

MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 14, 1998

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order by President Lesly Smith at 9:30 A.M. on July 14, 1998 in the Town Council Chambers. On roll call the following Elected Officials were found to be in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Sam McLendon, Councilmen Jack McDonald, Leslie Shaw, and Allen Wyett. Also in attendance for all or a portion of the meeting were: Acting Town Manager Peter Elwell, Assistant to the Town Manager David Jakubiak, Town Attorney John Randolph, Finance Director James Demming, Assistant Finance Director Cheryl Somers, Information Systems Manager Spencer Wilson, Assistant Police Chief Michael Reiter, Planning, Zoning & Building Zoning Administrator Paul Castro, Public Works Director Al Dusey, Purchasing Agent Charles Boggs, Recreation Director Russell Bitzer, Fire-Rescue Chief Ken Elmore, Fire-Rescue Community Education Coordinator Mike Palmer, Fire-Rescue EMS Coordinator Chic Price, Town Engineer James Bowser, and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Frank Lechiara of St. Edward's Catholic Church. President Smith led the Pledge of Allegiance.

III. PRESENTATIONS

- A. Presentation and Demonstration of the Automatic External Defibrillator (AED) Equipment by the Fire-Rescue Department

Fire-Rescue Chief Ken Elmore introduced Mike Palmer and Chick Price of the Fire-Rescue Department who presented and demonstrated the AED equipment.

IV. COMMENTS OF THE MAYOR

There were none.

V. APPROVAL OF THE AGENDA

The following changes were made to the agenda:

Defer Item XIII A. - De-designation of an Historic/Specimen Tree at 151 Via Bellaria - to the August 11, 1998, Town Council Meeting.

Councilman Wyett moved approval of deferral of Item XIII.A, per the request for deferral from Mr. Mike Busacca, Owner's Agent. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

Time Certain - Item IV. B. 1 - Status Report by the Public Works Director Regarding the Royal Park Bridge - to be heard at a time certain of 2:00 P.M.

Remove Item XV. B. 2 - Donated Date Palms on West Side of Phipps Ocean Park - Proposed Installation of Irrigation System.

President Pro-Tem McLendon moved that Item XV. B. 2. be removed from the Agenda, per letter dated July 13,

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1998, from Mrs. Polly Earl. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

Withdraw Item XVIII B. 1 - Site Plan Review No. 6-97

President Pro-Tem McLendon moved that Item XVIII. B. 1 - Site Plan Review No. 6-97, be withdrawn from the Agenda, per the request for withdrawal via letter dated July 9, 1998, from Dr. Dayan.

Defer Item XVIII B. 2. Special Exception No. 9-98 - The Poinciana Club, Inc. - to the August 11, 1998, Town Council Meeting.

Councilman McDonald moved deferral of Item XVIII. B. 2. - Special Exception No. 9-98, per letter dated July 13, 1998, from Mr. James R. Brindell. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

Defer Item XVIII. B.9 - Variance No. 31-98 - Maya Langes-Swarovski, 1676 South Ocean Blvd.- to August 11, 1998, Town Council Meeting

Councilman Wyett moved deferral of Item XVIII. B. 9 - Variance No. 31-98, per letter dated July 13, 1998, from Mr. James R. Brindell. The motion was seconded by President Pro-Tem McLendon.

Sites for new Water Plants will be discussed under XVI. B. 6.

Add Item XVI. B.7 - Discussion of plans for the use of the Boynton Landscape Property.

Councilman McDonald moved that Item XVI. B. 7 be added to the Agenda. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

The Agenda was approved as amended, through motion of Councilman Wyett, seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

VI. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT PLEASE

Ann Herman commented on the building of a desalinization plant. The Golf Course was being re-tubed this summer, and she expressed concern about coordinating the building of the plant and the re-tubing project.

Jana Schimpff, Assistant Director of the Recycling Program for the Palm Beach County Solid Waste Authority, expressed concern regarding the elimination of some of the recycling services in the Town, which would be discussed later in the Agenda. She asked for the opportunity to work with the Public Works Department to see if there were things that could be done to help improve the efficiency of the program.

John Matich commented that water could be conserved by residents of the Town, reminding all that the Council had enacted an Ordinance in 1996, Ordinance 10-96, which restricted the use of water for irrigation. Since that time the rules had been relaxed, and he asserted that people today used far too much water. After discussion of this matter by the Town Council and Mr. Matich, Acting Town Manager Elwell advised that a letter would be drafted to remind residents of the restricted times for irrigation.

Mr. Matich commented that he had never seen the beaches as clean as they were since the new system had been initiated with the Public Works Department.

Jim Koontz commented that anyone could desalinate water, however, the cost was a factor. There were only a few firms in the world that had full experience with building desalinization plants. They were energy expensive to build, and the companies that did build them were not located in Florida. The companies with expertise in the subject could be contacted to obtain the relative cost as the price of energy goes up. He suggested that plans be delayed until expert advice is obtained.

APPROVED AGENDA

VII. APPROVAL OF MINUTES OF MAY 12 AND 29, AND JUNE 9, 11, AND 26, 1998

VIII. APPROVAL OF CHECK REGISTERS FOR JUNE 1998

IX. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETINGS OF JUNE 23 AND 24, 1998

X. LICENSES AND PERMITS

A. Charitable Solicitations

1. Rehabilitation Center for Children & Adults, Inc.; No. 126-99
2. Lourdes Foundation, Inc.; No. 135-99
3. Northwood University; No. 136-99
4. Preservation Foundation of Palm Beach, Inc.; No. 192-99
5. Coastal Conservation Association of Florida; No. 251-99
6. The Able Trust; No. 447-99

XI. APPOINTMENTS

- A.** Building Board of Adjustments and Appeals - Three Member Terms to Expire July 2001 per Memorandum dated July 6, 1998, from Assistant Building Official Ackerman.

XII. OTHER

- A.** Selection of a Public Relations Consultant Related to the Comprehensive Coastal Management Plan in Accordance with the Consultants' Competitive Negotiations Act per Memorandum dated July 2, 1998, from Public Works Director Dusey
- B.** Renewal of Flood Insurance Policy for the South Fire-Rescue Station per Memorandum dated July 6, 1998, from Acting Town Manager Elwell

The Approved Agenda was approved through motion of Councilman Wyett, seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

REGULAR AGENDA

XIII. PUBLIC HEARINGS

- A.** De-designation of an Historic/Specimen Tree at 151 Via Bellaria; Resolution No. 28-98 (*Deferred from June 9, 1998*) - **Request for Deferral to August 11, 1998, per letter dated June 30, 1998, from Mr. Mike Busacca, Owner's Agent**

This item was deferred to the August 11, 1998, Town Council meeting.

XIV. COMMITTEE REPORTS

- A.** Finance and Taxation Committee Meeting of June 11, 1998

REPORT OF THE FINANCE AND TAXATION COMMITTEE MEETING HELD ON

I. CALL TO ORDER AND ROLL CALL

The meeting of the Finance and Taxation Committee was called to order at 10:40 a.m. on June 11, 1998, in the Town Council Chambers by President Lesly Smith. Town Clerk Pollitt called the roll. Chairman Smith and Committee Member Leslie Shaw were present. Other Elected Officials attending for all or part of the meeting were Mayor Paul Ilyinsky and Councilmen Sam McLendon, Jack McDonald, and Allen Wyett. Also attending for all or part of the meeting were: Acting Town Manager Peter Elwell; Finance Director James Demming; Assistant Finance Director Cheryl Somers; Information Systems Manager Spencer Wilson; Assistant to the Town Manager David Jakubiak; and the following department heads: Fire-Rescue Chief Ken Elmore; Police Chief Frank Croft; Personnel Director William Crouse; Director

of Planning, Zoning & Building Robert Moore; Recreation Director Russell Bitzer; Director of Public Works Al Dusey; and Town Clerk Mary Pollitt. Support personnel from the various departments also attended the meeting.

II. APPROVAL OF AGENDA

The agenda was approved as presented.

III. FY99 PROPOSED BUDGETS

A. OVERVIEW AND COMMENTS BY TOWN MANAGER

Mrs. Smith said she had looked over the budget and wanted to thank the department heads and staff and everyone for making a "tight" budget.

Mr. Elwell said the staff thought that this budget had good news in terms of the financial position of the Town and the plans for the next year. As an overview, Mr. Elwell said the revenues are increasing, and the Town has had a very good FY98 to date. The Town is anticipating some additional increase in non ad valorem revenue for FY99. The Town's expenditures are all but level with details to be reviewed in the programs. The expenditures for FY98 will come in slightly below the approved budget resulting in additional fund balances increasing the health of the Town's financial position.

Mr. Elwell said the staff is proposing expenditures for next year that are very slightly increased over the approved FY98 expenditures. All of these facts put the Town in an excellent position related to the millage rate decision that the Council will have to make later in the summer. Mr. Elwell said the staff is not prepared at this point to discuss specific numbers, because the property values and budgetary actions of this meeting still need to be refined.

Mr. Elwell said the total proposed FY99 expenditures for the General Fund are \$35,077,990 which is a 0.25% increase over the adjusted FY98 budget. The adjusted FY98 budget is the budget that was adopted in September 1997 plus the changes the Town Council has made during the course of the year to address needs that have arisen. Those needs were addressed by using the designated reserves in the General Fund. If those changes are not considered during the year and if the proposed budget is compared to the FY98 adopted budget, the proposed increase is 2.09%. The two most significant items are a scheduled \$600,000 replacement of an aerial platform truck for the Fire-Rescue Department and a \$100,000 upgrade of the AS/400 computer serving all Town departments (proposed one year ahead of schedule because of a limited time offer from IBM which will reduce the cost from \$135,000 to \$100,000). Mr. Elwell said that a total of \$41,000 (including not purchasing a \$6,000 piece of equipment which would be needed if the upgrade is not approved) would be saved by purchasing the IBM upgrade this year.

Mr. Elwell said other items within the departments will be identified by the department heads as the budget is reviewed line by line item. Mr. Elwell said the two large capital items almost entirely account for the increase in the proposed General Fund Budget.

Mr. Elwell said the unknowns at this time include the consideration of a general pay increase which will be based on Mr. Crouse's recommendations that will be ready later in the summer.

Mr. Elwell said the budget does contain proposed numbers related to solid waste disposal and for sanitary sewage treatment and disposal; however, those numbers are very tentative at this point. The staff expects that additional actions will be taken by the Solid Waste Authority and the Entities Board, and until these groups make determinations as to the rates for next year, the FY99 proposed budget contains estimates. These estimates are large budget items, and there is a potential for substantial changes later in the summer, and the Town Council will be advised as that information becomes available.

Mr. Elwell said that the staff is looking at other matters that may require minor changes in the proposed budget. These possible changes would be presented at the July 14th or the August 11th Town Council meetings.

Mr. Elwell said the proposed budget represents a decrease of 1.34 full time equivalent personnel from the Town's personnel complement. The proposed FY99 budget has some increase in the use of part time personnel. The net decrease in full time positions between the FY98 budget and the proposed FY99 budget is a reduction of three positions. That is a net of having eliminated six positions in public works and one position in Risk Management during the current fiscal year. Two positions were added to the current fiscal year budget with the conversion of the Tennis Pro Manager and the addition of a Police Administrative Coordinator. The current net reduction for FY98 is five positions; however, two additional positions for FY99 are proposed. One is for a project engineer in the Public

Works Department and the other is for a personnel assistant in the Personnel Office who would be handling claims administration type work with the Town's health insurance program. Mr. Elwell added that the personnel assistant would not be funded from the General Fund but would be funded by the Health Insurance Fund.

The two large capital improvements are currently proposed to be funded with lease purchase agreements. The aerial platform truck is proposed to be a five year lease purchase because of the projected twenty year useful life. The computer upgrade is proposed to be a three year lease purchase. Mr. Elwell said the staff had considered the pros and cons of purchasing these two capital project items with cash rather than financing them.

Mr. Elwell said the total expected cost of the aerial platform truck is expected to be \$600,000. The Town received an unusual piece of revenue this year in the amount of \$490,000 for the first installment of the Pike Road FDOT taking for the exit ramp off the Florida Turnpike. The Town will retain a substantial piece of property on Pike Road that the Town Council previously authorized to be marketed if the County changed the zoning on the property. The County has changed the zoning and the issue of marketing the property will be presented to the Town Council at a later date once the taking is completed. Mr. Elwell said it will take a year or so for the taking to be completed with an additional unknown amount to be paid to the Town.

Mr. Elwell said an item of revenue that large can skew the issue in terms of millage. If that were folded into the General Fund Balance and the Town's financial position were analyzed related to the millage rate as is done in any normal year and the normal process is followed to arrive at the appropriate millage rate, the result would be to have the millage rate artificially low in one year and to have to make an artificially large increase in the following year. Mr. Elwell said the recommendation was that the Town Council do something of a one time nature with the \$490,000 such as the fire truck, but it does not have to be the fire truck. If the Committee does not want to use the funds for the purchase of a fire truck, the suggestion would be to use it for something other than just putting it in the General Fund Balance. Mr. Elwell said a \$12,000 saving could be realized if a down payment is made within a certain amount of time after the order is placed for the truck.

Mr. Elwell said the staff analyzed the loss of interest that would be earned over a five year period if the money was allotted to the vehicle, and that would probably be a wash, depending on the interest rates during the five year period. The amount of interest that would be paid to borrow the money would be approximately equal to the amount of earned interest at the State Board. Mr. Elwell said some savings would be derived from the costs associated with a lease/purchase agreement as opposed to buying the vehicle with cash.

Mr. Elwell said the staff would like to present either the lease/purchase agreement or the cash purchase to the Town Council at the July 14th meeting and discuss the possibility of advancing some funds from the FY98 budget, utilizing the Designated Reserves in the General Fund. Chief Elmore will provide details during his presentation for the replacement of the twenty-four year old truck which will take thirteen months to build.

Mr. Shaw requested all the details of the AS/400 proposed expenditure be given by Mr. Wilson during his presentation.

Mr. Elwell completed his overview by noting selected exhibits in the FY99 Proposed Budget book.

B. OVERVIEW BY FINANCE DIRECTOR ON BUDGET STANDARDS

Mr. Demming said he would be discussing some of the budget standards that were used by the various departments in completing their budget requests. One of the big items is the retirement cost, and this year \$4,149 for each general employee; \$12,370 for each police officer; \$12,974 for each sworn firefighter; and \$5,936 for each lifeguard were put into the budget.

Mr. Demming reported that the Town contributes \$3.1 million of the \$3.7 million for group insurance with the employees contributing the balance. This year the Town's rate is \$6,371 per personnel complement. The FY99 budget reflects the \$3.1 million contribution, not the total of \$3.7 million as was done in previous years, because the employees contribute a significant portion of the total.

Mr. Demming said that a new item, line item 41-07, has been introduced to cover Internet charges. The total cost for the Town is \$7,465 per year.

Line item 4103, data line charges, has increased by approximately \$25,000, collectively, and the majority of that cost is related to a new charge with West Palm Beach in participation with a radio system.

Mr. Demming noted that several lines now show "0", programs 412, 413, and 415, firefighting, EMS, and fire prevention. These programs were realigned into two new programs, 417 - operations, and 418 - training. Chief Elmore presented in his report the collective impact of that realignment.

Mr. Demming said that realigning accounts in several other departments have resulted in large variations when comparing past expenditures with proposed expenditures.

Mr. Demming reported the Property Appraiser's office projected the Town's assessed value will be \$4.9 billion as opposed to last year's final taxable value of \$4.7 billion. This would result in an approximate \$200 million increase over the year of which \$30 million is contributed to new construction. This represents an approximate 4% increase and will come into play when the roll back rate is determined later in the summer.

Mr. Demming said that the FY98 revenues are coming in above estimates that will help balance the budget outside of the use of property taxes if the Council so chooses. The FY99 ad valorem revenues do not reflect a significant increase in any of the revenue sources.

Mr. Demming mentioned several house cleaning items that need to be handled before the adoption of the final budget. He referred to Exhibit H - Public Works Department-a change in the FY98 anticipated FICA line throughout all of the programs resulting in an increase of \$117,000; Recreation Department- Program 314 - a reclassification of two accounts resulting in an overstatement of \$1,500 in one line item and understated in another line item; several revenue estimates from the Planning, Zoning & Building Department were not utilized which had a \$6,000 impact - that adjustment will be done when the revenues are redone; 501 Fund - a new position was added and an amount in the group insurance line was omitted-this will be changed before the final budget is presented; the overtime line for commercial garbage in the Public Works budget is funded 100% through the rate structure; Programs 421, 422, 426, 428, and 429 dealing with State incentive monies in the Police Department should not be ear-marked as being 100% funded because the Town does not receive a separate check from the State to cover those accounts; two capital request items were not keyed in for the Public Works Department and those items will be discussed separately later in the meeting.

C. INSURANCE PROGRAMS OVERVIEW - TOWN MANAGER AND PERSONNEL DIRECTOR

Personnel Director Crouse reported that the actuarial report completed by Gabriel, Roeder & Smith for FY97 showed that the Town's plan is actuarially sound and has been funded properly. A letter has been received from the State saying that the fund is sound and is on target with all of its projections. Mr. Crouse said the plan ended up with basically \$800,000 in fixed costs and \$1.8 million in claims for FY97. He said that with the reports to date from Gallagher Bassett, the Town is on target with the FY98 projections. The projections show that the Town should be spending approximately \$800,000 in fixed costs and \$1.8 million in claims again in FY98.

Mr. Crouse said both Gallagher Bassett and the Town's actuary provided projections that FY99 will have similar costs of \$800,000 (the last year of a guaranteed rate). He noted that the plan's fixed costs have been stable for the past four years. Mr. Crouse projected \$1.9 million in claim expenses for FY99.

Mr. Crouse reported that the expected carry over from FY98 to FY99 will be \$1.1 million and slightly over \$1 million from FY99 to FY00. The proposed budget of \$3.7 million includes premiums paid by employees for their dependents and premiums paid by the retirees for themselves and their dependents. The latter two groups account for approximately \$670,000, and the \$3 million remainder is budgeted by the Town.

Mr. Crouse said the good news is, if everything holds true for FY99, the Town will have had seven fiscal years since 1993 where the budget has stayed at \$3.7 million, and that is almost unheard of in the health care industry. He said the Town is fortunate and has planned properly. Each year, any money that is not spent is put into reserves to offset the liability for health care costs for retirees.

