MINUTES OF THE TOWN COUNCIL MEETING HELD ON JULY 13, 1993

I. CALL TO ORDER AND ROLL CALL - The July 13, 1993 Town Council Meeting was called to order by President Weinberg at 9:30 AM in the Town Council Chambers. On roll call, the following Elected Officials were found to be in attendance: Mayor Ilyinsky, President Weinberg, President Pro Tem Wiener, Councilwomen Douthit, Smith and Royal. Also attending for all or portions of the meeting were: Town Manager Doney, Town Attorney Monaghan, Town Clerk Peters, Chief Elmore, Major Croft, Mr. Dusey, Mr. Bowser, Mr. Elwell, Mr. Jakubiak, Mr. Crouse, Mr. Zimmerman, Ms. Zamecnik, Mr. Boogs, Mr. Frank, Mr. Wandell, Mrs. Crozier, Assistant Chief Frazier, Mr. Bitzer, Mrs. Kelly and Mr. House. Roll Call

II. INVOCATION AND PLEDGE OF ALLEGIANCE - Invocation was given by Town Clerk Peters. Pledge of Allegiance was led by Mayor Ilyinsky. Invocation

III. PRESENTATIONS

1. Presentation by Mr. Barry Atwood, Director of Finance, South Florida Water Management District, of Government Finance Officers Association's "Distinguished Budget Presentation Award" for Fiscal Year Beginning October 1, 1992 to Town's Elected Officials and Staff - Mr. Atwood on behalf of the Government Finance Officers Association presented the Distinguished Budget Presentation Award to Mrs. Crozier, the Finance Administrator of the Town and explained the award was given for exemplary service in the preparation of their budget document, and is a significant achievement and reflects the leadership and support of the elected officials, appointed officials and the residents of the Town of Palm Beach. He reported since the inception of this award program, initiated in 1984, only 580 jurisdictions in the country have received this award, and they should be very proud of this as it represents less than one per cent. Mrs. Crozier accepted the award and recognized her staff member, Debbie Kelly and all other members of her staff who assisted in preparing this document. Presentation by Barry Atwood, South Florida Water Management District

2. Recognition of James L. Myers, Jr. - Seaview Park Commission - Mayor Ilyinsky presented a plaque to Mr. Myers in recognition of his service on the Seaview Park Commission from 1989 to 1993. Recognition of James Myers Seaview Park Commission

3. Retirement of Steven W. Jones, Captain, Fire-Rescue Department, 23 Years of Service - Mayor Ilyinsky presented a plaque to Cpt. Jones for his 23 years of service with the Town. Steven Jones Retirement

IV. COMMENTS OF THE MAYOR - Mayor Ilyinsky commented on the Cable Retransmission issue. "As of June 17, 1993, local television broadcasting stations were to notify their cable companies that they elected for their signal to be broadcast by one of two options: (1) to continue to transmit their signal on basic service for free - known as the must carry provision or (2) to negotiate with the cable company for a fee (or alternative revenue source, such as free advertising) before their signal would be broadcast on basic service - known as 'retransmission.' Some of our local channels include: Channel 5 (NBC), Channel 12 (CBS), Channel 25 (ABC) and Channel 29 (Fox). Comments of the Mayor

This requirement is implemented through the Federal Cable Act of 1992. As a result of this complicated and extensive legislation, local channels that choose 'retransmission' must negotiate a reasonable fee with their cable companies or else they will no longer be broadcast on cable. Those local channels that choose 'must carry' will continue to be seen on the cable company's basis service.

It is our understanding that unless the local broadcast stations and the Town's cable company (Comcast) proceed in good faith with reasonable negotiations, the real losers will be the consumers, our Town residents. The local stations and Comcast will negotiate for a three year term and although the first year's cost will be assumed by the cable company, the costs for the second and third years will be passed onto the consumer. For this reason, Comcast and our local stations, through their negotiations, should keep the residents of this community in mind.

