

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, SEPTEMBER 9, 2009

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Wednesday, September 9, 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 and President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR JACK McDONALD

Mayor McDonald commented that he met with Mayor Lois Frankel of the City of West Palm Beach last night and she wanted him to tell the Council and the residents that, although her Bridge Committee disagreed with the Town's selection regarding the north bridge, because they wanted the modern bridge, she was overriding their recommendation by agreeing with the Town, and would have the traditional looking bridge.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Diamond congratulated the Town Council Members, who attended the budget hearing at the County Commission Chambers. He commented that Council Member Kleid spoke on behalf of the Town at the Palm Beach Board of County Commissioners budget meeting. He also mentioned the 15% millage increase, and requested an audit to determine how the Finance Department did not uncover a \$1 million reimbursement back to the Federal Emergency Management Agency (FEMA).

Council Member Kleid pointed out that President Rosow also spoke at the Palm Beach Board of County Commissioner's budget meeting, and that Mayor McDonald and Council Member Wildrick were present at the meeting.

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

Motion made by Council Member Diamond, seconded by Council Member Kleid, to approve the Agenda. On roll call, the motion carried unanimously.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Reconsideration of Appeal of ARCOM Decision # B48-09, Architectural Modification at 170 Barton Avenue. [David A. Rosow, Town Council President]

President Rosow asked for reconsideration of the Appeal, as he wanted sufficient dialogue with respect to the item, and that he was hopeful that members of the Architectural Commission (ARCOM) would attend to discuss their decision and he asked if the attorney and architect would like to have further discussions.

President Rosow passed the gavel to President Pro Tem Coniglio.

Motion made by President Rosow to reconsider Appeal #B48-09, Architectural Modification at 170 Barton Avenue, and seconded by Council Member Diamond.

President Pro Tem Coniglio indicated that she was not in favor of reconsideration of the decision, as a decision was made based on the evidence and the consideration of ARCOM.

Council Member Kleid noted that his original vote was to uphold the decision of ARCOM, but he was willing to listen to more discussion.

Council Member Wildrick noted that he walked the property and that ARCOM made the wrong decision.

Upon roll call, the motion carried 3-2.

President Rosow	Yes
President Pro Tem Coniglio	No
Council Member Diamond	Yes
Council Member Kleid	No
Council Member Wildrick	Yes

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

Architect Jeff Smith, of ARCOM, provided an overview of the decision made by ARCOM. He noted that the policy was that a barrel, clay tile roof would be replaced by the same: a barrel, clay tile roof. He asked that ARCOM's decision be upheld.

Planning, Zoning, and Building Director John Page clarified the policy regarding roof tiles.

Homeowner, Bill Feldcamp, provided comments concerning his roof.

At Mayor McDonald's request, Leslie Evans, 214 Brazilian Avenue, provided a real estate report, containing statistics on Palm Beach sales.

The Town Council Members and Mayor McDonald provided their comments regarding the barrel tile roofs. During the discussion, it was pointed out that the owner would demolish the house and build with a flat tile roof if ARCOM's decision was not reversed.

Ex-parte communication was declared by:

- Council Member Diamond received emails.
- Council Member Kleid revisited the site by himself; he received quite a few emails, mainly from Bob Vila, Bill Strawbridge, and others.
- President Rosow received emails from residents, Ann Vanneck, Jere Zenko, and Bill Strawbridge on the subject.
- President Pro Tem Coniglio received emails from Mr. Strawbridge, had a conversation with him and Mr. Vila sent an email; she had a conversation with Architect Jeff Smith.
- Council Member Wildrick visited the site.

Motion made by Council Member Diamond to reverse ARCOM's decision and allow the owner to install a flat tile roof. Council Member Wildrick seconded the motion. On roll call the motion failed 3-2.

President Rosow	No
President Pro Tem Coniglio	No
Council Member Diamond	Yes
Council Member Kleid	No
Council Member Wildrick	Yes

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business - Less Than 15 Minutes

None

2. New Business - Less Than 15 Minutes

- a. MODIFIED VARIANCE # 13-2009 The application of Robert and Helen Ficalora; relative to property commonly known as 221 Ocean Terrace; described as Lot 12 and East 10 feet of Lot 13, OCEAN TERRACE, according to the Plat thereof, as recorded in Plat Book 20 at Page 640, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow a point of measurement of 10.97 feet National Geodetical Vertical Datum mean seal level ("NGVD") for cubic content ratio in lieu of the 8.63 feet NCVD maximum allowed to construct 510 square feet one story addition and a 1,432 square foot second story addition. The allowable cubic content ration ("CCR") for the lot is 3.98. If this calculation is taken from the Town's point of measurement, which is 18 inches above the road, the proposed CCR would be 4.15.[Attorney: Maura A. Ziska] [ARCOM Recommendation: Approval of the variance. Carried 4-2]

Deferred from the June 10, 2009, July 15, 2009 and August 12, 2009, Town Council Meetings (Special Circumstances).