In 1991, Gabriel, Roeder, Smith did a study that established that the long term liability or cost was approximately \$9 million. This year's report was done for \$10,000 by Gabriel, Roeder, Smith with the following findings: the actuarial present value is \$24,434,160; the accrued actuarial present value is \$16,181,000; the actuarial accrued liability is \$17,070,000 (the amount the Town would need to pay off the liabilities of the current population of employees). The Town currently has a balance of \$9.7 million in the actuarial accrued liability account which means the Town is 56% funded toward the \$17 million liability. The Retirement System currently has \$89 million in the accrued actuarial liability as opposed to the \$86 million which is what the accrued actuarial costs are. The Retirement System is funded at 103% and that is where one would want to be when funding a long term liability. Mr. Crouse said the actuaries and the State are extremely pleased at the way the Town is funding and the bottom line of that report was the Town was doing a good job. The Town is not doing too much, and he did not think the Town should be alarmed that it is not doing enough. It is already doing more than most employers. That was the reason he was requesting a \$3.7 million budget for FY99.

Mr. Crouse said there is an effort on the part of the health care providers to fight managed care, and managed care has been the vehicle that has made health care affordable for the Town and all other employers and users of health care. The health care providers are unionizing and basically refusing to pay the discounted rates.

Mr. Crouse said another concern is the report in the news media that health care costs will be in double digits in 1999 for some employers. The trend will be to higher expenses resulting in the Town having to work that much harder to keep the plan as affordable as possible.

Mr. Crouse requested a full time employee in his FY99 budget to handle the administration of the health plan which includes not only medical and hospitalization but also a separate entity of prescription drugs, the dental plan, basic life insurance and supplemental life plans, accidental death and dismemberment, long term disability program, specific insurance riders and aggregate for protection of the plan for individual claims in addition to claims for the total program. There are medical conversion issues and COBRA, network access fees for EPO and PPO, utilization review, consulting services, flexible spending account, and work required by the State laws.

Mr. Crouse said the possibility of not saving money and missing details is the down side of not having enough personnel to handle the various functions. Mr. Crouse reported that Pam Russell had achieved over \$100,000 in savings for three instances recently.

Mr. Crouse reported that the Town had over 9,000 submitted claims totaling \$4.5 million and through the managed care and coordination of benefits, those claims were reduced to \$1.8 million. Mr. Crouse noted that the Town is always in a potential position where law suits could be filed against the Town, and the Town needs to be on top of issues. He added that failure to maintain proper documentation under the six existing Federal laws could result in non compliance with Federal laws.

Mr. Shaw said he was pleased the report was done, and it confirmed the solid position the Town is in today.

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE ADDITION OF AN EMPLOYEE FOR THE PERSONNEL DEPARTMENT.

The Insurance Programs to be presented by the Acting Town Manager relating to the property liability and workers compensation will be heard when the Risk Management budget is discussed later in the meeting.

D. INFORMATION SYSTEMS OVERVIEW - INFORMATION SYSTEMS MANAGER

Information Systems Manager Spencer Wilson referred to Exhibit N in the Budget Book. He explained that he met with each department head prior to the preparation of the proposed FY99 budget to determine departmental needs and what equipment could be transferred within the Town. He added that after department needs are considered, the needs of the Town as a whole are discussed with the Town Manager. After that process is completed, a recommendation is made for each department regarding equipment and software.

Mr. Wilson explained a budget history chart that showed his department has been fairly level over the past five years, and the proposed FY99 budget will try to maintain that level of funding with a slight decrease in the proposed budget.

Mr. Wilson noted that approximately 89% of the total dollar figure is for replacement equipment and that means the Town will be replacing older equipment that has higher maintenance costs. He identified four new items: a PC for the Projects Engineer in the Public Works Department; a PC for the Planning, Zoning and Building Director to allow him to use voice dictation; a color laser printer for the Police Department; and two routers which are remote pieces of equipment to be placed at the South Fire Station and the Recreation Department to allow network access within Town Hall.

Responding to questions from Mr. Shaw, Mr. Demming explained the interest amounts were no longer shown as separate line items for capital purchases, and the interest was shown as part of the totals. However, interest is tracked separately in the Finance Department outside the scope of the budget.

After discussion of the method of allocating expenses to each department for equipment and financing for the \$100,000 cost of the AS/400 upgrade, **THE COMMITTEE RECOMMENDED THE APPROVAL OF THE AS/400 UPGRADE (WITH CASH); THE TWO ROUTERS; AND REDUCTION OF LINE 64-04 BY THE ELIMINATION OF THE DISC STORAGE UNIT.**

Mr. Elwell mentioned that the Police Department had a scheduling conflict with the agenda rotation and requested that their presentation could be made at this meeting and not on Friday.

(The Committee decided to hear the presentations by the departments out of agenda order, as follows: O. Police Department; H. Information Services; G. Town Hall Maintenance; Q. Public Works Department; N. Fire Rescue Department; L. Recreation Department; J. Finance Department; K. Planning, Zoning & Building Department; F. Personnel Department; C. Town Manager Insurance Overview/Town Manager's Office; J. Debt Service; M. Library Services; P. Hurricane Preparedness; I. Town Clerk's Office)

O. POLICE DEPARTMENT (PROGRAMS 421 - 440)

Police Chief Croft presented the Police Department's Budget Bulletin referring to page 2 which listed the highlights of the proposed FY99 budget. The proposed FY99 budget requested 1% less than the FY98 approved budget. Chief Croft noted that although services for the residents are high, serious crimes are declining. The Police Department anticipates returning \$201,713 to the General Fund at the end of FY98.

Chief Croft reported that a Citizen Opinion Survey indicated the residents rated the Police Department's performance very high, and the department will continue to strive to keep the level of confidence and to continually improve.

Chief Croft said some of the line items have been realigned to reflect the accuracy of the monies spent and the services provided which affect decreases and increases in certain line items.

Mr. Shaw asked if the 800 megahertz radio system was fully operational? Chief Croft replied it is.

Mr. Shaw questioned line item 41-03 in all of the programs, data line radio base. Chief Croft explained the units were divided into different programs depending upon the number of units used in each program.

Mr. Shaw asked Chief Croft to explain the concept or the changes in the "45" number series? Mr. Elwell, said those line items related to the Risk Management function and the changes were the result of the Town's cost allocation program.

Mr. Shaw requested subtotals be listed on the budget sheets before "Capital Outlay", because Capital Outlay can skew numbers drastically from year to year by percentages.

Mr. Elwell replied that was a valid concern, and staff would look into that matter since it would require a programming change.

Mrs. Smith asked why the \$30,000 shown as "minor construction" was not listed in the Capital Improvement Program?

Mr. Elwell responded that this item was coordinated between the Police Department and the Public Works Department and it related to rehabilitation of the Beach Patrol Headquarters that was badly damaged by salt water at different times and was not rehabilitated since the Mid-Town project was constructed.

Chief Croft added that he considered the building almost uninhabitable. The plan is to use other types of synthetic materials that will not be as affected as wood is by the salt water.

Mr. Elwell said the Town does not have a specific policy regarding what becomes a capital improvement project. The Town does have a very specific policy regarding smaller purchases related to equipment items; however, there is not a specific policy related to capital building improvements. Mr. Elwell said if the Committee was concerned with the flexibility of the Town's policy, the staff can look at creating a policy that would require items above a certain dollar magnitude to become part of the Capital Improvement Program.

Mrs. Smith responded it was not a major concern, but she wanted to know what the item was for.

Mr. Elwell clarified that administrative costs provided by the Public Works Department related to this project would not be transferred to the Police Department's budget.

Mr. Shaw recalled last year's discussion regarding off-duty pay. Mrs. Smith asked how the \$120,000 was off set by non ad valorem revenues?

Chief Croft responded the Town Council established a new rate several years ago and included added revenue for administrative costs that were built in. He said that the charges are submitted directly to the person(s) requesting the Police service, so there is never an off duty police officer performing services in the Town unless the Town is receiving payment from the person requesting the service. Responding to Mrs. Smith's question concerning cost coverage, Chief Croft said the Town probably is making more than the actual cost involved.

After discussion of the realignment of the line items in the various programs and the success of the parking meter program, THE COMMITTEE RECOMMENDED APPROVAL OF THE POLICE DEPARTMENT BUDGET, AS PRESENTED.

Mr. Shaw said, for the record, he had received the budget document in sufficient time to spend hours reviewing the budget with department heads and staff. He thought the budget did not need to be presented to him and requested the department heads to identify the key points including changes immediately that would allow the Committee to go directly into questions.

H. OFFICE OF INFORMATION SYSTEMS (PROGRAM 125)

Spencer Wilson pointed out a new account has been set up for Internet access for a total of \$550. A new line item, 41-03, Data Line Charges, was associated with some of the equipment that require dedicated lines for a total of \$2,700. Mr. Wilson reported a reduction of \$6,000 to the 64-04 line item and an increase of 71-01 line item from \$36,600 to \$100,000 (one time payment for the AS/400 upgrade).

Mr. Wilson said the rest of his budget items remain similar to FY98's budget.

Mr. Shaw said the overall increase in the Internet Access line should be noted that it is not an increase to the extent that it is indicated in line 41-07 because many of the departments already had independent accounts which will now be terminated, offsetting approximately \$4,000 of the \$7,465.

THE COMMITTEE RECOMMENDED THE ACCEPTANCE OF THE REPORT AND THE BUDGET AS PRESENTED FOR THE INFORMATION SERVICES DEPARTMENT.

G. TOWN HALL MAINTENANCE (PROGRAM 124)

Mr. Shaw questioned the decrease in the proposed complement of employees which was reflected by a reduction in payroll; however overtime was projected. Mr. Shaw asked if that was a necessity for the function of the department?

Mr. Dusey replied that the Public Works Department develops a work program for each facility, and the overtime is off hours work for activities such as painting and small renovation work that cannot be done when the office is in use. Mr. Dusey said the remainder of the overtime is the estimation of the normal maintenance that is required. The department is trying to do more preventative maintenance which is more effective than corrective maintenance.

Mrs. Smith asked why line item 46-03, Building Maintenance increased so much?

Mr. Dusey responded the major expense in that line is the \$13,000 cost for the replacement of carpeting in the Building & Zoning Department. He explained that not only was it a high traffic area, but the carpet has had a "bunching" problem since it was installed. Mr. Dusey noted that he was also recommending a replacement with the same carpeting for a portion of the Public Works facility.

Mr. Shaw referred to an earlier remark regarding the municipal use of the lot located at 400 S. County Road. He asked if that is something that would be considered during the next year, would the \$33,000 expenditure be premature or should it be held in abeyance?

Mr. Dusey replied it would be his hope that if the Building & Zoning space were used by another department, that the space could be used in its present configuration, because it is set up fairly well.

Mr. Elwell said the remark Mr. Shaw referred to was made during the Special Town Council Meeting that was held before this Finance & Taxation Committee meeting. Mr. Elwell said it was important to note that from an overall Town staff perspective, he did not anticipate having a need for additional office space in the foreseeable future. He understood that certain departments are more crowded than might be optimum and the Town was sensitive to that and tried to address those needs, but he did not want the record to show that the Town was headed in the direction, without some substantial staff analysis and Town Council consideration, of utilizing the Boynton Landscape property as new Town employee office space.

Mrs. Smith responded that the Committee realized that was true, but the Committee was attempting to cover all of the bases thinking if a proposal would be presented later, would the new carpeting be needed?

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE TOWN HALL MAINTENANCE BUDGET AS PRESENTED.

Q. PUBLIC WORKS DEPARTMENT (PROGRAMS 511 - 571)

Mr. Dusey reported the department eliminated six positions during the current year through attrition. Two positions were eliminated through retirement in Traffic Control, and privatization and contracts

MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 14, 1998

were used to provide those services. Mr. Dusey mentioned that the budget for line painting is somewhat higher than normal because work that will not be done this year is budgeted for October.

Mr. Dusey said the department has eliminated thirty positions in the last thirteen years, and although additional responsibilities have been assumed, he did not think the level of services has decreased. Mr. Dusey said he had good team managers and a cooperative staff who are doing more with less.

Mr. Dusey said a program was added for Royal Palm bug control in the amount of \$15,000 which he believed would work, and the Royal Palms would be green all of the time not just some of the time.

Mr. Dusey noted that the Holiday Trees were taken from the Public Works budget and put into the Town Council budget.

Mr. Dusey referred to his comparison summary in the budget manual which showed the proposed FY99 budget is down approximately \$90,000 from the FY98 budget. Mr. Dusey noted there was an item for \$14,000 that does not show on the budget that he will identify later in the presentation.

Mrs. Smith asked Mr. Dusey to explain the big savings in Traffic Control.

Mr. Dusey responded that two retirements in a supervisory position and another position were not replaced, and the department found that the system could be satisfactorily maintained on a daily basis with the remaining employee. The specialty items—paint work, line painting, curb painting—will be handled on a private basis.

Mrs. Smith asked Mr. Dusey to explain the big jump in commercial garbage, Program 542.

Mr. Dusey explained that two of the big garbage trucks are in need of being replaced, and that account shows the replacement cost for two trucks. Mr. Dusey said that the Town buys good quality merchandise with a life span of approximately 12 - 13 years. Many commercial garbage trucks last only 8 years.

Mr. Dusey said he was requesting approval for a new position, a Project Engineer, to handle some of the many projects that are on going in the Town. He said the Town Engineer, Jim Bowser, needs to be more of a manager and needs assistance. He believed that position will add to the benefit of the Town long term in many areas.

Mr. Shaw asked if Program 522, Street Cleaning, was a contract service?

Mr. Dusey replied that one contract was used for the sweeping itself; however, the Public Works Department has been doing a lot of hand sweeping in those areas where cars are parked, intersections, and areas where the sweeper cannot go. Traditionally, charges were not listed for labor, and the increase is due to showing the charges where the labor is actually used. Conversely, Program 521 is down, because the labor costs were previously shown there.

Mr. Shaw stated that he has been an advocate of recycling, and he thought that the program that was initiated from the residential has had a significant positive effect financially and it has accomplished what it was supposed to have accomplished. Mr. Shaw said in some cases on the commercial side, it is a disaster. He was not sure that it is cost effective although he did not want to back off the ecological values, but he thought until the public is better educated and until the Town can make it work efficiently, it would be his recommendation to evaluate the cost savings to the Town of either a consolidation of the recycling or possible elimination of the paper goods, not the bottles or cans. Mr. Shaw said he had spoken to Mr. Dusey who indicated there could be some significant dollar savings, and if this is something that should be seriously considered, this should be the time.

Mr. Dusey said he did not have the information with him regarding that issue but stated he had been looking at the issue where Public Works has a special cardboard recycling truck that only does that, and it is busy all of the time. Mr. Dusey said that cardboard and commercial paper are not profitable. He said that the money the Town saves by tipping fee avoidance and the money received from the Solid Waste Authority results in an approximate \$40,000 short fall for that activity. Other than the environmental issue, it is not productive; however, the single family service, because of the change that was done, is wonderful and saves a lot of money. Multi-family is mediocre, and the bottles and cans from commercial are mediocre. Cardboard is the one that is costing the money.

Mrs. Smith asked if that included cardboard in single family also?

Mr. Dusey said that cardboard is picked up on a per request basis when people move and that is a pick up service, but the cost effectiveness is not good.

Mr. Shaw asked if the pick up of cardboard after someone moves would be considered a special pick up and fall within the \$15-\$40 charge range?

Mr. Dusey responded Public Works has not been charging for it because it was a recyclable material.

After discussing the issue of special pick ups, THE COMMITTEE MADE THE RECOMMENDATION THAT THE CARDBOARD OR PICK UP FOR MOVING CARTONS, ETC. BE BILLED AS A SPECIAL PICK UP; THE COMMITTEE ALSO RECOMMENDED CONSIDERATION OF PHASING OUT THE PAPER PICK UP IN THE COMMERCIAL SECTOR BY THE END OF THE YEAR OR WHEN EMPLOYEE VACANCIES OCCUR (MR. DUSEY WILL SUPPLY BACK UP REGARDING THIS ISSUE PRIOR TO THE 7/14/98 TOWN COUNCIL MEETING).

Responding to an inquiry from Mr. Shaw related to Program 546, Beach Cleaning, Mr. Demming replied that the revenues, a projection of \$35,000, related to that expenditure are shown on page 5 of the Revenues.

Mr. Dusey mentioned that the 533 Program, Sanitary Sewer Treatment Charges, has a State revolving fund loan that payments have been made on for a number of years, but Mr. Demming urged that an expenditure should be shown in this program with a revenue item at the end. \$126,400 was added to this program; however, no financial implication in the form of additional taxes or funding is required from the Town. Mr. Dusey explained this is a similar situation to the compacted garbage last year that was added to the commercial program but was totally offset by revenues.

Mr. Dusey noted that line item 52-04 was up due to problems with the storm water pumps and deterioration, but the problem has been isolated as electrolysis because of the salt water environment. The recommendation from pump manufacturers is spend \$6,000 on zinc that will be attached to the metal and is sacrificial. Mr. Dusey believed this could save hundreds of thousands of dollars over time.

Mr. Shaw asked that line item 52-12, across all of the programs, show items that are disposable.

Mr. Elwell clarified that supplies, generally speaking, are consumable items. He said the various equipment accounts are the ones that are more durable.

Mr. Shaw said he recommended that instead of calling it "Other Supplies", it be called either "Consumable Supplies" or "Disposable Supplies".

Mr. Elwell replied that his point was that all supplies are consumable under the Town's system, and "Other Supplies", particularly, refers to those supplies that are not an office supply or not a general type of supply but something specific to the function of that program. Mr. Elwell gave the example of some of the programs in the Public Works Department require the purchase of chemicals that would not be required or used in other programs.

Mrs. Smith asked Mr. Dusey to explain the increase in Contracted Services, Program 523, from \$2,000 to \$43,000.

Mr. Dusey explained that was because of the elimination of two positions, and that work, including line and curb painting, will be contracted out. Mr. Dusey said the cost of the two employees was in the \$90,000 range, and that is why the program shows a decrease. Next year, the program should decrease more. Mr. Dusey said the preparation of signs can also be contracted out cheaper than the Town can provide the service.

Mr. Dusey noted that line item 64-03 in Program 532 should have an additional \$14,150 listed. He explained \$12,000 of the amount was for replacement of some of the radio system that is 20+ years old and the \$2,150 was for the purchase of an outboard motor to attach to a boat that was washed up on shore. The boat will be used to check outfalls. Public Works personnel need to be in the water to check the condition and the function of some of the pipes that are actually in the Lake.