In my opinion, during the last few years, Comcast Cablevision has continued to demonstrate a good faith effort in providing cable services to this Town. Comcast has invested in rebuilding their system prior to renegotiating a franchise agreement (which will soon expire in 1996) and they have moved in a positive direction towards improving customer relations.

Let us hope that both parties show good faith in negotiating these very important retransmission fees.!"

V. APPROVAL OF AGENDA - Motion was made by Mrs. Wiener, seconded by Mrs. Smith to approve the agenda with the following changes: Approval of Agenda

1. 12A1 and 12E1 be moved to the first item under New Business;

2. Hear the comments of Chief Elmore on the fire on North Lake Way and this be item 12E.7.

3. Item XV. B.5 - Variance 33-93 Robert E. Deziel, 319 Brazilian Avenue has been withdrawn.

Motion carried unanimously for approval of the Regular Agenda.

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

APPROVED AGENDA (ITEMS VI. THROUGH VIII.) - Motion was made by Mrs. Wiener and seconded by Mr. Smith to approve the "Approved Agenda" as printed. Motion carried on roll call unanimously.

VI. APPROVAL OF MINUTES OF APRIL 13 (9:30 A.M.) AND JUNE 8 (5:01 P.M.), 1993 Approval of Minutes

VII. LICENSES AND PERMITS Licenses & Permits

Charitable Solicitations

A. Charitable Solicitations

1. American Cancer Society, Palm Beach Benefit; No. 19-94
2. Planned Parenthood of the Palm Beaches; No. 120-94
3. International Society of Palm Beach; No. 232-94
4. Alzheimer's Association; No. 256-94
5. Edna Hibel Art Foundation; No; 292-94
6. Gulf Stream Council, Boy Scouts of America; No. 304-94
7. Palm Beach Community College Foundation, Inc.; No. 338-94

VIII. NEW BUSINESS

Bid Awards

A. Bid Awards

1. Sealed Bid No. 93-017 - One Diesel Truck with Van Body for Parks Bureau of the Public Works Department

REGULAR AGENDA

XII. NEW BUSINESS

A. Ordinances - First Reading

Ord. 13-93

1. Ordinance No. 13-93 - Amendment to Occupational License Ordinance - Recommendations and approval of Report of Equity Study Commission Meeting on June 16, 1993.

Mr. Bernard A. Heeke, Chairman of the Equity Study Commission Meeting addressed the Council reported on the results of that committee meeting. He noted any amount charged for any occupation is within the province of the governing authority who determine that amount. He advised the Legislature has asked that this determination be done with an Equity Study Commission and they looked at what seemed to be fair in making the recommendation for the amounts to be considered for increase. He noted this was the first time these rates have been increased in thirteen years. He thought the Committee was represented very well by the members selected who were of the highest caliber, and were very careful to have everything included. He recalled there was discussion as to whether or not to use an inventory to determine the fees, and this was seriously considered as some communities do use this method, but this Committee decided to not go that route, as this could be an administrative headache to verify.

He wished to point out there was discussion of recommending the maximum amount allowed for the occupational tax for bankers of $795, and when it came down to a final vote, there was a compromise and an unanimous vote to not go for the maximum amount. He stated they would not be adverse to the Council's thinking along those lines as the bankers on the Committee were not adverse to that thinking and a comment was made that no-one was going to leave the Island for an additional two hundred dollars.

He thanked the Council for being allowed the opportunity to serve on this Committee and complimented the staff and the Committee on the highest terms.

