mr. Miller advised he has talked to several homeowners on his street and none were aware they were responsible for the maintenance of this road. Mr. Miller advised they have called the Town's Public Works Department who came out and thought it was a Florida Power & Light problem and they were called and indicated it was not their manhole.

Mrs. Wiener believed the people who own this have the responsibility for this manhole and that is the people on the street and evidently it has been left go for a number of years and the fact of the matter is it is the owner's responsibility and not the Town. She suggested they bring the road up to par and then the Town Council will take another look at it. Mr. Miller stated they would not be able to do this as there are utilities under this roadway and it would be a very expensive project.

Mrs. Wiener suggested Mr. Miller sit down with Mr. Dusey or his designee and get a handle on what could reasonably be done by the owners of the property on that road and what could be done by the Town, and perhaps that might be a way of solving this problem.

Mr. Bowser stated this is a concrete junction box which has a steel plate which is reset in the concrete top and an alternative would be to buy a traffic bearing plate and have it bolted in place so it will not pop out which is what it does now. He stated it is not an expensive solution to solve the problem. Mr. Heeke suggested perhaps that is what the homeowners should get together and do. Mr. Miller stated that is not the only problem as this street is not drivable as there are holes in the street.

Mrs. Wiener suggested Mr. Miller sit down with the Department of Public Works' representative and see what the shortfallings of the street are and what the possibilities are and what the people on the street would be willing to do as she thought all these things needed to be done before the Council consider the matter. Mr. Heeke believed that was all addressed in the memorandum sent on this by Mr. Dusey dated October 2, 1992.

Mr. Ilyinsky explained he lives on a private street and it has advantages, such as control of parking. He stated they are in the process of repaving the street and it will cost each property owner approximately nine hundred dollars, but they like the idea of having a private street.

Mr. Heeke indicated there doesn't seem to be a feeling on the part of the Council to have this road be made public and they will move on to the next item.

East Central Regional Wastewater Treatment Plant

2. East Central Regional Wastewater Treatment Plant - Designation of Town Member and Alternate to ECRWWTP Board - Mr. Doney advised the Town Council did authorize execution of an updated agreement for the Town's participation in the East Central Regional Wastewater Treatment Plant and in the past Mr. Bowser has acted as the staff representative on the five member group, which consists of the Town, Riviera Beach, West Palm Beach, Palm Beach County and Lake Worth. He stated the new agreement requires the Town to formalize Mr. Bowser being appointed as the Town's regular member and Mr. Dusey be appointed as the Alternate as contained in the memorandum from Mr. Dusey dated October 2, 1992 and he concurs with the recommendation. Motion was made by Mrs. Wiener to approve the Town Manager's recommendation to have Mr. Bowser be the regular member and Mr. Dusey the alternate member of the East Central Regional Wastewater Treatment Plant Operations Board. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Nominees for Countywide Inter-governmental Coordination Program Task Force

3. Consideration of Nominees for the Countywide Intergovernmental Coordination Program Task Force - Mr. Doney advised a notification has been received from Mr. Martino, President of the Municipal League to consider nominees for the Countywide Intergovernmental Coordination Program Task Force. He reported the Town of Palm Beach falls into the category of "Small Cities" and there are seven names suggested to be the representative of that category and the Council has the opportunity to select two names from the list, if they so desire. Mr. Heeke and Mrs. Wiener did not think it was appropriate for the Council to handle Municipal League business and there was no action taken on this matter.

32nd Ann. Legislative Conf.

4. Consideration of Attendance at 32nd Annual Legislative Conference by Florida League of Cities November 19-20, 1992 in Tallahassee and Town Items of Legislative Concern for 1993. After discussion, the Mayor was named as the Voting Delegate and if she is not able to attend, President Heeke, President Pro Tem Weinberg and Town Manager Doney were named as alternates in that order. Mr. Ilyinsky so moved. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Mrs. Wiener talked about the Undergrounders, which is an organization which wishes to place all overhead wires under the ground and she thought this eventually is going to happen.

After discussion, a motion was made by Mr. Ilyinsky, to authorize Ron LaFace to be used in Tallahassee on an as-needed basis on legislative matters. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

XII. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR SEPTEMBER 1992 - Mrs. Wiener moved the Warrant List and Fund Expenditures for September, 1992 be approved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

XIII. DEVELOPMENT REVIEWS

Major Matters - Architectural Commission

A. Major Matters Previously Considered by the Architectural Commission at Their Meeting of September 23, 1992 - Excerpt Available in Town Manager's Office - Motion was made by Mr. Ilyinsky, seconded by Mrs. Douthit to approve the Major Matters considered by the Architectural Commission on September 23, 1992. On roll call, the motion carried unanimously.