Ex-parte communication was declared by:

- Council Member Diamond read all of the communications that had come into the Town.
- Council Member Kleid spoke with Attorney Maura Ziska, who had advocated for her client, visited the site, and read all of the communications that had come into the Town.
- President Rosow received and read all of the communications that had come into the Town, and spoke with Attorney Maura Ziska, who had advocated for her client.
- President Pro Tem Coniglio had a telephone conversation with Attorney Ziska, who lobbied for her client, and read all of the communications that had come into the Town.
- Council Member Wildrick read all of the communications that had come into the Town.

Attorney Ziska, on behalf of Bob and Helen Ficalora, 221 Ocean Terrace, provided an overview of the request. She noted that the hardship, which runs with the land, was that the property was located along the high ridge affecting the grade of the land.

Architect Mike Perry presented the plans to the Town Council.

Staff Comments:

Zoning Administrator Paul Castro made several of the following comments:

- Several years ago, the Town adopted a regulation that a point of measurement could be taken from the existing finished floor of the house for additions that did not exceed 800 square feet.
- The addition exceeded 800 square feet and was taller in height than the neighbors on either side.
- The house could not be seen from the street and was dissimilar to the houses on either side.

The Town Council members provided comments regarding the size of the house.

Attorney Ziska indicated that the owner wanted large rooms, wide halls and an elevator because he was recently diagnosed with Multiple Sclerosis and needed an elevator.

Motion made by Council Member Diamond that the Modified Variance #13-2009 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.

President Rosow passed the gavel to President Pro Tem Coniglio, and seconded the motion.

Responding to President Pro Tem Coniglio, Attorney Ziska noted that if any of the other homes on the street were renovated, all of the homes could have the same topography variance difficulty, but it would depend on if it was only an 800 square foot addition.

Upon roll call, the motion carried 4-1, with Council Member Kleid dissenting.

President Pro Tem Coniglio moved to reconsider Modified Variance #13-2009, in order for placement of a condition of approval. Council Member Diamond seconded the motion. On roll call, the motion carried 4-1, with Council Member Wildrick dissenting.

President Pro Tem Coniglio noted that the height of the house should be screened and the landscaping be maintained in perpetuity on the east and west side of the house, in order to maintain the neighbor's sense of privacy.

Discussion occurred among the Town Council Members, Town Attorney Randolph, Attorney Ziska, and Mr. Castro regarding the valid concern of litigation because of landscaping.

President Pro Tem Coniglio moved that the Modified Variance #13-2009 have as a condition of approval, that the landscaping plan that had been presented and approved by ARCOM and Town staff be maintained in perpetuity to protect the neighbors. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

- 1
2
- b. VARIANCE #19-2009 The application of Mirsky Realty Group LLC, dba Mirsky Cole & Company; relative to property commonly known as 210 Brazilian Avenue; described as ROYAL PARK ADDITION, LOT 32, BLOCK G; located in the TS Zoning District. Request a variance approval to allow a real estate brokerage office, consisting of approximately 762 square feet, which is currently occupied by Liebowitz Realty Group to be located on the first floor, in contradiction to the Code which does not allow an office on the first floor based in this circumstance. [Attorney: Francis X.J. Lynch, Esq.]

3
4 Ex-parte communication was declared by:

- 5
6 • Council Member Diamond spoke with Attorney Frank Lynch.
7
8 • Council Member Kleid spoke with Attorney Lynch, who had advocated for his client.
9
10 • President Rosow received and read all of the communications that had come into the
11 Town, and spoke with Attorney Lynch, who had advocated for his client.
12
13 • President Pro Tem Coniglio had received a voicemail who she was unable to contact.
14
15 • Council Member Wildrick received a call from Attorney Lynch, who made a case for his
16 client.
17

18 Attorney Lynch, on behalf of Mirsky Cole & Company, provided an overview of the applicant's
19 request. He noted that the hardship was that it was a landmarked building, had been renovated,
20 the building was approximately 80 years old, and the only existing doors to the space entered
21 directly on to the sidewalk from a side road in the district, as it was on Brazilian Avenue rather
22 than South County Road.
23

24 Staff Comments:

25
26 Zoning Administrator Castro provided several of staff's comments:

- 27
28 • It was not conducive for pedestrian shoppers to come around the corner on to Brazilian
29 Avenue.
30
31 • It would not discourage shopping in the area from staff's perception.
32

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

- 35
36 • The same conditions, as Liebowitz Realty Group, should be attached, and if the
37 ownership changed, the Town Council would have an opportunity to address it.
38

- It would encourage and provide another commercial use, which would otherwise be an empty storefront.