After discussion of the beach cleaning operation with offsetting revenue from condominiums, the increase in the line item for the cost of water, increase in the line item for property claims, the parking meter program, and the overall decrease in the Public Works Department proposed budget for FY99, THE COMMITTEE RECOMMENDED ACCEPTANCE OF THE PUBLIC WORKS DEPARTMENT (PROGRAMS 511-571) BUDGET WITH THE ADDITION OF \$14,150 FOR LINE 64-03 IN PROGRAM 532.

1. Capital Improvement Fund (Including 5 - Year Capital Improvement Program) Exhibit M

Mr. Dusey said the Coastal Management Section was divided into three different sections. The Comprehensive Coastal Management Plan is set up without an anticipated funding source, because that is not known at this time. Mr. Dusey said those projects were separated from the other projects, because the other projects are funded within the proposed Capital Improvement Program.

Mr. Shaw, referring to Transportation - Street Lighting, said he thought there was an effort to fill in the holes, and he was surprised to see nothing allocated to street lighting after the

excellent report Mr. Dusey had done on street lighting earlier this year. Mr. Shaw noted the project was pushed forward to the year 2003.

Mr. Dusey said the Town Council authorized both the funding and the project for the Bike Path lighting and soon after that, the Preservation Foundation offered the Historic Loop as part of that. He said there was an adoption of the standard and a general indication that at some point in the future, there was a desire to do something with the program and that is what this budget reflects.

Mr. Shaw asked if the State when they do the portion of South County Road in front of the Breakers would be redoing the lighting in that location?

Mr. Dusey responded the State would, and the staff is attempting to convince the State to do the lighting in the style the Town wants.

Mr. Shaw recalled that the Town was going to try to incorporate the surrounding areas so that the result would not be two distinct systems. Mr. Shaw suggested the Town should go north and south of that project.

Mr. Dusey noted that the State would be installing lighting all the way south to Royal Palm Way. But the northern boundary would be Royal Poinciana Way.

Mr. Dusey said he would be happy to go ahead with additional lighting if that is what the Town Council wishes. He noted that competing funds have competing needs. He identified drainage as a priority and the proposed budget includes starting some new projects. Bradley Place suffers flooding on a regular basis, and the D-12 project is the subject of the scheduled Public Works Committee meeting. Last year the Town had two projects, D-11 and D-12, and a consultant has considered the possibility of combining those two pump stations into one with a cost savings of approximately \$900,000. The proposed station would be at the end of Everglades Avenue which is a fairly wide street. The station's architecture would match Villa Plati. Mr. Dusey said he did not know what projects the Town would like to defer or if they would like to defer projects in favor of street lighting. Mr. Dusey said he put street lighting toward the end of the Capital Improvement Program--after other problems-- old sanitary sewer lines, old storm lines, new storm system--were taken care of first, but he was open to whatever the Town Council's priorities are.

Mr. Elwell said if the Town Council was interested in expediting the street lighting program, a general obligation bond referendum utilizing the Town's AAA bond rating could be presented to the voters.

Mr. Shaw said another bond issue will be retired in a few years and the Town will have the reserves at that time although it is a different funding concept of ad valorem vs. debt service.

Mr. Dusey mentioned that the Town Hall generator project has been pushed back a few years. He did not think it was a huge priority, but he did have concern about losing power at some time in the future during a Town Council meeting. Mr. Dusey said the existing generator at Town Hall would be moved to Fire-Rescue Station No. 1 to take care of their facility.

Mr. Shaw asked if any portion of the \$2.5 million in the Beach Nourishment (based without regard to offsetting funds) is anticipated or going to be returned so that in reality, it will not be \$2.5 million?

Mr. Dusey replied that the staff applied for grants totaling \$1,025,000 from the State as their share of the expected project.

After discussion of the lighting including funding which could be handled as a request at the time an area would be approved for new street lighting in conjunction with the State's program, **THE COMMITTEE RECOMMENDED APPROVAL OF THE CAPITAL IMPROVEMENT PROGRAM AS PRESENTED. IF THE STATE'S PROJECT INVOLVING STREET LIGHTING IN FRONT OF THE BREAKERS IS DONE, THE COMMITTEE REQUESTED MR. DUSEY TO PROVIDE THE MAYOR AND TOWN COUNCIL WITH FIGURES FOR STREET LIGHTING, EXTENDING NORTH OF THAT PROJECT TO SUNRISE AVENUE. THE COSTS WOULD BE CONSIDERED AT THE TOWN COUNCIL MEETING ON JULY 14, 1998.**

2. Marina Fund

Mr. Dusey reported that the final phase of the replacement of the Town's three docks will be completed this year. The Town will have a first class facility with pump out stations for sanitary sewer. The power has been upgraded and the goal is to sustain the usage to keep the revenue up to pay off the bills.

Mr. Dusey noted that the proposed FY99 budget includes the cost of printing a brochure that would promote the merits of the Palm Beach Marina. This brochure will be distributed to locations where vessels are moored that would be compatible with the boats that come to Palm Beach. Mr. Dusey said the Marina is not always 100% full, and they would like it to be. Mr. Dusey said the Town does not normally advertise in this way, and he would like the Town Council's approval before doing this. The amount is included in the \$1,450 shown in the printing line item.

Mrs. Smith and Mr. Shaw agreed that they had no problem with promotion of the Town's Marina as Mr. Dusey described.

Mrs. Smith asked Mr. Dusey to comment on the few complaints that were received from boat owners who did not have parking spaces.

Mr. Dusey said his department has been studying the parking lot at the docks, and he thought it could be reconfigured and expanded slightly to the north. He commented that the program for parking on the street worked wonderfully for boat owners, and it was advertised to them.

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE MARINA FUND BUDGET AS PRESENTED. The suggestion was made to study the placard program to see how it could be implemented in other areas.

Mr. Elwell mentioned the parking meter issue was discussed at the May Town Council meeting, and the staff is in the process of looking at other areas where that program could work and will come back to the Town Council later in the summer with a recommendation.

N. FIRE - RESCUE DEPARTMENT (PROGRAMS 411 - 416)

Mr. Shaw said the issue of the new (\$600,000) truck was discussed earlier and was approved.

Mrs. Smith requested Chief Elmore to provide information regarding the old truck.

Chief Elmore said he had discussed the issue of trading in the old truck with a vendor, and because of product liability, he preferred to trade in a twenty year old truck rather than having the Town sell the truck. Unfortunately, the vendor was not interested. Chief Elmore said this aerial truck had a standard shift and was not in good condition, and the market is apparently flooded with old vehicles. The Town will have to dispose of the truck.

Chief Elmore said the Town has a twenty year replacement program, and he stretched this one. He reported the mechanics of this truck are poor, bad, and failing. The frame body is rusting away due not only to the salt intrusion in Palm Beach but also it came from Littleton, Colorado, where it was exposed to road salt for four years. Chief Elmore said he was hoping the truck will last long enough to receive the replacement.

Mr. Shaw suggested the manufacturer of the truck should be contacted to determine if a substantial cash payment (using the funds from the Pike Road sale) could accelerate delivery and reduce the price.

After discussion of the funding for the truck, **THE COMMITTEE RECOMMENDED ALLOCATING THE PIKE ROAD FUNDS AND THE ADDITIONAL FUNDS AS DISCUSSED WITH DETAILS RELATING TO POSSIBLE COST SAVINGS FOR PAYING CASH TO BE WORKED OUT LATER.**

Mr. Shaw said the Committee recognized the realignment of different departments to streamline the budget process.

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE FIRE-RESCUE DEPARTMENT BUDGET (PROGRAMS 411-416) AS PRESENTED.

L. RECREATION DEPARTMENT (PROGRAMS 311 - 314)

Recreation Director Russ Bitzer reviewed the summary of the programs 311-314. He compared the proposed FY99 to FY98 anticipated expenses which showed a decrease of approximately \$3,500 or 0.5%. Revenues are estimated to be up approximately 1%. Mr. Bitzer mentioned that no new equipment is proposed for FY99 and a new employee is filling a vacancy at a lower rate.

Mr. Shaw expressed concern about the Tennis program where the revenues did not appear to offset the programs.

Mr. Bitzer replied that the budget contained deviations because of the Tennis Pro Manager and Golf

Pro Manager reclassifications. He said that Tennis has never completely paid for itself.

The Committee discussed the lack of rental of the rooms at the Seaview Park Recreation facility and the effect not being able to serve liquor at the facility has on the rental income. Mr. Bitzer said a major contributing factor is the expansion of programs at the Recreation facility and the unavailability of many of the rooms for the general public due to the expanded programs.

Mr. Elwell said the serving of alcohol at the Recreation Center is a policy consideration that is primary to the risk consideration.

Mrs. Smith suggested this would be an issue that the whole Town Council should discuss and an additional issue would be the question of whether smoking would be allowed since no smoking is allowed in any Town building.

The Committee discussed the possible changes in some of the fees related to the Tennis program (court fees).

Tennis Pro Jim Hay said he did not see the proposed increases as a huge impact for himself or the other tennis pros, but he would like to think about the increases and look at the ratio of non-residents. He said the vast majority of the people they work with in lesson programs are residents.

Mr. Shaw suggested if Mr. Hay was concerned about the revenue, the fee for semi private lessons could be \$3.50 and \$5.00 for the private lesson. Mr. Shaw said it was more the principle that services were being rendered to non residents, and the Town should receive something in return for those services.

After discussing the Tennis rates, THE COMMITTEE RECOMMENDED THE FOLLOWING CHANGES FOR FY99 PROPOSED TENNIS FEES:

ANNUAL RES. JUNIOR - INCREASE FEE FROM \$25 TO \$50

SEMI ANNUAL RES. JUNIOR - INCREASE FEE FROM \$12.50 TO \$25.00

NON RESIDENT COURT FEE - INCREASE FROM \$2.00 TO \$3.50 FOR SEMI PRIVATE LESSONS AND FROM \$2.00 TO \$5.00 FOR PRIVATE LESSONS

ANNUAL PROGRAM REGISTRATION FROM \$6.00 TO \$10.00

After discussing the Recreation Department Programs 311- 314, THE COMMITTEE RECOMMENDED THE APPROVAL OF THE RECREATION DEPARTMENT PROGRAMS BUDGET (311-314) AS PRESENTED.

1. Golf Course Fund

Mr. Bitzer said the FY99 projected expenditures for the golf course are projected to be down \$45,000 or 5% compared to the FY98 estimated expenditures. He explained the expenditures are expected to be down because of less expensive capital improvement projects. The FY99 revenues are estimated to be up approximately \$53,000 or 8% above the FY98 estimated revenues and that projection is based on good weather. He reported the first quarter revenue from last year was up 18%. The golf course is doing very well, and the FY98 action plan appears to be working. Record rainfall at the height of the season cut into the revenues in FY98.

Mr. Bitzer said the FY99 projections indicate that the golf course cash provided by operations will result in a positive balance of \$19,000 at the end of FY99.

Mr. Shaw said he would endorse the merging of the Golf Commission and the Seaview Park Commission.

Mr. Bitzer said the Seaview Park Commission has discussed the merger but tabled the item until its next meeting which is scheduled for September.

Mr. Shaw noted the golf course received an advance of \$59,000 in 1998 and no attempt was made to provide for repayment. Mr. Shaw said if a profit were made in 1999, an offer should be made, at least to the extent of the profit, to pay the amount back.

Mr. Bitzer said the profit for one year will not cover the repayment of items that improved the golf course for many years prior to that time. Mr. Bitzer, referring to the five year financial

projection plan, noted that a period of time will be required to pay back the loans on the capital projects. He said the good thing was that nearly \$1 million worth of improvements were made to the golf course at no long term cost to the taxpayer. Mr. Bitzer said the five year plan shows a debt of \$170,000 to the General Fund and the projected \$18,000 profit will reduce that \$170,000, and by the year 2003, the projection is to be debt free.

Responding to a question concerning operating the golf course as an enterprise fund, Mr. Bitzer said that was a policy question, and the staff will work either way with it as efficiently as possible.

Mrs. Smith said she thought the price of the pull golf carts could be raised from \$4 to \$5 from November to April since the cost has not been raised since 1995.

Mr. Bitzer said that Golf Pro Rick Dytrych recommended increases in the resident green fees from \$14 to \$15, the non-resident green fees from \$16 to \$17, and the riding cart (single) from \$9 to \$10, the Resident 12-play ticket from \$140 to \$150, and the Non-Resident 12-play ticket from \$160 to \$170 during the months of November and April. He said the Golf Commission reviewed and recommended all of the proposed rates with the exception of eliminating totally the November 1st through 30th and the April 1st through 30th rate periods and turn that back into the same fee as the winter rates. Mr. Dytrych thought that the rounds of golf did increase by approximately 18% when that transition classification was in place.

Mr. Dytrych said he thought the transition rates built in a base of loyalty for those people to continue on through the season, and it allows Par 3 to compete when other area courses run specials. He said the summer greens fee is \$10, and a rate was needed to carry the course from summer to winter that did not bump the course into the high rate.

Mr. Shaw suggested a two month transition rate period in the fall and spring.

Mr. Dytrych replied he would like to check that out with other courses, but suggested October 15th through November and April 1st through May 15th as one option.

After discussion, THE COMMITTEE RECOMMENDED THE EXPANSION OF THE TRANSITIONAL RATE FOR A LONGER PERIOD UPON THE RECOMMENDATION OF MR. DYTRYCH, THE GOLF PRO. THE PULL CART FEE WOULD INCREASE FROM \$4 TO \$5 IN THE WINTER AND FROM \$2.50 TO \$3 DURING THE SUMMER PERIOD.

The Committee requested that Mr. Bitzer report to the Town Council after the September meeting of the Seaview Recreation Commission regarding the possible merging of the Seaview Park Commission and the Golf Commission. Mr. Shaw asked Mr. Bitzer to provide information relating to cost savings if the two commissions merged.

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE GOLF COURSE FUND BUDGET AS PROPOSED WITH THE CHANGES TO THE FEE STRUCTURE AND CONSIDERATION OF EXTENDING THE INTERIM MONTHS.

Mr. Elwell said the staff will attempt to have all of the additional information requested by the Committee available for the July 14th Town Council meeting.

J. FINANCE DEPARTMENT (PROGRAMS 141 - 145)

Mr. Demming said the Finance Department has no new requests for positions, and the request for computer equipment was identified earlier. Mr. Demming reported the Finance Department's proposed FY99 budget shows an increase of approximately 1% over FY98.

Mr. Shaw questioned the postage amount in program 141, line 42-01, which was budgeted at \$15,000 with only \$6,000 being spent to date.

Mr. Demming responded that \$6,000 was only through the month of April, and in May a \$2,700 bill was shared with the Tax Collector's office. Additionally, tickets are mailed on a quarterly basis, and the \$15,000 should be a good number for the rest of FY98.

Mr. Demming explained that equipment rental is up because the Pitney-Bowes postal machine is old with high maintenance cost. The plan is to spend \$350 per month that would include all costs for a three year period. A new machine will also be the year 2000 compliant whereas the current machine is not.

Mr. Shaw said he found it strange that the Town would have any bank charges considering the amount of money the Town puts through any bank.

Mr. Demming replied that bank charges are usually paid in one of two ways either direct billing or some type of compensating balance arrangement. The Town is on a direct pay which is usually a better way. The bank does pay the Town interest on the funds that are available in the checking account. Usually, a bank customer would not receive both.

Mr. Shaw questioned program 142 with the same complement of .8 people where the wages increased.

Mr. Demming said that last year one of the corrections that was made was the annual adjustment to the Finance Department, and the correction was made only to the 141 program so the 142 and 145 programs were understated for FY98. Mr. Demming noted that the accounts also had salary savings due to vacant positions that were not filled.

Charles Boggs, Purchasing, said his budget has decreased from FY98 to FY99 primarily due to the fixed insurance changes. He said the only major increase was budgeting for three computers to replace work stations to allow the buyers to communicate with firms that are on the INTERNET.

Mr. Demming reported the Town is very close to implementing the use of credit cards for some of the purchases. The cards will be issued to the Recreation Department and the Purchasing Buyers first. All of the "bugs" will be worked out of the system before the other cards would be issued to other departments around September or October 1st.

Mr. Boggs said the State Purchasing department has worked out a deal with all of the vendors where the State receives "kick-backs" for all of the people who piggy-back on their contracts. The State writes the contracts, but they are receiving something like 41 points on all the purchases that the Town makes--similar to a Discovery card arrangement. Mr. Boggs said the Town would have to spend approximately \$2 million before the State will share that money with the Town. Mr. Boggs said the Town's purchases will initially be for under \$500.

Mr. Elwell explained a security system will be in place for users of the card. Only certain types of items may be purchased with the card and there will be limits for any one purchase and any one period.

Mr. Boggs explained that the procedure will be similar to the way invoices are processed currently and each person who is authorized to use a card will receive a card. They will be the only ones who can make purchases with those cards, and at the end of the month a statement will be reviewed by that person's supervisor against the log of that card holder.

After discussing the Professional Association line item in Purchasing, THE COMMITTEE RECOMMENDED THE APPROVAL OF THE FINANCE DEPARTMENT'S BUDGET, INCLUDING PURCHASING, AS PRESENTED.

K. PLANNING, ZONING, & BUILDING DEPARTMENT (PROGRAMS 211 - 214)

Mr. Moore said his department's bottom line showed an increase of 2% primarily due to work that will be done for the zoning district R-B study and the workshops associated with that project. Under capital improvements, a ten year old vehicle will be replaced and computer equipment will be purchased. Mr. Moore said some of the side effects of crowding in the inspectors' portion of the office area would be addressed by using some partitions similar to those in the Finance Department.

Mr. Moore reported that revenue is up significantly, although expenses have remained fairly flat since 1990. He said he did not expect the expenses to stay flat for too much longer.

Mr. Shaw referred to line 31-03 which showed an increase from \$50,000 to \$100,000 and questioned the increase.

Mr. Moore responded the increase was associated with the additional expenditures connected to the workshops. These workshops will include not only the in-house staff and Adley, Brisson, Engman, Inc. but also the Preservation Foundation of Palm Beach. An expert for those workshops may or may not be hired, but Mr. Moore wanted to fund for that possibility. Additionally, a \$17,000 update for the Sanborn map is included in the figure.