Attorney Monaghan read the Ordinance No. 13-93 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 10, LICENSES AND BUSINESS REULATIONS BY DELETING SECTIONS 10-1 AND 10-2 RELATING TO LICENSE INSPECTOR; AMENDING SECTION 10-3 RELATING TO PERSONS SUBJECT TO LICENSE TAX; AMENDING SECTION 10-5 RELATING TO WHEN LICENSES ARE DUE AND EXPIRE, PROVIDING A LATE PAYMENT FOR FAILURE TO OBTAIN; AMENDING SECTION 10-5.1 RELATING TO PENALTIES; AMENDING SECTION 10-6 RELATING TO LICENSE TERM; AMENDING SECTION 10-7 RELATING TO LICENSE TRANSFER; DELETING SECTION 10-8.1 RELATING TO VALUATION OF STOCK; AMENDING SECTION 10-9 RELATING TO ISSUANCE OF LICENSES; DELETING SECTION 10-12 RELATING TO CHARACTER OF LICENSEES; BY DELETING SECTION 10-12.1 RELATING TO CERTAIN PERSONS PROHIBITED FROM RETAINING LICENSES; AMENDING SECTION 14 RELATING TO SCHEDULE OF FEES FOR OCCUPATIONAL LICENSES; DELETING SECTION 10-15 RELATING TO TAX WHEN NOT OTHERWISE SPECIFIED; CREATING A NEW SECTION 10-17 RELATING TO REGISTRATION; CREATING A NEW SECTION 10-18 RELATING TO REQUIRED REGISTRATION INFORMATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mr. Doney pointed out that in order to implement these fees effective with the new fiscal year, it is important that if there are any substantive changes, it be done today in order that the second reading can be done at the August meeting and the new billing can be instituted and sent out in early September.

Mrs. Wiener felt the major part of the Town Council's responsibility was exercised when the Equity Study Commission was appointed, which was of an outstanding caliber and she believed their recommendations should be accepted and she moved the recommendations be adopted as made by the Commission. Mrs. Douthit agreed but had a question on the banking fees as there are over thirty of them in the Town and she believed the fee charged for them should be the maximum. Mrs. Wiener stated as part of the discussion, she would have to recuse herself as she is a Director of a local bank. Mrs. Douthit asked for an amendment to the motion that the banking fees be raised to the maximum of $750.00 and she seconded the motion.

Mr. Weinberg asked for Mr. Heeke's comments who addressed the Council stating the feeling of the Commission was they would be just as happy with the $750 fee but the motion was made for the lesser amount, however, he did not think the Commission would be offended if the fee were increased and that would include the two bankers who served on the Commission.

Mrs. Royal noted the categories were quite broad and wondered if they should be changed to be more encompassing. Mr. Heeke responded there are broad categories and there was quite a lot of discussion on that at their meeting and actually they tried to consolidate some of them so there wasn't a large shopping list. Continuation: ORD. 13-93

Mr. Weinberg called for the roll call and Mrs. Wiener commented since she is voting to raise the fee, she has no conflict, noting she serves as a member of a local Bank Board. On roll call, the motion carried unanimously to adopt Ordinance No. 13-93 with the banking fees raised to the maximum of $750.00.

Attorney Monaghan pointed out there was a change which Attorney Randolph wanted the Council to be aware of and that has been taken care of in the Ordinance and that is they are now restricted as a general rule to charging fees for those people who own businesses in the Town, for which they may charge a registration fee.

E Other

1. Consideration of Request by Dr. Melvin Small on behalf of the Tres Vidas Homeowner's Association for Refund of Prior Payments for Solid Waste Collection and Disposal. Tres Vidas Homeowner's Association

Attorney Bernard Heeke addressed the Council noting with him today is Mr. James Egan, Vice-President of the Tres Vidas Homeowner's Association. Mr. Heeke stated this is an unusual case as the Tres Vidas Association has paid for services twice, once as part of their tax bill and once by having been billed for solid waste collection. He advised the Town inadvertently billed the Association for it and they paid it for eight or nine years. He stated the sole issue is not really the amount but the Statute of Limitations. He pointed out they do not waive any possible defense and admit the Statute of Limitations is an important factor. He stated the Town provides garbage collection of the households in Palm Beach. He did not believe there was a duty on the part of the residents to raise a challenge when they receive a tax bill. He recalled a telephone conversation with Mr. Dusey, Dr. Small, the President of the Association and if it had not come up in that conversation, his clients would still be paying the tax bill as well as the billing they received from the Town. He did not believe there was a precedent in waiving the Statute of Limitation in considering the factor that we really have exercised due care and were not on notice that this was something that could be appealed, they acted normally so the duty had not arisen until they were put on notice that they should not have been paying it. He did not believe the Town had ever taken advantage of its taxpayers on this or any other matter and he did not think it would be precedent setting to refund entirely the amounts paid, as they were not intended to be donated to the Town.