Leslie Evans, 214 Brazilian Avenue, commented that he appreciated the vision of the Council for considering the economy and the business perception of the Town. He asked that a provision be made that a variance would not be required if the office was not used by Mirsky Cole & Company, as variances were expensive.

Motion made by Council Member Kleid that Variance #19-2009 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. Council Member Diamond seconded the motion.

President Pro Tem Coniglio expressed concern regarding the Code for the first floor office space.

President Rosow suggested that, as a condition of approval, that another real estate office occupy the space, rather than a private office, which if not would then need the Council's approval.

The maker and seconder agreed.

Amended motion that Variance #19-2009 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, with the condition that the space remain a real estate office. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

- c. VARIANCE #21-2009 The application of Jeffrey Ray & Associates, LLC; relative to property commonly known as 208 Brazilian Avenue; described as ROYAL PARK ADDITION, LOT 32, BLOCK G; located in the C-TS Zoning District. Request a variance approval to allow a real estate brokerage office, consisting of approximately 490 square feet on the first floor which is in contradiction to the Code which does not allow an office on the first floor in this circumstance. This space is currently occupied by Rapunzel's Closet.[Representative: Jeffrey Ray, Managing Member]

Ex-parte communication was declared by:

- Council Member Diamond attended the ARCOM meeting.
- Council Member Kleid indicated that his wife was a sales associate with Scott Gordon, who was partners with Jeffrey Ray. Although, he would receive no economic benefit whether the variance was granted or not, because of the possible perception of an impropriety, he recused himself from the room.

Leslie Evans, owner, spoke on behalf of Jeffrey Ray and Associates, LLC, and provided an overview of the applicant's request.

Staff Comments:

Zoning Administrator Castro provided staff's comments, which was in agreement with Mr. Evans overview.

President Pro Tem Coniglio moved that Variance #21-2009 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, with the condition that it be maintained as a real estate office. Council Member Diamond seconded the motion. On roll call, the motion carried 4-0, with the recusal of Council Member Kleid.

Council Member Kleid presented Form 8b, Voting Conflict Form, to the Town Clerk.

d. VARIANCE # 23-2009 The application of Norman & Nassrine Traverse; relative to property commonly known as 1744 South Ocean Blvd., described as lengthy legal description on file; located in the R-AA Zoning District. A variance is being requested to allow a retaining wall on the north side of the property to shore up an existing garden wall. The proposed retaining wall will vary in height to a maximum height of 12.4 feet in lieu of the 10 foot maximum allowed [Attorney: Maura A. Ziska]

Ex-parte communication was declared by:

- Council Member Diamond attended the ARCOM meeting.
- Council Member Kleid spoke with Attorney Ziska who advocated the position of her client, visited the site, and looked at the property.
- President Rosow spoke with Attorney Ziska, who had advocated for her client.
- President Pro Tem Coniglio had a phone conversation with Attorney Ziska who lobbied for her client.

Attorney Ziska, on behalf of Mr. and Mrs. Norman Traverse, provided an overview of the request.

Zoning Administrator Castro indicated that when the plans were reviewed, it was stated, on the plans, that the retaining wall was required to meet the zoning code. Staff questioned why the wall could not be 10' in lieu of the 12'+ provided on the contractor's plans.

Discussion occurred among the Town Council Members, Mayor McDonald, Attorney Ziska, and Mr. Castro regarding the height and thickness of the wall, and that the contractors were not following the codes. It was discussed whether the contractors should be fined, as in this case, as the wall was not changed to meet the code, as was directed by staff.

Town Attorney Randolph noted that fining the contractors was not one of the criteria for granting variances, but there was nothing in the code that discussed fines, except for doubling the cost of the permit when the person proceeded without one.

Discussion continued regarding the fining of contractors. Mr. Moore indicated that the contractor signed a form at the time of the application for a permit and that the contractor fully understood compliance to the regulations.

Town Attorney Randolph advised that the condition imposed should be applied to the applicant and not the contractor.

President Pro Tem Coniglio moved that Variance #23-2009 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. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

President Rosow pointed out that the Planning, Zoning and Building Department should commence an investigation as to the facts and circumstances of this situation, whereby the contractor failed to correct the height of the wall, so that the Council could determine whether a fine was appropriate.

