MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 13 & 14, 1999

I. CALL TO ORDER AND ROLL CALL

The meeting of the Town Council was called to order at 9:35 A.M. by President Lesly Smith 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 Allen Wyett, Councilmen Jack McDonald, Samuel McLendon, and Leslie Shaw. Also in attendance for all or a portion of the meeting were: Town Manager Robert Doney, Assistant to the Town Manager David Jakubiak, Town Attorney John Randolph, Finance Director Jane Skittone, Assistant Finance Director Cheryl Somers, Fire-Rescue Chief Ken Elmore, Police Chief Frank Croft, Assistant Police Chief Michael Reiter, Planning, Zoning & Building Director Robert Moore, Zoning Administrator Paul Castro, Public Works Director Al Dusey, Purchasing Agent Charles Boggs, Recreation Director Russell Bitzer, Risk Coordinator Karen Temme, Town Engineer James Bowser, Town Clerk Mary Pollitt, and Deputy Town Clerk Susan Eichhorn.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt. President Smith led the Pledge of Allegiance.

III. PRESENTATIONS

1. Recognition of Doyle Rogers, Charter Review Commission - From 1997 to 1999

Mayor Ilyinsky presented a plaque to Mr. Rogers in recognition of his service as Chairman of the Charter Review Commission from 1997 to 1999.

2. Recognition of James McCartney Wearn, Charter Review Commission - From 1997 to 1999

Mayor Ilyinsky presented a plaque to Mr. Wearn in recognition of his service as Vice Chairman of the Charter Review Commission from 1997 to 1999.

IV. COMMENTS OF MAYOR PAUL R. ILYINSKY

Mayor Ilyinsky suggested that a Special Town Council Meeting should be scheduled, perhaps in October or November, to hear the recommendations from the Charter Review Commission.

Mayor Ilyinsky presented a plaque from the Federal Emergency Management Association (FEMA) to Planning, Zoning and Building Director Robert Moore in recognition of the Town's participation in the flood program.

The Mayor announced a new one hundred foot aerial platform truck, costing $587,487, was delivered to the Fire-Rescue Department and can be seen at the Central Fire Station.

The Mayor announced Tuesday, August 3, will be the Police Department's Night Out Against Crime and invited everyone to attend.

Mayor Ilyinsky expressed his concerns regarding the Mar-a-Lago issue on the agenda and suggested that a special meeting could be scheduled to hear the matter.

V. APPROVAL OF THE AGENDA

President Smith announced the Special Town Council Meeting scheduled for Thursday, July 15, 1999, at 10:00 a.m. to discuss Comcast Cable.

The following changes were made to the agenda:

DEFERRED Item XII.A.1, page 3, Resolution No. 15-99 - Revisions to Rights-of-Way Standards Manual to the August 10, 1999, Town Council meeting;

Motion made by President Pro-Tem Wyett, seconded y Councilman Shaw to defer Item XII.A.1., Resolution No. 15-99, to the August 10, 1999, Town Council meeting. On roll call the motion carried unanimously.

DEFERRED Item XII.A.2, page 3, Resolution No. 17-99 - Utility Pole Adjustment Policy to the August 10, 1999, Town Council meeting;

Motion made by Councilman McLendon, seconded by Councilman Shaw, to defer Item XII.A.2., Resolution No. 17-99, to the August 10, 1999, Town Council meeting. On roll call the motion carried unanimously.

DEFERRED Item XV.A.1, page 5, Appeal of the Architectural Commission's Decision of May 26, 1999, Concerning 740 Hi-Mount Road to the August 10, 1999, Town Council meeting;

Motion made by Councilman McLendon, seconded by President Pro-Tem Wyett, to defer Item XV.A.1, Appeal of the Architectural Commission's Decision concerning 740 Hi-Mount Road, to the August 10, 1999, Town Council Meeting. On roll call the motion carried unanimously.

DEFERRED Item XV.B.1, page 5, Variance No. 9-99, 311 Brazilian Avenue to the September 14, 1999, Town Council meeting;

Motion made by President Pro-Tem Wyett, seconded by Councilman McLendon, to defer Item XV.B.1., Variance No. 9-99, to the September 14, 1999, Town Council meeting. On roll call the motion carried unanimously.

DEFERRED Item XV.B.14, page 8, Special Exception No. 20-99 with Site Plan Review-Royal Poinciana Chapel Trustee, Inc. (Seagull Cottage) to the August 10, 1999, Town Council meeting;

Motion made by President Pro-Tem Wyett, seconded by Councilman Shaw, to defer Item XV.B.14, Special Exception No. 20-99, to the August 10, 1999, Town Council meeting. On roll call the motion carried unanimously.

DEFERRED Item XV.B.15, page 8, Special Exception No. 21-99, 101 North County Road (Casablanca Restaurant) to the August 10, 1999, Town Council meeting.

Motion made by President Pro-Tem Wyett, seconded by Councilman Shaw, to defer Item XV.B. 15, Special Exception No. 21-99, to the August 10, 1999, Town Council meeting. On roll call the motion carried unanimously.

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

VI. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT PLEASE

Mrs. Nancy Douthit addressed the Mayor and Town Council and requested that the Council give careful consideration before lowering the millage rate for the FY2000 budget, because of the very large costs necessitated by the imminent demands of the Mid-Town Beach maintenance.

APPROVED AGENDA (Items VII. through X.)

VII. APPROVAL OF MINUTES OF JUNE 8, 1999

VIII. APPROVAL OF CHECK REGISTERS FOR JUNE 1999

IX. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING OF JUNE 23, 1999

X. OTHER

1. Request by Public Works Director for Elimination of Traffic Signal at Whitehall Way and Cocoanut Row

per Memorandum dated June 17, 1999, from Public Works Director Dusey

2. Request by Sailfish Club of Florida, Inc. For Divesture of Development Rights for Low Density Single-Family Residential Use or Any Use Other than the Generic Club Use Presently Applied per Memorandum dated July 8, 1999, from Planning, Zoning, and Building Director Moore

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

REGULAR AGENDA

XI. COMMITTEE REPORTS

1. Finance and Taxation Committee Meeting of June 10, 1999 *(See Agenda Item XIII.B.6.)*

REPORT OF THE FINANCE & TAXATION COMMITTEE MEETING HELD ON JUNE 10, 1999

I. CALL TO ORDER AND ROLL CALL

Chairman Lesly Smith called the Finance & Taxation Committee meeting to order at 10:05 a.m. on Thursday, June 10, 1999, in the Town Council chambers.

Town Clerk Mary Pollitt called the roll. Chairman Smith and Committee Member Leslie Shaw were in attendance. Elected Officials in attendance for a portion of the meeting were Councilmen Sam McLendon and Allen Wyett. Also attending the meeting were: Town Manager Robert Doney; Assistant Town Manager Peter Elwell; Finance Director Jane Skittone; Assistant Finance Director Cheryl Somers; Purchasing Agent Charles Boggs; Public Works Director Al Dusey; Assistant Public Works Director Leonard Greene; Town Engineer Jim Bowser; Services Division Manager Lloyd McCoy; Water Resources Division Manager Larry Plympton; Facility Maintenance Division Manager Joe Ugi; Recreation Director Russ Bitzer; Recreation Supervisor II Alan Brown; Director of Planning, Zoning & Building Robert Moore; PZ&B Administrative Aide Wendy Zamecnik; Police Chief Frank Croft; Assistant Police Chief Michael Reiter; Police Planner Lisa Gorman; Personnel Director William Crouse; Personnel Analyst Pam Russell; Fire-Rescue Chief Ken Elmore; Assistant Fire-Rescue Chief Kent Koelz; Fire-Rescue Administrative Secretary Belinda Hardy; Information Services Manager Spencer Wilson; Risk Coordinator Karen Temme; and Town Clerk Mary Pollitt.

II. APPROVAL OF AGENDA

The agenda was approved; however, the departments were not considered in the order as indicated on the written agenda, but were reviewed in the order as noted in this report.

III. FY2000 PROPOSED BUDGETS

A. OVERVIEW AND COMMENTS BY TOWN MANAGER

Town Manager Doney, referred to his June 3, 1999, memorandum and pointed out the following highlights:

- Increase of 3.14 full time, equivalent personnel
- Total Preliminary Taxable value of property in Palm Beach is $5,411,423,387
- Recommend a General Pay Increase (to be considered at a later date)
- Recommend a General Contingency Fund for FY2000
- Two outstanding bond issues, FY92 and FY93, have final payments on 7/1/2000 and July 1,2005, respectively, for a total bond indebtedness of $4,810,000.

Mr. Doney referred to his June 3, 1999, memorandum regarding his recommendation for automobile allowances which will be addressed under the respective departmental budgets for the Town Clerk, the Personnel Director, the Recreation Director, the Finance Director and the Assistant Town Manager. Mr. Doney said he felt the automobile allowances were important from an operational and competitive internal equity perspective and should be included in the FY2000 Operating Budget.

Mrs. Smith mentioned that she would like to move the scheduled September 7th meeting back since that was the day after Labor Day.

Mr. Doney responded that could be changed by the Town Council once the dates for the County and School Board meetings are announced.

B. OVERVIEW BY ASSISTANT FINANCE DIRECTOR ON BUDGET STANDARDS

Assistant Finance Director Cheryl Somers reviewed the Benefit Budget Standards for Retirement Costs for individuals which includes four retirement classifications:

General Employees	$ 4,501	per employee
Police Officers	$11,594	per employee
Fire Fighters	$12,647	per employee
Lifeguards	$ 5,729	per employee

Mrs. Somers noted that employees who elected to be part of the "drop" program were not included for the FY2000 proposed budget.

The Health Insurance Budget for each employee was projected at $6,250 annually. The Town will contribute approximately $3,033,000 to the Health Insurance Fund, and the balance to make up the $3.7 million will come from the employees' contributions for dependent coverage. FICA was budgeted at 7.65%-- 6.2% related to Social Security and 1.45% related to Medicare.

Other Budget Standards related to utilities:

Water	10% increase
Electricity	3% decrease
Telephone & Postage	0% change
Gasoline	15% increase

C. INSURANCE PROGRAMS OVERVIEW - ASSISTANT TOWN MANAGER, RISK COORDINATOR, AND PERSONNEL DIRECTOR

Assistant Town Manager Peter Elwell noted that a change was made in the proposed FY2000 Budget regarding the methodology used to fund the General Fund transfer to the Self Insurance Fund for the property, liability, and workers' compensation programs. The cost allocation program used for the past several years negatively affected the ability to assess trends in expenditures from program to program, year to year. Previously, although the cost allocation program was a valid way to spread costs of the insurance programs based on the variable levels of risk in the organization, the result, from a budgetary point of view, was to make it more difficult to track changes in the overall costs of Town operations. Mr. Elwell noted that the Town Council concurred with this proposal for the proposed FY2000 Budget at the July, 1998, Town Council meeting. Therefore, the General Fund will have one line item, Program 623, to transfer all of the necessary funds for property, liability, and workers' compensation programs. Mr. Elwell pointed out that because of this change, most of the Program Budgets appear to be down, but in future years, the funding and levels of service will be easier to track.

Mr. Elwell said $1,650,768 is projected to be transferred to the Self Insurance Fund, or approximately a $55,000 decrease from the approximately $1,705,000 needed to fund the FY99 Budget for all of the departments.

Risk Coordinator Karen Temme said the Town's insurance coverages will be renewed as they expire, and the premiums are based on current market conditions. A total fixed-cost premium of $800,843 has been projected by the Town's broker, Arthur J. Gallagher. This represents a 10% increase over the FY99 Budget. Also, the brokers have advised the Town to budget $775,000 for the Loss Fund for the proposed FY2000 Budget. Ms. Temme said she would report at the September Town Council meeting and hoped that the insurance policies will be able to be renewed at less than the anticipated premiums.

Personnel Director Bill Crouse addressed the proposed FY2000 Budget for the Group Health 502 account projected to remain at the current level of $3.7 million. The Town's portion of the $3.7 million is approximately $3 million with the remainder coming from the premiums from participants in the health and dental programs. Mr. Crouse reported that the Group Health contribution structure with reserves for FY99 is actuarially sound. He said that 10,000 claims were filed in 1998 with approximately $4.2 million billed and discounts of approximately $1.2 million. The total reserves for the period ending September 1998 were $11,790,019; however, the 1997 actuarial report recommended $17 million as a reserve figure, as of that date, due to the impact of the retirees on the Group Health system.

Mr. Crouse reported that during the first seven months of FY99, the Town has been billed for over $3.1 million which projects to $5.5 million if the trend continues. He stated he did not believe that trend would continue, and the discounts continue to work for the Town at a rate of 48%. He indicated that if the predicted projections work out, approximately $1.5 million will be carried over to the reserves at the end of FY99.

Mr. Crouse said an increase in the number of claims is expected for FY2000 due to a general national trend increase for claims and the large increase in prescription drugs, although a mail order program is in place to reduce the cost of prescriptions.

Mr. Crouse said that Canada Life bought North American, the company that covered the Town for such items as the specific rate, the aggregate, dental premiums, life insurance, and long term disability. Canada Life does not want the business and has increased the premiums significantly. Mr. Crouse said that Gallagher Bassett is currently attempting to market the insurance needs of the Town, and Mr. Richard Schell from Gallagher Bassett reported he thought the Town will be able to find rates that are similar to the current rates with a two year guarantee.

D. INFORMATION SYSTEMS OVERVIEW - INFORMATION SYSTEMS MANAGER

Information Services Manager Spencer Wilson reported he met with all of the department heads to determine the overall needs for the Town as presented in Exhibit M in the proposed FY2000 Budget.

Mr. Wilson outlined the plan for FY2000 to implement the needed changes for equipment and software. He said the total dollar figure for hardware for the projected FY2000 Budget is $123,450 and the software total is $42,360. He said some of the major items included an interactive Web server for the Town, twenty-three personal computers, writing machines for parking tickets, twelve printers, memory upgrades, and replacement monitors.

After discussion with Mr. Wilson, Mr. Shaw requested that he look into the cost of a full T-1 to comprise both the Internet and long distance phone service.

THE COMMITTEE RECOMMENDED APPROVAL OF THE INFORMATION SYSTEMS BUDGET WITH THE INCLUSION OF MR. WILSON'S REPORT ON THE COST OF A FULL T-1 SYSTEM AS DISCUSSED AS IT RELATES TO THE INTERNET.

Q. PUBLIC WORKS DEPARTMENT (PROGRAMS 511-571)

Public Works Director Al Dusey noted that one full time equipment operator position in the Streets Bureau was eliminated. In lieu of that position, small amounts of money have been budgeted in other areas for part-time laborers to help out as needed. Mr. Dusey said that $25,000 was added in the Proposed FY2000 Budget for the 551 Maintenance Program for the maintenance of specimen trees. $15,000 was budgeted for repairs on Memorial Fountain in Program 551.

As indicated in Mr. McCoy's memorandum dated April 7, 1999, Mr. Dusey said he proposed that the cardboard recycling program be eliminated, because it operated at a loss, and a much needed replacement vehicle would cost approximately $50,000 to $60,000.

THE COMMITTEE RECOMMENDED THE ELIMINATION OF THE CARDBOARD RECYCLING PROGRAM.

Mr. Shaw requested that, for budgeting and analysis points, the residential condominium portion of the commercial solid waste collection fees should be broken out because the results are skewed. Mr. Shaw agreed with Mr. Dusey that this could be done in the next budget year.

Mr. Shaw mentioned that Exhibit H showed a recycling program where a grant had been obtained. The grant has dropped off since 1995, and questioned if any subsidies were available in the future? Mr. Dusey replied that approximately $2,000 worth of supplies were received yearly as reimbursement for participation in the program.

Mr. Dusey noted that grant money is still available, but Palm Beach County Solid Waste Authority receives most of the grant money.