Mr. Heeke advised the discretion of the Town Council to grant the payment is clearly established as they have the discretion to do equity and to justice and what is fair and right and a prime example of this would be the way they grant the variances, as they are equating positions of people who might not be fairly or equally treated without the granting of a variance. He stated they have no dispute with respect to the amount but feel the Association is entitled to have all of its money refunded.

Mrs. Smith noted over seven thousand dollars has been refunded already to Tres Vidas and one of the problems in refunding additional funds is the sale date of the units of the original developer as before they were sold they were considered commercial property and were subject to garbage collection fees, and she understood that was the problem in refunding further back than the four year date to the titles of the various units. Mr. Heeke recalled it was a troubled project as the developer became financially distressed and the lender foreclosed and at that point there were eleven units. He doesn't disagree with her that until the time the sales were actually consummated, this was probably a commercial venture to that extent.

Mrs. Douthit wondered if a compromise could be made, as she believed the sum total request was from 1985 to 1989 was $9273 and suggested they just split that figure down the middle and she so moved.

Mrs. Wiener asked for Mr. Dusey's comments as she was confused as she has heard that $7000 has already been refunded and the original figure is $9000, so that is more than half.

Mr. Dusey reported that based on Mr. Randolph's letter to him, the first four years the Association was in existence, they were entitled to the refund and that was the $7000. He noted the question is now with the years from 1984 on to 1989 and that total was $9273.20. Mr. Dusey indicated he has sent a memorandum and some of the concerns he had was with regard to when the original sales were initiated and now it would be up to the Council to refund all, some or none. Mrs. Wiener asked if there was a way of reconstructing when these units changed hands. Mr. Dusey noted Dr. Small was asking for repayment back to 1984. Mr. Heeke stated it was something he could do with staff as all they had to do is take a look at the deeds and see when the properties changed hands. Mrs. Wiener asked Mr. Heeke what would be his judgment as to when these units did change hands. Mr. Heeke responded it took place fairly early on after the foreclosure as the lender wanted out of the project at that point. Mrs. Wiener noted the $9273 figure could be less to which Mr. Heeke stated it could be and also there were a couple of units which were rented.

Mrs. Wiener asked to amend the motion that the figure not be based on nine thousand but on the actual figure that Mr. Heeke will come up after going through the deeds. Mrs. Smith stated this will not exceed the $9000. Mrs. Wiener believed the figure would be somewhere under $4500.

Mr. Egan addressed the Council, noting his files show the first closure was 5-12-81 and the developer turned over to the Association on 9-10-83 and they started calculating in April of 1984, which was the first month that the paper work was available and it was quarterbacked down with the ones that were on a rental basis, and that is how they came up with the figure of $9273. Mrs. Smith asked if he would accept half of that as the settlement? Mr. Egan responded they are a small association but he thought that was a fair offer and he would be accept. Mrs. Wiener withdrew her amendment to the motion and seconded the motion as made by Mrs. Douthit. On roll call, the motion carried 4-1 with Mrs. Royal voting against the motion.

IX. LICENSES AND PERMITS Licenses & Permits

A. Beverage License

1. Application for a New 4COP-SRX Alcoholic Beverage License by Thomas Michael Youchak/Youchak & Youchak, Inc. d/b/a SPQR at 191 Bradley Place - Thomas Youchak App. for New 4COP-SRX Bev.License SPQR at Bradley Place

Continuation:
Bev.License
SPQR - Bradley
Place

addressed the Council indicating he is looking for approval for a liquor license at 191 Bradley Place. He noted all of the inspections have been passed and they have received their license from the State of Florida to operate and now wishes to have the Town approve this. Mrs. Douthit noted it looks like a nice restaurant, but she sees an absolute avalanche of noise complaints and she wished to put a time limit on closing on this as this in a residential neighborhood and there have been problems here in the past. She would like to see no music after 11 PM.