President Pro Tem Coniglio noted that in addition to this situation, she requested that the Town Attorney, the Building Department, and the Town Council make a determination whether that set of criteria was strong enough to go forward.

President Pro Tem Coniglio moved that the Planning, Zoning and Building Department perform an investigation into staff procedure for plan review and to return to the Town Council on October 14, 2009, with recommendations for reducing building permit violations in the future. Council Member Diamond seconded the motion. On roll call, the motion carried unanimously.

President Pro Tem Coniglio requested that the Planning, Zoning and Building Department include the construction companies in the discussion regarding the investigation, in order to maintain a sense of fairness.

- e. 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 County 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 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.]

Request for Deferral to the October 14, 2009, Town Council Meeting Per Letter Dated August 18, 2009, from Maura A. Ziska.

Item VII.C.2.e., was deferred to the October 14, 2009 Town Council Meeting.

3. Old Business - More Than 15 Minutes

a. SPECIAL EXCEPTION #8-2009 WITH VARIANCES

The application of Andreas Kotsifos, Ex. Chef, Palm Beach Steak House; relative to property commonly known as 191 Bradley Place; described as Lot 19, Block 4, Ocean Park H.W. Robbins Addition; located in the C-TS Zoning District. A special exception is requested to modify a previously grand-fathered special exception use (over 2,000 sq. ft. and night club use) to allow more inside seating by increasing from 125 seats to 150 seats. A variance is requested to eliminate eight additional required off-street parking spaces to expand the restaurant from 125 to 150 seats. [Attorney: Peter S. Broberg, Esq.]

Deferred from the August 12, 2009, Town Council Meeting. Request for Withdrawal Per Letter Dated August 26, 2009, From Peter S. Broberg.

Item VII.C.3.a., was withdrawn.

4. New Business - More Than 15 Minutes

a. VARIANCE #20-2009 The application of 177 Main Street LLC; relative to property commonly known as 177 Main Street; described as the East 10 feet of Lot 1 and all of Lots 2,3, 4 and 5, FLORAL PARK ADDITION NO. 2, 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 6, Page 38; located in the R-C Zoning District. Variances are being requested to: allow the depth of the two proposed garages to be 16.8 feet deep in lieu of the 18 foot minimum required; allow landscaped open space on the West lot to be 23.5% in lieu of the 40% minimum required, and, allow lot coverage on the East lot to be 33% in lieu of the 30% maximum allowed.[Attorney: Maura A. Ziska] [ARCOM Recommendation. Approval of the variance. Carried 6-0.]

Ex-parte communication was declared by:

- Council Member Diamond read all of the letters in the file.

- Council Member Kleid read all of the letters in the file, spoke with Attorney Ziska, who had advocated the position for her clients, and visited the site.
- President Rosow spoke with Attorney Ziska, who had advocated for her clients, read all the letters in the file, and contemplated on how to make the buildings look nicer.
- President Pro Tem Coniglio had a phone conversation with Attorney Ziska, read all of the letters in the file, received a phone call from the owner of the property, and left a message for Jay Isenberg, but was unable to reach him.
- Council Member Wildrick read all the letters in the file.

Attorney Ziska, on behalf of the property owner, Diane Gordy, provided an overview of the request of the variance. She noted that the hardship, which runs with the land, was that the property was in a nonconforming area, and that 13,333 square feet was required for a two-unit building but only 11,000 square feet existed; there currently exists a three-unit building that is nonconforming and in disrepair; there was an easement on the west side of the property; the building shifted to the east, which made it difficult to meet the green space requirements for the west lot. In order to make the two units symmetrical, the east lot resulted in a lot coverage slightly over what was allowed.

Architect Pat Segraves presented the plans.

Staff Comments:

Zoning Administrator Castro made several of the following comments:

- The building was in very bad condition.
- Staff was concerned that, once demolition began, more than 50% of the cubic volume could not be kept in the building.
- The density that was proposed, while eliminating one unit, would exceed what was allowed by the Comprehensive Plan and Zoning Code.
- Staff asked for an engineer's report on the structural integrity of the building, as staff was concerned regarding the structural integrity of what was to be kept.
- Staff was concerned regarding landscaped open space.
- Staff questioned the hardship, as the property existed today. If the two elements in the front were created into garages, and were unable to be kept, it would only support a single-family home.

Architect Segraves indicated that the garage doors had been recalculated at less than 50% of the volume, and provided additional information that indicated the acceptable structural integrity of the building.