After discussion regarding the proposed vehicle expenses, the proper location in the budget for the hand held ticket writers, and the Holiday trees, **THE COMMITTEE APPROVED THE PUBLIC WORKS BUDGET (PROGRAMS 511 - 571) WITH THE FOLLOWING:**

REMOVE $8,825 FROM THE TOWN COUNCIL (112-512-49-19) BUDGET FOR REPLACEMENT OF THE HOLIDAY TREE ON WORTH AVENUE; ***(see page 20)***

ADJUST THE ESTIMATE FOR WATER USED BY THE TOWN (25% SURCHARGE) PENDING THE OUTCOME OF THE WATER AGREEMENT;

REDUCE THE 533 PROGRAM, SANITARY SEWERS, LINE ITEM 43-05, BY $40,000;

INCREASE ADMINISTRATIVE PROGRAM 511 BY $13,000 FOR CONVERSION OF A HALF-TIME POSITION TO A FULL TIME SECRETARY I POSITION;

INCLUDE THE AMOUNT BUDGETED FOR LINE ITEM 34-02 FOR MAINTENANCE OF HISTORIC & SPECIMEN TREES.

1. Capital Improvement Fund (Including 5-year Capital Improvement Program)

Mr. Dusey said the Coastal Management Section of the Capital Improvement Program is in two parts–Implementation of the Coastal Management Plan is one. The State has budgeted for the refurbishment of beach reaches between Via Los Incas and Banyan Road and between Sloan's Curve and the Ambassador Hotel scheduled for November 2000. The projects are proposed with 50% cost sharing to come from State funds. He explained that to proceed in November 2000, the project needs to be bid during July 2000 or as early as possible in the season, and the funding has to be in place. He pointed out that Exhibit M, page 3, provided information regarding shared funding for the projects.

Mr. Dusey said if the Town complied with the permit requirement to maintain sand on the Midtown Beach and received no State or other funds, the Town would have to provide approximately $2 million to $2.5 million to do that.

Mr. Shaw pointed out that the Coastal Protection account had sufficient money in the account to cover the contractual commitments of the Town. He added that he believed funds should be allocated for programs based on reimbursements, but the bottom line for this program, net, for reimbursement is $4 million, not $16 million, for the projects to bring reaches 3, 4, and 7, which included two of the Town's public beach areas, up to standards. Mr. Shaw said that the $4 million is a "doable" amount within the system. Mrs. Smith said she agreed with that.

Mr. Dusey explained that the Capital Improvement Program included projects that the Town committed to as a Town: Coastal Management (includes the Comprehensive Coastal Management Plan); Lake Worth Inlet Management Plan; Sanitary Sewers; Storm Sewers; Structures; Transportation; and Recreation.

Mr. Dusey said the replacement of the Town Hall emergency generator had been moved up and the related project that would move the existing generator to the North Fire-Rescue station. This was moved up because of the recent power outage at Town Hall.

Mr. Shaw said he was not opposed to the concept of replacing the generator but was opposed to the timing because of the project that was currently being considered that included the development of the Beaumont parking lot that would consider the needs of Town Hall. He requested that $200,000 for the generator be removed from the budget and include that amount in the overall project that will encompass the various buildings.

Mrs. Smith replied she did not agree with Mr. Shaw because the project that is being considered is easily three years out, and the recent outage was a warning that something should be done. She said if there would ever be a major storm, she would want all of Town Hall operating on a generator.

Responding to a question from Mrs. Smith regarding future use of the proposed Town Hall generator should it not be needed in a few years, Mr. Dusey said, in his opinion, the generator would not be of great value if it were relocated.

Information Services Director Wilson clarified that the Town Hall generator is the one that runs all of the computer programs for the Police Department and Public Safety.

Mrs. Smith said that to not approve the $200,000 for a generator would not be in the best interests of the Town.

AFTER DISCUSSION, THE COMMITTEE SPLIT ON THE RECOMMENDATION TO TOWN COUNCIL: MR. SHAW RECOMMENDED THAT $200,000 BE ELIMINATED FROM THE STRUCTURES/REPLACE TOWN HALL EMERGENCY GENERATOR (*Exhibit M, page 2)* LINE. MRS. SMITH RECOMMENDED THE $200,000 BE LEFT IN

THE PROPOSED FY2000 BUDGET FOR THE TOWN HALL EMERGENCY GENERATOR.

After discussing the issues of the replacement/closure of the Public Works storage tank, the ADA project at Phipps Ocean Park, the proposed viewing area at the Recreation Center, and the paving parking lot overlay at the Par 3 Golf Course, **THE COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED CAPITAL IMPROVEMENT PROGRAM, EXHIBIT M, WITH THE UNDERSTANDING CLARIFICATION WILL BE GIVEN FOR THE COMPREHENSIVE COASTAL MANAGEMENT PLAN. THE ACTUAL NET DOLLARS INCREASE OVER THE PRIOR, ANTICIPATED, AND BUDGETED AMOUNT, IS APPROXIMATELY $4 MILLION AND THAT IS A RESULT OF THE MIDTOWN BEACH PROJECT OF APPROXIMATELY $2 MILLION FOR WHICH THE FUNDING IS IN THE ACCOUNT AND SCHEDULED TO BE DONE. CLOSE TO $10 MILLION WILL COME FROM STATE GRANT MONEY AND THE COUNTY TO OFF SET THE PROJECT, SO THE NET RESULT, BOTTOM LINE, TO THE TAXPAYER FOR EXPANSION OF REACHES 3, 4, AND 7 IS APPROXIMATELY $4 MILLION. THE LAKE WORTH INLET MANAGEMENT PLAN WILL HAVE SOME ADJUSTMENT IF PALM BEACH COUNTY BECOMES INVOLVED. THE $19,000 FOR THE PARKING LOT OVERLAY AT THE PAR 3 GOLF COURSE WILL BE CONSIDERED WHEN THE PROPOSED FY2000 BUDGET IS CONSIDERED FOR THE RECREATION DEPARTMENT.**

Mrs. Smith questioned where the costs for the Shore Protection Board were allocated in the budget?

Town Engineer Bowser explained that any special appropriations for the Shore Protection Board came from the 561 budget in Public Works under Coastal Engineering.

2. **Marina Fund**

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF THE MARINA FUND AS PRESENTED.**

G. **TOWN HALL MAINTENANCE BUDGET *(pages 10 and 11 in the FY2000 Proposed Budget book)***

Mr. Shaw questioned if line124-514-41-01, Telephone Base, should be broken down for the different departments.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN HALL MAINTENANCE BUDGET.**

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

1. **Self Insurance Fund/Risk Management**

Risk Coordinator Karen Temme explained she was the only person in the department (590) and the insurance coverages were discussed earlier in the meeting.

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

H. **OFFICE OF INFORMATION SYSTEMS (PROGRAM 125)**

Mr. Wilson said the major change he proposed in his budget was the addition of a half-position which would be part of the full time position shared with the Town Manager's office. He added that additional monies were projected for the training line item to allow for recently hired employees; for line 34-03, Programming for the Web site; for line 46-05, and Maintenance for lap top computers. Mr. Wilson said one change that was made in the Proposed FY2000 Budget was the breaking down of all the computer equipment amounts less than $750 in the correct accounts rather than listing all of it in the 64-04 Capital Account.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED FY 2000 BUDGET FOR THE OFFICE OF INFORMATION SYSTEMS (PROGRAM 125).**

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

Fire-Rescue Chief Ken Elmore said the Proposed FY2000 Fire-Rescue Budget is down $710,000 from the FY99 Budget due to three reasons: the removal of the insurances, reduction in retirement, and last year's budget included $400,000 for an aerial truck. Chief Elmore said there were no major changes from the previous year; however, he noted the itemization on page 7 of the supplemental book included twelve items from $1,000 to $30,000 for the Department's projected requirements for the fiscal year 2000.

Mr. Shaw expressed concern regarding the consolidation of two programs and suggested the Town may need to know what the costs are for the provided services.

Chief Elmore responded that, unfortunately, the previous accounting procedure has never provided a true cost for the programs, because the costs of the programs were overlapping.

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

L. RECREATION DEPARTMENT (PROGRAMS 311-314)

Recreation Director Russell Bitzer said the overall combined FY 2000 proposed Seaview Park Maintenance, Recreation and Tennis Center budget is up approximately $64,000 or 8% compared to the FY 99 budget. The increase is primarily due to the scheduled replacement of a fifteen passenger van, Seaview Park paving improvements and increases in part time wages due to increased participation in programs. The increases in wages are offset by corresponding increases in program revenue.

1. Golf Course Fund

Mr. Bitzer referred to page 18, Golf Course Enterprise Fund (620), in the supplemental booklet prepared by the Recreation Department He noted that the FY99 Financial Action Plan was enacted to reduce expenditures and increase revenues, and the FY 2000 projected expenditures are estimated to be down approximately $79,000 or 9% compared to the FY99 budget. FY2000 revenues are estimated to increase approximately $60,000 or 8% of the FY99 anticipated revenues. Mr. Bitzer said that financial projections indicate that the Golf Course cash provided by operations, excluding the depreciation, will have a positive cash balance of approximately $44,000 at the end of FY99 and approximately $109,000 at the end of FY 2000. He said the Golf Course Fund is estimated to be debt free by the year 2001.

Mr. Bitzer discussed the proposed Capital Improvement Program that listed $18,000 for FY2001 for the parking lot overlay at the Par 3 Golf Course. This had been discussed earlier under the Public Works portion of the meeting for a $19,000 project. Mr. Bitzer said he thought the project could be delayed a year, and by doing that, the money would not have to be borrowed. Mr. Doney suggested leaving the $18,000 in the Proposed FY2000 budget at this time until this project is further reviewed and reported upon by Messrs. Bitzer and Dusey.

Mr. Bitzer referred to pages 25, 26, and 27 in the supplemental book that listed Recreation Department Fee Schedules. He noted that increases were shown in bold face type.

After discussion, **THE COMMITTEE RECOMMENDED THE FOLLOWING FY 2000 PROPOSED FEES:**

Golf Division:
Transition Rates (Nov. 1st - Nov. 30th)

Resident Green Fee	**$**	**16.00**
Non-Res. Green Fee		**18.00**
Res. Twilight Greens Fee (after 3:00 p.m.)		**12.00**
Non-Res. Twilight Greens Fee		**14.00**
Riding Cart - Double		**17.00**
Riding Cart - Single		**10.00**
Twilight Riding Cart - Double		**15.00**
Twilight Riding Cart - Single		**8.00**
Pull Cart	**$**	**4.00**
Resident 12 - play ticket		**160.00 ***
Non-Res. 12 - play ticket		**180.00 ***
Range - Warm up bucket		**3.50**
Large Bucket		**5.00**

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Annual Permits

Annual Res. Single Permit	**$**	**750.00**
Annual Res. Double Permit		**1,100.00**
Annual N/R Single Permit		**950.00**
Annual N/R Double Permit		**1,350.00**

Winter Rates (Dec. 1st - April 30th)

Resident Green Fee	**$**	**18.00**
Non-Res. Green Fee		**20.00**
Twilight Resident Greens Fee (after 3:00 p.m.)		**12.00**
Twilight N/R Greens Fee		**14.00**
Riding Cart - Double		**19.00**
Riding Cart - Single		**11.00**
Twilight Riding Cart - Double		**15.00**
Twilight Riding Cart - Single		**8.00**
Pull Cart		**5.00**
Resident 12 - play ticket		**180.00 ***
Non - Res. 12 - play ticket		**200.00 ***
Range - Warm up bucket		**3.50**
Large bucket		**5.00**

Note: * **Mr. Shaw requested a 10% differential across the board (including Tennis)**

Summer Rates (May 1st - Oct 31st)

Semi-Ann. Res. Single Permit	**$**	**200.00**
Semi-Ann. Res. Double Permit		**300.00**
Semi-Ann. N/R Single Permit		**300.00**
Semi-Ann. N/R Double Permit		**400.00**
Resident Green Fee	**$**	**9.00**
Non-Res. Green Fee		**11.00**
Twilight Res. Greens Fee (after 5:30 p.m.)		**7.00**
Twilight N/R Greens Fee		**9.00**
Riding Cart		**12.00**
Twilight Riding Cart		**8.00**
Pull Cart		**3.00**
Resident 10 - Play ticket		**81.00**
Non -Res. 10 - Play ticket		**100.00**
Range - Warm up bucket		**3.00**
Large bucket		**4.00**

Mr. Shaw requested that in preparation of the FY2001 Budget where there are situations where incomes offset revenues that they be looked at as P & L's. Mr. Shaw used the example of the parking meters.

THE COMMITTEE RECOMMENDED APPROVAL OF THE RECREATION DEPARTMENT'S BUDGET AS MODIFIED (RATE SCHEDULES) PENDING THE PRESENTATION OF THE RATE DIFFERENTIAL AT THE JULY 13, 1999, TOWN COUNCIL MEETING. THE PROJECTS WERE APPROVED BY THE COMMITTEE AND INCLUDED THE RECREATION CENTER AND THE ACCELERATION OF THE PARKING LOT OVERLAY FOR THE PAR 3 GOLF COURSE.

F. PERSONNEL DEPARTMENT (PROGRAM 123)

Personnel Director William Crouse reported that 1/6 of a person was accounted for in Program 123 to more accurately reflect the amount of time. He mentioned that items 34-17 and 34-19 were projected to increase. Those items related to recruitment costs and reflected mainly the increased costs in advertising, although additional costs were projected for different testing procedures. Mr. Crouse mentioned the salary line was projected to increase by approximately 3%.

Mr. Shaw suggested using other avenues for advertising job opportunities and gave the examples of the cable television channel that lists jobs and the Town's web site. He also suggested monitoring the telephone calls to determine where applicants are calling from to determine the most effective way to advertise for positions.

THE COMMITTEE RECOMMENDED APPROVAL OF THE PERSONNEL DEPARTMENT'S PROGRAM 123 PROPOSED FY2000 BUDGET WITH AN EFFORT TO EXPAND

ADVERTISING, WHERE PRUDENT, TO OTHER SOURCES.

THE COMMITTEE RECOMMENDED APPROVAL OF THE GROUP HEALTH (PROGRAM 591), FOR THE AMOUNT OF $5,000, FOR PROFESSIONAL STAFF DEVELOPMENT.

Responding to a question from Mrs. Smith regarding the impact of the State legislation on the Town's retirement system, Mr. Crouse indicated he would be able to report the impact as it related to the Town in approximately one year or June 2000.

THE COMMITTEE RECOMMENDED APPROVAL OF THE RETIREMENT FUND ACCOUNT.

Responding to a question from Mr. Shaw questioning the inclusion of the actuarial impact of the Police Department's Special Detail Pay, Mr. Crouse explained there is a two year lag and if it were funded actuarially, it would show up in two years from 1998.

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

Planning, Zoning, & Building Director Robert Moore reported his department's proposed FY2000 budget showed a 14% increase over the FY99 budget. He said that four items comprised most of the increase:

$80,000, Program 211, is associated with a request for a new position, Assistant Director of Planning, Zoning & Building;

$150,000, Program 211, was budgeted for the neighborhood planning concept in the R-B Zoning District;

$10,000, Program 211, was budgeted for a possible school concurrency report;

$68,000, Program 212, was budgeted to continue the contractual arrangement for additional plan review that started in FY99 but was not budgeted for during that year.

Mr. Moore explained that the request for an Assistant Director was based on discussions held quarterly with an advisory group in the industry. This group requested to have someone available both in the field and in the office to make decisions, and to have this person present during final building inspections before a Certificate of Occupancy is issued. Mr. Moore said this has not been possible lately.

Mr. Moore said the $150,000 inclusion in the budget resulted from conversations with Mr. Ray Gindroz's firm through Adley, Brisson, Engman, Inc. for the project in the R-B Zoning District that was previously discussed at Town Council meetings.

Mr. Moore said the $10,000 was included for possible participation with the Municipal League for any type of issue regarding concurrency. He said the amount was budgeted and would not be spent if not needed.

Mr. Moore explained the $68,000 was to continue with the contract inspection, and the current inspector has all four categories of plan review, construction, electrical, plumbing, and mechanical as well as field inspection. He noted that will have to be put out to bid on October 1, 1999.

Mr. Moore said he is proposing a fee for the voluntary Landmarking program to cover the $30 per hour, charged by Jane Day, for the initial research plus an administrative fee of $100.

Mrs. Smith suggested the $150,000 for the R-B Zoning District project should be reduced to $15,000, and the school concurrency report should be reduced from $10,000 to $1,000.