Gerald Beebe addressed the Council noting Mr. Youchak has asked him to help put this together as he has helped with other establishments in this Town and other places. He noted this will be a Town-serving institution. Mrs. Douthit responded that would have to be proven. Mr. Beebe stated they were willing to do so, and he hoped that rather than putting caps on this, they be allowed to go without a period of curfew so they may better serve the Town and have a Palm Beach style restaurant. He noted Brazilian Jazz is one of the most softest and elegant forms of jazz in the world. He stated there will not be loud harsh music and encouraged them all to come and see and listen to the music. Mr. Douthit recalled for years it was a magnificent restaurant with strolling guitarists and she didn't want to see it with bass drums and tambourines.

Mrs. Wiener felt this was a serious matter and she was sure they know the Town cannot preclude them from getting their license, but on the other hand, the history of this location has been horrendous and she was sure Mr. Beebe knew that, as he was involved in Lulu's. She was concerned about the people who lived across the street and she thought there should be limits put on the music with regards to hours they would have to start, and if it turns out in due time, that they will be good neighbors, the Council could rehear this and give them another hour or two, but they cannot at the outset do this to the people who live in this area.

Mr. Youchak advised he is new to the area and when he heard about the problems they had with the previous owner of this establishment, he called Mr. Zimmerman to address that problem and circumvent anything that may occur later. He did get the telephone number of the attorney, Mr. Maass who represents Dorset House and he talked with Mr. Maass and met with him at the facility and showed him how they would noise abate the building better than the previous tenant. He stated he was an architectural engineer and has that ability and he asked if the Council would listen to Mr. Maass.

Mrs. Wiener recalled the previous tenant had a noise expert advise them, however, it didn't abate the noise situation and she thought the only way it could be handled was to stop the music earlier as a lot of the complaints is the door slamming and the yelling back and forth after the people leave the establishment.

Attorney Rob Maass addressed the Council representing the Dorset House and has with him Eve Christie, the building manager, and Don Gilmore and Isabel Arden who are tenants in the building. He noted Mack McLoud, the Manager at the Lake Towers is in the audience and Mr. Denger, the Manager at Parc Regent and Mr. McGarvey, the Manager at the Biltmore, Mr. Britt, the Manager at L'Ermitage, and an assistant, Mr. Segal from L'Ermitage. He stated the reason they are here today is their concerns over noise and the experiences they have had with LuLu's and Mr. Youchak has stated, they have met with them and he has listened to their concerns and has talked of things he can do to limit the noise. He found that despite the good intention of the owners of LuLu's, they fell short in their inability to control the patrons after they had left the facility, and there was talking on the sidewalks and slamming of the doors, which would go on at two or three in the morning and that was a serious problem for the residents in the area. He indicated the concept they had discussed with Mr. Youchak was the license be issued on a probationary basis with the thought being that if they could control the noise and it was not a problem for the buildings, and they really don't want to interfere with the conduct of his business, but wish to know that there is a mechanism by which the residents can be protected.

He supports the concept of the hour limitations and whatever time limit the Council feels is appropriate, the license be initiated on a probationary basis, and the situation be reviewed after a certain period of time to ensure that in fact the restaurant is not adversely affecting the interest of the residents of the buildings nearby.

Mr. Richard Brown, a bartender at Chuck and Harold's, addressed the Council, indicating he was involved in the sale of LuLu's which was on the market for almost two years, and he was confused about what was happening as they have Bradley's down the street and Chuck and Harold's who can be open until one or two o'clock in the morning and at this location there has been a restaurant there for forty years and many of these people who are complaining, came after the restaurant was there. He is saying that they had two years since this was on the market, and if they were concerned about what was happening there, they could have bought the property and could have it made into a civic center. Mrs. Smith asked what was his involvement in the granting of this liquor license? Mr. Brown stated his concern was that they were limiting this man's business hours. Mrs. Smith pointed out the Council hasn't limited anything as yet. Mr. Brown stated he wanted to make his sentiments known as Bradley's is open to three o'clock in the morning. Mrs. Wiener responded they have that matter under control.

