

Mr. Ilyinsky recalled there was a limit on the height of structures of four feet. Mayor Marix felt it was not being enforced although there were some places where there were most attractive fences which allowed a view of the ocean, but then there are others which are ten or fifteen feet high. She felt the study on the Beach Houses should also include study of the elaborate beach houses that are being built, as if it is a simple structure with a roof to keep the sun off of your head, that would be alright, however, some are quite elaborate which are so solid. Mr. Moore indicated there is no limitation on the interior of a structure, except no kitchen facilities as bathrooms are permitted. Mayor Marix felt it should be studied and maybe there should be open fronted beach houses. Mr. Moore stated he will have it reviewed as to whether it would be more appropriate to have shelter-type houses. Mrs. Wiener did not agree as she felt the over head shelter type houses were ugly. Mayor Marix felt the Zoning Commission should study it as if we keep going on at the rate we are now, we will have a walled city along the oceanfront, as now there are very few places where the ocean can be seen. Mrs. Wiener felt it would not be appropriate to not let people build a beach house on their own property. Mayor Marix felt it should be examined by the Zoning Commission. Mrs. Wiener did not agree as we are now trying to preserve all the houses that were built years ago and today one could not build a house such as is already in the Town and we are in a state where we want everyone to build a similar house to their neighbors, similar to the neighborhood, similar in height, etc. but on the other hand, we are spending a fortune preserving homes which are unusual, different and have no relationship to each other and she didn't think it was working out, as most of the people who come to this Town have very good taste and we have a good staff and commissions that look over these things and if we continue to rope around our residents, we overstep our bounds. Mayor Marix agreed to a certain extent but she felt it was partly because of the litigious society and without regulations, people who wish to have a nice quiet little town to live in, would be inundated by rebuilt buildings built by developers and without the proper legal background, we will be sued. She has seen many things in this Town ruined by developers. Mrs. Wiener felt people should be able to develop their property and we do have bounds and rules and regulations, but nothing here is what it was forty years ago and it won't be the same forty years from today.

Height of
Walls along
Ocean Blvd.

B. Current Survey for Commercial Waste Usage for Restaurants. Mr. Dusey advised it was his opinion that a study might be a good idea, however, upon reflection he would not recommend it at this time. Mayor Marix asked if it could be spot checked as to the amount of garbage that is being collected at several restaurants? Mr. Dusey felt this would not be a problem but internal equity has to be maintained among all of the users and if the restaurants are bad, than maybe the condominiums are also. Mayor Marix felt the restaurants should be spot checked and a couple of apartments, and if things look pretty much in line, we should not continue, but if it looks completely out of line, it could be brought back to the Council to make the determination if a study should be made more in depth. Mr. Dusey advised he will do that.

Current Survey
for Commer-
cial Waste
Usage

C. Underground Utilities. Mrs. Wiener advised she was in receipt of a letter from the Mayor of the City of South Pasadena in regard to the underground utilities and the Suncoast League has been working on this and this will be discussed at the Florida League of Cities and she considered this a very important matter and it is going state wide.

Underground
Utilities

Mr. Heeke advised he has met with Mr. Moffatt of Florida Power & Light and they have some thoughts for the strip of land on North County Road where the trees are, and he will circulate the letter he received from Mr. Moffatt to the Mayor and Town Council and see how much further they wish to explore this matter.

D. Palm Beach County's pending Ordinance on Environmentally Sensitive Lands. Mr. Moore reported the County is acting on an Ordinance to place on the ballot a charter provision which will supersede the environmentally sensitive lands and it has not been a problem up to this point and we have opted out of the County's control, however this may further encroach upon Home Rule. He suggested a resolution be prepared which would oppose not the environmental issue but the fact that this is being proposed to be on the Ballot to further consider County-wide domination over municipalities to which the Council agreed.

Palm Beach
County
Ordinance
on Environ-
mentally
Sensitive
Lands

XV. ADJOURMENT. Meeting adjourned at 4:30 PM.

Adjournment

Grace T. Peters
Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING HELD
ON SEPTEMBER 11, 1990, AT 5:01 PM

TC Min.
of 9-11-90

I. CALL TO ORDER AND ROLL CALL. President Heeke called the public hearing to order at 5:01 PM on September 11, 1990 in the Town Hall Council Chambers. He stated this was a public hearing to adopt a final millage and budget for Fiscal Year 1991. On roll call, the following were found to be present: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwomen Douthit and Wiener. (Councilman Weinberg was absent).

Roll Call

II. APPROVAL OF AGENDA. On motion of Mr. Ilyinsky, seconded by Mrs. Wiener, the agenda was approved as printed.

Approval of
Agenda

III. PUBLIC HEARING ON FINAL FY91 MILLAGE RATE AND BUDGET. Mr. Heeke stated they will discuss FY91 1990-91 Millage Rates in the General Fund, Debt Service Fund and other fund budgets and adopt the resolutions to do so. Mr. McPhail explained there is a proof of publication, however, in the advertisement in Sunday's paper there were some errors as the paper published an incorrect copy and will republish the correct copy on Sept. 13, 1990.

Public
Hearing
on FY91
Millage Rate
and budget

A. Memorandum dated Sept. 6th regarding proposed millage and budgets after actions taken at Sept. 5th Public Hearing. President Heeke explained at the Sept. 5, 1990 PM Meeting, the following millage rates were tentatively adopted:

GENERAL FUND3.9679
DEBT SERVICE FUND8192

TOTAL4.7871

B. Proposed Operating Millage Exceeds "Rolled-Back Rate" by 2.18%. President Heeke announced this millage represents a 2.18% increase over the rolled back rate of 3.8833 mills.