Mr. Shaw requested that line item 51-02, Office Furniture, page 27 of the Budget Book, be reconsidered given the possible relocation of some facilities in Town Hall in the future.

Mr. Moore explained that the plan was to create a third office for the new position utilizing hall space and part of the offices of Mr. Moore and Mrs. Zamecnik, and that office had to be furnished.

Mrs. Smith said she thought if monies were spent for furniture or anything that could be used in another location, that would be acceptable, but carpeting, painting, or permanent improvements should not be done. Mr. Shaw added that this is a transitional period, and urged Mr. Moore not to look at permanent improvements for at least the next six months or the next year.

Mr. Moore explained that the increase in building permits resulted in more inspections and justified the need for as Assistant Director and the continued use of contract personnel.

Mr. Shaw questioned the $30,000 projected to be spent on microfilming and suggested an employee could be hired for that amount. Mrs. Zamecnik responded that Microfilm Management Company can do the scanning more efficiently, and the department is inundated with documents and plans at this time.

After discussion of the proposed voluntary Landmarking fee structure (page 35), **THE COMMITTEE RECOMMENDED IMPLEMENTATION OF THE $100 FILING FEE PLUS $50/HOUR CHARGE TO REIMBURSE THE TOWN FOR SERVICES RELATED TO THE VOLUNTARY LANDMARKING. THE APPLICANT SHALL HAVE THE OPTION TO SUBMIT A REPORT FOR THE PROPOSED PROJECT TO BE REVIEWED BY THE TOWN, OR HAVE THE TOWN PREPARE THE REPORT AND CHARGE FOR THE SERVICE. THE APPLICATION WILL HAVE A DISCLAIMER SHOWING THE APPLICANT AGREED TO ONE OF THE OPTIONS. THE TOWN WILL NOT PREPARE THE TAX ABATEMENT CERTIFICATES.**

Mr. Moore said he thought the projected $150,000 in Program 211, line 31-03, could be reduced by $25,000 or $30,000 and if additional funds would be needed, the Town Council could decide.

Mr. Shaw added that additional funds could come from other sources if they are needed.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF THE PLANNING, ZONING & BUILDING DEPARTMENT BUDGET WITH A REDUCTION IN PROGRAM 211, LINE 31-03, FROM $150,000 TO $120,000 AND ELIMINATION OF THE $10,000 IN PROGRAM 211, LINE 31-03, FOR A POSSIBLE SCHOOL CONCURRENCY REPORT. THE COMMITTEE REQUESTED THAT ANY CAPITAL PURCHASES BE CAREFULLY ASSESSED ON IMMEDIATE NEEDS OR IF THEY WOULD TRANSFER TO A NEW LOCATION.**

O. POLICE DEPARTMENT (PROGRAMS 421 - 440)

Responding to a question from Mr. Shaw regarding line item 41-04 on page 76 of the Budget Book, Police Chief Frank Croft explained that the increase in line item 41-04 reflected the decrease in line item 41-03. Chief Croft said that the Police Department, in line item 34-10, showed an increase due to the inclusion of all of the Town's gas cards in that account.

Mr. Shaw requested that in the future any capital expenses be broken out so she could identify them before the meeting. He cited line item 51-02 on page 85 of the Budget Book.

Assistant Chief Michael Reiter explained that line item 51-02 in different programs covered a variety of items, all costing less than $750, and included VHF radios, light bars for the Police cars, tire deflation devices; however, the major portion of the funds was allocated to replace riot helmets and gas masks that are at least twenty-three years old.

Mr. Shaw suggested an account should be established for "enforcement equipment" or a similar title.

Chief Croft said a replacement top for the Marine Patrol boat accounts for $11,000 in item 64-03 on page 86. In addition, seven night vision devices used by burglary strike force personnel are proposed to be purchased in FY2000. He explained that the $36,000 in line item 64-01 on page 89, program 429, was for two new vehicles to be purchased under a state contract.

The Committee discussed Exhibit H - Revenues, pages 2 and 3, and compared the expenditures for the Gainesville and Arlington On-Street Parking Plans. Mr. Shaw suggested if the costs are reflective, the rates may have to be raised, but noted that all of the expenses are being covered.

Mrs. Smith questioned the increase in the Federal Dignitary Protection Program from $7,000 to $27,000.

Chief Croft explained the amount was projected to cover the needs for an election year, and there was no choice. The Police Department had to participate and assist.

Chief Croft said sufficient monies were not budgeted in Program 433 to cover all of the situations that have been discussed at previous Town Council meetings, starting with the March meeting. He said $188,388 would be shifted from Program 433 which will be closed out. That money, detail pay, and FICA, will be transferred to Program 428. Two different line items will be established, 15-02 for Special Assignment Pay and 15-07 for the Neiman Marcus Special Assignment Pay. Chief Croft said the adjusted revenue line items are 001-000-342-10-00 and the anticipated revenue is $411,200 that will offset the 15-02 account in Program 428. Revenue line item 001-000-342-11-00, Special Assignment Neiman Marcus, is anticipated to have $187,200 revenue.

Chief Croft said he thought the revenues generated will take care of any impact on the retirement system.

THE COMMITTEE RECOMMENDED APPROVAL OF THE POLICE DEPARTMENT'S BUDGET WITH THE ADDITION OF ONE PATROL SERGEANT AND TRANSFERS FROM PROGRAM 433 TO PROGRAM 428 (*copy of Addendum to Palm Beach Police Department's FY2000 Proposed Budget attached to this report*). THE VARIOUS REVENUE PROGRAMS WILL BE REVIEWED BY THE POLICE DEPARTMENT TO DETERMINE IF THEY ARE

ACCOMPLISHING WHAT THEY SHOULD.

I. TOWN CLERK'S OFFICE (PROGRAM 131)

Town Clerk Pollitt explained that line item 64-03 on page 16, Other Machinery and Equipment, contained $1,200 for a Lanier transcriber and was the only increase in the proposed budget. The proposed FY2000 Budget is $222,319 or an increase of 9% due to the equipment request and expected salary increases.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN CLERK'S BUDGET AS PRESENTED.**

J. FINANCE DEPARTMENT (PROGRAMS 141-145)

Assistant Finance Director Cheryl Somers explained that Program 141 was for General Financial Management which covered the bulk of the department's costs. Mrs. Somers said that proposed budget contained $35,000 for a needs analysis study for financial software in the Finance Department and possible additional applications in other departments that would interact with the Finance Department. Mrs. Somers said the plan was to do the study in FY2000 and any software would be purchased in FY2001. In that same program, $3,000 is projected for additional programming from the current programmer, Gary Held of Software Sharing, to make program modifications to the existing software.

Finance Director Jane Skittone said she thought it would be beneficial to do an analysis Town-wide. After discussion regarding the analysis, **THE COMMITTEE RECOMMENDED BUDGETING THE $35,000 FOR A NEEDS ANALYSIS STUDY WITH A FINAL AMOUNT TO BE DETERMINED AFTER REVIEW BY THE FINANCE DIRECTOR.**

After discussion regarding Programs 141 through 145, including renewal of the current auditor's and the proposed budget for the Purchasing Department, **THE COMMITTEE RECOMMEND APPROVAL OF THE FINANCE DEPARTMENT'S PROPOSED FY2000 BUDGET AS PRESENTED.**

1. Debt Service Fund

Mrs. Somers explained there were two debt service funds, 200 and 202, that appeared on page 171 of the Budget book. The 202 fund, series 92, will be completely defeased in July, 2000. The 202 rate is approximately 4.3%, and the 200 fund rate is 5.5%. She pointed out that on page 13 under the Revenues in the Budget book, revenues under the 200 fund are derived from ad valorem and SBOA interest; however, the 202 fund has an added line for Interfund Transfers for $170,000 which utilizes the audited fund balance from September 30, 1998, to assist in the bond payments for FY2000. Anticipated leftover funds in this account on September 30, 2000, will be rolled over into the 200 fund.

Mr. Shaw observed these funds were reported as they are, and there is nothing to be done with them.

Responding to Mr. Shaw's question regarding the present cost of borrowing money, Mrs. Somers replied the last time the Town borrowed money was for the financing of the docks and that was at 5.63% approximately two years and five months ago. She added that she did not believe the cost would be lower than the present bond rate of 4.3%.

M. LIBRARY SERVICES (PROGRAM 321)

Mr. Shaw said he would like to see the Four Arts Library have extended hours one or two nights per week to allow for people to visit in the evenings. After discussion regarding the extended hours, **THE COMMITTEE RECOMMENDED APPROVAL OF THE $125,000 APPROPRIATION AND REQUESTED THE LIBRARY TO PLEASE ADDRESS THE ISSUE OF PROVIDING EXTENDED/EVENING HOURS.**

Mr. Shaw said he would continue to request that the Four Arts Library be more aggressively marketed in the Town.

Mr. Doney pointed out that if the Town participated in the Countywide library millage of .5246 mills, an additional $2,599,132 in taxes would have been required to be paid by Town property owners as compared to the $125,000 appropriation for the Four Arts Library.

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

Mr. Doney said the proposed FY2000 Budget for Program 111 is basically unchanged. $8,825 was removed from Program 112, line item 49-19, for the Holiday Tree on Worth Avenue earlier in the meeting.

After discussion of Programs 111 and 112, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAMS 111, LAW AND POLICY REVIEW, AND 112, INTERGOVERNMENTAL RELATIONS, WITH THE REMOVAL OF THE $8,825 FROM PROGRAM 112.**

Mr. Doney said he recommended the addition of part of a position (to be shared with Information Systems) for the Town Manager's Office in Program 121.

Mr. Doney said he provided a memorandum, dated June 3, 1999, recommending an automobile allowance of $350 per month for four department heads and the Assistant Town Manager who currently do not receive an allowance or have a take home automobile as do other department heads and personnel. This would be effective October 1, 1999. Mr. Doney said he felt this was a justified expenditure based on internal equity.

Mr. Shaw stated he was opposed to the allowances based on the Hay Study that was done a number of years ago to bring salaries into equity based on the job level. He said he did not believe a car allowance should be used as a salary adjustment figure, and the car should be used to carry out the job that a person has.

Mrs. Smith said the Committee will send a divided opinion to the Town Council, because she thought it was a benefit and important to the Town.

Mr. Doney responded that those four positions needed to have the car allowance from an internal equity standpoint.

After discussion regarding the car allowance, **THE COMMITTEE SPLIT ON THE RECOMMENDATION TO THE TOWN COUNCIL TO APPROVE A CAR ALLOWANCE FOR THE FOUR DEPARTMENT HEADS AND THE ASSISTANT TOWN MANAGER'S POSITION.**

Mr. Doney reported that the increase in Town Attorney's rate, approved at the June 8, 1999, Town Council meeting, has not been included in the Proposed FY2000 Budget estimates for advice and litigation.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 122 IN THE TOWN MANAGER'S PROPOSED FY2000 BUDGET.**

Mr. Doney referred to Program 441, Hurricane Preparedness, and as noted in his June 9, 1999, memorandum, Fire-Rescue Chief Elmore will have primary responsibility for Town response to a storm event with the departure of Assistant Town Manager Peter Elwell.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 441, HURRICANE PREPAREDNESS, AS PRESENTED.

Mr. Doney mentioned that Program 711 on page 151, Contingent Appropriations Executive Administration, contained the line item for Extraordinary Longevity Pay.

Mr. Shaw said he thought that management department heads should receive their compensation package at the dollars they are receiving and not be put in a position to nominate or elect themselves for longevity pay. Mr. Doney replied he was the one who made the recommendations.

Mr. Shaw responded said he did not think it was appropriate, and department heads should receive compensation based on the job that they do. That should be the way that it is structured. He thought this was a more "rank and file" benefit, and the managers should not fall into the same categories that the general employees fall into.

Mr. Doney explained that every position has a range, a beginning and ending point. He said that he thought the extraordinary longevity pay for employees who have served more than twenty years with the Town is money well spent for the Town to reward and acknowledge that continued exceptional performance for employees who have topped out in their salary ranges. Mr. Doney said only two department heads received extraordinary longevity last year.

Mrs. Smith suggested there may be a different procedure for department heads and senior administration.

Mr. Shaw said he was not attempting to reduce the amount but looking at a better way to recognize the years of service.

Mr. Doney said he would talk to Personnel Director Bill Crouse to discuss these concerns before the end of 1999. Mrs. Smith said a formula could be worked out for department heads and senior staff and presented to the Town Council before December 1999.

R. OTHER EXPENDITURES - TOWN MANAGER AND ASSISTANT FINANCE DIRECTOR

Mrs. Somers mentioned that most of these programs were addressed previously in the meeting: the 611 program includes the transfer to the Capital Fund and the advance to the Golf Fund (change the $19,000 to $18,000); program 621 shows $681,250 as the Town's contribution for the retirees' insurance; program 623 has the consolidation of the worker's comp, liability, and property insurance into one line item which will be transferred into the Risk Fund; program 624 represents the Town's contributions to the retiree salaries where the original salary amount did not meet the $300/month minimum; program 711 lists the Extraordinary Longevity as well as the General Contingency Account line item; program 722 was an account set up to account for capital lease acquisitions in prior years and the former parking fund; program 720 lists the Kreusler Park Fund (20% of the revenues from the County Park); program 605 is the East Central Regional Wastewater Treatment money that was transferred to the General Fund and this account will drop off next year (the end of three years).

S. REVENUES - TOWN MANAGER AND ASSISTANT FINANCE DIRECTOR

Mrs. Somers reported that the anticipated revenues for FY99 are slightly over $39,000,000 as compared to the original budget of $37,161,000. The General Fund is anticipated to receive approximately $1.8 million more than was originally budgeted for.

Mr. Shaw said he was concerned about the franchise fees regarding utility taxes, long-term, not for the FY2000. He said the Town should be aware of the potentials, and the Town has been very fortunate that over one-third of the budget does not come directly from ad valorem taxes.

Mr. Shaw mentioned the current litigation that may affect the future of these fees.

Mr. Shaw said that he would like to review the various parking meter successes in the Town and try to expand them. He suggested one of the great, untapped resources in Palm Beach is the Bradley Place area where there are no meters or restricted parking. **THE COMMITTEE REQUESTED THE ISSUE OF INSTALLING PARKING METERS IN THE BRADLEY PLACE AREA BE DISCUSSED AT THE SEPTEMBER 14, 1999, TOWN COUNCIL MEETING.**

Mrs. Smith questioned the amount of $1,500,000 for FY99 vs. the $5,000,000 figure for proposed FY2000. Mrs. Somers explained that the description for the line item needs to be expanded to show those are Town contributions for the three reaches that are being proposed for FY2000 that are in the Capital Improvement Program.

IV. ANY OTHER MATTERS

Mrs. Smith requested that the meeting scheduled for 5:01 p.m. on Tuesday, September 7, 1999, (the date after Labor Day) be moved to a later date and this will be done at the July 13, 1999, Town Council meeting.

V. ADJOURNMENT

The meeting was adjourned at 5:10 p.m.

Lesly Smith, Chairman

Leslie Shaw, Committee Member

Discussion took place on the recommendations of the Finance and Taxation Committee as set forth in the Committee Report of June 10, 1999 (see above). The Town Council acted upon the recommendations as follows. The recommendation of the Finance and Taxation Committee will be given, with the action of the Town Council following. PLEASE NOTE: the departments were not considered in the order indicated on the agenda for the Finance and Taxation Committee, but were reviewed in the order noted in the following minutes.

INFORMATION SYSTEMS DEPARTMENT:

THE COMMITTEE RECOMMENDED APPROVAL OF THE INFORMATION SYSTEMS BUDGET WITH THE INCLUSION OF MR. WILSON'S REPORT ON THE COST OF A FULL T-1 SYSTEM AS DISCUSSED AS IT RELATES TO THE INTERNET.

Councilman Shaw moved approval of the Information Systems Budget, including the report on the cost of a full T-1 System. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

PUBLIC WORKS DEPARTMENT:

THE COMMITTEE RECOMMENDED THE ELIMINATION OF THE CARDBOARD RECYCLING PROGRAM.