Mrs. Smith asked if they were developing this property as a restaurant or as a nightclub? Mr. Youchak responded the concept is both as a restaurant and a nightclub but not the type of a nightclub that it has been in the past, and a supper club may be a better definition. Mrs. Smith stated a supper club would be a problem for her as that means late hours and there is a parking problem in that area. She pointed out many of the building managers are here today but most of the residents are away for the summer. Mr. Youchak responded his intent is to be a part of this community and he wants to provide a facility that will beneficial to the community, and it is his intent to communicate clearly to the Town Council and the people across the street as he doesn't want to have a noise problem and if there is a problem, he wants to address it and solve it. Mrs. Smith asked if he hasn't closed on the property as yet because of particular conditions that he wishes to get from this Council today? Mr. Youchak responded it is simply because of timing.

Isabella Arden, of the Dorset House addressed the Council, noting her apartment faces northeast and she recalled some of the discussion today she heard when LuLu's was before the Council. She came to Palm Beach twenty seven years ago and has lived in the Dorset House ten years and the two years when Lulu's was there, were sheer torture with heavy bass music pounding. She saw someone there a few weeks ago and asked what they were going to do with the property and was told it was going to be a bar, a grille and a dance floor with Brazilian music. She felt they needed a good restaurant in the neighborhood but she certainly didn't want to go through what she has been through several years ago with LuLu's. She hoped these people would do what they say they are going to do, and she urged the Council to set a limitation on the hours and the times that the music can be played, probably until midnight.

Continuation: Bev.License SPQR - Bradley Place

Mrs. Smith stated she was thinking more about eleven o'clock to which Mrs. Wiener agreed.

Mr. Bob McGarvey, the Manager of the Biltmore, addressed the Council, noting they have their problems with the other end of the street which they would like to do something about, but they can't. He stated it is hard to grant a license of this type, but he doesn't want to see Bradley Place turn into the entertainment zone of Palm Beach.

Margie Dyer Lonwandowski stated she and her husband own the property directly across the street on Seminole Avenue and she hoped the Council would help them address the noise issues. She has been talking with her neighbors who lived in this area when LuLu's was there and they all have told her it was an impossible situation. She thought it was unfortunate that the new owners did not contact them. She noted she has been remodeling this house since January and she arrives early in the morning or later in the afternoon, and the parking problem is severe as the two buildings across the street behind the old LuLu's houses 17 apartments, so there is a problem with the parking, and suggested that perhaps permit parking for the residents would be an answer to the problem.

Mr. Weinberg asked about the parking and Mr. Zimmerman responded there is parking for the restaurant.

Jay Denger, Manager of the Parc Regent read a letter from the President of the Parc Regent: "On behalf of the condominium owners of the Parc Regent, and the Condominium Association at 184 Bradley Place, we wish to go on record indicating to you herewith our opposition to a late hour nightclub at the former LuLu's, which is across the street from where we reside. We would agree to a luncheon and dinner restaurant closing at a normal acceptable hour. It would be the late night club atmosphere that would destroy the peace and serenity of our neighborhood We would like to be protected against what could become an unbearable nuisance." Signed: Lester Fisher, President.

Mr. Weinberg asked Mr. Denger what hour is he talking about to which the response was midnight would be acceptable.

Mrs. Wiener believed that would mean another fifteen or twenty minutes of cars and noise and that may not be acceptable.