Mr. Moore commented that the decrease in legal advice line is due to the fact that the amount budgeted for legal advice previously was the result of a lawsuit filed by Mar-a-Lago against the Town, and that lawsuit has been withdrawn.

Responding to a question from Mr. Shaw related to the donated legal funds for Mar-a-Lago, Mr. Demming said donations are never included in the budget. An amount of \$300 is shown in a Legal Defense Fund account.

Mr. Shaw asked why the department was requesting \$2,500 for microfilming which is an obsolete method compared to scanning. He requested Mr. Moore contact Mr. Wilson to work out details.

Mr. Moore responded that the department is using scanning for the items that are going specifically to property files where retrieval is necessary either from the public or the staff. He said he would talk to Mr. Wilson regarding scanning equipment that may be used for occupational license applications as they are submitted. Mr. Moore said the other items being microfilmed are items that are required by the State to be retained for a certain amount of time.

Mr. Moore reported that Landmarks, line 31-04, was related to the outside help provided to residents who sought help to fill out forms for tax relief.

Mr. Moore explained that Jane Day, the outside consultant for the Landmark Commission, is projected to receive a slight increase as she has not had an increase in her hourly rate since she started. He said the Town is considering historic districts for next year and more voluntary landmarking.

Mr. Shaw said he thought the fees should be looked at when residents are voluntarily landmarking their property.

Mrs. Smith said her concern was that the Town's expenses for Landmarking have gone from \$105,000 to \$137,000 in two years, and that is an extraordinary amount of money. With the homeowners receiving a tax abatement, she saw no reason why the Town should assist a private property owner with their taxes.

Mr. Moore offered to prepare a study of fee structures for voluntary landmarking similar to what was done for the Architectural Commission.

After discussion, THE COMMITTEE RECOMMENDED THE APPROVAL OF THE PLANNING, ZONING, AND BUILDING DEPARTMENT'S BUDGET (PROGRAMS 211-214) AS PRESENTED, AND REQUESTED FURTHER STAFF ANALYSIS AND TOWN COUNCIL CONSIDERATION OF THE LANDMARKS FEE STRUCTURE.

Mr. Shaw questioned the legal advice line item 31-01 under Program 213 for Code Enforcement Board. He said he thought that perhaps the Code Enforcement Board should be made aware of the fact that they are finding some interesting Code violations and walking away from them. The Town has costs related to the findings of the Code Enforcement Board and it is not just "a good neighbor policy" to say "thank you -you're guilty, we accept your plea, but we'll go right ahead and foot the bill that costs the Town to bring you into compliance."

Mr. Moore said he would pass that along to the Board.

Mr. Moore explained the \$9,000 cost under Professional Development was the educational account that paid for the mandatory certifications for all of the inspectors. Mr. Moore said the State wanted even more training than the \$9,000 would cover.

F. PERSONNEL DEPARTMENT (PROGRAM 123)

Mr. Crouse said his proposed FY99 overall budget is 2% or \$12,000 less than last year's. He reported that he anticipates spending approximately \$8,000 less than the FY98 approved budget.

Mr. Crouse said because of the sensitive and confidential nature of dealing with employee situations, he moved some monies within the FY98 Budget to allow construction in one of the Personnel offices that is currently occupied by Carla Kneipp. One wall will be removed at the south end of the office and a wall will be constructed in the middle of the office, resulting in two separate offices that will provide confidentiality. He explained that he transferred funds from his budgeted legal advice line and the professional association line to cover the costs of the construction.

Mr. Crouse said that line 25-02, Unemployment Compensation, will exceed the \$12,000 budgeted for FY98. He expected that the former Town employees eligible for the unemployment compensation would cost the Town approximately \$17,000 by the end of the year if they remain unemployed.

Mrs. Smith asked Mr. Crouse to explain lines 34-17, Employee Recruiting, \$8,000, and 34-18, Employee Assistance, \$11,500.

Mr. Crouse explained that 34-17 and 34-19 are recruitment costs including advertising, selection, and testing. A separate line item, 34-19 was set up for the Police Department, because the accreditation required a specific line item. He said that line 34-18 is the employee assistance program that is part of the insurance program that is set up specifically for employees to utilize for things such as parent/child relationship problems, marital problems, drug and alcohol problems, financial

problems, and an array of personal issues that can be handled confidentially. To do that, the Town pays a set fee per employee, then the employees are able to use the services without the Town being billed, thus providing the confidentiality.

THE COMMITTEE RECOMMENDED THE APPROVAL OF THE PERSONNEL DEPARTMENT'S BUDGET (PROGRAM 123) AS PRESENTED.

1. Retirement Fund

Mr. Crouse reviewed the revenues for the Retirement Fund which are split into four categories for the Retirement Fund-General Employees, Public Safety- Fire, Public Safety-Police, and the Life Guards. The amounts of monies are established by the actuarial studies. The study completed 9/30/97 sets the budgeting proposals for FY99. The \$2.9 million that will be paid into the system is the result of that study. Other revenues coming into the plan include the investments of the approximately \$100 million that is in the fund at this point.

Mr. Shaw said the Retirement Fund is contractual and is an informational item.

Mr. Crouse reiterated that the fund is at a funded level of 103% which is excellent.

THE COMMITTEE RECOMMENDED APPROVAL OF THE RETIREMENT FUND BUDGET AS PRESENTED.

2. Self Insurance Fund - Health Insurance

Mr. Elwell said that the Town Council may recall that last year the Town separated what had been a centralized health insurance fund into two pieces so that health is separate from the three insurances that Risk Management handled.

THE COMMITTEE RECOMMENDED APPROVAL OF THE SELF INSURANCE FUND - HEALTH INSURANCE BUDGET AS PREVIOUSLY PRESENTED BY MR. CROUSE.

C. INSURANCE PROGRAMS OVERVIEW - TOWN MANAGER AND PERSONNEL DIRECTOR
(The Personnel Director's portion of the overview was presented earlier in the meeting. The following is the Town Manager's portion only.)

Mr. Elwell mentioned that all of the dollars that vary according to the formula in the three year rolling averages from program to program come together in meaningful numbers for setting policy in the Self Insurance Fund - Fund 501 and in the totals that will be reviewed.

Mr. Elwell reported that the operating costs for the Risk Management program are down primarily due to combining two positions into one position. The operating cost is proposed to be reduced from approximately \$130,000 in FY98 to approximately \$65,000 for FY99.

Mr. Elwell said the claims costs are proposed to be level funded-similar to Mr. Crouse's description of the health insurance program. The program is "level funded" at a level that the staff knows is excessive for the Town's particular needs for a normal year so the Town is prepared for the worst of all possible years. Also, in a normal year, the additional funding rolls over into the fund balance which is necessary for the long term health of the self insurance fund. That level funding for claims is a loss fund of \$775,000 and \$25,000 for Gallagher Bassett to administer the claims.

Mr. Elwell said the premium line items are shown throughout the budget as fixed costs. He said that these premiums are up for workers compensation, property and liability-but to varying degrees. Percentages are assigned to each of the pieces of the total insurance package that are also part of the cost allocation formula. He said the bottom line is that a 10% increase is being proposed for a total of \$940,100, and the purpose of that is to give the Town the protection that it would need if the market drives the premiums up. Mr. Elwell said the Town has consistently budgeted a bit more conservatively than the market has indicated would be necessary so that the Town Council would not be caught short once the renewal package is submitted to the Town Council in September.

Mr. Elwell said that overall (administration, fixed, and claims) the Property Liability and Workers Compensation Programs are projected to increase 1.6% over FY98.

Responding to Mr. Shaw's question regarding realignment of costs, Mr. Elwell said a realignment occurs every year and that is a concern because of the confusion it creates in analyzing the budget each year. Mr. Elwell and Mr. Demming will study this further. There is a benefit to knowing which operations of the Town are riskier than others and which are, therefore, a greater burden to the Town's insurance program. But, that is a process that can be done administratively without it having to affect the annual budget. The numbers could be budgeted either centrally within departments or

centrally for the whole Town within the Self Insurance Fund. Mr. Elwell said this would have to be thought out and analyzed carefully.

Mr. Shaw said that one of the questions is always "How do you analyze the better way to present the budget or a better way to account for a concept if you can't look at the two concepts?" He said that would be the upcoming year's mission to look at it from the two sides.

Mr. Shaw said the issues that Mr. Elwell addressed are factual issues and in some cases, they are actuarial.

Mrs. Smith asked Mr. Elwell to explain the difference in 45-04 between \$165,000 and \$210,000 (property claims).

Mr. Elwell explained that in the cost allocation formula, the overall costs for the program are split according to the premium rates for the previous year. Each year there are changes in how much the property, the liability, and the workers comp costs. Similarly there are changes each year in the proportions in terms of claims that have occurred throughout the year. The cost allocation formula not only varies the amounts that are charged program by program, based on where the claims occur, but it also varies between the three major components of the program in terms of their relative responsibility for it. Mr. Elwell said there was a reduction this year in the workers compensation cost which is the offsetting benefit to the additional cost that is seen in the property account numbers.

Mr. Shaw asked where the Town stood regarding the insurance limits and the costs?

Mr. Elwell responded that will be looked at during the renewals that are presented at the September Town Council meeting. Generally, what drives changes in the insurance limits are significant changes in the market. The only change he remembered the Town Council considering in recent years was the Public Officials Liability Package. The other standard packages have remained fairly consistent, because of the market's relative stability. When the market changes substantially, these issues should be considered.

Mr. Shaw asked how the Town was budgeting for the shift in wind storm insurance?

Mr. Elwell said he would have to check on that to see what budgeting impact that would have. Mr. Elwell said the 10% overall increase in budgeting is not specific to any item in the insurance package. He said the cost allocation formula, as it is currently administered, is always one year behind.

Mr. Shaw said the budgeting for this does not tell the Town where it is going but where it has been and budgeting is supposed to be for the future.

E. TOWN MANAGER'S OFFICE (PROGRAMS 111 - 122)

Mr. Elwell said the only significant proposed change in Program 111 is line item 51-04. The Charter Review Commission requested and the Town Council appropriated an amount not to exceed \$1,000 to bring a guest expert to appear before them. The Commission requested \$3,000 for FY99.

Mr. Shaw said he would like to see it left at the \$1,000 requested and appeal to the Council on a case by case basis as needed. Mrs. Smith agreed.

THE COMMITTEE RECOMMENDED THE \$3,000 BE REMOVED FROM LINE ITEM 51-04, CHARTER REVIEW COMMISSION EXPENSES.

Mrs. Smith questioned line item 40-10 in Program 111, Professional Association, \$2,500. Mr. Elwell responded that amount was for the attendance by the Elected Officials at the Florida League of Cities meeting coming up in August. Mr. Elwell said the budget was budgeted at \$2,500 because more Elected Officials would be attending this year.

Mrs. Smith said she would like to see the \$2,500 in line item 40-10 reduced to \$1,500. Mr. Shaw agreed. **THE COMMITTEE RECOMMENDED LINE ITEM 40-10 BE REDUCED TO \$1,500 FOR FY99.**

Mr. Shaw questioned line item 49-10 in Program 112 for expenses related to Telecommunications. He asked Mr. Jakubiak if he anticipated something specific related to this line item?

Mr. Jakubiak replied that the BellSouth law suit could be more or less than the anticipated budgeted amount.

Mr. Shaw said he would prefer to know what the Town is spending on litigation vs. what is spent on legal advice. He thought there was a difference from the Town Attorney attending meetings or discussing issues with staff which is advice. The amount spent on litigation is different. If the BellSouth issue will be a litigation item, he did not think it should be under Telecommunications. Mr.

Shaw said an item is not usually budgeted in advance on the premise that the Council knows there is a specific lawsuit.

Mr. Elwell mentioned that the part of the Town Attorney's budgeted amount is assumed to be used for litigation in the future year. Mr. Elwell said if the Committee wished the litigation and advice issues to be separated, he thought that would be a very simple matter for Jones, Foster, Johnston & Stubbs to do that. He thought, however, there might be some benefit to not include the specialty representation like the telecommunications issue with Nick Miller in a general litigation account.

Mr. Shaw said he would like to be able to look at the budget and see the reason for increases—if it is because of litigation or advice.

Mr. Elwell responded that he thought that both were included in line item 49-10 as related to telecommunications.

Mr. Jakubiak mentioned several issues involving telecommunications litigation and advice that will be coming up in FY99.

Mr. Shaw suggested that when someone files a suit against the Town, set it up under the 31 legal area, like PBIA legal issues.

Mr. Elwell recommended the account be set up for lawsuits using the word "litigation". The Committee agreed.

Mr. Demming agreed the accounts could be set up; however, if line item 31-02 was set up elsewhere, labeled litigation, and "telecommunications-litigation" was setup as 31-04, the 31-04 lines would not be consistent throughout the accounting system as shown on the Object/Element Report.

Mr. Elwell said the tracking becomes a problem. Mr. Elwell said these items have been budgeted and could continue to be budgeted under their specialty and the staff will be able to report what happens with them. Mr. Elwell said it will be extremely difficult to budget intelligently for specific future litigation costs. The staff has a fairly good handle, from year to year, based on trends for legal services.

Mr. Shaw said his concerns were for the historical perspective and less from the budgeting standpoint. He said line item 31-01 has a budgeted amount of \$283,500 for legal advice across the board. He would like to know what part of the \$232,000, budgeted for FY98, was for meetings and advice and what part was for litigation. He said that would be done after the fact. He asked that the telecommunications line item be broken down showing what part of the \$25,000 would be projected to be used for litigation.

Mrs. Smith clarified that the Committee was not directing the staff to take those actions. The Committee was having a discussion that would go to the Town Council for discussion. Mrs. Smith said the Committee's thoughts were: "Could this possibly be split—or should it be split—or how do you differentiate?"

Mr. Elwell said it could be done; however, the staff has concerns. The issue will be considered by the staff and recommendations made by July 14th.

Mr. Shaw said he hoped that in the spirit of community, since the Town is purchasing the Holiday Trees and creating permanent trees on behalf of the associations, that the associations could contribute to the program.

Mrs. Smith believed that the organizations will step in and support this program, and thought that the proposed FY99 budgeted amount should be \$10,000—not \$21,730. Mr. Shaw agreed.

THE COMMITTEE RECOMMENDED LINE ITEM 49-18 FOR THE HOLIDAY TREES BE CHANGED FROM \$21,730 TO \$10,000.

Mrs. Smith noted that the \$21,730 for the Holiday Trees will not be needed every year, because once the trees are purchased, they will go up every year like the Worth Avenue tree. A budgeted amount will be needed to maintain the trees, but not the \$21,730.

Mr. Shaw said the budget will include an amount to maintain, install, and store the trees, and the associations will hopefully come forward to buy the trees.

Mr. Shaw noted that nothing was allocated under the Public Service Tax Franchise Fee Audit, line item 32-02. He asked if that was realistic?

Mr. Elwell said there is an open question if the Town will recover the money that was documented as owed to the Town. Any additional actions that would be taken to pursue that money would be

subject to authorization by the Town Council. Mr. Elwell suggested that as the Town Council authorized any actions, additional monies could be authorized, item by item.

THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN MANAGER'S OFFICE BUDGET (PROGRAMS 111 - 122) WITH CHANGES AS NOTED ABOVE.

1. Self Insurance Fund - Risk Management (*This item was heard before the Town Manager's Office - Programs 111 - 122*)

Mr. Elwell noted the reduction in line item 12-01, Salaries, was the result of combining two positions with a reduction of 53%.

Mr. Elwell reported that line item 31-05 proposed \$5,000 to fund an actuarial analysis that has not been done in a couple of years. Last year's annual audit recommended the Town have this done. Some in-house analysis is done each year, but the contracted actuarial analysis is important for reserving money against claims and potential claims so that the Town's fund balance is never lower than what the ultimate impact of all the known claims might be.

Mr. Elwell mentioned that line item 41-01, telephone base, was slightly different because eleven months of bills were paid in the prior fiscal year resulting in thirteen months being billed in this fiscal year.

After discussion, THE COMMITTEE RECOMMENDED APPROVAL OF THE RISK MANAGEMENT BUDGET AS PRESENTED.

I. TOWN CLERK'S OFFICE (PROGRAM 131)

Mrs. Pollitt reported that the FY99 proposed budget is \$200,523 and the anticipated FY98 budget is \$184,238. She said the \$6,000 not spent on an election in 1998 is included in FY99. Mrs. Pollitt mentioned that \$5,000 which is an increase of \$2,000 was included in the FY99 budget for Codification updates. The line item projected for \$1,000 of microfilming will be used for records retention but not for microfilming.

Mr. Shaw asked if the scanning of records will allow the records to be available on the Internet eventually?

Mrs. Pollitt replied that was correct and all the scanning of records will eventually lead to that. A system is in place where minutes of meetings for the past seven years can be retrieved through the Town's computer system.

Mr. Shaw questioned the legal advertisement account which decreased in FY98.

Mrs. Pollitt replied that the \$1,500 shown as a deficit for the Charitable Solicitation Advertising probably belonged in the Legal Advertising expense line.

THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN CLERK'S BUDGET AS PRESENTED.

J. 1. Debt Service Fund

Mr. Demming reviewed the Debt Service Fund and noted that the Debt Service Scheduled Payments on the Town's two outstanding General Obligation Bonds are fully funded with dedicated millages. The '92 series will have the last payment in the year 2000 and will be dropping off. The second bond series will run until 2005.

Mr. Elwell said a policy decision will have to be made with the expiration in the year 2000. The question is whether to (1) put that money in some other fund or (2) go out with another bond for some of the options as previously discussed or (3) reduce the millage by the amount of the debt service payment.

Mrs. Smith mentioned that many large projects will be coming up in the future, and much thought will have to be given to where the money might go.

Mr. Shaw said if anything needs to be started, it would be the educational process that ad valorem taxes are considered at one rate and debt service is considered at another rate, and

if the effective dollars were taken from debt service and shifted to ad valorem, it would not be perceived that the general public would think that the ad valorem taxes were raised 25%.

After discussion of some of the future Town needs, THE COMMITTEE RECOMMENDED THAT THE DEBT SERVICE FUND BUDGET BE APPROVED AS PRESENTED.

M. LIBRARY SERVICES (PROGRAM 321)

Mrs. Smith said the Committee could certainly understand the need to increase the budget for the Four Arts Library by \$25,000.