Councilman Shaw moved approval of the elimination of the cardboard recycling program. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

THE COMMITTEE APPROVED THE PUBLIC WORKS BUDGET (PROGRAMS 511 - 571) WITH THE FOLLOWING RECOMMENDATIONS:

REMOVE $8,825 FROM THE TOWN COUNCIL (112-512-49-19) BUDGET FOR REPLACEMENT OF THE HOLIDAY TREE ON WORTH AVENUE; *(see page 20 of Finance and Taxation Committee Report).*

Councilman McLendon moved approval of the removal of $8,825 from the budget for the replacement of the Holiday Tree on Worth Avenue. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

ADJUST THE ESTIMATE FOR WATER USED BY THE TOWN (25% SURCHARGE) PENDING THE OUTCOME OF THE WATER AGREEMENT;

REDUCE THE 533 PROGRAM, SANITARY SEWERS, LINE ITEM 43-05, BY $40,000;

Councilman McDonald moved approval of the reduction of $40,000 regarding line item 43-05, 533 Program, Sanitary Sewers. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

INCREASE ADMINISTRATIVE PROGRAM 511 BY $13,000 FOR CONVERSION OF A HALF-TIME POSITION TO A FULL TIME SECRETARY I POSITION;

Councilman McDonald moved approval of the increase of $13,000 for conversion of a half-time position to a full time secretary I position. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

INCLUDE THE AMOUNT BUDGETED FOR LINE ITEM 34-02 FOR MAINTENANCE OF HISTORIC & SPECIMEN TREES.

Councilman Shaw moved approval of the recommendation to include the amount budgeted for line item 34-02 for maintenance of historic and specimen trees. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

1. Capital Improvement Fund (Including 5-year Capital Improvement Program.

AFTER DISCUSSION, THE COMMITTEE SPLIT ON THE RECOMMENDATION TO TOWN COUNCIL: MR. SHAW RECOMMENDED THAT $200,000 BE ELIMINATED FROM THE STRUCTURES/REPLACE TOWN HALL EMERGENCY GENERATOR (*Exhibit M, page 2)* LINE. MRS. SMITH RECOMMENDED THE $200,000 BE LEFT IN THE PROPOSED FY2000 BUDGET FOR THE TOWN HALL EMERGENCY GENERATOR.

Councilman McDonald moved approval of the amount of $200,000 for a Town Hall emergency generator to be left in the FY2000 budget; however, with the stipulation the amount would not be appropriated if it is determined after the Town Hall study is completed that another method may be preferable to address the issue of emergency power in

Town Hall. President Smith passed the gavel to second the motion. On roll call the motion carried unanimously.

THE COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED CAPITAL IMPROVEMENT PROGRAM, EXHIBIT M, WITH THE UNDERSTANDING CLARIFICATION WILL BE GIVEN FOR THE COMPREHENSIVE COASTAL MANAGEMENT PLAN. THE ACTUAL NET DOLLARS INCREASE OVER THE PRIOR, ANTICIPATED, AND BUDGETED AMOUNT, IS APPROXIMATELY $4 MILLION AND THAT IS A RESULT OF THE MIDTOWN BEACH PROJECT OF APPROXIMATELY $2 MILLION FOR WHICH THE FUNDING IS IN THE ACCOUNT AND SCHEDULED TO BE DONE. CLOSE TO $10 MILLION WILL COME FROM STATE GRANT MONEY AND THE COUNTY TO OFF SET THE PROJECT, SO THE NET RESULT, BOTTOM LINE, TO THE TAXPAYER FOR EXPANSION OF REACHES 3, 4, AND 7 IS APPROXIMATELY $4 MILLION. THE LAKE WORTH INLET MANAGEMENT PLAN WILL HAVE SOME ADJUSTMENT IF PALM BEACH COUNTY BECOMES INVOLVED. THE $19,000 FOR THE PARKING LOT OVERLAY AT THE PAR 3 GOLF COURSE WILL BE CONSIDERED WHEN THE PROPOSED FY2000 BUDGET IS CONSIDERED FOR THE RECREATION DEPARTMENT.

Councilman McDonald moved approval of the Capital Improvement Plan (Exhibit M), as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

2. Marina Fund

THE COMMITTEE RECOMMENDED APPROVAL OF THE MARINA FUND AS PRESENTED.

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

G. Town Hall Maintenance Budget (pages 10 and 11 in the FY2000 Proposed Budget book).

THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN HALL MAINTENANCE BUDGET.

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

E. Town Manager's Office (Programs 111-122)

1. Self Insurance Fund/Risk Management

THE COMMITTEE RECOMMENDED APPROVAL OF THE RISK MANAGEMENT BUDGET AS PRESENTED.

Councilman McLendon moved approval of the Risk Management Budget as presented. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

H. OFFICE OF INFORMATION SYSTEMS (PROGRAM 125)

THE COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED FY 2000 BUDGET FOR THE OFFICE OF INFORMATION SYSTEMS (PROGRAM 125).

Councilman McLendon moved approval of the Information Systems budget (Program 125). The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried unanimously.

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

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

Councilman McLendon moved approval of the Fire-Rescue Department's budget (Programs 411-416) as presented. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

G. RECREATION DEPARTMENT (PROGRAMS 311-314)

1. Golf Course Fund

THE COMMITTEE RECOMMENDED THE FOLLOWING FY 2000 PROPOSED FEES:

Golf Division:
Transition Rates (Nov. 1st - Nov. 30th)

Resident Green Fee	**$ 16.00**
Non-Res. Green Fee	**18.00**
Res. Twilight Greens Fee (after 3:00 p.m.)	**12.00**
Non-Res. Twilight Greens Fee	**14.00**
Riding Cart - Double	**17.00**
Riding Cart - Single	**10.00**
Twilight Riding Cart - Double	**15.00**
Twilight Riding Cart - Single	**8.00**
Pull Cart	**$ 4.00**
Resident 12 - play ticket	**160.00 ***
Non-Res. 12 - play ticket	**180.00 ***
Range - Warm up bucket	**3.50**
Large Bucket	**5.00**

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Annual Permits

Annual Res. Single Permit	**$ 750.00**
Annual Res. Double Permit	**1,100.00**
Annual N/R Single Permit	**950.00**
Annual N/R Double Permit	**1,350.00**

Winter Rates (Dec. 1st - April 30th)

Resident Green Fee	**$ 18.00**
Non-Res. Green Fee	**20.00**
Twilight Resident Greens Fee (after 3:00 p.m.)	**12.00**
Twilight N/R Greens Fee	**14.00**
Riding Cart - Double	**19.00**
Riding Cart - Single	**11.00**
Twilight Riding Cart - Double	**15.00**
Twilight Riding Cart - Single	**8.00**
Pull Cart	**5.00**
Resident 12 - play ticket	**180.00 ***
Non - Res. 12 - play ticket	**200.00 ***
Range - Warm up bucket	**3.50**
Large bucket	**5.00**

Note: *** Mr. Shaw requested a 10% differential across the board (including Tennis)**

Summer Rates (May 1st - Oct 31st)

Semi-Ann. Res. Single Permit	**$ 200.00**
Semi-Ann. Res. Double Permit	**300.00**
Semi-Ann. N/R Single Permit	**300.00**
Semi-Ann. N/R Double Permit	**400.00**
Resident Green Fee	**$ 9.00**
Non-Res. Green Fee	**11.00**
Twilight Res. Greens Fee (after 5:30 p.m.)	**7.00**
Twilight N/R Greens Fee	**9.00**
Riding Cart	**12.00**
Twilight Riding Cart	**8.00**
Pull Cart	**3.00**
Resident 10 - Play ticket	**81.00**
Non -Res. 10 - Play ticket	**100.00**
Range - Warm up bucket	**3.00**
Large bucket	**4.00**

THE COMMITTEE RECOMMENDED APPROVAL OF THE RECREATION DEPARTMENT'S BUDGET AS MODIFIED (RATE SCHEDULES) PENDING THE PRESENTATION OF THE RATE DIFFERENTIAL AT THE JULY 13, 1999, TOWN COUNCIL MEETING. THE PROJECTS WERE APPROVED BY THE COMMITTEE AND INCLUDED THE RECREATION CENTER AND THE ACCELERATION OF THE PARKING LOT OVERLAY FOR THE PAR 3 GOLF COURSE.

President Pro-Tem Wyett moved approval of the Recreation Department's budget with the correct amount for the parking lot overlay @ $19,000. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

F. PERSONNEL DEPARTMENT (PROGRAM 123)

THE COMMITTEE RECOMMENDED APPROVAL OF THE PERSONNEL DEPARTMENT'S PROGRAM 123 PROPOSED FY2000 BUDGET WITH AN EFFORT TO EXPAND ADVERTISING, WHERE PRUDENT, TO OTHER SOURCES.

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

THE COMMITTEE RECOMMENDED APPROVAL OF THE GROUP HEALTH (PROGRAM 591), FOR THE AMOUNT OF $5,000, FOR PROFESSIONAL STAFF DEVELOPMENT.

Councilman McDonald moved approval of the budget for the Group Health Program. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

THE COMMITTEE RECOMMENDED APPROVAL OF THE RETIREMENT FUND ACCOUNT.

Councilman McDonald moved approval of the budget for the Retirement Fund Account. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

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

THE COMMITTEE RECOMMENDED IMPLEMENTATION OF THE $100 FILING FEE PLUS $50/HOUR CHARGE TO REIMBURSE THE TOWN FOR SERVICES RELATED TO THE VOLUNTARY LANDMARKING. THE APPLICANT SHALL HAVE THE OPTION TO SUBMIT A REPORT FOR THE PROPOSED PROJECT TO BE REVIEWED BY THE TOWN, OR HAVE THE TOWN PREPARE THE REPORT AND CHARGE FOR THE SERVICE. THE APPLICATION WILL HAVE A DISCLAIMER SHOWING THE APPLICANT AGREED TO ONE OF THE OPTIONS. THE TOWN WILL NOT PREPARE THE TAX ABATEMENT CERTIFICATES.

Councilman McLendon moved approval of the implementation of the Landmarking filing fee reimbursement to the Town as outlined above. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

THE COMMITTEE RECOMMENDED APPROVAL OF THE PLANNING, ZONING & BUILDING DEPARTMENT BUDGET WITH A REDUCTION IN PROGRAM 211, LINE 31-03, FROM $150,000 TO $120,000 AND ELIMINATION OF THE $10,000 IN PROGRAM 211, LINE 31-03, FOR A POSSIBLE SCHOOL CONCURRENCY REPORT. THE COMMITTEE REQUESTED THAT ANY CAPITAL PURCHASES BE CAREFULLY ASSESSED ON IMMEDIATE NEEDS OR IF THEY WOULD TRANSFER TO A NEW LOCATION.

Councilman McLendon moved approval of the Planning, Zoning & Building Department's budget as recommended by the Finance & Taxation Committee. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

O. POLICE DEPARTMENT (PROGRAMS 421-440)

THE COMMITTEE RECOMMENDED APPROVAL OF THE POLICE DEPARTMENT'S BUDGET WITH THE ADDITION OF ONE PATROL SERGEANT AND TRANSFERS FROM PROGRAM 433 TO PROGRAM 428 *(copy of Addendum to Palm Beach Police Department's FY2000 Proposed Budget attached to this report).* THE VARIOUS REVENUE PROGRAMS WILL BE REVIEWED BY THE POLICE DEPARTMENT TO DETERMINE IF THEY ARE ACCOMPLISHING WHAT THEY SHOULD.

Councilman McDonald moved approval of the Police Department's budget, as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

I. TOWN CLERK'S OFFICE (PROGRAM 131)

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

Councilman McDonald moved approval of the Town Clerk's budget as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

J. FINANCE DEPARTMENT (PROGRAMS 141-145)

THE COMMITTEE RECOMMENDED BUDGETING $35,000 FOR A NEEDS ANALYSIS STUDY WITH A FINAL AMOUNT TO BE DETERMINED AFTER REVIEW BY THE FINANCE DIRECTOR.

After discussion, Councilman McDonald moved approval of $20,000 for a Needs Analysis Study. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried unanimously.

THE COMMITTEE RECOMMEND APPROVAL OF THE FINANCE DEPARTMENT'S PROPOSED FY2000 BUDGET AS PRESENTED.

Councilman Shaw moved approval of the Finance Department's budget, as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

M. LIBRARY SERVICES (PROGRAM 321)

THE COMMITTEE RECOMMENDED APPROVAL OF THE $125,000 APPROPRIATION AND REQUESTED THE LIBRARY TO PLEASE ADDRESS THE ISSUE OF PROVIDING EXTENDED/EVENING HOURS.

Councilman McDonald moved approval of $125,000 for the Four Arts Library, as recommended by the Finance and Taxation Committee, and requested that the Town Manager write a letter to Library Director Safrin addressing the concerns of the Town Council and the Committee regarding extended/evening hours. The motion was seconded by Councilman Shaw, and on roll call carried unanimously.

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

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAMS 111, LAW AND POLICY REVIEW, AND 112, INTERGOVERNMENTAL RELATIONS, WITH THE REMOVAL OF THE $8,825 FROM PROGRAM 112.

President Pro-Tem Wyett moved approval of the budget for Programs 111 and 112 with the removal of $8,825 (holiday trees) from Program 112. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

THE COMMITTEE SPLIT ON THE RECOMMENDATION TO THE TOWN COUNCIL TO APPROVE A CAR ALLOWANCE FOR THE FOUR DEPARTMENT HEADS AND THE ASSISTANT TOWN MANAGER'S POSITION.

After discussion, several motions were made regarding the car allowance request. They are as follows:

Councilman McLendon moved approval of the request for a car allowance for four Department Heads and the Assistant Town Manager. President Smith passed the gavel to second the motion. On roll call the motion failed 2/3, with Councilman McLendon and President Smith casting affirmative votes; President Pro-Tem Wyett, Councilmen McDonald and Shaw casting dissenting votes.

Councilman Shaw made a motion to deny the request for a car allowance for four Department Heads and the Assistant Town Manager, recommending that any financial adjustments needed to be made for equity purposes among Department Heads that be done in the form of salary increases. The motion was seconded by President Pro-Tem Wyett. On roll call the motion carried 4/1, with President Smith casting a dissenting vote.

Councilman Shaw then made a motion that the Town Manager review the salaries of the Department Heads, taking into consideration the car allowance issue, and ensure that their salaries were appropriate to their positions. The motion was seconded by Councilman McDonald. (A vote was not called on this motion).

Town Manager Doney commented that he would evaluate the situation, and request Personnel Director Crouse to evaluate the positions of the Department Heads. He explained that if an adjustment to salaries needed to be done he would, as Town Manager, take the necessary action without further reporting to the Town Council.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 122 IN THE TOWN MANAGER'S PROPOSED FY2000 BUDGET.

Councilman McDonald moved approval of the Town Manager's budget, Program 122, as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 441, HURRICANE PREPAREDNESS, AS PRESENTED.

Councilman McDonald moved approval of the budget for Hurricane Preparedness, as recommended by the Finance and Taxation Committee. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

F. REVENUES - TOWN MANAGER AND ASSISTANT FINANCE DIRECTOR

THE COMMITTEE REQUESTED THE ISSUE OF INSTALLING PARKING METERS IN THE BRADLEY PLACE AREA BE DISCUSSED AT THE SEPTEMBER 14, 1999, TOWN COUNCIL MEETING.

Councilman Shaw moved approval of the discussion of parking meters in the Bradley Place area to be heard at the September 14, 1999, Town Council meeting. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

Councilman Shaw moved acceptance of the Report of the Finance and Taxation Committee of June 10, 1999. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

XII. OLD BUSINESS

A. Resolutions

1. Resolution No. 15-99 - Revisions to Rights-of-Way Standards Manual *(Deferred from April 13, May 11, and June 8, 1999)* - **Request for Deferral to August 10, 1999, per memorandum dated July 6, 1999, from Town Engineer Bowser**

This item was deferred to the August 10th, 1999, Town Council meeting under Item V. "Approval of the Agenda."

2. Resolution No. 17-99 - Utility Pole Adjustment Policy *(Deferred from May 11, and June 8, 1999)*

- Request for Deferral to August 10, 1999, per memorandum dated July 6, 1999, from Town Engineer Bowser

This item was deferred to the August 10th, 1999, Town Council meeting under Item V. "Approval of the Agenda."