The Town Council members discussed several of the following issues:

- The two buildings were disintegrating and an eyesore in a very important location in Town;
- Conditions prior to issuance of a permit:
 - A structural engineer's report, which was satisfactory to staff;
 - A pre construction meeting with the architect and builder;
 - Landscaping in perpetuity in order to protect the neighbors on the northeast side that were concerned.

Council Member Diamond moved that Variance #20-2009 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, with the conditions that a pre-construction meeting occur with staff, that a structural engineering report be provided to staff prior to the issuance of a building permit and the applicant adhere to the landscape plan in perpetuity. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

- b. 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 Ration (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: Deferred to the September 23, 2009, Architectural Commission meeting.]

Request for Deferral to the October 14, 2009, Town Council Meeting Per Letter Dated August 28, 2009, From James R. Brindell (Special Circumstances).

Item VII.C.4.b., was deferred to the October 14, 2009, Town Council Meeting.

D. Other

- a. Proposed Revisions to Ordinance and Policy Regarding Vacant Storefronts.[John S. Page,

Director of Planning, Zoning and Building]

1
2 Planning, Zoning, and Building Director Page provided an overview of the proposed revisions to
3 the Ordinance and Policy regarding vacant storefronts.
4

5 Planning Administrator John Lindgren distributed new copies with a strikethrough version to the
6 Town Council.
7

8 Discussion occurred among the Town Council members and staff regarding several of the
9 following issues:
10

- 11 • The policy of the vacant storefronts was approved by ARCOM;
- 12
- 13 • Whether the offices on Royal Poinciana Way were affected;
- 14
- 15 • The screening of more than 50 linear feet of windows;
- 16
- 17 • The length of time required for the vacant store owners to comply with the code; and
- 18
- 19 • Cost of the window screening.
20

21 Yvelyne D. Marix, 1570 N. Ocean Blvd., commented that many years ago empty stores were
22 allowed to have displays for other stores that were open.
23

24 Mr. Page indicated that he would need to make certain that other stores utilizing vacant
25 storefront windows would be in compliance with the zoning ordinance, as there were severe
26 signage restrictions.
27

28 President Rosow directed staff to meet with community leaders and local groups and return to
29 the Town Council with a draft of the ordinance language at the October 14, 2009, Town Council
30 Meeting.
31

32 **Motion made by Council Member Wildrick, seconded by Council Member Diamond, to**
33 **approve preliminary code and policy changes in the ordinance regarding vacant store**
34 **fronts.**
35

36 President Pro Tem Coniglio commented on the issue in Sec. 22-59, Exceptions in the Code
37 regarding the screening of 50 linear feet of display windows, and asked if the Town was
38 committed to it.
39

40 Town Attorney Randolph advised that the Ordinance would come back as a first and second
41 reading, in which all the issues that were discussed could be added in, if appropriate, and not in
42 violation of the Town's zoning ordinance.
43

44 **Upon roll call, the motion carried unanimously.**

VIII. ANY OTHER MATTERS

A. Town Attorney Randolph pointed out that a motion was required authorizing the requests for deferrals and withdrawals on the Agenda.

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to approve the Agenda as amended. On roll call, the motion carried unanimously.

B. Responding to Ms. Marix's request, the Town Council Members repositioned the display boards for the audience's viewing.

C. Mr. Page commented on the thoroughness of the Plan Review Process in the Planning, Zoning and Building Department.

IX. ADJOURNMENT

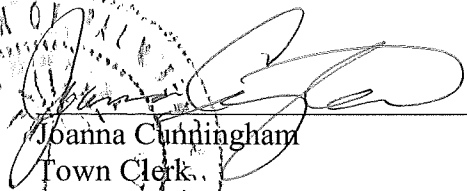
There being no further business, the September 9, 2009, Town Council Meeting was adjourned at 12:23 p.m.

APPROVED:



David A. Rosow
Town Council President

ATTEST:



Joanna Cunningham
Town Clerk.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Kleid Richard</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Palm Beach Town Council</i>
MAILING ADDRESS <i>2660 S. Ocean Blvd</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>9/9/07</i>		NAME OF POLITICAL SUBDIVISION: <i>Town Council</i>
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Kleid, hereby disclose that on 9/09, 20 09:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, _____;

☒ inured to the special gain or loss of my relative, Wife is Sales Associate w/ Jeffrey Ray;

☐ inured to the special gain or loss of AND SCOTT GORDON by PARTNER OF JEFFREY RAY, whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Variance # 21-2009

9/9/09
Date Filed

Richard Kleid
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.