Mr. Shaw said he would like to make that recommendation, but at the same time, he would suggest that information be made available to the general public regarding the library services including a phenomenal children's program.

THE COMMITTEE RECOMMENDED APPROVAL OF THE LIBRARY SERVICES (PROGRAM 321) BUDGET WITH THE CONDITION A LETTER BE SENT TO THE 4 ARTS LIBRARY REQUESTING INFORMATION BE MADE AVAILABLE TO THE GENERAL PUBLIC PROMOTING THE LIBRARY SERVICES AND THAT THE FOUR ARTS NOT RETURN FOR FIVE YEARS WITH A REQUEST FOR AN INCREASE.

P. HURRICANE PREPAREDNESS (PROGRAM 441)

Mr. Elwell reported that the Hurricane Preparedness Program is proposed to be funded at \$6,000 which is the same as the FY98 budget. The money is used for training and preparedness.

THE COMMITTEE RECOMMENDED APPROVAL OF THE HURRICANE PREPAREDNESS (PROGRAM 441) BUDGET AS PRESENTED.

R. OTHER EXPENDITURES - FINANCE DIRECTOR

Mr. Demming referred to page 161 under the "Other" tab in the Budget Workbook. He explained that Department 611 showed the annual appropriation into the Capital Improvement Fund to fund the first year of the five year capital program as presented by Mr. Dusey. He noted that \$15,000 was included for the project to be done at the golf course and that will be treated as an advance since the golf course does not have the \$15,000.

Page 162, Contingent Appropriations, Mr. Demming explained this is where the Town funds the extraordinary longevity program. Program 721, line item 15-03, \$25,000, is the Town's subsidy of retirees who make less than \$300 per month. Mr. Demming said this amount will decrease in future years.

Mr. Demming said the \$700,000 for the fire truck and the computer were shown as expenditures outside the program budget because they would pass through as a revenue from the borrowing.

Mr. Shaw asked since the Town received the money from the Pike Road property this year, could not the money be expensed this year?

Mr. Elwell replied the staff will be requesting the Town Council to do that – not necessarily the whole \$490,000 –but at the July 14th meeting, the intent is to ask the Town Council to expedite the ordering of the vehicle given the condition of the current fire truck. The correct amount will have to be determined.

Mr. Shaw asked if there would be additional savings if the money for the AS/400 upgrade could be moved up?

Mr. Elwell replied there would be no similar need to move it up, but he would discuss the issue with Mr. Wilson. It was his understanding that the \$35,000 discount would be available if the upgrade is ordered by December 31, 1998.

Mr. Demming noted that the parking fund was rolled into the General Fund in FY98, but it will show as the Parking Fund until there are three years of inactivity.

Mr. Demming reported that Fund 603, Kreusler Park, is an arrangement the Town has with the County to operate the park. It is expense neutral and the Town does receive 20% of the collections plus the County reimburses actual expenses out of the Public Works Department.

Mr. Demming said that the ECR Reserve Fund account 605 represented funds that were received

from the relationship with the East Central Regional renewal and replacement reserve money, and these funds will be put into the General Fund. It will be a reservation of fund balance, and there is sufficient money in that fund to pay off the SRF loan over the remaining life of the loan. Mr. Dusey mentioned that \$125,000 expenditure earlier in the meeting.

Mr. Demming referred to the Capital Improvement Section in the Budget Workbook and said to fund that Budget and have it balance, an allocation from the Coastal Reserve Fund was used to make it work. Depending on the grant revenue received from the State, the money in that account may or may not be used and other funding sources that may be available.

Mr. Elwell said the Shore Protection Board will be meeting on June 25th, once more this summer, and then actively in the fall. Early in the fall, they plan to present to the Town Council recommendations regarding the big program that has been anticipated.

Mrs. Smith questioned line item 63-71, the Phipps Park Restoration for \$1,439,000.

Mr. Elwell replied that was the Phipps Park Beach restoration project. Within the large scale, town-wide, shore protection program that will be proposed to the Town Council later in the year, one of the higher priority projects because of the eroded condition of that part of Town will be a project from approximately Sloan's Curve to Lake Worth Beach-known as the Phipps Park Beach restoration. The \$1,439,000 is the full amount to be funded within this fiscal year, with some of that to be offset by grant revenue.

Mr. Elwell said the plan is preliminary at this time and details will be presented to the Town Council as they become available.

S. REVENUES - FINANCE DIRECTOR

Mr. Demming reported that with the \$700,000 included as "borrowed" (for the aerial platform truck and the AS/400 Upgrade), the total non ad valorem revenues increased 7% for FY99 over the previous year's budget or a total of \$13,687,000. The majority of the increase shown was due to the \$700,000 increase which will not happen now. Taking out the \$700,000, the result is approximately a 2% adjustment over the previous year. The revenues are relatively stable.

Mr. Demming said the interest earnings for the General Fund as listed in account 361 are projected to be \$270,000 below estimates. Because money has been transferred into the Capital Improvement Fund, those interest earnings are up over \$200,000. It is taking it out of the General Fund and putting it into the Capital Improvement Fund.

Mrs. Smith asked why some of the lots were projected to be much lower in the Parking Meter Fund?

The Committee discussed parking meter revenues from the Main Post Office, on North County Road, and the Beaumont Lot.

Mr. Elwell said the staff will make recommendations on where to implement a placard program, but the suggestions will have to be very carefully researched so as not to impact areas adversely.

Mr. Shaw asked what happened to confiscated property within the Police Department?

Mr. Demming replied historically this has been included in the General Fund, but it has been moved to a new fund, the 101 fund, which is restricted money that has certain strings tied to it that the Council needs to appropriate.

Mrs. Smith questioned the Golf Tournament amount of \$67,354 that was listed in the Donations, and actually the Town only received half of that or less-- minus the expenses.

Mrs. Somers replied that the Finance Department has to make an adjusting journal entry to transfer the amount of money that was supposed to come out of the Golf Tournament into the Recreation Department Donation Account. That was not reflected in the Revenues yet.

Mr. Elwell noted that the way the Golf Tournament accounting is handled was changed a couple of years ago.

Mrs. Smith said the high figure may be a fluke. Next year, a corporate sponsor may be found and she was not sure that a corporate sponsor belonged in the Town's budgeting process.

Mr. Shaw suggested it should be moved out completely and possibly set up as a separate entity.

Mrs. Smith said if an entity other than the Golf Commission ran the tournament, they could meet

without violating the Sunshine Law and make a donation to the Town.

Mr. Elwell suggested that the staff could discuss this issue with the auditor to make sure that it is being reported in the proper manner.

Mr. Shaw said the possible merging of the Golf Commission and the Seaview Park Commission may result in having the Golf tournament run by someone else.

IV. ANY OTHER MATTERS

Mr. Shaw said the staff brought in a lean, consolidated budget for FY99. He thought the expenditures were appropriate and justifiable. Mrs. Smith agreed.

Mr. Elwell expressed his appreciation for the Finance & Taxation Committee's comments regarding the cooperation of the Town staff during the budgeting process.

V. ADJOURNMENT

The meeting was adjourned at 5:45 p.m.

Lesly S. Smith, Committee Chairperson

Leslie A. Shaw, Committee Member

After discussion of the Finance & Taxation Committee Meeting Report,

THE TOWN COUNCIL:

APPROVED the addition of an employee for the Personnel Department.

Councilman Wyett moved approval of the Personnel Department employee addition. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the AS/400 Upgrade (with cash); the two routers, and reduction of Line 64-04 by the elimination of the disc storage unit.

Councilman Wyett moved approval of the AS/400 Upgrade, the two routers, and reduction of Line 64-04 by the elimination of the disc storage unit. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the Police Department Budget.

Councilman Wyett moved approval of the Police Department Budget. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

APPROVED the acceptance of the report and the budget as presented for the Information Services Department.

Councilman Wyett moved approval of the report and budget presented by the Information Services Department. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 14, 1998

APPROVED the Town Hall Maintenance budget as presented.

Councilman McDonald moved approval of the Town Hall Maintenance budget. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

APPROVED the acceptance of the Public Works Department Budget with the addition of \$14,150 for Line 64-03 in Program 532.

Councilman Wyett moved approval of the Public Works Department Budget with the addition of \$14,150 for Line 64-03 in Program 532. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

(A road cleaning program was discussed as a possible item for discussion at the August 11, 1998, Town Council Meeting - Adopt a Road Program with the State of Florida. Mr. Elwell commented that information would be sent via memorandum to the Town Council, and a decision could then be made as to whether it would be an Agenda item in the future.)

APPROVED the Capital Improvement Program as recommended.

Councilman McDonald moved approval of the Capital Improvement Program as recommended. Councilman Shaw seconded the motion. On roll call the motion carried unanimously.

APPROVED the Marina Fund budget as presented.

Councilman Shaw moved approval of the Marina Fund budget as presented. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

APPROVED the Fire-Rescue Department budget as presented.

Councilman Wyett moved approval of the Fire-Rescue Department budget as presented. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

APPROVED the Recreation Department Programs Budget as presented.

Councilman Wyett moved approval of the Recreation Department Programs Budget as presented. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

APPROVED the Golf Course Fund Budget as proposed, excluding the fees.

Councilman Wyett moved approval of the Golf Course Fund Budget as proposed, excluding the fees. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

APPROVED the Finance Department's Budget, including Purchasing, as presented.

Councilman Wyett moved approval of the finance Department's Budget, including Purchasing, as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the Planning, Zoning & Building Department's Budget as presented, and requested further staff analysis and Town Council consideration of the Landmarks fee structure.

Councilman Wyett moved approval of the Planning, Zoning & Building Department's Budget as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the Personnel Department's Budget as presented.

Councilman Wyett moved approval of the Personnel Department's Budget as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 14, 1998

APPROVED the Retirement Fund Budget as presented.

Councilman Wyett moved approval of the Retirement Fund Budget as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED of the Self-Insurance Fund - Health Insurance Budget as presented.

Councilman Wyett moved approval of the Self-Insurance Fund - Health Insurance Budget as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED THE TOWN MANAGER'S OFFICE BUDGET WITH THE FOLLOWING CHANGES:

APPROVED of \$3,000 being removed from Line Item 51-04, Charter Review Commission Expenses.

Councilman Wyett moved approval of \$3,000 being removed from Line Item 51-04, Charter Review Commission Expenses. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

APPROVED Line Item 49-18 for the Holiday Trees be changed from \$21,730 to \$10,000. (The program may remain unchanged for the current year. A letter will be prepared for the signature of the Mayor regarding donations from civic organizations to help fund the Holiday Tree program, so that the proposed changes may be implemented.)

After discussion, Councilman Wyett moved approval of Line Item 49-18 changes. The motion was seconded by Councilman Shaw. On roll call the motion carried 4/1, with Councilman McDonald casting a negative vote.

APPROVED Line Item 40-10 be reduced to \$1,500 for FY99.

After discussion, Councilman Wyett moved approval of the \$1,500 reduction in Line Item 40-10 for FY99. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

APPROVED the Risk Management Budget as presented.

President Pro-Tem McLendon moved approval of the Risk Management Budget as presented. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

APPROVED the Town Clerk's Budget as presented.

Councilman McDonald moved approval of the Town Clerk's Budget as presented. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the Debt Service Fund Budget as presented.

President Pro-Tem McLendon moved approval of the Debt Service Fund Budget as presented. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

APPROVED the Library Services Budget with the condition a letter be sent to the 4 Arts Library requesting information be made available to the general public promoting the library services to all the residents of the Town and that the Four Arts not return for at least five years with a request for another increase.

Councilman Wyett moved approval of the Library Services Budget with the condition a letter be sent to the 4 Arts Library requesting information be made available to the general public promoting the library services to all the residents of the Town and that the Four Arts not return for at least five years with a request for another increase. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

APPROVED the Hurricane Preparedness Budget as presented.

Councilman Wyett moved approval of the Hurricane Preparedness Budget as presented. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

This concluded the Town Council's consideration of the Finance & Taxation Committee's Report and recommendations.

Other budget related matters:

A. Rescheduling of First Public Hearing for Adoption of the FY99 Budgets and Millage Rates

The Town Council approved the date of September 10, 1998 at 5:01 p.m. for the first Public Hearing for adoption of the FY99 budgets and millage rates.

B. Request to Expedite Placement of Order for Fire-Rescue Department's Aerial Platform Truck

After discussion, Councilman Wyett moved approval of immediately proceeding with ordering a Replacement Aerial Platform Truck with an Estimated Cost of \$588,000 (With \$150,000 to be spent during FY98 and \$438,000 Budgeted for FY99). The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

C. Potential Elimination of Certain Recycling Services

The Town Council approved that staff would work with the Solid Waste Authority to come up with a program that will work in the Town, and return to the Town Council with a recommendation.

D. Potential Street Lighting Project on County Road Between Royal Poinciana Way and Sunrise Avenue

After discussion, Councilman Wyett moved that this item be deferred until the FY99 Budget is considered. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Shaw casting a negative vote.

E. Recommendations of Tennis Pro/Manager and Golf Pro/Manager Regarding Proposed Fees for FY99

Councilman McDonald moved approval of the recommendation of the Tennis Pro/Manager to eliminate the private/semi-private non-resident tennis lesson court fee classification. President Smith passed the gavel and seconded the motion. On roll call the motion carried unanimously.

Councilman Wyett moved approval of the recommendation of the Golf Pro/Manager that transition fees not include portions of October and May, and that the transition fees only be effective during the month of November, and that April be included in the Winter Rate Schedule. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

Councilman Wyett moved approval of the fee changes at the two facilities (Tennis and Golf). The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

A. Public Works Committee Meeting of June 16, 1998

**REPORT OF THE PUBLIC WORKS COMMITTEE MEETING
HELD ON JUNE 16, 1998**

XV. CALL TO ORDER AND ROLL CALL

The meeting of the Public Works Committee was called to order by Chairman Leslie Shaw at 10:00 A.M. on Tuesday, June 16, 1998, in the Town Council Chambers. On roll call, Chairman Shaw and Committee Member Allen Wyett were found to be in attendance. Also attending for all or part of the meeting were: Acting Town

Manager Peter Elwell, Public Works Director Al Dusey, Town Engineer James Bowser, and Deputy Town Clerk Susan Eichhorn.

XVI. APPROVAL OF AGENDA

The agenda was approved as printed.

XVII. PROPOSAL TO COMBINE D-11 AND D-12 STORM WATER PUMPING STATIONS AND COLLECTION SYSTEMS

Public Works Director Al Dusey proceeded with an overview of the proposal, commenting that the Long Range Public Works Plan had delineated areas of flooding and proposed certain solutions since 1976. The drainage projects had commenced, and were now coming to an end. The program for the storm water pumping stations had been budgeted for two separate stations, a D-11 Station to be built at the end of Dunbar, and the D-12 station proposed to be built on the Lake at Bradley Park. Dames & Moore had completed an analysis of the entire system, and had concluded that a single station would be most economical for the Town, with the site of Everglade Avenue being recommended. The station would be similar in size and construction to the one built for the D-14 system in the parking lot of the Society of the Four Arts. The intent was to make the aesthetics acceptable to all, and to blend the structure into the community. Mr. Dusey established that it would be necessary to move forward on permitting with South Florida Water Management District (SFWMD) as well as on the design process. Construction of Phase I had been budgeted for next fiscal year.

Councilman Wyett asked for an explanation of the aesthetic appearance of the pumps.

Mr. Bowser replied that a site plan could be found in Appendix A, Exhibit 12, of the Drainage Report submitted by Dames & Moore, and that the intent was to make the structure blend in with the surrounding multi-family buildings, so that someone from the outside may think it was actually part of the group of buildings. The adjacent buildings are the L'Ermitage on the south and Villa Plati on the north.

Chairman Shaw commented that there was an impact upon the residents in the area, as the proposed structure was approximately 22-25' in height, with dimensions of 30' x 40', and residents of the L'Ermitage had expressed concern with the fact that something was being built in what had been part of the view. He asked if approval of combining the two pump stations into one would require the specific site location of Everglade Avenue, or would another site be available and acceptable?

Mr. Bowser responded that the savings were involved in building one pump station, as well as substantial savings with sizes of pipes on Bradley. Centering the pump station in the middle of the two drainage basins would allow smaller pipes to be used. Initial savings would be experienced in the first two or three years, with subsequent phases having fixed costs.

Chairman Shaw replied that he had no problem with the consolidation of the projects-- the location of the structure was of concern, however. He suggested that there were commercial spaces on Bradley that may be considered for relocation of the plant, and also suggested that the plant could be placed next to the existing facility in Bradley Park.

Mr. Dusey replied that there would be a problem with piping sizes for placement of a singular station in Bradley Park. There were force mains in the bike trail, which was fairly narrow, and he was not sure pipes could be run along the bike trail.

Mr. Wyett commented that the view from Everglade Avenue would be blocked by the proposed structure, as well as the access to the Lake. He asked if the building could be partially submerged below ground level?

Mr. Richard Staudinger, of Dames & Moore, responded that a considerable portion of the building was already designed to be below the ground. There were requirements for electrical systems, motor control center, the emergency nature, etc., to be above the 100 year flood level.

Mr. Wyett asked if the structure could be made a one-story structure, rather than two-story?

Mr. Bowser replied that the building would be made as low as possible, given the Building Department requirements with respect to the motor control centers and the generators, which pushed the building upward.

In response to a question about the Z-station alternative, Mr. Dusey commented that there was a preliminary design on plants in Bradley Park and Dunbar. He was not sure how large the station would be on Dunbar.

Mr. Staudinger advised that the physical size of the generator room and the motor control center would not decrease that much, nor would the wet well for the pumps. The actual pump sizes would decrease, but they are submersible. He did note that there was some opportunity to work with the height of the proposed single station.

Mr. Richard Britt, General Manager of L'Ermitage, addressed the Public Works Committee, commenting that the Board of Directors was totally against the pump station at the proposed location on Everglade Avenue, as it was considered totally out of place. He estimated that there would be approximately eight units affected.

Chairman Shaw asked if it would be feasible that the unused land owned by L'Ermitage on the east side of Bradley Place could be offered to the Town for relocation of the pump station?

Mr. Richard Britt replied that he believed the Board of Directors would be agreeable to anything that would resolve the problem. He noted that there was also a green space to the west of the bike path, although he did not know if the size would be adequate.

Mr. Dusey noted that the green space to the west of the bike path was too small.