The Major Matters were:

B4-90 - Leonard Sessa, 6 South Lake Trail - Gates, Posts, Fountain/Planters. Approved.

B51-92 - New residence for J. Sirigotis, 256 Miraflores Dr. Approved conditionally.

B68-92 - Remodeling of residence of Robert and Lynn Fessler, 1015 S. Ocean Blvd. - Deferred.

B69-92 - New residence for Angela and Malcolm Healey, 1341 S. Ocean Blvd., Removed from the agenda.

B71-92 - Statutes for Arij Gasiunasen, 118 Seaview Avenue, Approved conditionally.

B57-92 - Addition for Uta K. Ortis-Patino, 598 S. County Rd. Remove from agenda.

B18-92 - Landscape Plan and materials for residence of Agenes Rosenthal - Approved conditionally.

B28-92 - Revision to residence of Susan Pincourt, 232 Bahama Lane - approved

B79-91 - Landcape Plan for Michael Burrows, 1495 N. Ocean Blvd. - Approved conditionally.

B58-92 - Revisions to pool area and west wing of residence for Dr. & Mrs. Marvin Rosenberg, 2 La Costa Way. Approved.

B72-91 - Second Floor addition for residence of Stokes Lott Von Pantz, 1342 N. Lake Way. Approved.

B73-92 - New Residence for Sidney Kimmel, 1020 N. Lake Way - Deferred.

B74-92 - Remodel store front of Lee Haven's Fine Jewelry, 235C Worth Avenue - Deferred the awning and approved signage.

B75-92 - Remodel store front of Mondi, 226A Worth Avenue - Deferred.

B76-90 - Remodel store front of Love Realty, 319 Worth Avenue - Approved conditionally.

B79-92 - Selective demolition and addition and renovations to residence of Paivi Alperson, 157 Everglade Ave. Deferred.

B80-92 - Power Love Associates, enclosure of second floor overhang. Approved conditionally.

B81-92 - Carport for residence of Patricia K. Tracy, 244 Nightingale Trail - Approved.

B82-91 - Addition of one story for residence of Bernard Friedman, 616 Island Dr. Approved conditionally.

B83-92 - Driveway Gates for Howell Van Gerbig, Jr., 12 Via Vizcaya. Approved alternate plan.

B. Variances, Special Exceptions and Site Plan Reviews

Old Business

Old Business

1. Variance No. 56-92 - Eugene Applebaum, 325 Via Linda; to allow construction of a wheelchair elevator less than 1' from the south property line and to construct 12' high retaining walls at elevator and along the south property line in lieu of 6' maximum allowed. R-B District. Postponed from September meeting. - Mr. Thomas Kligerman addressed the Council on behalf of Mr. Applebaum, indicating the wheelchair elevator has been removed from the application. He noted there was an existing wall on the north side of the property which is presently higher than the one they propose to build on the south side, as it is 1.7' above the first floor level on the north and they propose to build it three inches lower. He stated the hardship is because of the topography as the site drops fourteen feet from the entrance and they need to retain the dirt there to provide the lawn for the property. Var. 56-92

Mrs. Douthit asked if the height included the railing to which Mr. Kligerman responded it does not and the railing would be put on top of that and it would be decorative and would match the railings on the house. He stated along the south wall, there would be a ficus hedge with a chain link fence inside the hedge which will not be seen.

Mr. Moore gave the staff comments, noting originally, staff had a problem with the wheel chair installation and suggested there be an alternate location and that has been modified. He stated the wall on the north side is in excess in the vicinity of ten to twelve feet in height and is being used as a retaining wall, therefore, there he has no objection to this application. Mr. Heeke noted it is a retaining wall due to the slope of the lawn. Mrs. Wiener moved for the granting of Variance No. 56-92, minus the request for the wheel chair elevator. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

New Business

New Business

2. Variance No. 59-92 - Nader Salour, 1300 South Ocean Boulevard; to allow construction of a block wall 6'8" high at the driveway entrance and sloping up to 10' height leading to the residence and two (2) 14' columns, in lieu of 6' maximum height permitted per Section 5.36 of the Town Zoning Ordinance. R-AA District. Mr. Bud Hansen addressed the Council on behalf of Mr. Salour, noting the existing entrance to the main house is on a lot that has now been sold, so a new entrance is needed to the house. He advised the existing wall runs the entire length of the property and they would like to cut an opening in the wall and create a new entrance consistent with the architecture and colors now existing. Var. 59-92

Mr. Moore reported the new entrance would be no higher than the existing entrance and this property was subdivided, so there will probably be a request for another entrance on the north.