B. Other

1. Royal Park Bridge Status Report by the Public Works Director

Public Works Director Al Dusey reported that construction on the Royal Park Bridge was continuing, and the Florida Department of Transportation (FDOT) had a meeting this day with the contractors to receive an updated report. He explained that plans were beginning for demolition, which would occur as soon as the temporary structure was completed.

President Smith expressed concern that a representative of the contractor and FDOT was not present today, and mentioned that the plan that she had seen for the new bridge was approximately 18-20' wider than the present bridge, which caused her concern regarding the entry to the Island, the bicycle path, skating path, and the pedestrian path. She questioned the role of the Town in getting into the program before the design was finalized.

Mr. Dusey replied that he would ask representatives to come to the next Town Council meeting to discuss the plans in detail.

Councilman Shaw expressed concern regarding the temporary bridge structure, which seemed to be two different styles for the West Palm Beach side and the Palm Beach side, with the West Palm Beach being a precast, and the Palm Beach side being a poured structure. He questioned the impact on the residents when the poured structure was removed, and wanted to be sure that the structure would not be demolished during the middle of the season.

Mr. Dusey explained that the West Palm Beach side was different because of sea grass concerns, and the structure was from the top down. He pointed out that noise ordinances would have to be adhered to when demolition took place, and that he would relay the concerns to the representatives of FDOT and the contractor.

2. Charter Review Commission Report dated April 19, 1999 *(Deferred from May 11, 1999)*

As discussed earlier in the meeting, this item will be heard at a meeting to be scheduled in the near future.

3. Establishment of a Performance Evaluation System for the Town Manager *(Deferred from April 16, and May 11, 1999)*

This item was deferred to the August 10th Town Council meeting earlier in this meeting under Item V. "Approval of the Agenda." President Smith had requested that Dr. Gross submit documents/samples of an evaluation system for the review of the Mayor and Town Council before that time.

4. Town Council Approved Appropriation of $7,500 Regarding PBIA Interconnect Lawsuit by the Vedado Neighborhood Association and the City of West Palm Beach *(Clarification of Funding Assistance Approved June 8, 1999)*

Town Attorney Randolph reported that staff had worked with the office of Attorney Morell, and that a Petition to Intervene in the proceeding had been filed by the Town concerning the PBIA Interconnect Lawsuit. After further discussion, the Town Council agreed that Town Attorney Randolph and Assistant to the Town Manager Jakubiak will continue to monitor the situation; proceed with aid to the Vedado Neighborhood Association ($3,000 remains); and an update will be given at the August 10, 1999, Town Council meeting. Mr. Jakubiak will attend the meetings with a representative from Mr. Randolph's office.

Mr. Theodore Fogg reported that the efforts of the Town to date had been very helpful to this point, and gave an update as to the efforts of the Vedado Neighborhood Association.

Assistant to the Town Manager David Jakubiak reported that he had prepared a summary of the meeting attended, noting that the meeting was a settlement meeting, and that there were various parties involved in the matter. He explained that the interests of the Vedado Neighborhood Association may be different than the interests of the Town, and that Mr. Morell had been advised that the Town would become involved at a point when it was necessary for it to take any further action.

Town Attorney Randolph commented that Attorney Morell had done an outstanding job for his clients in this matter, however, he noted that he could not determine the nature of the specific involvement for the Town at this point, and the issue would be monitored.

5. Hartman and Associates, Inc. Project Authorizations Regarding Water Supply Issues - Request for Deauthorizations

Public Works Director Al Dusey explained that the 30-year agreement with the City of West Palm Beach for the supply of water and the maintenance of the system had been signed. Hartman and Associates, Inc., had been working on a number of water related issues for the Town, and Mr. Dusey suggested that this work discontinue, as explained in his memorandum to Town Manager Doney dated June 18, 1999. Two of the projects being worked on were the Consumptive Use Permits, and Brine Disposal Wells; they had proceeded to the point where they were now on hold pending the outcome of negotiations. He requested permission to stop work on these projects, and write to South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP) to tell them that the Town did not wish to proceed. He explained that if the applications were necessary in the future they could be re-filed.

Discussion took place regarding the Par 3/South-End R-O irrigation study, and the meter installation and flow study. Mr. Dusey explained that he saw no reason to incur additional expense on the meter installation and flow study, as the necessary peak flow information had been completed.

Councilman McDonald moved approval of recommendation No. 3, to de-authorize the meter installation and flow study, as stated in the memorandum of Mr. Dusey to Mr. Doney, dated June 18, 1999. The motion was seconded by Councilman Shaw.

Councilman Shaw suggested that the meters could be sold in order to recuperate some of the costs of the meters.

Councilman accepted that suggestion as part of the motion to approve. On roll call the motion carried unanimously.

Councilman Shaw moved approval of the recommendation No. 5, to de-authorize/close out the West Palm Beach negotiations, which were now complete. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

Councilman McDonald moved that recommendations No. 1, 2, and 4 be deferred to be discussed at the August 10, 1999, Town Council Meeting. (1. Consumptive Use Permits; 2. Brine Disposal Wells; 4. Par 3/South-End R/O Irrigation Study). The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

6. Schedule a Date and Time for Ordinances, Rules, and Standards Committee Meeting

The Ordinances, Rules, and Standards Committee Meeting was scheduled for Wednesday, August 11, 1999, at 1:30 P.M.

XIII. NEW BUSINESS

A. Appointments

1. Building Board of Adjustments and Appeals - Two Member Three-Year Terms to Expire 2002

Mr. Vance Carpenter and Mr. Hugh Davis were reappointed to the Building Board of Adjustments and Appeals.

B. Other

1. Request for Fireworks Display by Palm Beach Country Club, 760 North Ocean Boulevard, for Friday, December 31, 1999, at 12:00 Midnight

President Smith expressed concern that with the coming of the new millennium, every club and hotel in the town would need to be considered regarding requests for fireworks displays, as well as private residents, however, she did believe the millennium was an exciting time for such displays.

Councilman Shaw proposed that everyone desiring fireworks displays for the millennium could have the opportunity to submit applications, with the deadline being August 30, 1999, and have them evaluated by Chief Elmore. He moved that the decision pertaining to the Palm Beach Country Cub be postponed, that no fireworks displays be allowed over land, and that all applications would be discussed at the September 14, 1999, Town Council Meeting. Mr. Shaw emphasized that the applicants must meet all Code requirements or Safety requirements of the Fire Department. President Pro-Tem Wyett seconded the motion.

Chief Elmore commented that there were certain setback requirements, and that he was not sure if there was sufficient beach front to meet the qualifications of not shooting fireworks displays over land. He noted that the Beach Club had fired fireworks off of the beach in the past, prior to 1990, and new requirements had been set since that time. He noted that the only way fireworks could be set to the east may be through the use of a barge.

Councilman Wyett requested that Chief Elmore appear at the August 10th Town Council meeting and tell the Council what he thought was possible for the Fire-Rescue Department to monitor. He suggested that the Chamber of Commerce could organize and receive support from those residents who thought fireworks were appropriate. Mr. Wyett added that he did not want to see private homes who would have the same problem that the Beach Club has, where lawsuits could be filed that would involve the Town. Mr. Wyett said he would like to see the fireworks; however, they would have to safe guarded, and Chief Elmore would have to advise the Council on that.

On roll call, the motion carried 4/0, as Councilman McDonald was temporarily out of the room.

Mr. Doney noted for clarification, that at the August 10th meeting he would ask Chief Elmore to research the Codes including the Federal requirements to be reported at the meeting.

2. Appeal of the Public Works Director's Decision Regarding Illegal Placement of Curbing at 614 Tarpon Way

Public Works Director Al Dusey referred to his memorandum of July 2, 1999, detailing what had taken place in reference to the brick curb at 6154 Tarpon Way. He stated that he had made a decision to require that the brick curb be removed and replaced with a Town approved curb.

Attorney Frank Lynch, representing the owner of the property, Mr George Cohon, addressed the Town Council, presenting exhibits of the property in the question. He explained that in February 1997, Mr. Cohon, through a corporation, purchased the property at 614 Tarpon Way. He noted that the legal description on the Warranty Deed included the western 15' of what was Tarpon Way. In addition, a title insurance policy ensured title to the property in favor of Mr. Cohon. A vacant lot to the east of the property had been purchased, and at that time, a dedication (Exhibit No. 4) was found, which altered the ownership of Tarpon Way from a private ownership to that of the Town. Subsequently, Mr. Cohon had submitted some plans to the Town (Exhibit No. 5-A) in October 1999, indicating a re-surfaced asphalt drive, and the brick curbing now at issue. Those plans had been reviewed by Town staff and a permit (Exhibit No. 6) was issued. Work was done pursuant to the permit. Mr. Lynch noted that on February 1, 1999, he received a phone call from Zoning Administrator Castro indicating that Mr. Cohon was doing work on the property without the proper permits. On February 4, 1999, Mr. Lynch met with Town staff and representatives of the contractor. He then referred to Exhibit No. 7, the Standard Driveway Agreement. The brick curb was cemented to the concrete curb which was underneath. After the meeting, Mr. Lynch explained that he was under the impression that the situation had been resolved, and was aware of a problem only when he received notification from Mr. Dusey. He asserted that the brick being up against the pavement protected the asphalt so that it would not disintegrate. Mr. Lynch noted that the situation on Tarpon Way was unique, as many errors had occurred as the plans for the property had progressed, and that the property was owned by the same individual at a dead-end; the only people that would be using that area of the street would be Mr. Cohon and his guests and the owner of Tarpon Island.

Public Works Director Dusey responded that the work had been done in the right-of-way without a Public Works Right-of-Way Permit, so there had been no knowledge ahead of time in order to object. He explained that even though the current property owner would maintain the area, he was not sure of any safety related issues, nor that a future property owner would agree to maintain the area, which would make it the responsibility of the Town. He indicated that it had been his recommendation that the Town Council order the removal of the brick curb and replace it with a standard vertical curb.

Director of Planning, Zoning & Building Robert Moore responded that a Right-of-Way Permit would have been required in this case, and there had been a note in the file that the architect had called for all other permits that were required to be obtained by the contractor. The contractor had been cited for not getting those extra permits that were needed.

Zoning Administrator Paul Castro responded that when the permit had initially come in and was discussed as a landscape plan, Mr. Ackerman had brought it to his attention, because it was primarily hardscape, and had asked if there were any concerns relative to the permit. He had indicated that there were concerns, as there were substantial improvements in the right-of-way, and had questioned if the necessary review had been done by Public Works. He had been assured that Public Works had looked at the plans, and there had been no problem indicated with the improvements. He then indicated that if they had no problem, there were no zoning issues that he could see. Subsequently, the plans were signed off on, however, it was subsequently found that Public Works had not signed off on the plans. At that time, Mr. Castro indicated that he had notified Attorney Lynch that the necessary permit was not in place. In addition, there were several other issues that were brought to his attention regarding the plan, which resulted in the meeting held with Attorney Lynch and staff. It had seemed at that time that the issues were resolved.

President Smith commented that there had obviously been some communication problems in this issue.

After further discussion, Councilman McDonald moved denial of the appeal of the Public Works Director's decision regarding illegal placement of curbing at 614 Tarpon Way. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

Attorney Lynch clarified that a flat curb could be put in with the brick behind it, and Public Works Director Dusey agreed with that clarification.

3. Request from the Solid Waste Authority of Palm Beach County regarding the FY99/00 State Recycling Grant Program

Public Works Director Al Dusey reported that a request had been received from the Solid Waste Authority of Palm Beach County for permission to use the remainder of the 1999/00 State Grant Program, amounting to approximately $2,700.

President Pro-Tem Wyett moved approval of the request of the Solid Waste Authority to use the entire State Grant for 1999/00 to improve the Commercial Materials Recycling Facility. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

****The luncheon recess was taken at 12:40 P.M.****

****The meeting was reconvened at 2:10 P.M.****

4. Phipps Ocean Park Beach Restoration Project - Request for Funding from Coastal Protection Reserve Account in Capital Improvement Fund

Town Engineer James Bowser reported that the Town and the Florida Department of Environmental Protection (FDEP) had an agreement to do a number of coastal projects, and one element was the restoration of Phipps Ocean Park. Town staff recommended that the Town Council authorize the design and permitting of the Phipps Ocean Park Beach restoration project by Coastal Technology Corporation for the not-to-exceed cost of $592,829, of which 50% would be reimbursed by FDEP.

Councilman Shaw moved approval of the recommendation of staff to authorize the design and permitting of the Phipps Ocean Park Beach restoration project. The motion was seconded by Councilman McDonald.

President Pro-Tem Wyett suggested that the facility be given back to the County, so that the Town of Palm Beach was not paying for the restoration project, since it was not a benefit to the Town, or used by Town residents. He recommended that Mr. Dusey be authorized to negotiate with the County in this regard.

Mr. Dusey replied that he would explore that possibility, and report back to the Town Council at a later date.

On roll call the motion carried unanimously.

5. Underground Fuel Storage Tank Piping Project - Request for Additional Funding from the Capital Improvement Reserve Account

Town Engineer James Bowser reported that the Town had reconstructed the underground fuel storage piping throughout the Town to meet Florida Department of Environmental Protection (FDEP) regulations. During the construction the FDEP had changed their regulations and added additional testing requirements which had not been included in the construction contract, which would require that the testing requirements now be conducted. Cost estimates had been not-to-exceed $36,000.

President Pro-Tem Wyett moved approval of the request for additional funding from the Capital Improvement Reserve Account in the amount of $36,000. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

6. FY2000 Proposed Budgets: *(See Agenda Item XI.A.)*

1. Percentage of Change in Millage over the Rolled-Back Millage Rate of 4.0296 Mills to Fund the FY2000 Operating Budget

Town Manager Doney reported that this item was in concert with those items that were acted upon at the Finance & Taxation Committee meeting. He noted that the percent change in millage over the roll back millage rate of 4.0296 mills to fund the FY2000 operating budget was indicated in his memorandum, with attachments, dated July 7, 1999, to the Mayor and Town Council. Mr. Doney explained that under Chapter 200.065, Florida Statutes, the Town and Town Council are required to take certain actions at this meeting to set a tentative operating millage, announce the rolled-back millage rate and set the date, time, and place for the public hearings, both the preliminary and the final which are the agenda items b. through e.

Mr. Doney commented that the Town staff, the department heads, Mrs. Skittone, the Finance Director, and Mrs. Somers, who performed admirably as the Finance Director after former Finance Director Demming resigned, have provided a very complete package to the Mayor and Town Council including Exhibits A through M.

President Smith requested Town Manager Doney to move ahead to the proposed millage rate unless any Council member had questions regarding the exhibits.

Mr. Doney explained that the reasons why the recommendation was to set a conservatively intentionally high millage rate were identified in his memorandum and referred to Exhibit C, a one page exhibit that shows the operating debt service and total millage. The operating millage was proposed to go from 4.34 to 4.1908 mills or a 3.44% decrease. The debt service was proposed to decrease from .4128 mills to .3452 mills or a 16.38% decrease. He recommended the total proposed millage rate be 4.5360 or a decrease of 4.56% over the FY99 millage of 4.7528 mills. As indicated on Exhibit C, the total taxable value, which was preliminary at this meeting, was $5,428,850,566., and that was a 9.57% increase in taxable value. He said once the Town Council acts upon this at the September public hearings, the Town Council will be able to set a slightly lower operating millage for FY2000.

Councilman Shaw said he thought that the Town is blessed with the opportunity to provide a cut in the taxes that will be paid by the residents, but he cautioned that the Town Council should not take full advantage of every penny that can be cut. He said he was not sure that conservatism should not lead to a slightly higher proposal, still taking advantage to lower the rate from FY99. He suggested 4.2 mills; however, he said he did not know what the dollar difference would generate, but he was not sure he would want to cut it back to 4.1908 mills.

Town Manager Doney said that 4.2 mills would be fine, and with the projected Undesignated General Fund Balance on September 30, 1999, the Town would still be in a good position, and the Town Council will have latitude to address particularly Exhibit M which is the Capital Improvement Fund.