Mr. George Reiter, Manager of Villa Plati, commented that he believed the proposed station would be aesthetically unacceptable to the condominium association, noting that a driveway may be lost by the condominium with the proposed design. He advised that the condominium would be glad to work with the Town to make the project work, as drainage in the area was a problem.

Mr. Wyett asked for an estimate of what roads would be fully opened for the project, and if it would be feasible to put a water pipe in at the same time for the eventual replacement of the water system?

Mr. Dusey responded that the plan was to work only on Everglade Avenue.

Mr. Bowser commented that he believed the water pipes on Bradley were in good shape, and if the Town did build its own water system, it would have to design its distribution system, as Bradley would be one of the major conveyors of water in a north south direction. There could be no assumptions made at this point as to how big pipes should be, not knowing the exact location of the pump station.

Chairman Shaw asked how quickly revisions in the pump station could be made, either in design or re-location?

Mr. Dusey replied that once a site was found, the hydraulic analysis could be done. There were several options--the property next to Janeiro's was for sale, and Mr. Richard Britt had indicated that there may be some opportunity to work with vacant property held by L'Ermitage. Those locations could be pursued.

Mr. Staudinger commented that it would not take long to do a hydraulic analysis on the east side of Bradley, however, cost estimates would have to be updated; the aesthetic issues would be more time consuming, and he estimated 3-4 weeks after a site was located in order to update the report.

Mr. Wyett recommended that the concept of one station be approved, however, because of aesthetic concerns, not to build the station on the Lakefront.

Chairman Shaw asked if Mr. Dusey could contact the property owners in the area so that when the Town Council was presented with the project in July it could have all the facts necessary to make a decision, and if there was a need to acquire another location it could be acted upon at that time.

Acting Town Manager Peter Elwell commented that he did not believe that Town staff should enter into specific discussions with any private property owners about obtaining property without Town Council direction. Information could be provided as to acceptability of any site that was considered. He clarified that he understood the recommendation of the Committee was to investigate reasonable alternative sites, ascertain that the engineering could occur in a reasonable manner, and if there were problems with those scenarios, to investigate what could be done with the building at the end of Everglade Avenue to make it a lower profile.

Chairman Shaw and Mr. Wyett agreed with the clarification of the recommendation.

XVIII. ANY OTHER MATTERS

There were none.

XIX. ADJOURNMENT

The meeting was adjourned at 10:40 A.M.

LESLIE A. SHAW, COMMITTEE CHAIRMAN

ALLEN S. WYETT, COMMITTEE MEMBER

Mr. Shaw explained that the Public Works Committee recommended that the concept of having a single pump station be approved, however, because of aesthetic concerns, not to build the station on the Lakefront.

After discussion, Councilman Wyett moved that staff be authorized to pursue options for acquisition of land available for the station with relevant condominium associations, and to return to the Town Council when the property question is resolved. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

Mr. Dusey explained the project would have to be postponed for one year in order to accomplish design details, acquisition of land, permitting, etc.

XX. OLD BUSINESS

1. Ordinances - Second Reading

1. Ordinance No. 11-98 - Regulations Relating to the Placement of Tents on Private Properties Within the Town

Town Attorney Randolph read Ordinance 11-98 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A NEW CHAPTER 24 ENTITLED TENTS, PROVIDING FOR REGULATIONS RELATING TO THE PLACEMENT OF TENTS ON PRIVATE PROPERTIES WITHIN THE TOWN; PROVIDING A FEE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman Shaw moved approval of Ordinance No. 11-98. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

2. Other

1. Status Report by the Public Works Director Regarding the Royal Park Bridge - **Per previous Town Council action, this matter was heard at the time certain of 2:00 P.M.**

Public Works Director Al Dusey introduced Joe Borello, Project Manager.

Mr. Borello reported that monthly visual inspections of the bridge had been made, and to date there had been no measurable settlement in the bridge. There were some problems with the mechanical portion of the south side structure of the bridge. The track which the bridge rolls upon was experiencing some failure, which would necessitate repair. This would involve bridge closures on one side of the bridge for a period of two to three weeks.

Mr. Borello continued that plans were being prepared for a temporary repair of the north side structure of the bridge in anticipation of any failures to the wood piling, however, if there were multiple pier failures, this type of design fix would not work. The bridge would be posted for weight restrictions to restrict truck loads to 40 tons. Load testing was scheduled for August 24, 1998, and the repairs would be made before that time.

Mr. Borello addressed the construction of the new bridge, and explained that the selection process had been very lengthy and detailed. E. C. Driver & Associates was selected from a group of engineering firms with expertise in bridge design. Because of the nature of the project, E. C. Driver had put together a comprehensive team of bridge designers and project development/environmental engineers

to participate in the project. Kimley-Horn was the primary partner of E. C. Driver, and had a proven track record.

A representative from E.C. Driver explained that there would be times when up to 40-50 people would be working on the project, and there was an architect on board who specialized in designing bridges. The necessity to maintain 4 lanes of traffic for as long as possible was a goal. He displayed graphic exhibits of the proposed phases of construction and traffic routing, and anticipated that 4 lanes of traffic would be opened in five years from the present time.

Mr. Jim Phillips, of E. C. Driver, stated that the objective was to come up with a structure that met the aesthetic criteria, as well as all of the design criteria in a manner that was efficient and maintainable. He noted that there were methods and materials available that would provide a bridge that should last upwards of 100 years with a minimal amount of maintenance.

Mr. Paul Cherry, of Kimley Horn & Associates, stated that he would deal with the public involvement of the project, which would entail soliciting input from the community, identify issues, address them, and eventually get to the preferred alternative. He noted that the process was part of Federal requirements, and he would keep the Town Council informed through the different steps.

Assistant Town Manager Elwell reported that Town staff clearly understood that the Town Council desired the project to move as quickly as possible. He suggested that authorization be given for a letter to be drafted to the Florida Department of Transportation (FDOT) for the signature of President Smith that clarified that the Town would like the process to happen as quickly as possible, provided that the Landmarks Preservation Commission was included in the process, and that the other assurances of public input were honored.

Councilman Shaw moved that authorization be given to Town staff to draft a letter for the signature of President Smith clarifying that the Town desired the project to move as quickly as possible, provided that the Landmarks Preservation Commission was included in the process, and that the other assurances of public input were honored. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

Discussion took place regarding six traffic lanes for the bridge (three on each side), and the bicycle and pedestrian access on the bridge.

Mr. Cherry responded that he was aware of these concerns and other community concerns, and all of them would be considered and evaluated. Federal requirements included informational meetings/ public hearings. There would also be the opportunity for more informal meetings.

The Technical Advisory Committee would meet on a monthly basis, and progress reports would be made to the Town Council on a monthly basis by Mr. Dusey.

Mrs. Polly Earl, Director of The Preservation Foundation commented that the Preservation Foundation had received a donation for landscaping at the foot of the bridge, which had been put into abeyance. She asked what consideration had been given to this issue?

Mr. Cherry responded that there was a great deal of sensitivity to aesthetically pleasing products, which was a key concern.

Mr. Borello responded that there were plans for both east and west approaches to the bridge, and FDOT would consider the approaches and the landscape treatments.

Mrs. Earl then questioned if there was a way that concerned groups could have some input before a plan was put into place?

Mr. Borello replied that the Technical Advisory meetings would not restrict the involvement from all different groups within the community. There would also be a citizen advisory group, business groups, etc. Comments would be heard, and options would be discussed.

2. Donated Date Palms on West Side of Phipps Ocean Park - Proposed Installation of Irrigation System - **Request to Remove per letter dated July 13, 1998, from Mrs. Polly Anne Earl**

This item was removed from the agenda earlier in the meeting.

XXI. NEW BUSINESS

1. Resolutions

1. Resolution No. 30-98 - Grant Application for the 1998 Urban and Community Forestry Program of the Florida Department of Agriculture and Consumer Services

Department of Public Works Director Al Dusey reported that there was an opportunity to receive approximately 50% of the cost

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of the program to combat the Royal Palm Bug from the Department of Agriculture and Consumer Services, and requested approval of Resolution No. 30-98, which authorized Town staff to apply for an Urban and Community Forestry Grant.

Town Attorney Randolph read Resolution No. 30-98 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING TOWN STAFF TO APPLY FOR AN URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

Councilman Wyett moved approval of Resolution No. 30-98. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

2. Other

1. Request for Waiver to Section 12-51 of the Town Code of Ordinances, Hours of Construction, by Florida Department of Transportation for Reconstruction of State Road A1A from Royal Palm Way to Royal Poinciana Way

Director of Public Works Dusey reported that the Florida Department of Transportation (FDOT) had been very cooperative with the Town regarding the reconstruction of SRA1A, and was requesting permission to work longer hours, and to start at an earlier hour, so that the work could be completed by December. He recommended that the longer work hours (8:00 A.M. - 8:00 P.M.; no Sundays or holidays) be started after Monday, April 12, 1999, until December 1, 1999, if approved by the Town Council.

Councilman Wyett moved approval of the request for waiver to Section 12-51 of the Town Code of Ordinances, with the condition that no work be conducted on Sundays, holidays, to include the entire Thanksgiving holiday weekend. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

2. Proposal by Florida Department of Transportation to Install Internally Illuminated Street Name Signs at Signalized Intersections on State Highways within the Town

Public Works Director Dusey reported that FDOT had approached the Town regarding the installation of internally illuminated street name signs on the intersections that would have new traffic signals or upgraded traffic signals on the A1A improvement project. FDOT was trying to go statewide on all traffic signals, and would actually pay for the maintenance of them.

Councilman Shaw moved to deny the proposal by FDOT to install internally illuminated street name signs at signalized intersections on State Highways within the Town (South County Road at Barton; The Breakers; Royal Poinciana and County Road; Royal Poinciana and Cocoanut). The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

3. Proposal by Palm Beach Civic Association and the Citizens Association of Palm Beach to Provide an Annual \$3,000 Scholarship for Higher Education to a Child of a Town Employee

Mr. Ned Barnes, Palm Beach Civic Association, along with Mr. Stanley Silken and Mr. Al Levinson of the Citizens Association of Palm Beach, addressed the Town Council. Mr. Barnes stated that the scholarship proposal was out of gratitude for Town employees and the fine work accomplished. The scholarship would be an annual scholarship of \$3,000.

Mr. Levinson expressed concern regarding the criteria for the awarding of the scholarship, suggesting that a meeting be held with Town staff to discuss the process and criteria.

Councilman Wyett suggested that the scholarship be awarded to more than one student on a case by case basis.

Mr. Stuart Shulman addressed the Town Council, stating that the Golf Commission, as part of the money received from the annual golf tournament, had also taken a scholarship for a child of a Town employee into consideration, with technical schools, etc., also being considered.

4. Proposal by Mr. Charles Ryan Hickman Regarding the Establishment of Bulk Service Rates for Town Cable Service

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Mr. Charles Hickman addressed the Town Council requesting that the Town Council give staff direction regarding the investigation of the possibility of obtaining some form of bulk rate service for the single family residences in the Town.

Assistant to the Town Manager David Jakubiak commented that he had spoken with Mr. Hickman on this issue, and had drafted a memorandum to Mr. Elwell, Acting Town Manager, dated July 7, 1998, with relevant issues addressed. Some concerns that would need to be considered were the inhibition of competition, and the Telecommunications Act of 1996.

Mr. Hickman stated that he would like the Town Council to authorize staff to work with a committee of citizens to determine the prospects of obtaining better cable service at lower rates.

Councilman Wyett moved denial of the request, commenting that he believed this issue belonged in the private sector. The motion died for lack of a second.

Assistant Town Manager Peter Elwell explained that the lack of action by the Town Council would cause staff not to proceed with the issue, unless so directed by the Town Council.

Councilman Wyett withdrew his motion.

5. Authorization to Initiate Sand Search Studies for the Comprehensive Coastal Management Plan

Public Works Director Dusey explained that a major element of the Comprehensive Coastal Management Plan was the identification of sand source. In order to proceed in a systematic way, it was necessary to look for sand now. The Shore Protection Board had endorsed the request for authorization to initiate sand search studies. The proposal included a "not to exceed" amount of \$556,000. It was expected that half of that amount would be received back in State funding. Mr. Dusey requested authorization to enter into the agreement to do a sand search study of the whole length of the Town of Palm Beach.

Acting Town Manager Peter Elwell explained that in order to proceed and stay on schedule with the projects (expanded Mid-Town and Phipps) that the Town was already committed to, sand search would have to be done. There would be an economy of scale to proceed with the sand search program recommended by Mr. Dusey.

After discussion, Councilman McLendon made a motion to approve the request for authorization to initiate sand search studies for the Comprehensive Coastal Management Plan. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

Adjourn for Lunch

Meeting resumed at 2:00 P.M.:

6. Proposal for Study of an Irrigation Quality Water System at the Par 3 Golf Course

Director of Public Works Al Dusey reported that a proposal for the study of irrigation quality water system had been received, which would be done in phases: Phase I was a Feasibility Report, which would look at irrigation water for the Par 3 Golf Course, as well as the alternative of irrigation water for the whole south end. He requested authorization to proceed with that phase, with an allocation of \$20,000 from the Designated Reserves in the General Fund. Hartman & Associates was proposing a fairly aggressive schedule. The second phase would entail going to the residents in the south end and ask who would want to participate in irrigation.

Councilman Wyett expressed concern regarding the financial practicality of providing a small water plant for irrigation water, when a large water plant facility could be a block or two away in the near future—the cost differential between building a reverse osmosis plant for irrigation versus drinking water was very small, and he saw no advantage in proceeding with the small plant.

Mr. Dusey commented that the proposal did include an element that would include the irrigation needs of the south end in total. The plant would be located in Phipps Park.

Councilman Wyett replied that the small plant would not have the capabilities to provide water for the entire south end. He urged that further consideration be given to the issue.

After discussion, Councilman McDonald moved that the Hartman proposal be deferred to the August 11, 1998, Town Council Meeting. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

Councilman Wyett noted that after the discussions on water last month, many citizens had been fearful that a water plant would be at the north end, which was not the case. There was one other site in the north end, which was Palm Beach Country Club, which was currently in the process of receiving bids for a water plant. He had spoken to the people at Palm Beach Country Club, who had indicated that they would be agreeable to talking with the Town about placing a water plant there in conjunction with them. He requested authority from the Town Council to open negotiations.

After further discussion, it was determined that representatives of the Palm Beach Country Club would be contacted by one of the Council members in order to set up a meeting for discussion of this matter.

7. Consideration of Discussion of Plans for the Use of the Old Boynton Landscape Property on South County Road.

Councilman McDonald recommended that the Town Council start to make plans as to the utilization of the Old Boynton Landscape property, evaluate it, and determine any budgetary items that could be considered for the budget next year.

Acting Town Manager Peter Elwell suggested that staff could be directed to work together to determine potential uses for the site, and return to the Town Council at a later time.

Councilman McDonald moved that staff work together on a plan, and bring it back to the Town Council at an appropriate time. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

XXII. COMMENTS OF THE TOWN COUNCIL MEMBERS

Mr. McDonald commended Mr. Dusey on the good job that has been done with the beach cleaning project.

Mr. McDonald questioned if Code Enforcement was enforcing the Water Conservation Ordinance. He asked that Code Enforcement report to the Town Council regarding the resources needed to enforce the Town's ordinances.

Mr. Shaw said he found it rather appalling that approximately 25 businesses were cited for non-renewal of their occupational licenses that were due last September, and it is now July. He said there was a flaw in the system, and he did not know what that was. He asked that the situation be monitored closer. He mentioned that with the reorganization between the Building Department and the Finance Department regarding Occupational Licenses, he hoped the situation will be handled in a more efficient manner.

Mr. McLendon commented that he was seeking information and would speak to someone at the Health Department on having the policy of the Health Department changed regarding its refusal to approve advance construction of water pipes for future use.

XXIII. DEVELOPMENT REVIEWS

1. Time Extensions

1. Request for a One-Year Time Extension for Special Exception No. 24-97, 231 and 235 Sunset Avenue, Testa's Inc., by Mr. Francis X. Lynch

At this time Town Clerk Pollitt administered the oath to all those who would be speaking to the Development Review issues.

Attorney Frank Lynch, on behalf of Testa's Inc., addressed the Town Council, recalling that a Special Exception for Testa's had been approved at the September meeting, pursuant to which Testa's was to create a parking lot at 231 or 235 Sunset. He reported that had not been done to date, as there were some issues that remained to be resolved. For that reason, he requested an extension of time for one year.

Councilman Shaw moved approval for the request for a one year time extension for Special Exception 24-97. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

2. Variances, Special Exceptions, and Site Plan Reviews

Old Business - Major

1. SITE PLAN REVIEW NO. 6-97 - Salomon Dayan; 476 South Ocean Blvd.; located in the R-A Zoning District; to allow construction of a new two-story residence on a lot 14,996 sq.ft. in lieu of the minimum 20,000 required. *(Deferred from August 12, September 9, October 14, and November 12, 1997, and April 14, 1998)* - **Request for Withdrawal per letter dated July 9, 1998, from Dr. Dayan.**

This item was withdrawn earlier in the meeting.

2. SPECIAL EXCEPTION NO. 9-98 - The Poinciana Club, Inc.; 70 Royal Poinciana Plaza; located in the C-PC Zoning District; to allow conversion of a private club to a public restaurant and nightclub. *(Deferred from May 12 and June 9, 1998)* - **Request for Deferral to August 11, 1998, per letter dated July 13, 1998, from Mr. James**

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R. Brindell

This item was deferred to the August 11, 1998, Town Council meeting earlier in the meeting.

3. SPECIAL EXCEPTION NO. 10-98 with Variance - Dr. John Whelton, 285 Sunrise Ave; located in the C-TS Zoning District; to allow new applicant, Wachovia Bank, formerly 1st United Bank, to continue approved Special Exception financial use; to allow construction/installation of a drive-through ATM addition; and to allow an access drive of 8' in lieu of 10' required. *(The issue of the construction/installation of a drive-through ATM addition was deferred from June 9, 1998)*

Zoning Administrator Paul Castro reported that he had received a message that Attorney Broberg wished to withdraw Special Exception No. 10-98.

President Smith recused herself from consideration of Special Exception 10-98.

Councilman Wyett moved approval of the financial use.

Mr. Castro pointed out that the Town-serving portion of the request had been approved at the last Town Council meeting, and the only other open item was the special exception to modify the drive through facility for the ATM machine.