Motion was made by Mrs. Wiener to approve Variance No. 59-72. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

3. Variance No. 60-92 - H.Z. Rosner, 505 South County Road; to allow replacement of a two-story portion of a nonconforming residence, and the construction of a one-story addition at a 10.5' side yard setback in lieu of 15' required; said lot coverage Var. 60-92

nonconformity would be reduced from 33.96% to 33%. R-B District. - Mr. Harold Smith, architect for Mr. Rozner addressed the Council, indicating they are requesting permission to replace the present two story nonconforming construction at the front of the property and reconstruct a garage at the first floor and two bedrooms on the second floor towards the rear of the property and by doing this, it will reduce the lot coverage by one per cent. He stated they wish also to construct a 2.5' addition which falls into the required setback at the north side of the property near the front of the residence. He stated this variance would allow them to bring nonconformities into conformity as some construction at the front of the property will be removed and removing construction within the required south setback, bringing that into conformance. He stated the new garage will be a side entry and they will be able to get rid of the carport and narrow down the driveway entrance.

Mr. Moore reported the reduction in the lot coverage and reduction of the nonconformities in setbacks on the front and on the south and the increase in green space makes the staff find no objection to this variance.

Mr. Ilyinsky moved Variance No. 60-92 be approved. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Var. 61-92

4. Variance No. 61-92 - Via Mizner Associates, Via Mizner, 337 Worth Avenue; to allow expansion of a nonconforming structure by constructing two additions totaling 1,000 square feet, prohibited under Section 8.21. C-WA District. - Kirk Henkle representing the applicant addressed the Council on behalf of the applicant, requesting permission to add a sunroom to the main floor of the Mizner apartment. He stated they needed this living space to go along with the panelled dining room as there are not many people who need ballrooms anymore, and this will make the apartment more marketable. He felt this would create a loggia on the second floor with a terrace above. He stated they are scheduled to appear before Landmarks Commission next week as this is a landmarked building.

Mr. Ilyinsky recalled it has been the feeling of Councils in the past that a mixed use on Worth Avenue is appropriate, especially in this building to encourage people to live in these old Mizner buildings so he viewed as an excellent idea and he would move that Variance No. 61-92 be granted.

Mr. Moore stated staff has no objection.

Mrs. Wiener asked what was the hardship to which Mr. Hinkle responded the hardship is that it is landmarked and they wouldn't want to subdivide such a structure and in terms of having 7000 square feet of unmarketable square footage on Worth Avenue is to him a hardship. Mrs. Wiener stated she asked this as she really doesn't disapprove of this request but very often they deny residential requests and here they are talking about commercial property and she really has no problem with it as she believes it is a fine idea, but they should realize that all properties should be treated the same way.

Mrs. Wiener seconded the motion.

Mr. Heeke felt that in considering variances, particularly on Worth Avenue, this is an unique area, as there is no parking and secondly, this is a landmarked building and whether it is residential or commercial, Council has frequently been sympathetic towards landmarks buildings and granted variances, bearing in mind, they are subject to the approval of the Landmarks Preservation Commission as to the overall design. He felt the whole purpose is to encourage mixed use on Worth Avenue and this is a step in that direction.

On roll call, the motion carried unanimously.

Var. 62-92

5. Variance No. 62-92 - Richard Lasdon, 208 Angler Avenue; to allow construction of an addition providing a 9.48' east side yard setback in lieu of 12.5' required. R-B District. - Richard Wensing, Architect, addressed the Council for Mr. Lasdon requested the variance to allow an addition providing a 9.48' east side yard setback in lieu of the 12.5 required. He stated the roof line presently goes straight on through and they will not be adding any roof and are just filling in a portion of the house which were built at the old setback. He stated they are making two bedrooms and two bathrooms into a master suite and the request is for 52 square feet. Mr. Ilyinsky noted this addition will not come out any further than the present residence to which Mr. Moore agreed. Motion was made by Mrs. Wiener to approve Variance No. 62-92. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Var. 63-92

6. Variance No. 63-92 - Joe Champ, 318 Via Linda; to allow construction of a covered entry at a 30.3% lot coverage in lieu of 30% maximum allowed. R-B District. - Attorney Robert Deziel addressed the Council on behalf of Mr. & Mrs. Champ, noting the hardship was the shape of the lot and requested the variance. He advised the amount of the lot taken up by the cul de sac more than compensates for the lot coverage overage that he is requesting.

Mr. Moore stated it is a minimum variance and staff has no objection.