C. Major Specific Purposes for which Ad Valorem Tax Revenues are Proposed to be Increased. Mr. Doney explained the major items are:

TOWN COUNCIL MINUTES
OF MEETING OF SEPT. 11, 1990

Public Hearing
Millage Rate
& budget

Group Health Insurance, Liability and
Worker's Compensation.....\$405,000
Incentive Pay Adjustments.....242,000
4% General Pay Increase.....503,828
New Employees.....31,000
Retirement Fund.....117,600
Retirement Benefit Improvements.....204,378

TOTAL.....\$1,503,806

D. Comments and Questions from Public: None

E. Discussion and Adoption (With Changes, If Any) of Resolution No. 70-90 Adopting a Final Millage Rate for FY 91. Mr. Randolph read the Resolution in full:

RESOLUTION NO. 70-90 - A RESOLUTION OF THE TOWN OF PALM BEACH ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1990, AND ENDING SEPTEMBER 30, 1991; SETTING FORTH CERTAIN INFORMATION REGARDING 'ROLLED-BACK RATES'; DIRECTING THE TOWN MANAGER OR THE FINANCE DIRECTOR TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

On motion of Mrs. Wiener, Seconded by Mrs. Douthit, the Resolution 70-90 was adopted. On roll call, the motion carried unanimously.

F. Discussion and Adoption (With Changes, if any) of Resolution No. 71-90 Adopting a Final Budget for FY91. Attorney Randolph read the Resolution in full:

Res. 71-90

RESOLUTION NO. 71-90 - A RESOLUTION OF THE TOWN OF PALM BEACH ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1990, AND ENDING SEPTEMBER 30, 1991; PROVIDING AN EFFECTIVE DATE.

On motion of Mr. Ilyinsky, seconded by Mrs. Douthit, the Resolution No. 71-90 was adopted. On roll call, the motion carried unanimously.

Any Other
Matters

IV. ANY OTHER MATTERS:

1. Mayor Marix noted there was an article in the Post on how taxes are assessed and she asked if it might not be possible to base the taxes on what it cost when you bought or built a house and it would remain like that until the house changed ownership. She stated when it changes hands, the new purchaser pays taxes on the amount the house sold for and that would stop the people being put out of their homes because they can't afford the taxes and would save countless hours and thousands of dollars of payroll. She thought if the assessments did not cover the expenses, the responsibility would go where it belongs with the taxing authority and she thought this would be totally fair.

Mr. McPhail responded the State Statutes would have to be changed. Attorney Randolph stated that would require a referendum and this is a suggestion made by those who would like to see a change in the law so the private property owner who has owned their property for years would not be driven out because of the taxes.

Mayor Marix thought it should be pursued. She stated in the article they had a list of the towns which were undertaxed and of course, Palm Beach did not appear. Mrs. Wiener pointed out they were not towns, but were developments. Mr. Heeke believed the issue they are trying to get on the November ballot is still very much alive, and pointed out PROPOSITION 13 in California just did not work out and this is almost what has been outlined.

Mrs. Wiener pointed out if someone bought a house 30 years ago, the salaries at that time were entirely different and salaries have to go up and somewhere along the line, people do have to pay. Mr. Ilyinsky pointed out they have tried this in Ohio and they have the worse educational system. Mrs. Wiener felt if there were people living in a community for many years and prices go up and we all don't want taxes to go up, but everyone has to pay taxes but we have to recognize what is realistic and what is pie in the sky and someone paying the same tax bill as they paid 40 years ago is not realistic. Mayor Marix thought it would be up to the taxing authorities to levy their millage on what is necessary but what will happen is if someone builds a two million dollar house next door, the people who have been living there for 40 years would not have their taxes raised because they live next to a high priced house. She stated the responsibility for the collection of the monies would fall upon those who collect it be it the Town, the School Board or the County and it would not stop the amount of money being raised but would put the responsibility where it belonged. Mrs. Douthit felt the various taxing authorities have no accountability and because there are so many of them, it allows the County to stay under their cap.

Mayor Marix stated the Port Commission is looking for their cap to be taken off. She recalled their cap is \$250,000 which they have not collected for fourteen years.

Adjournment

V. ADJOURNMENT. There being no further business, the meeting was adjourned at 5:40 PM.

Grace T. Peters
Town Clerk

OUT OF PLACE

TOWN COUNCIL MINUTES OF
SEPT. 5, 1990 - 5:01PM

Roll Call

I. CALL TO ORDER AND ROLL CALL: President Heeke called the public hearing to order at 5:01PM on Sept. 5, 1990 in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke President PRO Tem Ilyinsky and Councilwoman Wiener. (Absent were Councilman Weinberg and Councilwoman Douthit). Also attendin were Town Manager Doney, Finance Director McPhail, Town Clerk Peters, Mr. Bitzer, Chief Elmore, Cpt. Shetron, Cpt. Croft, Mr. Moore, Mr. Dusey, Mr. Jakubiak and Mr. Elwell.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Mrs. Peters. Pledge of Allegiance was let by President Pro Tem Ilyinsky.

Motion was made by President Pro Tem Ilyinsky to approve the agenda as printed. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.