Councilman McDonald moved deferral of Special Exception No. 10-98 to the end of the Agenda, to await a written request to withdraw. The motion was seconded by Councilman Shaw. On roll call the motion carried 4/0, as President Smith had recused herself.

(Later in the meeting a fax transmission was received from the offices of Coe and Broberg, LLP, from Peter Broberg, Esq., requesting the removal of Special Exception No. 10-98 with Variance from the July 14, 1998, Town Council Agenda.)

Councilman Wyett moved removal of Special Exception No. 10-98 with Variance per the request of Attorney Peter Broberg via fax transmission. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

4. SITE PLAN REVIEW NO. 7-98 WITH SPECIAL EXCEPTION AND VARIANCES - The Beach Club, Inc. and Dr. Gary Marder, 755 N. County Rd.; located in the R-B Zoning District; to allow amendment to a 1971 agreement with the Town requiring a 50' landscape strip between Lots 1, 2 and 3 of Ocean Lane and the Beach Club property. The Applicants propose to transfer ownership of the 50' strip to Dr. Marder. By transferring the 50' strip, the Beach Club: 1) increases its nonconformity and eliminates the required 30' setback on the property's south property line providing no side yard setback; 2) reduces the existing landscaped open space from 21.1% to 7.7%, in lieu of 50% required by Code; 3) increases the floor area ratio from 41% to 48%, in lieu of 45% maximum allowed; 4) increases the cubic content ratio from 4.13 to 4.84, in lieu of 4.5 maximum allowed; and, 5) increases the building coverage from 21.9% to 25.6%, in lieu of 25% maximum allowed. *(Deferred from June 9, 1998)*

President Pro-Tem McLendon declared a potential self-interest, and recused himself from this item.

Ex-parte communication was declared by Councilman Wyett with Attorney Ron Kolins concerning the project; by President Smith with Attorney Ron Kolins concerning the project; by Councilman Shaw with Attorney Ron Kolins concerning the project; and by Councilman McDonald with Attorney Ron Kolins concerning the project.

Attorney Ron Kolins addressed the Town Council, stating that he had new project plans to present, which he had discussed with staff. He advised that he believed that there was a factor that made this case unique, and set it apart from setting a precedent for future cases-- the 1971 written agreement between the Town and the Beach Club, which said that the Beach Club could sell the property in question to the homeowners that lived to the south, if the homeowners to the south wished to buy it. There was only one property owner to the south, Dr. Gary Marder, and he could elect to buy the property, and the Beach Club could sell the property to him.

Attorney Randolph explained that he agreed that the selling arrangements in the agreement was something unique about the application for Site Plan Review No. 7-98, which would enable the Town Council to treat the situation differently than others. He disagreed that there was anything binding in the agreement on the Town Council, as far as it saying that the Town Council would have to approve something because the agreement said that it allowed the sale.

Attorney Kolins recalled the concern of various members of the Town Council that some of the property adjacent to the Beach Club was not buildable. He offered a solution to that problem: It was very important to Dr. Marder that he buy and be the owner of the entire 50 foot parcel, however, he was amenable to reasonable considerations to preclude building or utilizing portions of that property in order to satisfy the concerns of the Town Council. He asserted that Town Code did not require or provide for a setback from a parking lot, so the only area of concern would be adjacent to the cabanas. He suggested a 15' area behind the cabanas, which he referred to as a "no build zone." He explained that a "no build zone" differed from a setback in that nothing would ever be built in that zone, whereas certain things could be built in setbacks. The Beach Club would also be given an easement so that they could come back to that area in

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order to maintain the cabana building. In addition to the 15' "no build zone" he suggested either an additional 15' area behind the cabanas, which would be a setback area, or a total of 25', with the entire 25' being a "no build zone."

In response to Councilman Wyett, Attorney Kolins provided the sizes of the existing lots: Lot 1 = 19,500 sq. ft.; Lot 2 = 13,750 sq. ft.; Lot 3 = 13,000 sq. ft. Under Town Code requirements, the maximum square footage that could be built on each lot was: Lot 1 = 8,775 sq. ft.; Lot 2 = 6,187.5 sq. ft.; Lot 3 = 5,850 sq. ft.

Councilman Shaw commented that he read nothing in the agreement that had any reference at all to whether the lot becomes conforming or nonconforming. He asserted that the agreement did not give the seller the right to create a greater nonconformity.

Zoning Administrator Paul Castro gave the following staff comments: the cabanas in question were permitted in approximately 1967-68; staff believed the intent of the 50' landscape buffer strip was to buffer the single family homes to the south from the Beach Club, and the parking that they were proposing to build at that time. Staff had considered the intent of the Code, and there were several different scenarios that could occur: providing a "no build zone" across the entire width of the property 15' wide through a Deed Restriction, and also providing a 7.5' easement to the Beach Club to maintain the cabana structure itself. Therefore, the setback for the principal structure would be from the 15' "no build zone." Pools and unenclosed accessory structures would be able to come closer to the employee parking area, which had no setback, and required only a 4' landscaped area. Staff did not know what would happen in the future to Lots 1, 2, and 3, and if there was a Deed Restriction in place the intent of the Code would be met. The other possibility was that the Beach Club could retain the 7.5' in case the property owner wanted to put up a property wall.

Councilman Shaw suggested that the Beach Club be the owner who would have to have the 15' "no build zone" in their parking lot in the event that they decide to convert it or sell the property, and that the Beach Club agree that any future development on their property would have a 15' "no build zone" plus setback requirements.

Zoning Administrator Castro replied that could be accomplished-- the Beach Club could be required to enter into a Deed Restriction as well. He pointed out that the proposal did render the Beach Club cabanas nonconforming, and opened up the issue related to reconstruction after a storm event.

***** A five minute break was taken at this time. *****

Attorney Kolins reported that he had contacted Mr. Greer, and asked if the Beach Club would accept a "no build zone" along the length of the parking lot area, and he had agreed.

Mr. Castro noted that the only structures that were grandfathered, in terms of nonconforming structures, were single family homes, government buildings, and landmarked buildings that were multi-family, single family, and commercial. Therefore, the cabanas would not be grandfathered, and if there was a storm event, the Beach Club would need to come before the Town Council in order to build the cabanas in the same location.

Councilman Wyett commented that any action in favor of the petitioner would render the property even more nonconforming, and was against the Town Code. He stated that he did not believe that the Town Council should allow the Beach Club to sell off their property right up to the property line. He recommended another deferral, so that the Beach Club could confirm that they were aware of the associated risks.

Councilman Shaw moved approval of the application, subject to the following Deed Restrictions:

1. That there be a 15' "no build zone" on the north side of the property line from County Road to the existing Beach Club structure.
2. That there be a 15' "no build zone" on the south side of the property line extending the entire length of the property, with a setback of a total of 30' from all existing structures north of the property line.

Mr. Shaw identified the hardship as the neighbor to the north, as the existing zoning was not in existence when the 1971 agreement was made. President Smith seconded the motion for discussion.

President Smith explained that there would be only four Town Council members available to vote, as the Mayor (who could break a tie vote) was not present, and President Pro-Tem McLendon had recused himself.

Zoning Administrator Castro requested that the motion include a maintenance easement within the no build zone be provided for the Beach Club to maintain their buildings.

Attorney Kolins requested a deferral so that he could resolve the issues discussed today, and return to the Town Council next month.

Councilman Shaw withdrew his original motion to approve, and then made a motion to defer Site Plan Review No. 7-98 with Special Exception and Variances. President Smith seconded the motion. On roll call the motion carried 4/0, as President Pro-Tem McLendon had recused himself.

New Business - Minor

5. VARIANCE NO. 28-98 - Barbara G. Deely, 353 Seaspray Ave.; located in the R-B Zoning District; to allow construction of a bay addition on a non-conforming 2-story residence that will have a 10.75' side yard setback in lieu of 15' required.

Ex-parte communication was not declared by any Council member.

Zoning Administrator Castro commented that Variance No. 28-98 was a minimal variance request to provide an addition onto the kitchen of the residence, which would encroach into the side yard setbacks. Staff believed there was a hardship relative to the size of the kitchen and recommended approval.

Councilman Wyett moved approval. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

6. VARIANCE NO. 37-98 - William M. Matthews, 380 North Lake Way; located in the R-B Zoning District; to allow construction of a second floor addition to a 2-story residence with a point of measurement of 8.5' NGVD in lieu of 7.5' maximum allowed.

Ex-parte communication was not declared by any Council member.

Zoning Administrator Castro commented that the variance request was a 1' point of measurement variance. The street was fairly low, and the hardship was relative to the topography of the land.

Councilman Wyett moved approval of Variance No. 37-98. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

New Business - Major

7. VARIANCE NO. 29-98 - William A. & Rosalie Deitz, 337 Seabreeze Ave.; located in the R-B Zoning District; to allow construction of an addition with 35.2% lot coverage in lieu of 35% maximum allowed and providing a 8.3' west side yard setback in lieu of 12.5' required.

Ex-parte communication was not declared by any Council member.

Architect Ames Bennett addressed the Town Council, stating that the lot was fairly narrow, with an existing house on it, in an old neighborhood. The plan was to add a garage on the back, as there was no garage currently. In addition, a bedroom would be extended.

Zoning Administrator Castro commented that the lot was undersized, and the hardship was related to the lot width, without the capability of providing a garage anywhere else on the property. Staff expressed concern with FEMA requirements, and the assurance that the existing house was above 7.6' NGVD elevation, and that the applicant understood that if approval was granted on the hardship that all FEMA requirements would be met if it was above 7.6' NGVD.

Councilman Wyett moved approval of Variance No. 29-98, based on the presentation, and the conformity with FEMA requirements. President Pro-Tem McLendon seconded the motion.

Councilman Shaw commented that if asked if there would be room for a swimming pool, pointing out that there may be a variance needed.

Mr. Bennett responded that he had not calculated the green space.

Mr. Shaw replied that he would like to see the application come back with the pool and green space on one application, as there were no green space problems presently.

Mr. Bennett noted that the application stated that the proposed final landscaped green space would not be less than 40% or 2,450 sq. ft. required.

Mr. Chris Deitz commented that a small lap pool was being contemplated, and asked for the green space calculations?

Town Attorney Randolph noted that the only thing before the Town Council was the addition requested in Variance No. 29-98, and if any reasons for a pool in the future were unknown at this time. The applicant would have the opportunity to come before the Town Council with a request for a pool, and at that time the matter could be considered. It would not be appropriate to put a condition in this regard on the current application.

President Smith explained that the Council was merely trying to let the applicant know that he may be creating a problem for

himself in the future with regard to the installation of a pool.

Councilman Shaw clarified that he did not want the applicant to come back in several months and say that there was a hardship because he could not get a swimming pool in as a result of a green space problem.

Mr. Castro clarified that the green space calculation was 40.48% green space with the proposal. The minimum was 40%, so they were .48% more than what was required by code.

Mr. Deitz stated that the lap pool would be approximately 9' x 22'.

Councilman Shaw replied that would put the applicant over the green space, and he now had the benefit of knowing that he would have to come back for another variance.

Town Attorney Randolph noted that if the applicant accepted the approval today, he would not have to build it, and if he looked at the plans and saw that he would have to drop several feet off of his addition in order to put the pool in without a variance, he could go ahead without having to come before the Town Council.

Councilman Wyett withdrew the motion to approve, as did the seconder of the motion, in order to give Mr. Deitz time to make a phone call in discussion of this issue.

Mr. Deitz was unable to get in touch with Mr. Deitz Sr., and the applicant made the decision to go ahead with the application as requested.

Councilman Wyett moved approval of Variance No. 29-98. Councilman Shaw seconded the motion with the understanding that the structure would not be used as grounds for a future hardship. On roll call the motion carried unanimously.

8. VARIANCE NO. 30-98 - Arthur Levine, 355 North Lake Way; located in the R-B Zoning District; to allow construction of a 2nd story addition with a 3.5' height variance on a non-conforming structure that provides an 8' side yard setback in lieu of 15' required.

Ex-parte communication was declared by Councilman Wyett with Attorney Kolins concerning the application.

Attorney Ron Kolins addressed the Town Council, representing Mr. and Mrs. Levine, who were requesting to add a 810 sq. ft. second story addition to their house. Two variances were needed: the structure was already nonconforming because the setbacks were 10 1/2' when they purchased the house. The building height variance was needed because the ceiling of the second floor addition would be 4' high. He exhibited renderings of the proposed addition, as well as photographs of the house to the north and to the south, and the foliage existing between the houses.

Zoning Administrator Paul Castro commented that the proposed structure did meet the side yard setbacks and the front yard setbacks for the second story. There were some issues relating to the existing construction regarding the point of measurement variance. Staff believed that the roof system could be modified in order to provide less relief than the applicant was requesting today.

Attorney Kolins replied that there was no purpose in reducing the number of feet being requested because the house would look exactly the same when it was finished-- it was just that the internal measurement to the top of the beam would be affected.

President Smith commented that it appeared that the second floor addition had been plopped in the middle of the house, and asked why the existing roof would not be taken off before the addition was made?

Attorney Kolins replied that the structure would still meet code in terms of the overall height, and the variance being requested was internal only--he did not understand why the house should be torn apart.

Councilman Wyett commented that the code said, in this particular case, that the applicant could not have a second story, which he considered unreasonable; he saw no reason to deny the right of an owner to have a reasonable use of his property. He therefore moved approval of Variance 30-98. The motion was seconded by President Pro-Tem McLendon. On roll call the motion failed 2/3, with Councilman Wyett and President Pro-Tem McLendon casting affirmative votes; President Smith, Councilman McDonald, and Councilman Shaw casting negative votes.

Councilman Shaw moved deferral of Variance No. 30-98 to the August 11, 1998, Town Council Meeting. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

9. VARIANCE NO. 31-98 - Maya Langes-Swarovski, 1676 South Ocean Blvd.; located in the R-A Zoning District; to allow an abandonment of a required Unity of Title Agreement, and to allow Lot 1 to be reconfigured at an 88.64' width in lieu of 125' required. - **Request for Deferral to August 11, 1998, per letter dated July 13, 1998, from Mr. James R. Brindell**

The Town Council deferred this item to the August 11, 1998, Town Council meeting.

10. VARIANCE NO. 34-98 - Sydell Miller, 1415 South Ocean Blvd. (also known as 1420 South Ocean Blvd.); located in the R-AA Zoning District; to allow construction of a front yard wall at a height of 9' above the crown of the road in lieu of 6' maximum allowed.

Zoning Administrator Castro stated that a letter had been received from Attorney Robert Deziel early in the day, requesting a deferral to the October 13, 1998, Town Council Meeting in order to consider a related situation.

Attorney Robert Deziel, representing Sydell Miller, addressed the Town Council, stating that he had received a call from Attorney Ron Kolins, who represented the neighbors to the north of the applicant. Mr. Kolins had maintained that there had not been enough time for his clients to review the application for Variance No. 34-98. In the spirit of cooperation, Mr. Deziel requested a deferral.

Councilman Wyett moved approval of the request for deferral to the October 13, 1998, Town Council Meeting. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

11. VARIANCE NO. 35-98 - Ronald R. Fieve, 1540 South Ocean Blvd.; located in the R-A Zoning District; to allow construction of a 2nd story addition to a nonconforming 2-story residence providing a street side yard setback of 25.9' in lieu of 35' minimum required.

Ex-parte communication was not declared by any Council member.

Attorney Sylvia Sparler, on behalf of Ronald Fieve, addressed the Town Council, stating that the variance was being requested in order to construct a master bedroom over the existing footprint of the home above the garage. The hardship was that the ability to add to the front elevation of the home was limited; in addition the owner of the home had two daughters who would then have individual quarters.

Zoning Administrator Castro commented that the house was set back substantially from South Ocean Blvd., and the proposal was to put a second story addition over the existing one story portion, which was only 25' in change from the street side yard property line. All of the other setbacks would be maintained, as well as all of the other lot yard and bulk requirements for that zoning district. Staff, therefore, had no objection.

President Pro-Tem McLendon moved approval of Variance No. 35-98. The motion was seconded by Councilman Shaw.

Councilman McDonald questioned the hardship, and noted that the application had not been signed by the applicant.

Zoning Administrator Castro advised that the application should be signed either by the property owner or the duly authorized attorney.

Ms. Sparler elaborated on the hardship, stating that the existing home was set back 83' from South Ocean Blvd. In order to add any additional living area, it would have to be added to the front elevation of the home, and aesthetically that would not be appropriate. In addition, the applicant desired individual quarters for his adult daughters.

Councilman Wyett commented that he did not believe that there was a hardship, as there were already enough bedrooms to accommodate the children.

Ms. Sparler displayed the site plan of the property, explaining the current setbacks and the existing nonconformity, which was from Ocean View Rd., where 35' was needed, and the applicant had 25.2'. The addition would extend the existing wall upwards. The house was already two story, and many homes in the area were also second story homes.

On roll call the motion carried 4/1, with Councilman McDonald casting a dissenting vote.

12. VARIANCE NO. 36-98 - Ron Woods, 160 Woodbridge Rd.; located in the R-A Zoning District; to allow construction of an addition to a nonconforming residence providing a 10' side yard setback in lieu of 15' required, and to allow said addition together with a proposed gazebo to increase the lot coverage from 34.5% to 35.7% in lieu of 25% maximum allowed.

Ex-parte communication was not declared by any Council member.

Architect Gregory Miklos addressed the Town Council, displaying pictures of the property, and requesting a variance to increase the master bath, as well as a gazebo in the rear of the home. The entire property was surrounded by high vegetation, which would eliminate the impact on neighboring properties. Mr. Miklos pointed out the details of the proposal on the site plan, explaining that a great deal of concrete would be removed in order to create a green area— thus the request for the gazebo as an entertainment area within the pool/patio area.

Zoning Administrator Castro commented that the applicant was increasing the green space area, however, the relief was not related to the landscaped open space for the gazebo. The relief was requested for the lot coverage related to the amount of building on the property. From the standpoint of staff, there was no hardship associated with the gazebo request. The proposal for the expansion of the master bath

was acceptable to staff, with the hardship being that the only feasible way to expand was for the expansion to line up with the existing nonconforming house.

Councilman Wyett moved approval for the portion of Variance No.36-98 relating to expansion of the master bath; and denial of the portion of Variance No. 36-98 relating to the gazebo. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously. On roll call the motion carried unanimously.