Mr. Ilyinsky moved that Variance No. 63-92 be approved. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Var. 64-92

7. Variance No. 64-92 - Luis and Lillian Fernandez, 246 Eden Road; to allow construction of a second story addition providing a street side yard setback of 17.5' in lieu of 30' required. R-B District. Attorney Robert Deziel on behalf of Luis and Lillian Fernandez, addressed the Council noting they wish to build a second story addition on top of an existing garage. He stated this house is located on a corner lot and must provide two front yard setbacks, which is their hardship. Mr. Heeke asked if the applicant would be willing to agree that there would be no cooking facilities on the second story addition. Mr. Deziel responded they would agree. Mrs. Douthit moved that Variance No. 64-92 be

approved with the condition that there will be cooking facilities on this second floor addition. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

8. Special Exception No. 25-92 with Variance - Paine Webber, 440 Royal Palm Way; to allow stock brokerage firm, a financial institution, to locate into the C-OPI District per Section 4.10. A Variance is requested from the parking requirement of 55 spaces; applicant can provide 44 parking spaces. C-OPI District. - Attorney David Shaw addressed the Council on behalf of Paine Webber and wishes approval of the Special Exception with a Variance for the parking. He advised John Lucin who is the Manager of Paine Webber is in the audience to answer any questions the Council may have. He stated his client wishes to relocate their office from 251 Royal Palm Way to 440 Royal Palm Way and this would be for 11,000 square feet. He advised his client has been doing business in the Town since 1971 and he has submitted the required Town-serving affidavit. He stated at its current location, Paine Webber has 41 employees and 40 parking spaces and there has not been a problem with parking for staff and their customers. He stated there are usually only one or two customers visiting the office in any one day, as many employees visit their clients in their homes. He stated the same number of employees (41) will be in the new space but there will be more area for their employees. He stated this is one of the few buildings on the island that meets parking requirements. Mr. Heeke asked if there was any room for expansion of their employees in the new space? Mr. John Lucin stated there would be very little room for expansion. Spec.Excep. 25-92

Mr. Moore asked if the applicant had tried to secure the required parking in the area. Mrs. Douthit noted they were eleven spaces short. Mr. Shaw responded the rationale is the long standing experience of the applicant at its current location as they always had ample parking and on a practical basis, they really don't need many parking spaces. He noted there was flow over space available in the building for use in common with other tenants.

Mr. Heeke asked if they had any arrangements to provide for their spill over parking? Mr. Shaw responded they have not designated any specific parking spaces but will be able to use the parking in the building as there is a surplus of parking in this building.

Mr. Ilyinsky moved for the granting of Special Exception No. 25-92. Seconded by Mrs. Wiener. Motion carried 3-1 with Mrs. Douthit voting against the motion as she thought eleven spaces was too high a deficit.

9. Special Exception No. 26-92 - Winthrop, Stimson, Putnam and Roberts, 125 Worth Avenue; to allow expansion of a special exception use (Professional in C-WA) from 5,353 square feet to 8,223 square feet. C-WA District. Letter dated September 25, 1992 from Garrison duP. Lickle requesting withdrawal. This matter was withdrawn. Spec.Excep. 26-92

10. Special Exception No. 27-92 with Variance - Everglades Club, 356 Worth Avenue; to allow construction of a trash compactor and awning cover thereby modifying the Club's Special Exception Use; said compactor and cover would provide a 6' side yard setback in lieu of 15' required. C-WA District. Architect Jeffrey Smith addressed the Council on behalf of the Everglades Club indicating the Special Exception with Variance is to install a trash compactor with an awning cover and they wish to place it in the side yard setback with 6' provided instead of the 15' required. Mrs. Wiener asked if there was any other space on the property where it could be located? Mr. Smith advised they have looked at this very carefully and have been trying to find the right spot with access to have it picked up and this area is the ideal spot. Mr. Smith responded the trash storage area now is very unsightly and has an odor and the garbage people pick it up on a daily basis, and with the compactor it would be picked up every ten days and the food thrown into the compactor is sanitized so there is no odor. Spec.Excep. 27-92

Mrs. Wiener thought with all the space the Everglades Club has, there certainly should be a spot where it could be located which would not be right off Worth Avenue. Mr. Smith responded the garbage trucks cannot go through the porte cochere but perhaps they could come down the alleyway by F. A. O. Schwartz. Mr. Ilyinsky asked if they could put it there on a trial basis.

Mrs. Wiener asked what kind of noise does this make to which Mr. Smith responded if you were standing right next to it, you will be able to hear the motor hum but other than that, it is not noisy. Mrs. Wiener wanted to know if they would be operating this at night? Mr. Smith responded it would probably be done after each meal. He advised the Bath & Tennis and Chuck and Harold's both have a trash compactor similar to this compactor.