Councilman Shaw noted that there were major issues that the Town is seriously considering in the future, and he thought this would be an opportune time to be able to deal with those issues. Before too much of the tax dollars were turned back, he suggested that the Town should follow the example set many years ago when insurance funds were involved where the Town did not take full advantage of the good years, because there was always a potential of a bad year. Mr. Shaw cautioned the Town Council not to take full advantage of a good year, because there are big projects on the plate in the future.

President Smith asked Mr. Doney to estimate the dollar difference.

Finance Director Jane Skittone responded she estimated it would be less than $100,000.

Councilman Shaw said a different number may be used, but he was not so sure the millage should be cut that much.

President Pro-Tem Wyett said he agreed with Mr. Shaw's direction, and the Town Council was aware of very heavy expenses that will be coming up, one of which is the beach. He said it may be two years before the Town starts to spend money, but it would be less painful for a resident to pay the same amount as last year's taxes or have a slight reduction and then in two years to have a large increase. He said he would strongly consider augmenting the Town's beach funds and maintaining the tax rate or something as close to last year's tax rate and putting it into the "beach rainy day fund".

Mr. Doney responded the Town has established a Coastal Protection Reserve with an approximate balance of $2.3 million.

President Pro-Tem Wyett said the Town had an estimated cost of $40 million for the beach.

Mr. Doney replied that amount may be premature.

President Pro-Tem Wyett asked what the tax difference would be from the FY99 rate and the suggested tax rate for FY2000?

Finance Director Skittone responded that the difference would be approximately $760,000 if the same tax rate were kept.

Mr. Doney said if it was the Town Council's intent to establish additional funding for the Coastal Protection Reserve, and the Property Appraiser was notified by mid August of the tentative operating millage for FY2000 to prepare the appropriate notice of proposed property taxes, the Town would still have a reduction in the debt service millage because of the actual required calculation.

President Pro-Tem Wyett said one enormous storm would not be covered by the money presently in the Coastal Protection Reserve, and if additional money could be put toward building the fund, it would be less of a burden for the residents.

President Smith said the General Fund could be built up also. She asked what the Town Council would like to do with Town Manager Doney's proposal to approve the 4.19 mills?

Councilman Shaw suggested the amount should be 4.3 mills.

Mr. Doney responded the Town Council could leave it at the operating millage of 4.34 mills.

Councilman Shaw responded that he would like to see some reduction.

President Smith clarified that the present operating millage is 4.34 and Mr. Doney's proposal was 4.19 mills. She asked for a figure somewhere in the middle.

Councilman Shaw again suggested 4.3 mills for the tentative operating millage rate.

Councilman McDonald said he agreed with the 4.3 mills.

Councilman McLendon said he suggested 4.25 mills but 4.3 mills did not bother him.

President Smith said the overall majority was for 4.3 mills.

Councilman Shaw then made a motion to approve the tentative operating millage rate of 4.3 mills. The motion was seconded by Mr. McLendon. On roll call, the motion carried unanimously.

Mr. Doney said it would be helpful if the Town Council directed that this amount of money to get to the 4.30 mills be set aside for coastal protection reserves, additional funding, and the Town Council could address that at a later time for specific projects.

Councilman McDonald made a motion to set aside the additional money for coastal protection reserves. The motion was seconded by Mr. Wyett and carried unanimously.

b. Comments from the Public

There were no comments from the public.

c. Advise Property Appraiser of Town's Proposed Operating (General Fund) Millage Rate of 4.1908 Mills, Rolled-Back Millage Rate of 4.0296 Mills, and Debt Service Millage Rate of .3452 Mills

Town Manager Doney explained that the amended millage rate that the Town Council had acted upon will be shown on Exhibit F and will allow the Town Manager to execute the 1999 Certification of Taxable Value with the directions and details that the Town Council has acted upon. He said the operating millage for FY2000 will be 4.300 mills. The rolled back millage rate is 4.0296 mills and the required second certification will show that the debt service millage is .3452 mills for FY2000. He requested the Town Council act on those items by motion.

Councilman Shaw made a motion to approve the operating millage of 4.300 mills for FY2000; a rolled back millage rate of 4.0296 mills; and a debt service millage rate of .3452 mills. The motion was seconded by Mr. McDonald and carried 5-0 on roll call.

d. Set the Date, Time, and Place of Public Hearing when Town Council will Consider and Act Upon Tentative Millage Rate and Proposed Budget for General Fund and Other Funds (Proposed Date: Thursday, September 9, 1999, at 5:01 P.M. in Town Hall Council Chambers) and for Final Adoption Public Hearing (Proposed Date: Wednesday, September 22, 1999, at 5:01 P.M. in Town Hall Council Chambers)

President Pro-Tem Wyett moved approval of the following dates for public hearings:

TUESDAY, SEPTEMBER 14, 1999 5:01 P.M.
WEDNESDAY, SEPTEMBER 29, 1999 5:01 P.M.

The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

e. Authorize Town Manager to Execute 1999 Certifications of Taxable Value with Details Directed Today

Councilman Shaw moved approval of authorizing the Town Manager to execute the 1999 Certifications of Taxable Value with the details directed at this meeting. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

f. Any Other BY2000 Proposed Budget Matters

There were no other BY2000 Proposed Budget Matters at this time.

XIV. COMMENTS OF THE TOWN COUNCIL MEMBERS

Councilman McLendon commented that he had requested the new Royal Palm Bridge be wider so the addition of a lane in the future would not be a problem.

XV. DEVELOPMENT REVIEWS

1. Appeals

1. Appeal of the Architectural Commission's Decision of May 26, 1999, Concerning 740 Hi-Mount Road by Mr. Ronald K. Kolins - **Request for Deferral to August 10, 1999, per letter dated July 7, 1999, from Ronald K. Kolins, Esquire**

This item was deferred to the August 10, 1999, Town Council meeting under Item V. "Approval of the Agenda."

2. Variances, Special Exceptions, and Site Plan Reviews

<u>Old Business - Major</u>

1. <u>VARIANCE NO. 9-99</u> - Robert Deziel, Trustee, 311 Brazilian Ave; located in the R-C Zoning District. To allow construction of a two-story guest house/garage providing a 5' side yard setback in lieu of 10' required, and a 7.5' rear yard setback in lieu of 15' required. To allow a two-story addition to the main residence providing a 7.9' west side yard setback in lieu of 10' required. *(Deferred from June 8, 1999)* - **Request for Deferral to September 14, 1999, per letter dated July 1, 1999, from Maura A. Ziska, Esquire**

This item was deferred to the September 14, 1999, Town Council meeting, under Item V. "Approval of the Agenda."

2. <u>SPECIAL EXCEPTION NO. 15-99 WITH SITE PLAN REVIEW & VARIANCES</u> - 375 S. County Association, 375 S. County Rd.; located in the C-TS Zoning District. To allow the restaurant to relocate 50 of the 150 seats outdoors. To allow a decrease in required landscaped open space by 48 sq.ft. *(Deferred from June 8, 1999)*

Ex-parte communication was declared by Councilman McDonald with Architect Ken Brower via a conversation regarding the merits of the application; by President Pro-Tem Wyett with the attorney for the applicant, Peter Broberg; by Mayor Ilyinsky via a conversation with Attorney Broberg; by Councilman Shaw with Attorney Broberg when the application was initially submitted; by Councilman McLendon via a meeting with Attorney Broberg regarding the proposed plans.

Attorney Broberg, on behalf of the applicant, addressed the Town Council, noting that an amendment was being made to the application in that a variance of the green space was no longer being sought. The only request was to allow outdoor seating on the south side of the building. He presented a packet of the history of the location, and an exhibit of the Site Plan in question. The nearby Everglades Plaza had been contacted, and the applicant had agreed to abide by any reasonable conditions that they cared to have placed on the restaurant. The original approval for a restaurant in that location had placed 7 items as conditions of approval: 1) demonstrate that mid-day and evening customer parking would not cause traffic congestion; 2) provide a nuisance free method of storage, handling and disposing of solid waste; 3) Valet parking may be provided in the evening; 4) Kitchen exhaust scrubber system shall be equipped with filters commonly known as scrubbers, and remove all noxious fumes; 5) total restaurant parking issue; 6) application must provide verification of Town-serving status on an annual basis; 7) to compensate for additional square footage there had to be some square footage removed. All of those conditions had been met. There had been additional conditions when the restaurant had requested additional square footage. Conditions requested by the Everglades Plaza were as follows: lattice work over the archways, downstairs parking, better receptacles for waste, sanitization/deodorizing of the dumpsters, and remove a light off of the tower on the roof. All of these things had been done, and Mr. Kaplan, representing the Everglades Plaza, had indicated that if these six items were made a condition of approval the association would attend the Town Council meeting and state their position of non-opposition to the request for a special exception.

Director of Planning, Zoning & Building Robert Moore commented that one of the main issues before the Town Council was the Town-serving documentation, and the existing agreement for 22 parking spaces at the Apollo Lot. The issue of outside dining would be an additional special exception other than the Town-serving issue, and the concern of neighboring residents was an issue as well.

Attorney Broberg responded that all parking would remain as required with the Apollo Lot, and a new agreement with the tenant would be put in place. He requested a period of time to come back to prove the Town serving nature of the restaurant.

President Pro-Tem Wyett expressed concern regarding the noise, odors, etc., that would affect residents, as well as the proposed outdoor seating. He suggested that if the proposed restaurant did not comply with all regulations, he would like acknowledgment of the right of the Town to close the restaurant.

Mayor Ilyinsky commented that he enjoyed eating outside, and asked Attorney Broberg if he would be willing to forego the outside seating if that was a major cause of a problem with the operation of the restaurant within the first year?

Attorney Broberg agreed that a probationary period would be acceptable.

Mr. Lucio Desiderio addressed the Town Council, stating that he had been associated with Renato's Restaurant for 27 years and he believed the plan presented was the best one for the area. He stated that he wanted to be able to operate the proposed restaurant, make it a success, and remain in place. He noted that staff would not be taking breaks outside of the restaurant, which would eliminate any additional noise.

Attorney Broberg explained that there would be no greater noise, litter, or odor impacts in the neighborhood than had previously existed. The use was compatible with the C-TS Zoning District, and with the Comprehensive Plan. The Town-serving affidavit would be submit on a timely basis. There was adequate ingress/egress, tables would be placed according to the regulations of the Fire Department, and there was adequate landscaping.

After further discussion, Councilman McDonald moved approval of Special Exception No. 15-99, finding that it met the criteria for a special exception, with the following conditions:

1. That the Town-serving requirement be met.

2. That no dinner orders be taken outside after 10:00 P.M.

3. That the probation period be limited to six months, and applicant would return after six months to review the operation of the restaurant. The Town Council could determine, at its discretion, whether the outside dining should remain.

4. Incorporation of the requirements that had been a portion of the former Gingerman Restaurant application, dealing with the scrubber and the parking, as outlined in the approval letter of October 28, 1997.

The motion was seconded by Councilman McLendon.

On roll call the motion carried unanimously.

3. <u>SITE PLAN REVIEW NO. 12-99 WITH SPECIAL EXCEPTION & VARIANCES</u> - 179 Corp. Inc., 420 Royal Palm Way; located in the C-OPI Zoning District. Applicant proposes to construct a 9,960 sq.ft. (GLA), 40 parking space, office building (modifying a prior Site Plan Approval). Special Exception requested to allow a 3-story office building. Variances are requested to allow 63.56% lot coverage in lieu of the 25% maximum allowed; to allow 14.65% landscaped open space in lieu of 30% minimum required; to allow two undersized parking spaces; to allow a 4'2"

side yard setback in lieu of 5' required; and to allow a 171' building length in lieu of 150' maximum allowed. *(Deferred from June 8, 1999)*

Ex-parte communication was declared by Councilman McLendon with Attorney Kolins; by President Smith with Attorney Kolins and Architect Robert Bell regarding the application.

Attorney Ron Kolins addressed the Town Council, explaining that the application had originally proposed a two-story building, and the Town Council had requested that the building be moved back on the lot and made three-stories, in a style and design that mimic the two-story building. Concern had also been expressed for residents in townhouses located near the rear of the building, and appropriate landscaping had been installed, as well as the raising of the wall at the rear of the property.

Architect Robert Bell exhibited the modified construction plan for the proposed building, explaining that he believed all concerns had been addressed.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments: Town Engineer: applicant must meet the Department of Transportation and Town drainage requirements; do not encroach upon the rear utility easement. Building Department: hardships need to be addressed; sound buffering in the rear if granted. Police Department: no comment. Fire Department: no comment. Town Manager: concurs with the above.

Attorney Kolins explained that the only way the building would fit on the property was to sit towards the rear of the lot, in order to comply with parking requirements. Any concerns for the nearby residents had been mitigated. He stated that it was the parking requirements, the size of the lot, and the lay of the land that required that the building be completed as proposed.

Councilman Wyett noted that he did not believe that the Town Council had specifically requested a three-story building, but had requested a more impressive building than that originally presented.

Attorney Kolins responded that the two-story building had been approved, and there was no reason to change the building, other than to make it three-stories.

Councilman McLendon moved approval of Site Plan Review No. 12-99 with Special Exception and Variances. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

New Business - Minor

President Smith suggested that ex-parte communication be declared for any minor New Business project, and that one motion be made on all of them. (As seen below Variance No. 15-99 was withdrawn). The "New Business-Minor" projects were as follows: Variance No. 16-99; Variance No. 17-99; Special Exception No. 16-99; Special Exception No. 17-99; Special Exception No. 19-99; and Site Plan Review No. 14-99.

4. VARIANCE NO. 15-99 - Sydell Miller, 1415 S. Ocean Blvd.; located in the R-AA Zoning District. To allow construction of a north side yard and front yard property line wall at a height ranging from 6' to 16' in lieu of 6' and 7' maximum allowed.

Director of Planning, Zoning & Building Robert Moore requested that this item be removed from "New Business - Minor," and be added to the "New Business-Major" portion of the Agenda.

President Pro-Tem Wyett moved approval of adding Variance No. 15-99 to "New Business-Major," removing it from "New Business-Minor." The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

5. VARIANCE NO. 16-99 - George Ross, 321 Tangier Ave.; located in the R-B Zoning District. To allow enclosure of a roofless trellis structure thereby increasing the cubic content ratio from 4.45 to 4.55 in lieu of 4.5 allowed by Code.

Director of Planning, Zoning & Building Robert Moore stated that staff found no objection to the application.

6. VARIANCE NO. 17-99 - Leonard Lauder, et.al. Trustees, 126 S. Ocean Blvd.; located in the R-B Zoning District. To allow the installation of driveway gates providing a street side yard setback of 3' in lieu of 18' required.

Director of Planning, Zoning & Building Robert Moore stated that staff found no objection to the application.

7. SPECIAL EXCEPTION NO. 16-99 WITH SITE PLAN REVIEW & MODIFIED VARIANCES - L. Frank Chopin, Trustee, 309 Wells Rd. & 345 N. Lake Way; located in the R-B Zoning District. To allow construction of a single family residence on a lot exceeding four times the minimum lot size for the R-B District. Variances requested are: 1) to allow a point of measurement of 2.5' above the 7.5' NGVD for calculations of building heights and cubic content ratio 2) allow a 4' building height variance and a 6' overall building height variance. If the point of measurement variance is denied, applicant requests a 6.5' building height variance and a 8.5' overall building height variance.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments: Public Works Department: owner should abandon all conflicting utility easements on North Lake Way on private property, and dedicate that property in the right-of-way to the Town

8. SPECIAL EXCEPTION NO. 17-99 - Enrique & Robin Senior, 1296 N. Lake Way; located in the R-B Zoning District. To allow a continuation of the guest house kitchen, under agreement approved by Variance #44-77.

Director of Planning, Zoning & Building Robert Moore commented that the applicant must sign a Standard Kitchen Agreement.

9. SPECIAL EXCEPTION NO. 19-99 - Eleanor Beidler, 155 Seabreeze Ave; located in the R-B Zoning District. To allow continuance of a kitchen in a guest apartment permitted under Variance #8-83.

Director of Planning, Zoning & Building Robert Moore commented that the applicant must sign a Standard Kitchen Agreement.

10. SITE PLAN REVIEW NO.14-99 - Donald Kino, 205 Sanford Ave.; located in the R-B Zoning District. To allow construction of a single family residence on a lot fronting 92.5' in lieu 100' minimum required.