13. VARIANCE NO. 38-98 - George Merck, 1197 North Lake Way; located in the R-B Zoning District; to allow construction of an architectural tower with a floor area of 1.8% of the residence's gross floor area in lieu of 1% maximum allowed.

Ex-parte communication was not declared by any Council member.

Attorney Robert Deziel, representing Mr. and Mrs. George Merck, addressed the Town Council, displaying architectural drawings of the proposals contained in the variance request. He explained that the applicant was attempting to build a home that was typical of an architectural style of old Palm Beach. The proposed house was very small relative to the size of the lot, which was approximately 30,000 sq. ft. The new home being proposed was approximately 11,500 sq. ft. He pointed out Section 5.22 of the Town Zoning Code, noting that when it was passed it had kept in mind that the towers would all be for Mediterranean homes (the concept was that there would be square towers; the perimeter would be measured; divided by the total square footage of the home; if it came up to 1% or less the tower was acceptable). The proposed structure did not contemplate a square tower, and an interpretation had been requested of the Building Department. They had indicated that a variance would be required. The hardship was the fact that a literal interpretation of the zoning provision would require the applicant to comply with the square calculation, and Mr. Deziel requested an interpretation that would result in approval of the variance request.

Zoning Administrator Castro commented that staff had interpreted the code provision to be that anything above the 22' in the R-B District was considered part of a tower feature. Anything over and above that added mass to the house, and the only way to add mass to the house was with a skylight, or a tower feature as an architectural feature. The applicant was correct in that the request was under the overall height requirement, and at the point where the tower was over the roof skyline itself, it did meet the provisions of less than 1% of the floor area of the house. The applicant was requesting relief based on the size of the lot, and the proposed tower feature.

Councilman Wyett complimented Architect Smith on a very fine architectural job, and considered that the presentation had been extremely interesting, however, he questioned whether the Town Council should grant approval on this new construction. If approval was granted, he recommended that the zoning provision be reviewed.

Zoning Administrator Castro replied that from the standpoint of staff the tower actually began when it got up into the roof system itself. That had been the interpretation used.

Attorney Deziel responded that the Building Department was calculating the 1% at the 22' high line, which was the top of the beam.

After further discussion, Councilman Wyett moved approval based on the fact that the tower contributed substantially to the design of the home, and the home was very desirable. He did suggest, however, that the Building Department obtain clarification regarding situations of this sort.

President Smith passed the gavel, and seconded the motion for discussion.

Councilman McDonald asked why Mr. Deziel had come before the Town Council, rather than appeal the decision made by the building official?

Attorney Deziel responded that it was probably a mistake on his part. He wanted to be cooperative with the Building Department, and he thought he was taking the path of least resistance.

After further discussion, roll call was taken, and the motion to approve carried 4/1, with President Pro-Tem McLendon casting a dissenting vote.

14. SPECIAL EXCEPTION NO. 16-98 WITH SITE PLAN REVIEW & VARIANCES - New Technology Business S.A., 1226 North Lake Way; located in the R-B Zoning District; to allow construction of a new 2-story residence on a lot 83' wide in lieu of 100 minimum required; to allow the building height point of measurement to begin from 10' NGVD in lieu of 7.5' allowed; and, to allow a side yard setback of 12.5' in lieu of 15' required. Additionally, a variance is requested to construct a 6' high wall along Lake Trail in lieu of 4' maximum allowed.

Ex-parte communication was declared by Councilman Shaw with one of the neighbors, who was in opposition of the application; by President Pro-Tem McLendon via telephone with Mr. Zukov, and had met with the neighbor to the north; by Councilman Wyett via telephone with Kirby Kooluris, and met with Attorney Kolins; and by President Smith via telephone with Mr. Kooluris.

Attorney Ron Kolins addressed the Town Council, explaining that Mr. Zukov had acquired a lot that was 83' wide. The lot was 17% deficient in the minimum size required, and the reason for that was because there was originally one large lot that had been platted and then split. The normal setbacks applied to the lot on the side were 15'. That would leave only 53' in which to build a home. Mr. Zukov was requesting a variance of 2 1/2' on either side, so that he would have 58' in lieu of 53' to build a home. Notwithstanding the setbacks,

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the lot coverage would still only be 29%, whereas 30% was allowed by code. The point of measurement variance was being requested because the lot graded up 5' from North Lake Way at the front to the trail at the back. North Lake Way at the front of the house was at a very low point, approximately 4 ½', but as the property went back the property raised to approximately 9 ½'. Therefore, a point of measurement variance of 10' was being requested in lieu of the normal 7 ½', which would allow a finished floor elevation of 11'. The house would not exceed the overall height requirements in the code. The fence height variance hardship was that the property at Lake Trail at that point was approximately 8.67'. If there were a 4' wall over that 8.67' it would be 12 ½' in height, and with a finished floor elevation of 11', there would only be a 1 ½' wall, when there was a 4' wall required to cover the requirements for a pool.

Architect Jacquie Albarran, SKA Architects, displayed architectural plans of the proposal, indicating the height of Lake Trail and the height of the land in question. The point of measurement was a problem because of the height of the lot, because the crown of the road was so low.

Zoning Administrator Castro commented that the proposal today was the second proposal on the property in the last 5-6 years. In 1992 there had been a request for demolition and reconstruction of a new home, without any request for lot yard and bulk regulations. At that time the Town Council approved the variance on the condition that it meet all the lot yard and bulk regulations. Subsequently the variance had expired and the property had been vacant for some years. The survey provided by the applicant showed a change in grade from approximately 25' back on the

property of a 9' grade elevation, and going east toward the street all the way down to the crown of the road elevation of 4.61 NGVD. The Lake Trail elevation was approximately 8 ½' in elevation, so there was only a change of grade of approximately 6" from 25' into the property to Lake Trail. Therefore, the property grade itself was not much above Lake Trail at its highest point on the west side of the lot. Staff believed the request for point of measurement at an elevation of 10' was too much, given the existing grade of the property, and suggested a point of measurement of 9'. Staff also believed the volume and the mass of the house was maximized related to the lot size, and saw no hardship relative to the side yard setbacks requested. The length of the lot was 191', and staff believed a house could be designed accordingly. Staff also did not see a hardship with the wall variance request, as it was believed that applicant could meet the 4' wall height, and provide some sort of hedging material in front of that to provide them with privacy for the swimming pool area.

Attorney Robert Deziel, representing Marie and Al Bruno, and Kirby Kooluris, both adjacent property owners, addressed the Town Council, stating that there was no excuse for the variance on the side yard setbacks, because the adjacent property owner had much less frontage, and had a very suitable home. Mr. Deziel stated that he believed the hardship on the variation of the grade was being requested so that the applicant could create a crown on the lot to sit the house on, so that it would loom over Lake Trail. He suggested that the Town Council request that the applicant meet with the neighbors and come up with a site plan that would meet zoning requirements. As proposed the house did not meet site plan approval requirements, nor the requirements for the three variances requested.

Mrs. Marie Bruno, owner of the property at 1230 North Lake Way, the property north of the property in question, addressed the Town Council, reading into the record a letter she had written to the Town Council opposing Special Exception 16-98.

Zoning Administrator Castro pointed out that although staff did not support the relief necessary for the 6' wall along Lake Trail, there may be some need for relief in order to provide the 4' high wall as it would run east/west on the north/south property line as it was measured from Lake Trail itself.

Mr. Kirby Kooluris, the neighbor to the south of the property, addressed the Town Council, stating that he believed a house could be designed within the parameters of the code which would fit the space.

Ms. Lynne George, 249 Mockingbird Trail, addressed the Town Council, urging the Town Council to deny the requests of the applicant, and to honor the comprehensive zoning plans, and protect residents from a house that would overpower the neighborhood.

Attorney Kolins responded to those who had spoken against the applicant, stating that he did not agree, and suggested that the statements of Mrs. Bruno were inappropriate. He noted that Mr. Zukov had attempted to meet with the Brunos on numerous occasions, and they would not meet with him or return his calls. He had met with Mr. Kooluris, however.

Mr. Kolins displayed photographs of the property in question, as well as the house belonging to the Brunos. He indicated that the Bruno lot coverage was 26%; the proposed lot coverage for the property in question was 29%; the side setbacks were similar on both properties.

Mr. Kolins then addressed the complaints of Mr. Kooluris, maintaining that his client had met with Mr. Kooluris and explained the request to him. He maintained that the house of Mr. Kooluris was a three story house with a lot coverage of .33, which was over the 30% maximum. He stated that he found the complaints of those in opposition disingenuous, and that no weight should be given to the complaints.

Attorney Deziel asserted that it was accurately on the record that no hardships existed for the variances requested, and that all of the requirements for a site plan approval had not been presented.

Responding to President Smith, Zoning Administrator Castro stated that he believed that all of the required paperwork for the site plan review had been submitted.

Attorney Kolins maintained that the applicant was entitled to some consideration on the wall. The surveys spoke for themselves in terms of the lay of the land in order to justify the request being made today.

Mr. Bruno (who was sworn in by Town Clerk Pollitt) addressed the Town Council, stating that he had two meetings with Mr.

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Kolin's client, and had expressed that he had no objection to a home being built as long as the setbacks and other code requirements were met. He noted that when he bought his house it was already built, and that he was opposed to the variance request by the applicant.

Zoning Administrator Castro pointed out that although staff had the plans necessary to review the application, the footprint plans of both floors were not adequately dimensioned, so it was not possible to calculate the volume or the floor area ratio. The table itself was relied upon, and at the time of the Architectural Commission review those figures would be looked at to ensure that they met at least the code requirements. Those figures would be needed for the site plan review.

Ms. Albarran replied that the information missing was the actual dimensions through the house to confirm that the information she had supplied was correct.

Councilman Wyett moved denial of Special Exception 16-98. The motion was seconded by Councilman Shaw.

Attorney Kolins requested a deferral.

Councilman Wyett withdrew the motion to deny, as did the seconder of the motion.

Councilman Shaw moved deferral of Special Exception 16-98. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

15. SPECIAL EXCEPTION NO. 17-98 WITH VARIANCE - Burton Handelsman, 270 South County Rd.; located in the C-TS Zoning District; to allow an accounting office on the 1st floor, and to allow a variance to said office having frontage on and an entrance from the sidewalk fronting the roadway per Section 4.20(b) Town Zoning Code.

Ex-parte communication was declared by President Pro-Tem McLendon via telephone with Attorney Broberg regarding the variance request; by President Smith with Attorney Broberg; by Councilman Wyett via telephone with Attorney Broberg regarding the application.

Councilman Shaw recused himself, as the Special Exception inured to his personal interest.

Attorney Peter Broberg addressed the Town Council, stating that the application was for permission to place an accounting firm at 270 South County Road, in the C-TS zone, which was a special exception use where there were professional services on the first floor. The variance was requested because the door was abutting a sidewalk, which was abutting a roadway. The area was in transition, with retail, professional offices, and the bank.

Zoning Administrator Castro commented that the office use was compatible. Less parking would be generated than a retail establishment. The variance was necessary because the building fronted directly on the street, as did many offices in that area. A condition of approval would include the Town serving requirement.

President Pro-Tem McLendon moved approval of Special Exception No. 17-98, with the condition that the Town serving documentation would be provided at the appropriate time. The motion was seconded by Councilman Wyett.

Councilman McDonald suggested attaching a condition that if the tenant were to leave there would be no grandfathered use of the property. The suggestion was accepted by both the maker and the seconder of the motion. On roll call the motion carried 4/0, as Councilman Shaw had recused himself.

16. SITE PLAN REVIEW NO. 8-98 WITH SPECIAL EXCEPTION - Palm Beach Country Club, 760 N. Ocean Blvd.; located in the R-A Zoning District; to allow construction of four additions to the golf course maintenance building and to allow construction of a storage building, a covered equipment wash pad, and an underground water storage tank, per Sections 9.60, 6.40 and 4.20 of the Town Zoning Code.

Jackie Miller, on behalf of the Palm Beach Country Club, addressed the Town Council, requesting approval of Site Plan Review No. 8-98 with Special Exception, for construction of four additions to the existing golf course maintenance building: a new fertilizer and chemical storage building (which would serve the purpose of meeting current safety and environmental considerations); a covered equipment wash pad area (which would allow the club to maintain the discharged water, clean the water, recycle and reuse the water used to clean the golf course equipment); future golf course storage space of 1,985 sq. ft. (in order to move the golf carts from the clubhouse to the maintenance area); addition to the office area to allow more space so that three people were not squeezed into one small existing office; a reverse osmosis water treatment plant to house the plant itself, as well as a 500,000 gallon storage tank. The plant would produce water for irrigation purposes and reduce the dependency of the club on city water.

Zoning Administrator Castro commented that the proposed improvements to the maintenance area were such that they would not impact any of the surrounding properties. Best managements practices should be met to ensure that pollutants do not migrate from the site to storm drainage systems and into the Lake Worth lagoon. Town-serving documentation should also continue to be demonstrated, and

a Town-serving document had been provided.

Councilman Shaw mentioned that there had been a question earlier today about the consideration of the Palm Beach Country Club providing water to others besides themselves. He asked if the engineers felt the site could support storage or production of additional quantities of water?

Ms. Miller responded that it was something the club was receptive to discussing.

President Pro-Tem McLendon moved approval of Site Plan Review No. 8-98 with Special Exception. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

17. SITE PLAN REVIEW NO. 10-98 WITH SPECIAL EXCEPTION - Raymond & Maria Floyd, 1 Via Pelicano; located in the R-AA Zoning District; to allow construction of a 2-story residence on a platted lot providing 39,150 sq.ft. of area in lieu of 60,000 sq.ft. required. A Special Exception is requested to allow a kitchen in a guest house cabana.

Ex-parte communication was declared by Councilman Shaw with Les Evans, who had signed the application.

Architect Pat Segraves addressed the Town Council, stating that the lot was substandard, less than 60,000 square feet in the R-AA District, and the proposal was for a two story home, surrounded by gardens and a pool area. Lot coverage was 8,577 sq. ft., or 22% of the site; landscaped area was 59%; floor area ratio was 34%; cubic content ration was 3.5. The style of the house was traditional. A kitchen for the guest house was also being requested.

Zoning Administrator Castro commented that the applicant did need the site plan review with the special exception because it was a platted lot that did not meet the 60,000 sq. ft. lot size minimum. Public Works Department comments related to the driveway that was in a 15' wide utility easement that ran along South Ocean Blvd.: landscaping, walls, fencing and paving should not be in the utility easement, as well as a 10' wide utility easement across the back of the property. They also requested that the applicant provide the necessary storm drainage improvements. The storm sewer in the private right-of-way owned by the applicant was higher than the street grade and may need to be modified so that there was proper drainage. The Planning, Zoning & Building Department concurred with those comments and saw no objection to the proposal.

Mr. Segraves responded that the drainage concerns would be worked out with the Public Works Department.

Councilman Wyett moved approval of Site Plan No. 10-98, provided that the applicant agree, through agreement, to bear the costs of removing the driveway should there be a need to get into the easement both on the back and side; the lot was 2/3 of the standard and the restriction of building only 2/3 of what would normally be allowed was also a condition of the motion. President Pro-Tem McLendon seconded the motion.

Town Attorney Randolph noted that the motion made did not allow the Public Works department to negotiate with Mr. Segraves, as it was agreed that the driveway could remain where it was, as long as an agreement to remove it was in place.

President Pro-Tem McLendon modified the second to the motion to approve, adding that it must be subject to the agreement with the Public Works Department. Councilman Wyett accepted that modification; he noted that the driveway could be moved, however, the apron could still go in if necessary. On roll call the motion carried unanimously.

Councilman Wyett moved approval of the Special Exception to construct a kitchen in the guest house, subject to the Standard Kitchen Agreement. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

XXIV. ANY OTHER MATTERS

Attorney Randolph distributed a letter he received and a stipulation for settlement regarding the Silverstein vs. Town of Palm Beach matter. He stated the applicant who had received a variance to build a wall on the property had withdrawn the application, and agreed not to go forward with the variance. Mr. Randolph said he filed a motion with the court indicating that the matter is moot, however, the attorney for the plaintiff would like to have a stipulation for settlement. Mr. Randolph requested the Town Council approve the settlement which he had modified on page 2. Mr. Randolph said the settlement basically states the Town will vacate its previous order granting the variance, and that the applicant will not be able to come back for a similar variance within one year of the application.

Councilman McDonald moved approval of the settlement regarding Silverstein vs. Town of Palm Beach. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

Mr. Castro said the List of Study Items for the 1998-99 Zoning Season will be submitted to the Town Council at the August 11, 1998, Town Council meeting. In addition to the items that are already on the list, the two items the Town Council requested at this meeting will be added. The format will be in a tabular form that will explain the items and the process to be followed.

Mr. Shaw mentioned that he will be away until after the August Town Council meeting.

XXV. ADJOURNMENT

The meeting was adjourned at 7:50 P.M.

Mary A. Pollitt
Town Clerk

Prepared by:
Susan Eichhorn980714.TCM.WPD

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

LAST NAME—FIRST NAME—MIDDLE NAME SAMUEL C. Mc Lendon		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Palm Beach Council
MAILING ADDRESS 300 S. Ocean Blvd		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Palm Beach	COUNTY Palm Beach	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 7-14-98		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
		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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, 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.
- 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, Samuel C. McLendon, hereby disclose that on July 14, 19 98:

(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, (spouse) _____;
- ☐ inured to the special gain or loss of _____, by 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:

Approval of sale of excess property will add cash to The Beach Club where my wife (owner/stock) and I are owners

Date Filed 7-14-98

Signature

Samuel C. McLendon

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.

270 S. County Rd.
S.E. 17-98

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

LAST NAME—FIRST NAME—MIDDLE NAME SHAW Leslie Alan.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council	
MAILING ADDRESS 318 Seagrass Ave		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach		☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
COUNTY Palm Beach		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED July 14, 1998		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

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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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, 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.

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- The form must be read publicly at the next meeting after the form is filed.

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- You must disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Leslie A Shaw, hereby disclose that on July 14, 19 98:

(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, _____;
- ☐ inured to the special gain or loss of _____, by 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:

July 14, 1998
Date Filed

[Signature]
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.

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

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

WHO MUST FILE FORM 8B

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* * * * *

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:

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lesly S. Smith, hereby disclose that on _____, 19 _____:

(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, _____;
- ☐ inured to the special gain or loss of _____, by 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:

I am a board member of the bank.

7-14-98
Date Filed

Lesly S. Smith
Signature

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