Attorney Frank Lynch addressed the Council on behalf of the occupants of The Villas. He advised their concerns are some of what has been addressed by Mr. Smith, specifically if the contractor would replace the existing dumpster and the noise and the odor. He stated they would also like to know if there is another place on the Club property where this could be located where it would not be visible on Worth Avenue.

Mr. John Trevor of the Villas addressed the Council asking if this compactor could not be placed in the back of the kitchen as his apartment is directly across the street from the location of the dumpster.

Mr. Heeke asked Mr. Smith if he had talked with Mr. Dusey about the location of the dumpster? Mr. Smith responded this will be picked up by a private contractor although the Town does currently pick up the garbage for the Club and with the compactor, it will be only once every ten days. Mrs. Wiener asked how high was this compactor to which Mr. Smith responded it was about six feet tall. Mrs. Wiener suggested it be located back a little bit further and they build a wall with shrubbery in front of the wall. Mr. Smith stated it was a possibility and they would also install a gate.

Mr. Lynch asked when the compactor would be used for the churning up of cans and bottles and perhaps they might want to think of recycling those items. Mr. Smith responded this will not be noisy as they are contained and they also introduce an ozone atmosphere so they do not smell and will not attract insects.

Mrs. Wiener stated her concern about the noise problem and if they are going to put the garbage there after a party at night, it may be a disturbance to the neighbors. Mr. Bruce Pfeiffer, Manager of the Villas addressed the Council indicating they have a concern about the visual appearance of the compactor not only today but five years from now and secondly, the operation of it time wise and the noise. He too thought a better place to put this would be the back side of the kitchen of the Club, which is adjacent to the Croquet Court.

Mr. Heeke applauded what was being attempted here to eliminate the odors as this is a major side benefit to having a compactor but he had a problem with the concerns expressed by the residents of the Villas and wondered if Mr. Smith would continue to study this and bring it back next month with a better location. Mr. Smith stated they could not locate it on the other side of the Croquet Court as they would have to carry the garbage across the Croquet Court to the compactor.

Meeting adjourned for lunch.

President Heeke reconvened the meeting.

Mr. Smith addressed the Council stating they have gone over the problem during the lunch hour and he believed that Mr. Lynch and his clients are now satisfied as to how the trash will be handled. He stated the Club will be willing to install a wall around the compactor as long as the equipment can get to the site to pick up the compacted material and to service the compactor.

Mr. Heeke asked for more information about the wall. John Callahan, President of the Everglades Club, addressed the Council explaining there will be no noise or odor connected with this particular system and they wish to relieve themselves of the garbage being picked up early in the morning in front of the Villas, so they are trying to improve what has been happening there not only for their neighbors but also for the Town. Secondly, he stated they are a little tight for space and had to reduce the size of the compactor so it would fit into this particular space so to install a wall and then have a space where they would have to get into to service the equipment, then sight-screening it with landscaping, he really didn't think they had enough room there. He thought a better thing would be to install the hedge with netting over the top and have an arbor grow over with greenery on top of the arbor, so it would be completely sightscreened. He was reluctant to agree to the installation of a wall as he didn't think it was needed and he really didn't think there was enough room for it at this particular site. He wanted them to know if it was feasible, they had no objection to putting in the wall. He stated this is a temporary situation to be used until the Everglades Club kitchens are remodeled which is scheduled within the next three or four years and then this compactor will be put into a different location.

Mr. Smith advised if the wall is put in, it would move the compactor closer to Worth Avenue as there is an existing ficus tree there now.

Mrs. Wiener asked if there was any way the compactor could be placed in the area where they are proposing to put it in three or four years? Mr. Smith stated they have not formalized the kitchen planning as of yet and it may be relocated from its present site.

Mrs. Wiener commented she heard the statement that this compactor is a smaller version of the one installed at the Ocean Grand and she knows for a fact that there is a sound to that one, especially in the dead of the night when there is no traffic. She stated the reason for the wall is to deaden the sound. Mr. Smith stated if it would help, they would be glad to operate it only during daylight hours. Mrs. Wiener thought that was a very good idea, but wondered what would happen to the glass bottles and cans at 11 PM at night.

Mr. Callahan responded for many years, after the dinner hour at the Club, the garbage is put into the refrigerator and kept there overnight so there would be no noise at the dumpster, and they will continue that practice as he sees no reason to change that procedure as they want to be a good neighbor.

Mr. Lynch addressed the Council indicating he is satisfied with the concerns that have been addressed and with the understanding that this replaces the existing dumpster, they have no objection.