Director of Planning, Zoning & Building Robert Moore commented staff found no objection to the application

President Pro-Tem Wyett moved approval Variance No. 16-99; Variance No. 17-99; Special Exception No. 16-99; Special Exception No. 17-99; Special Exception No. 19-99; and Site Plan Review No. 14-99, as minor projects. The motion was seconded by Councilman McLendon. On roll call the motion carried unanimously.

New Business - Major

4. VARIANCE NO. 15-99 - Sydell Miller, 1415 S. Ocean Blvd.; located in the R-AA Zoning District. To allow construction of a north side yard and front yard property line wall at a height ranging from 6' to 16' in lieu of 6' and 7' maximum allowed.

Ex-parte communication was declared by Councilman McLendon via a conversation with Attorney Kolins.

Attorney Robert Deziel, representing Sydell Miller, addressed the Town Council, presenting photographs of the property in question. He noted that a construction schedule had been provided to the Building Department, and the applicant had been asked to put in some landscaping and construct the barrier wall. He explained that in the last few days there had been some resistance from a neighbor in this regard, and he offered that the application would be withdrawn today, if the neighbor objected.

Attorney Ron Kolins, representing Mr. And Mrs. Picower, addressed the Town Council, stating that there was no argument with the notion of a wall, but primarily with the height and size of the wall. He noted that his client had proposed a wall which would be several feet lower than the one proposed.

Attorney Deziel responded that the lower wall, as proposed by the Picowers, was not acceptable to the applicant, and the application would be withdrawn.

Director of Planning, Zoning & Building Robert Moore commented that he had received the letter from Mrs.

Picower yesterday, July 12, 1999, and did not know that she was going to object. He had advised her that the applicant would apply for a variance for a wall, and that her concerns would be addressed regarding ongoing construction with the landscaping.

President Pro-Tem Wyett moved approval of withdrawal of Variance No. 15-99. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

11. VARIANCE NO. 18-99 - Ronald & Marlene Sovinski, 255 Plantation Rd.; located in the R-B Zoning District. To allow construction of a garage providing a 5.2' west side yard setback in lieu of 12.5' required, and to allow construction of a swimming pool providing a 5' east side yard setback in lieu of 10' required..

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

Architect Gene Pandula addressed the Town Council, stating that two variance requests were needed for the property in question. He presented exhibits of the property, explaining the need for the variance requests.

Zoning Administrator Paul Castro gave the following staff comments: Staff believed that the hardship related to removal of the carport and replacement with a garage was that the nonconforming aspect of the carport was being removed, and although the garage would be just as close to the property line, it would be enclosed and serve to be more aesthetically pleasing. In terms of the swimming pool, staff believed that the variance was not the minimal that could be requested, and that the pool could be reduced to 12.5' width.

President Pro-Tem Wyett moved approval of Variance No. 18-99 with the condition that the pool measure 12.5' in width. The motion was seconded by Councilman McLendon.

Mr. Pandula explained that the hardship was that a pool was considered a normal amenity to properties in Town, and without a variance the pool would be limited to 8'.

On roll call the motion failed 2/3, with President Pro-Tem Wyett and Councilman McLendon casting affirmative votes; President Smith, Councilman McDonald, and Councilman Shaw casting dissenting votes.

Councilman Shaw moved approval of the request for the garage. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

President Pro-Tem Wyett then moved approval of the request for construction of the swimming pool with the condition that the pool be moved 1' closer to the house, and reduce the width of the pool by 1' for a 7' setback in lieu of 10' required. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

12. VARIANCE NO. 19-99 - William Meyer, 334 El Vedado Rd; located in the R-A Zoning District. To seeks variances to sections 134-844, 843(a)(5), 843(a)(7), 843(a)(8) and 419 of the Code to add a garage and second floor addition which increases the nonconformities by increasing the building height in a required setback by raising the roof line on this nonconforming residence, providing a 30' front yard setback in lieu of 35' required, providing a building height plan setback of 30' in lieu of 52' required, and providing a 4.8' side yard setback in lieu of 15' required. Additionally, applicant seeks to partially demolish and reconstruct a nonconforming accessory structure within the existing footprint of the accessory structure and not maintain 50% of the cubic volume as required.

Ex-parte communication was declared by President Pro-Tem Wyett via a meeting with the applicant; by Councilman Shaw through viewing of the plans with the applicant; by Councilman McLendon via a meeting with Mrs. Meyer and Attorney Kolins; by Councilman McDonald with the next door neighbor, Mr. Carlos Morrison.

Attorney Ron Kolins, representing Mr. and Mrs. William Meyer, addressed the Town Council, exhibiting a model of the proposed structure. He explained that four of the five variances being requested were for the same thing, to enlarge a nonconforming structure. The house was nonconforming in three respects, all having to do with setbacks: it was nonconforming as to the front setback, nonconforming as to the side setback, and nonconforming to the rear setback. Attorney Kolins discussed the proposed construction in detail, which would make the lot coverage slightly less than it was at present, would make the house much more liveable internally, and make the garage usable. He introduced two letters of support into the record from neighboring residents. He explained that two more changes were desired: to even the height of the storage shed and raise it to the second floor level, to be used as servants quarters and storage; to move a wall 2' so that the entire wall would be even.

Director of Planning, Zoning & Building Robert Moore commented that there were no staff objections to the project, although the height plane on the front area was excessive and needed to be addressed. He pointed out that the house was landmarked.

Mrs. Denise Meyer, owner of the property, addressed the Town Council, stating that she needed the height for the garage because of the garage door height, and because there were two steps down between the master bedroom and the master bath, which was a dangerous situation, as well as steps going down over the garage area. She stated that she believed it was a cleaner application, and more appropriate usage of the square footage if it was all at the same level.

President Pro-Tem Wyett moved approval of Variance No. 19-99 with either plan "A" or "B" as presented at the Town Council meeting. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

13. SPECIAL EXCEPTION NO. 18-99 - Jo's Restaurant, 139 N. County Rd.; located in the C-TS Zoning District. To allow Jo's Restaurant to occupy 2,307 sq.ft. (an increase of 529 sq.ft.), thereby exceeding the 2,000 max. allowed. To allow the addition of 20 seats by allowing 5 on-site, shared parking spaces. The request limits the 20 seats to evening only dining when shared parking is available.

Attorney Peter Broberg, on behalf of the applicant, addressed the Town Council, stating that the request for 20 additional seats in the increase of 529 sq. ft. required adding 5 off-street parking spaces. The additional space would be used only in the evenings, so shared parking could be used, and he had submitted a shared parking analysis from the Metro Design Group in this regard, indicating that there was plenty of parking in the evening.

Director of Planning, Zoning & Building Robert Moore commented that the new area being proposed was for night time use only, and a traffic study had been submitted. The Fire Department had commented that compliance with the Life Safety Code was necessary, and the Police Department had requested a traffic study. Staff also suggested that the waiting area be moved inside and not be outside in view of the public.

Discussion took place regarding the valet parking spaces and the parking procedure.

Councilman Shaw commented that he was happy to approve the concept of the extra space, the parking, and the use, however, he was concerned with the egress to the new facility and the flow regarding the new room, which he suggested should be modified. He moved approval of the extra space, the shared parking issue, and moved deferral regarding ingress/egress, asking that the applicant come back next month to address ingress/egress regarding the new space. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

Later in the meeting, a motion to reconsider Special Exception 18-99 was made by President Pro-Tem Wyett; seconded by Councilman Shaw. On roll call the motion carried unanimously.

Attorney Peter Broberg explained that he had met with the applicant, and it had been decided that the cooler could be moved into the preparation area, and a door would be cut there, which would solve the ingress/egress problem.

Councilman Shaw moved approval of Special Exception 18-99, as modified above. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

14. SPECIAL EXCEPTION NO. 20-99 with SITE PLAN REVIEW - Royal Poinciana Chapel Trustee, Inc.; commonly known as Seagull Cottage, a part of the Chapel, 60 Cocoanut Row; located in the R-B Zoning District. To allow construction of minor building additions and modifications to this previously approved special exception with site plan review. - **Request for Deferral to August 10, 1999, per letter dated June 29, 1999, from John R. Banister, Esquire**

This item was deferred to the August 10, 1999, Town Council meeting under Item V. "Approval of the Agenda," earlier in this meeting.

15. SPECIAL EXCEPTION NO. 21-99 - Nikiforos Stoupas, 101 N. County Rd.; located in the C-TS & R-C Zoning District. To allow a nightclub use at the Casablanca Restaurant; said nightclub would include a dance floor and stage for live entertainment. To allow a total of 150 seats (an addition of 85), a modification to Special Exception approval 23-94. To allow required parking, 30 spaces, on the adjacent lot located in the R-C Zoning District. - **Request for Deferral to August 10, 1999, per letter dated July 8, 1999, from James R. Brindell, Esquire**

This item was deferred to the August 10, 1999, Town Council meeting, under Item V. "Approval of the Agenda," earlier in this meeting.

16. SITE PLAN REVIEW NO. 13-99 WITH VARIANCES - CSC P.B. Ltd. Partners; commonly known as The Dorset House, 190 Bradley Place; located in the R-D(2) Zoning District. To allow modification to Site Plan Approval 2-99. Applicant proposes to reduce the number of units from 20 to 14, reduce parking from 46 to 39 spaces, increase the landscape open space, and add eight cabana awnings. Request to demolish by not maintaining 50% or more of the cubic footage at a given time. Variances requested are front, side and rear requirements for the proposed cabana awnings, providing no setbacks where 10' are required for the side and rear, and 25' in the front.

There were no declarations of ex-parte communication.

Attorney James Brindell, on behalf of the applicant, addressed the Town Council, stating that the project was becoming more conforming as planning continued. Attorney Brindell exhibited a plan of the proposed renovated building, indicating that there were four separate bedroom units with baths that would be tied to individual units in the condominium, to be used as an extra guest bedroom, help quarters, etc. That would be done with a Unity of Title, so that the rooms could be traded among the condominium units, but not be rented to people that were not part of the ownership of a unit, nor rented to outside third parties. The appropriate details would be worked out with Town Attorney Randolph. The Condominium documents would also reflect that.

Attorney Brindell noted that compliance with the 50% rule of not taking down more than 50% of the building at any one time, would extend the demolition/renovation process out to approximately 24 months. The proposed eight cabanas would not meet the setback requirements, however, the applicant believed that with the reduction of the number of units, and the increase in the quality of the project as a whole, amenities such as the cabanas were important to support the type of resulting project.

Architect Gene Lawrence explained the proposal to put four of the canvas covered cabanas in the four corners of the pool deck, and discussed the sequence of demolition of the building.

Councilman Shaw asked what percentage of the building would be down at any one point, according to the requests made by the applicant today?

Mr. Lawrence replied that he would need to meet with Mr. Moore and Mr. Castro in order to compute that figure.

Councilman Shaw moved approval of items 1 and 3 as presented:

5. Amendment to Site Plan Review No. 2-99 in order to further reduce the number of units from 20 to 14 (with 4 separate guest bedroom suites), reduce the number of parking spaces from 46 to 39 per Code, increase the landscape open space by 1,620 square feet, and add eight covered cabanas in pool deck area.

3. Request for three variances for the proposed eight cabana-type awnings as follows:

   A. Front yard setback of 0 feet in lieu of 25.0 feet required.
   B. Side yard setback of 0 feet in lieu of 10.0 feet required.
   C. Rear yard setback of 0 feet in lieu of 10.0 feet required.

The motion was seconded by Councilman McLendon.

President Pro-Tem Wyett stated that he would like to discuss the parking.

Councilman Shaw then withdrew his motion.

President Pro-Tem Wyett suggested that apartments of this size would need at least 3 parking spaces per unit.

Mr. Jay Denger, Manager of Park Regent Condominium, adjacent to the property in question, addressed the Town Council, stating that there was no objection to the project, and that they were in favor of demolition occurring as quickly as possible and getting the project moving before the onset of the season. He noted that his one concern was with the cabanas and the appropriate screening.

Mr. Lawrence responded that a hedge would be inserted in the corner referred to by Mr. Denger, as well as in the corner on the south.

President Pro-Tem moved approval on everything except the cabanas, and requested that the applicant return with another plan for the cabanas. The motion was seconded by Councilman Shaw.

President Smith suggested that the setbacks could be changed on the south side, and leave the design of the cabanas to the Architectural Commission. She asked Mr. Lawrence what setback he could work with on the south side that would allow landscaping and address the concerns of the condominium next door?

Mr. Lawrence replied that it would be 4' at the minimal point. The hedge would be at a height of 6'.

Councilman McDonald expressed concern at the 6' height, since the cabanas were at a height of 8'6".

Mr. Lawrence responded that the hedge would then be at the same height as the cabanas.
President Pro-Tem Wyett again suggested palm trees in the parking lot to break up the concrete look, which he added to his motion of approval. On roll call the motion carried unanimously.

Councilman Shaw then made a motion to defer Request No. 2. (Request to allow demolition to be performed in a single activity so as not to maintain 50 percent or more of the cubic footage at a given time) until the August 10, 1999, Town Council Meeting. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

Mr. Moore noted that the applicant would be asked for a Demolition Bond for the project.

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At this time, Special Exception No. 18-99 was reconsidered, and approved as modified. (Please see transcript under Item. XV. B. 13.).

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17. Modified SPECIAL EXCEPTION NO. 9-99 WITH SITE PLAN REVIEW - The Mar-a-Lago Club, Inc., 1100 S. Ocean Blvd.; located in the R-A & R-AA Zoning District. Applicant has modified the previous application to change request from conceptual approval to a request for final approval to construct a pavilion (to replace tent) and add an underground parking structure on the east side of the proposed pavilion. In addition, applicant requests permission to maintain the tent from October to May each year until completion of the construction of the pavilion. *((Consideration of the Pavilion, the Traffic Management Plan, and the Parking Garage Deferred from June 8, 1999)*

President Smith explained that this portion of the meeting, dealing with Modified Special Exception No. 9-99 with Site Plan Review, was a continuation of the Town Council Meeting of June 8, 1999.

Ex-parte communication was declared by Councilman McDonald via a conversation with Attorney Ray Royce regarding the merits of the application; by President Pro-Tem Wyett with Attorney Doyle Rogers and Attorney Ron Kolins, by Mayor Ilyinsky with Attorney Royce and Mr. Blackman and many other people throughout the Town, by Councilman Shaw with Attorney Royce, by Councilman McLendon with Attorney Royce and several other people in Town that had commented briefly with no real substance, and by President Smith with Attorney Ray Royce.

Attorney Ray Royce, on behalf of the applicant, Mar-A-Lago Club, addressed the Town Council. He explained that the proposal was now to eliminate the parking garage, reduce the occupancy of the pavilion building, and agree to certain limiting conditions that would be in the best interest of all concerned. He submitted a revised plan of the proposal, a revised traffic plan, a number of letters of support, 2 letters from Mr. Pollack of Kimley-Horne Associates, a letter from Ms. Ziel regarding the traffic management plan, a copy of Chapter 10 - "Means of Egress" of the Standard Building Code 1997, and a copy of Town Ordinance 4-98 that empowered the Fire Department to enforce occupancy limitations.

Mr. Royce explained that the membership of the Mar-A-Lago Club had grown since its inception in 1993, and that growth was expected to continue to 500. He noted that approval by the National Trust for Historic Preservation had been a long and tedious process, and the applicant wished to retain the footprint of the building, and find a way to limit the occupancy of the building in accordance with the wishes of the Town Council. The prior proposal had included a separate kitchen facility, which was now proposed to be moved into the ground floor of the pavilion building, the only floor of the building, on the west end of the building. The east end of the building would be occupied by a stage, vestibule and equipment rooms. This would leave a main assembly area of 11,100 sq. ft. He noted that the Standard Building Code required 15 sq. ft. for each person for dinner/table seating, which would result in accommodation of a maximum of 740 people in that area. The applicant would agree to limit the use of the pavilion building to dinner style seating for all events of over 400 people, and have an absolute maximum of 740 people at any event whatsoever. He pointed out that Mr. Blackman had met with the Fire Department and had agreed to post the building for an occupancy limit of 740 people, and the Fire Department would have authority under Florida Statutes and under Town Ordinance 4-98 to strictly enforce the building occupancy limits as posted. He noted that agreement regarding enforcement could be included as an amendment to the existing Declaration of Use Agreement. He advised that with the limit of 740 in place, the existing parking facilities were adequate, and no parking garage would be necessary; therefore, the new proposal included eliminating the parking structure. The Traffic Management Plan had been modified to reflect the limit of 740.