Motion was made by Mrs. Douthit to approve Special Exception No. 27-92 with the conditions that the compactor will only be used during daylight hours and there would be masses of greenery. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Spec.Excep. 28-92

11. Special Exception No. 28-92 with Variance - Crown Financial Associates, Inc., 250 Royal Palm Way; to allow a brokerage firm to locate in C-OPI. A variance of one parking space is requested; applicant would occupy 956 square feet and provide four parking spaces. C-OPI District. Attorney Peter Broberg addressed the Council on behalf of Crown Financial Associates to move their present offices which presently occupy 2,535 square feet to the location across the street at 250 Royal Palm Way and occupy a space of 956 square feet. He stated this is in the C-OPI District which does not have any square foot limitations but financial institutions, which the applicant is, must apply for a Special Exception. He stated his client has been in Town since 1988 and has proved themselves Town-serving and documentation on that has been submitted by an independent Certified Public Accountant. He stated the building is now virtually empty and there is parking available and the hardship to the applicant would be to provide off-street parking when it is already in existence. He stated they are downsizing the space and they probably will never need the parking required. Mr. Heeke asked how many employees they have. Mr. Wester Battle, Vice-President of Crown Financial Associates responded there are four full time employees and eight employees who are dual employees with an affiliated consultant.

Mr. Moore stated this is a minimal variance and they have proved they are Town-serving and he has no objection. Mrs. Wiener moved that Special Exception 28-92 be granted with the variance. Mr. Moore stated there was one letter of objection received. Motion was seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

C. Other

Armani's Request for Waiver to Sect. 12-51

1. Consideration of Request for Waiver to Section 12-51, "Hours of Construction Work," of Town Code by Mr. Gene Parker, Senior Project Manager for Armani's, 241/243 Worth Avenue, for Monday Through Sunday, 8:00 a.m. to 11:00 p.m. - Mr. Dale Hedrick,

President of Hedricks Brothers addressed the Council noting they are providing construction services for the Armani's space at 241-243 Worth Avenue and they are requesting authorization to work overtime, so they can meet the deadline of Dec. 1st when no construction is allowed on Worth Avenue.

Mr. Moore stated there have been standards imposed by the Council for many years with regards to construction, except for emergency repairs and no construction is allowed between the months of December through April. He stated they are requesting authorization to work seven days a week from 8AM to 11PM, as Armani's wishes to open the day after Thanksgiving. Mrs. Douthit did not agree to them working until 11 PM on a Sunday. Mrs. Wiener asked why they needed the extra hours? Mr. Hedrick responded the owners are presently working out some of the details and they have taken some time to work these out and Mr. Hedrick stated he is on schedule with the shell of the building but has the interior to complete. He stated this work will all be interior work and this could possibly require overtime work and any extra hours would be appreciated. He agreed with Mrs. Douthit that Sunday at 11 PM would be out of the question and if they worked at all on Sundays, they would only work a few hours. Mr. Heeke asked what the noise level would be inside to which Mr. Hedrick responded it would be minimal as they would be painting and laying tile and putting on wall covering. Mrs. Wiener suggested while the interior work is being completed, she would strongly recommend the windows be covered. Mr. Hedrick believed they were required to do that and they would comply.

Mr. Heeke asked if they could complete the work with shorter work hours and not work until 11 PM? Mr. Hedrick responded they don't anticipate working until 11 PM, however, any relief would be appreciated. Mr. Heeke suggested 9 PM as this is a mixed use area of residential and commercial to which Mr. Hedrick agreed.

Mr. Ilyinsky asked when the construction site would be cleaned up to which Mr. Moore responded they would like to see it done by the Thanksgiving weekend, and that would be removal of the scaffolding and cover the windows, to which Mr. Hedrick agreed. Mrs. Wiener stated there shouldn't be scaffolding as it is all inside work. Mr. Hedrick responded presently they are redoing the store front but this should be completed within two or three weeks and this will be done during normal hours and he needs the extra hours for interior work only.

Mr. Ilyinsky moved the request be granted with a modification to the hours from 11 PM to 9 PM and the work to be completed no later than the day before Thanksgiving Day. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Merrill Lynch Request for Waiver to Sect. 12-51

2. Consideration of Request for Waiver to Section 12-51, "Hours of Construction Work," of Town Code by Mr. Gordon Gross, Project Manager for Merrill Lynch, 249 Royal Palm Way, for Monday Through Sunday, 8:00 a.m. to 12:00 a.m. until December 1, 1992. A representative from Architectural Business Interiors requested the extra hours to complete the project until December 1, 1992. Mrs. Douthit did not agree they should be allowed to work from 8 AM to Midnight. Mrs. Wiener noted these requests used to be granted for emergency purposes, such as for asbestos removal, and now it is an emergency for people to just get into their new premises and she had a problem with that. Mrs. Douthit agreed. Mr. Gross stated the amount of noise would be quite minimal. Mrs. Wiener did not agree they should be allowed to work on Sundays and thought the time should be from 8 AM to 8 PM.

Mr. Gross stated part of the problem here is also that the building permit issuance was delayed by about a week and a half, so that put them behind. Mr. Moore asked if there was a deficiency in the plans which caused this delay? Mr. Gross responded it was a plumbing issue as Mr. Ackerman of the Building believed there weren't enough fixtures and he had to sign a hold harmless agreement. Mr. Moore explained the two week turnaround time is only for plans which meet the Code. Mr. Gross responded he believed that at the end of the two week period, he should have had a marked up set of plans and he just didn't get them in two weeks. Mr. Heeke stated they are not prohibiting him for doing the work and they don't really have the restrictions here as they do on Worth Avenue with the December 1st deadline. Mrs. Douthit believed it was for Merrill Lynch and didn't affect anyone else particularly like it would on Worth Avenue.

Motion was made by Mr. Ilyinsky that the applicant be authorized to work from 8 AM to 8 PM from Monday through Saturday until December 1, 1992. Seconded by Mrs. Wiener. Motion failed to pass 2-2, with affirmative votes cast by Mr. Ilyinsky and Mrs. Wiener and negative votes cast by Mrs. Douthit and Mr. Heeke. Mr. Heeke stated he had a problem with this as it was not to the benefit of the Town.

Mrs. Wiener noted this is in the inside of the building and people are working in that building until 5 PM servicing Town residents and it would be an inconvenience for those residents if construction was going on. Mrs. Douthit suggested it be 8AM to 8PM Monday through Friday and she so moved. Mrs. Wiener thought they needed Saturdays as there are no people around then. Mr. Moore stated normally they could work on Saturday during the normal working hours and what they are getting ready to vote on is the extended hours after 6 PM. The motion was seconded and on roll call, motion carried 3-1 with Mr. Heeke voting against the motion.

Breakers Request for Waiver to Sect. 12-51

3. Consideration of Request for Waiver to Section 12-51, "Hours of Construction Work," of Town Code by Mr. Thomas P. Wicky, The Breakers, to Work on Sundays. - Gerry Weigand addressed the Council on behalf of the Breakers, noting a large renovation program was done on the first and second floors last Spring, which encompassed 120 guest rooms with the scope being the demolition of all interior walls and the installation of new electric, new plumbing and fire safety upgrades and they have run into logistical problems which they have overcome most of them, however, do wish to meet their completion date of Dec. 23rd, due to business occupancy reasons and they are requesting authorization to work sixteen hours a day seven days a week to meet this deadline. He stated they have had this construction underway with guests in the house and there have been few complaints. He hoped the hard construction items would be completed within the next five or six weeks and they need the extension for soft type construction, such as carpets, wallpaper, painting and things of this nature and they should be able to operate relatively normally.

Mr. Moore explained they have had meetings with the Flagler System people on this project and told them they would be confined to the same construction hours as other places in the Town and that is why they are before the Council today. He stated they have run across logistical problems, not the least of which was the discovery of asbestos which has been removed. He stated they have employed a resident inspector who would be on their payroll working for the Town to assist in the inspection so they can finish within their deadline. Mr. Weigand indicated there are many ways that asbestos abatement can be attained and their chairman had requested them to do total abatement, so that is a reason they are behind in their scheduling. Mr. Heeke noted the only people being inconvenienced are those who are in the Breakers' hotel itself and he has a lot more sympathy for this type of a situation than the previous applicant. He believed also they had a very good reason why this construction schedule was delayed.

Mr. Ilyinsky believed the Breakers is set back and way removed from neighbors and the only people who would be disturbed are the guests and businesses located in the hotel, so he would move authorization for the request. Mrs. Wiener stated she has no problem with the Breakers doing this, but she believed the way the Code is written, the Council should not even be discussing this, and based on what they did with the last request, there should be no Sundays. She felt some of the things in the Code need to be looked at once again. Mr. Ilyinsky agreed and asked if she was seconding the motion to which Mrs. Wiener responded, yes, it was a second. On roll call, the motion carried unanimously.