Mr. Royce summarized that he believed that the 740 occupancy limit was reasonable, and noted that special events were less than 3% of the events that took place at the Club. He suggested that the modified proposal protected the interests of the Town, and allowed the Mar-A-Lago Club members the use and enjoyment of the facilities, similar to the way in which other clubs in Town used their facilities.

Councilman McLendon commented that he understood that the original review of Mar-A-Lago had seemed to expect a private club owned by members, not a member. He proposed that any approval issued by the Town Council would contain a requirement that a phased ownership plan be in place and that commercial advertisement of activities at Mar-A-Lago should be prohibited.

Attorney Royce replied that there did not seem to be any limitation in the Town ordinances as to who could own a club, however, in an effort to compromise, he suggested that Mr. Trump would discuss a long range plan to convert the Club to a proprietary club with the Club's Advisory Committee.

Town Attorney asked Attorney Royce to comment on who owned the Club presently?

Attorney Royce replied that it was owned by a limited liability company.

Town Attorney clarified that the definition of "private club" within the ordinance meant buildings or facilities owned and operated by a corporation or association of persons for social or recreational purposes for members and their bonafide guests. In addition, he added that prohibitions on advertising could interfere with First Amendment rights.

Attorney Royce replied that he had spoken with Mr. Trump in regarding to advertising, and had specifically requested of him that there not be any advertisements in the newspaper when special personalities were appearing at the special events at the club, and Mr. Trump had agreed that he would not have any of those announcement type advertisements in the Shiney Sheet with respect to the special events.

President Smith commented that she had reviewed the files of the minutes for the Mar-A-Lago meetings, and had noticed that in 1993 the Town Council specifically said no to tents, referring to page eight of the June 1, 1993, Town Council meeting. She indicated that those minutes reflected that tents would only be used for special events, with approval of the Town's Building and Zoning Director, after presentation of satisfactory assurances that the people attending would not exceed the maximum of 390. Initially there would be no tents as the Council was afraid that it would increase the capacity of the Club, but the point was made that if an individual wanted to use just the tent and not the dining room it was suggested the provision could be amended and the final approval left to the discretion of the Town. She noted that the County had assumed that the tent was there in their concurrency letter of 1996, and she pointed out that it certainly had never been approved by the Town Council, and there had never been any intention that the tent would be permanent. She referred to the Declaration of Use Agreement, page six, where it said that tents could only be used for special events upon approval of the Town Building and Zoning Director after presentation of satisfactory assurances, etc. She observed that it was now being said that the pavilion building would be taking the place of a tent, which she did not believe was accurate, and she questioned whether the County had enough information regarding the concurrency in 1999, and whether there was the need for another concurrency study based on the information of what had happened on the site to date.

Attorney Royce responded that the County had recently provided two letters indicating that concurrency had been met. He also noted that the County had indicated that it would not even review projects that created less than 1,000 gross trips, unless the Town requested the County to do that. He pointed out that the Club generated approximately one trip per day, per member, and the existing trip counts were in the nature of 300+, and the concurrency related only to weekday traffic. The special events in discussion were held on weekends, so there was really no criteria for the County to make an evaluation, under their ordinances, of a weekend type of event.

President Pro-Tem Wyett commented that he believed that there had much misleading language used in the application, and he related some of his concerns regarding violations of mandated procedures, such as the 390 limitation, the tent itself, and the fact that he had not heard any meaningful evidence to tell him that the position of the applicant was correct. He noted that he had been in traffic jams in the area frequently, and that the quality of life in Palm Beach must be preserved.

Mayor Ilyinsky comm ented that he had been very quiet during these hearings for a number of reasons; he had learned something at each meeting, and his opinion of the people involved had gotten higher, and he hoped that when everything was over he could still consider them to be his friends. He pointed out that his concern was whether the Town was dealing with a private club, or the loveliest road house in the United States. He commented that he had never seen a club that did not publish a membership list, and did not have an acting Board of Governors, nor one that had to have special events of such magnitude. He noted that the Club had never behaved like a club, and wondered how it could be expected to be treated like one. He stated that he was opposed to the size of the pavilion being requested, although he did believe there should be a smaller pavilion; he was not denying the Club the right to represent its membership regarding improvements, and he was delighted that the beach cabanas had been approved.

President Smith commented that she believed it was a given that a pavilion would create more traffic and allow more people to attend functions, and expressed concern regarding control on the number of people attending functions at Mar-A-Lago.

Attorney Royce responded that the Declaration of Use Agreement was between the Mar-A-Lago Club, Inc., the Town, and Donald J. Trump. There was no provision in the Agreement or the Town Code that said that the Club had to be owned by the members. The Agreement had provided that Mr. Trump would take care of all of the operating deficiencies for a period of 3-years after the Club became financially successful, which was a provision that Mr. Royce believed was required of Mr. Trump, since there was so much concern about whether the Club could succeed. He noted that the Club was not run like a road house, and people joined the Club to enjoy its facilities, not just its special events. He suggested that the definition of a special event be described in writing, since many of the events that had caused traffic problems were charity events. The understanding of the Club had been that the charitable events were not special events. He suggested that it could be put in writing as a condition of approval that there would not be more than 740 people on the Club property at any given time for any reason.

Attorney Ron Kolins, representing Mrs. Aline Massey, addressed the Town Council, stating that her concerns had related to the creation of the beach club immediately next to her, and the traffic implications which impact her from the enhanced use of the Club. He referred to the concurrency issue, noting that the County had been given information that he considered erroneous: 1) that the beach club was merely an accessory use; 2) that the pavilion was merely a tradeoff for the tent. Therefore, he maintained that the County position on concurrency was based on the wrong information. Mr. Kolins introduced Mr. William Tipton, Sr., of Tipton Associates, Inc. of Orlando, who gave testimony regarding the traffic impacts.

Attorney Royce objected to the witness, as concurrency was not an issue, and had already been resolved.

President Smith noted the objection, and also noted that it had been determined at the June 8, 1999, Town Council meeting that if there was any new information it would be heard. There had been a new report submitted by Mr. Tipton since the last meeting, and she considered that new information.

Mr. Tipton testified that he had analyzed the Mar-A-Lago application as it related the Palm Beach County Traffic Performance Standards on behalf of the Palm Beach Civic Association, the Palm Beach Preservation Foundation, Ms. Nancy DeMoss and Mrs. Aline Massey.

Mr. Kolins submitted three documents for the record: 1) Resume of William Tipton, Sr., P.E., 2) Qualifications and Experience of Tipton Associates, Inc., 3) Evaluation of the Need for a Traffic Impact Study and County Concurrency Review - Mar-A-Lago Zoning Request, Special Exception No. 9-99.

Mr. Tipton explained that his report had concluded that the County ordinance for concurrency indicated that when there was a change to an existing development order which would generate traffic, there would need to be a review by County staff. He had reviewed the 1996 study of the County, and in that report he had seen no indication of the 390 person limitation being included in the study. He noted that the applicant had not submitted any traffic analysis to the County representing the changes that were requested in the zoning application. He commented that traffic generation would increase with the approval of the beach cabanas. He had concluded that the traffic study done by Kimley-Horn and Associates in 1996 did not address the current request that was now before the Town Council, and that the traffic impacts were unknown at this time, as no additional traffic study had been presented.

Attorney Kolins provided a copy of a portion of the County ordinance referred to by Mr. Tipton for the record of the proceedings today, entitled "Traffic Performance Standards of Palm Beach County."

Further discussion took place regarding concurrency, with Attorney Royce questioning Mr. Tipton, and Zoning Administrator Castro providing information regarding the philosophical discussion that had been conducted with the County via a phone conversation regarding the Mar-A-Lago Club, and amenities to the Club. He explained that during that discussion, he had commented that he felt that the beach club was normally associated as an amenity and was customarily an amenity to many clubs. In addition, there had been discussion about the tent, which Mr. Castro maintained that he had said was a temporary tent, used on a temporary basis for special events, and that the pavilion would be in a location further south from the temporary tent. There had also been some discussion about the 1996 traffic study, and the fact that it did not address the temporary tent at that time, even though there were times during 1996 when there were temporary tents for special events. At no time did he remember saying that the pavilion was a replacement. He stated that he found it interesting that an off-the-cuff conversation would be used to draft a letter regarding concurrency issues.

Attorney Royce asked Town Consultant, PhilipTokich if the Club met the concurrency requirements of the Town of Palm Beach?

Mr. Tokich replied affirmatively; the Town concurrency requirements were based on peak hour/peak season traffic, and it had been found that the Club was under the concurrency threshold on that basis.

Attorney Kolins asked Mr. Tokich if he had assumed that the application that was now before the Town Council would generate more traffic than was presently generated by the Club?

Mr. Tokich replied that he had used the information that was presented, for example, the beach facilities, and he had asked himself if there was a member who would not go to the Club because there were no beach facilities? That had not seemed realistic. What was likely to happen was that the members who used the Club may stay longer, but not necessarily generate more trips. He did not attribute a great amount of additional traffic to the expanded facilities. He had not addressed tent versus pavilion.

Discussion began regarding the pavilion portion of the request.

Attorney Royce again explained the modified proposal in detail, exhibiting a plan of the proposed table arrangement, seating and parking. He noted that the proposed building could not be seen from Southern Blvd., and there would be no parking structure. The pavilion would be a safer, weather-proof facility, and would keep noise inside the building.

Councilman Shaw suggested that the pavilion should be built to accommodate a number that all parties agreed to. The Fire Department could then post the facility at that number.

Attorney Doyle Rogers read into the record his letter dated July 12, 1999, regarding his client Mr. Edward G. Watkins. He questioned the violation of uses in the R-AA district by the Club, as well as the issue of fairness as compared to other clubs in Town.

President Smith asked the members of the Town Council if they wished to proceed with the pavilion as a separate item from the elimination of the cap on attendance, or consider both issues together?

The consensus was that the items would be heard together.

Town Attorney Randolph commented that the issues could be discussed together, however, a separate vote should be taken on each item.

Attorney Royce concluded that the Club was located in the appropriate zoning category in accordance with Town ordinances, there was no evidence to indicate that it was violating the ordinances, it was in the same zoning category as the adjacent Bath & Tennis Club, and all of the clubs in the Town were in residentially zoned areas. Mr. Royce maintained that the application was fair, was a compromise, was in the best interest of the Town, and in the best interest of the Mar-A-Lago Club, and urged approval of the requests made today. Mr. Royce submitted a list of the proposed 17 conditions that the applicant would be willing to accept.

Town Attorney Randolph commented that the Declaration of Use Agreement and the minutes of the previous meetings would be incorporated into this meeting; in addition, any letters received by the Town in regard to the application should be incorporated as part of the record. He explained that the decision made by the Town Council must be based upon competent substantial evidence, which did not include any ex-parte communications, or any communications outside these proceedings. A decision must be based on the basis of the evidence that was heard, and it must be competent, substantial evidence, not merely opinion testimony. He explained that there were two things before the Town Council; a special exception, and a site plan review. In determining whether to grant a special exception there were several things to be considered – the requirements for granting a special exception were that the use was a permitted special exception as set forth in Article 6; the use is so designed, located, and proposed to be operated; that the public health, safety, welfare, and morals will be protected; the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located; the use will be compatible with adjoining development and the intended purpose of the district in which it is to be located; that the use will compare with open space requirements; the use will comply with all elements of the Comprehensive Plan; the use will not result in substantial economic noise, glare or odor impacts on adjoining properties; adequate ingress and egress to property and proposed structures thereon; and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; size, location of utility services; refuse and service areas; the proposed use will not attract the principal portion of its customers/clients from off-Island locations; adequate landscaping; that the proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic, or on fire protection services due to the existence of or increased potential for fire/safety code violations. He explained that the decision of the Town Council must be based upon these findings. In granting any special exceptions, the Town Council shall find that such grant will not adversely affect the public interest. In granting any special exception the Town Council, in addition to the standards enumerated in the subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. He explained that it would have to be ensured that the Declaration of Use Agreement was amended to the satisfaction of the Town Council. In addition to the special exception, Mr. Randolph noted that a site plan review was also being considered, and the ordinance required that before any site plan was approved, approved with changes, or denied, the Town Council must make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met, and that further satisfactory provision and arrangement has been made or has not been made concerning the 11 matters named in the ordinance.

President Pro-Tem Wyett moved denial of the application as he did not find that he had heard competent and substantial evidence that would not adversely affect the people and the Town of Palm Beach. The motion died for lack of a second.

Councilman McDonald suggested that the 390 occupancy limit be kept, and that the Club be allowed 6-8 events per year that could exceed that number. He maintained that enforcement of the limits was an important issue.

Councilman Shaw commented that he agreed that an occupancy limit must be agreed upon, and suggested that perhaps 500 would be an appropriate number, with a number of events each year be permitted to go to 600. He agreed that enforcement was a problem that must be addressed.

President Smith commented that she believed that the proposed pavilion building was too big, and that there was realistically no way of enforcing the occupancy limits. She noted that the past record of the Club spoke for itself, with the blatant breaking of the rules, although she remained open-minded.

Councilman Shaw proposed that the Club be allowed to increase the number of people from 390 to 500, and that there be 10 events for which they could increase that number to 600.

Councilman McLendon commented that he was favorably impressed with the traffic management of Mar-A-Lago, although it would still need to be implemented.

Mr. Blackman commented that a point had been reached where the proposal had been cut back too far, and to properly meet the needs of Club members and to merit such an investment, he stated that he would withdraw this portion of the application.

President Smith commented that withdrawal would take a motion on the part of the Town Council. She stated that she did not feel that the Town Council was ready to take that action at this stage, and at 9:10 P.M. she adjourned the meeting until 10:00 A.M. on Wednesday, July 14, 1999.

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The Town Council meeting was reconvened at 10:15 A.M. on Wednesday, July 14, 1999. President Smith called the meeting to order. Councilman McDonald was absent from the meeting. All other Elected Officials were present.

Attorney Ray Royce addressed the Town Council, stating that a point had been reached where it no longer made sense to build a $10 million building if the occupancy would be limited to 500. Therefore, Mr. Blackman had requested to withdraw the portion of the application dealing with the building. Mr. Royce explained that a more reasonable number for occupancy would be 740.

Mr. Blackman clarified that both the cap on membership and the building portions of the building were being withdrawn.

Town Attorney Randolph explained that when a request to withdraw was made on the hearing date, the request must be ratified by action taken by the Town Council.

President Pro-Tem Wyett moved approval of the request to withdraw the portion of the application regarding the proposed facility, and the increase in the cap from 390 to 500. The motion was seconded by Councilman Shaw. On roll call the motion carried 4/0, as Councilman McDonald was not in attendance at the portion of the meeting held on July 14, 1999.

President Pro-Tem Wyett commented that he was asking the Town Council to ensure that the 390 occupancy limit was enforced, since that was the limit called for in the Declaration of Use Agreement.

C. Other

1. Tentative List of Zoning Study Items for 1999/2000 Season

The Town Council accepted the Tentative List of 14 Zoning Study Items for the 1999/2000 season.

2. Appointment of Selection Committee for Request for Proposals (RFPs) on the Prototype Design Guidelines in the R-B Zoning District

Councilman Shaw moved approval of the Request for Proposals on the Prototype Design Guidelines in the R-B Zoning District. The motion was seconded by Councilman McLendon, and approved 4/0, as Councilman McDonald was not in attendance for the July 14, 1999, portion of the Town Council Meeting.

XVI. ANY OTHER MATTERS

There were no other matters.

XVII. ADJOURNMENT

The Town Council meeting was adjourned at 9:10 p.m. on Tuesday, July 13, 1999, reconvened at 10:15 a.m. on Wednesday morning, July 14, 1999, and adjourned at 10:30 a.m. on Wednesday, July 14, 1999.

Mary A. Pollitt
Town Clerk

Prepared by:
Susan Eichhorn
Deputy Town Clerk
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