Proposed Relocationof Coastal Construction Control Line

4. Consideration of Proposed Relocation of Coastal Construction Control Line - Attorney Randolph explained they have met with the staff of DNR and the Town's position on the Coastal Construction Control Line was made known, and the fact there were some places which should have been looked at and were not and this was called to DNR's attention. He stated the staff has not reached a final decision but has concluded that perhaps they need to take another look at these items and if they do that, it may require that they go past the statutory deadline for setting of the Line and will also require additional funding. He anticipates receiving a letter from DNR outlining the steps involved in this process and in the event the DNR staff does go forward in conducting more studies, they would like the support of the Town with the Governor and Cabinet to seek a delay in the statutory date in the setting of the Line and support for securing more funding from the State. He requested the Council to give some sort of consensus that Council will support DNR staff in its efforts with the Governor and Cabinet, if needed, for additional funding and to extend the deadline. Mr. Heeke asked if any member of the Council objected to this position and the consensus of the Town Council was to support the DNR staff in their efforts.

XIV. COMMUNICATIONS FROM CITIZENS - Adrian Winterfield addressed the Council on several subjects:

Health Coverage for elected officials

A. HEALTH COVERAGE FOR ELECTED OFFICIALS: Mr. Winterfield indicated he has requested the amount of monies expended for health coverage for elected officials and has received a partial response. He has received a refusal to one of his requests that certain documents were excluded from the Public Records Law, he requested there be some reaction from the Mayor and Council on this subject to allow him to peruse those records but if not, he will wait patiently. Mr. Randolph responded the staff is working on this matter.

Zoning Agenda Items for 92-93 Calendar

B. ZONING AGENDA ITEMS FOR 1992-93 CALENDAR: Mr. Winterfield suggested that the application for Special Exceptions and Variances be appended to the Zoning Ordinance to ensure that all information is submitted. He stated this should be covered administratively but it has not been, specifically, with regards to the hardship and he didn't think it should be necessary for the applicant to identify the hardship orally at the presentation to the Mayor and Town Council and it should be part of the application.

Artisan Signs

ARTISAN SIGNS: He noted they are not permitted in single family districts and suggested that prohibition be enforced as it is not being enforced at the present time.

Mr. Winterfield pointed out to the Council that the Zoning Ordinance is the responsibility of the Council and he has submitted a letter as well as another person submitted a letter on zoning changes and he is amused by the request that a payment be made for consideration of his propositions which does not relate to a specific problem. He noted the other person who submitted suggested changes was not asked for a fee.

XV. ANY OTHER MATTERS

Palm Beach County Municipal League

A. PALM BEACH COUNTY MUNICIPAL LEAGUE. Mr. Doney advised the League is proposing amendments to its bylaws and articles of incorporation, and he has reviewed them and has some comments and if the Mayor and Town Council also had comments, this would be their opportunity to advance them in letter form to the League from the President of the Town Council, if they so wish.

Mrs. Wiener commented the Municipal League represents municipalities and not individuals of municipalities and the idea if the voting delegate is not in attendance at their meetings, that particular municipality would lose its voice on certain matters was ludicrous in her opinion and she objects to there not being a proxy vote when the delegate is not able to attend the League meetings.

Mrs. Wiener agreed with the second item of having the Board of Directors allocate weighted voting should be in the Bylaws as either there is weighted voting or there is not.

Mrs. Wiener agreed there should be no other funds other than the Operating Fund established to operate the League.

Mrs. Wiener agreed that there be Districts be established in the bylaws and not have these districts set from time to time by the whim of the Board of Directors.

Mrs. Wiener did not believe they should be able to remove officers and directors especially when it is against the instructions of the League membership.

Mr. Heeke asked if the Council had any objection to these comments being incorporated into a letter and sent to the League to which there was no response. Mr. Doney will prepare a letter for the signature of the Council President.

B. SCHEDULE OF MEETINGS: Mr. Doney asked the Mayor and Council to review the upcoming meetings.

C. ZONING MATTERS. Mr. Moore advised he has circulated a memo dated October 2, 1992 asking for possible agenda items for the upcoming Zoning Season and some of the items submitted by Mr. Winterfield, which he classified as non-substantive items and asked the Council if they wished to go over those items, which will cost approximately $1500 to $1800 to review. Motion was made by Mrs. Wiener that these matters submitted by Mr. Winterfield be held over to the 1993-1994 Zoning Season. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Zoning Matters

D. MID-TOWN PEP REEF: President Heeke advised the Mayor has sent word that the next meeting on this subject should be set without her being in attendance, however, the action to hold the meeting when the Mayor had returned or October 26, 1992 has already been taken. Mid-TownPEP Reef

XVI. ADJOURNMENT - There being no further business, the meeting was adjourned at 2:40 PM Adjournment

Grace T. Peters,
Town Clerk