Mr. Beebe asked for an opportunity to explain about the caliber of what they were doing. Mr. Youchak stated they recently hired the chef from Cafe L'Europa who has been there for five years, and another chef and this has nothing to do with the noise, but will show he is serious about having the very best in that field. He spoke with Mr. Maass and he has no problem with the midnight turn-off of the music and he only asks for a chance to let him show what they can do. He would like it to be a six month probationary period. Mr. Maass addressed the Council stating his clients at the Dorset House would be willing to have Mr. Youchak be authorized to have a twelve o'clock closing hour, with the understanding it is for a probationary period through the end of the year as they have the concern about how long it will take for people to leave the premises. He understood if there was a continued problem during the probationary period, they could revisit the situation and move it back to 11 PM.

Mrs. Wiener commented the Council cannot regulate closing hours but merely the time when the music will stop. Mr. Maass understood. Mrs. Douthit thought the probationary period of six months doesn't make sense as it will end in January, and she would suggest that the music close down at 11 PM, so they will be out at midnight. She also suggested they have valet parking, which might help lessen the noise element. Mr. Youchak stated he would like this to be the finest restaurant in Palm Beach and he only asks they give him a chance to prove himself. He will not have the boom boom type of music, but light Brazilian piano music and some DJ music but not of the type that was there before.

Mrs. Wiener made a motion that even though if there is a probationary period it should be understood that if there is trouble within this period, they will be calling on Mr. Youchak to come back and she would like to recommend the probationary period be until April 1, 1994 and that the music be stopped at 11:30 PM and there be valet parking and that Mr. Youchak does everything within his power to see to it that the valet parkers conduct themselves in a manner that will please the people across the street, so when the probationary period comes to an end, they will add a little more time if all is well. Seconded by Mrs. Douthit, who asked Major Croft to look into the possibilities of permit parking for the residents in this area.

Mr. Maass asked if when they said music, did they mean music and entertainment? Mrs. Wiener agreed. Mr. Youchak asked if this meant the piano to which the Council responded affirmatively. Mr. Youchak asked if he could have the opportunity to come back in three or four months to see if there are any complaints? Mrs. Wiener responded if the neighbors come forward with him, that would be fine, but in the meantime, the probationary period would be until April 1.

On roll call, the motion carried 3-2 with Mrs. Smith and Mrs. Royal voting against the motion. Mrs. Smith explained her negative vote is because she felt that there has not been enough protection for the residents in the neighborhood from this being a supper club.

A short break was taken.

President Weinberg reconvened the meeting.

Committee Repor

X. COMMITTEE REPORTS

A. Finance and Taxation Committee Reports of June 9, 10, and July 7, 1993

Finance & Tax

REPORT OF THE FINANCE & TAXATION COMMITTEE OF MEETINGS

HELD ON JUNE 9, 1993 AND JUNE 10, 1993

Continuation: Finance & Tax Committee Report

Roll Call

I. CALL TO ORDER & ROLL CALL: Chairperson Wiener called the meeting of the Finance & Taxation Committee to order at 9:30 AM in the Town Hall Council Chambers on June 9, 1993. On roll call, the Finance & Taxation Committee members were found to be in attendance: Chairperson Wiener and Committee member Smith. Other Elected Officials attending for all or portions of the meeting were Mayor Ilyinsky, Council President Weinberg, Councilwomen Douthit and Royal. Also attending were Town Manager Doney, Finance Administrator Crozier and Department Heads and their staff.

Comments of Hermine Wiener, Chairperson

COMMENTS OF CHAIRPERSON HERMINE L. WIENER: Chairperson Wiener thanked President Weinberg for appointing her to this Committee as well as Councilwoman Smith. She noted there is new information submitted this year at her request prepared by Mrs. Crozier, one being what is mandated by the County, State and Federal Governments to be in the Town's budget, and it turns out to be approximately 13% or over three million dollars. Another item is the amount of money saved (cost savings measures report) by each Department, and this type of exhibit has never been in the Budget back-up materials prior to this year.

Referring to Exhibit I, Mrs. Wiener reminded all at this meeting that the Town of Palm Beach has one of the lower millage rates in the County and there is a limited commercial base, which reflects what this Town is all about.

Approval of Agenda

II. APPROVAL OF AGENDA: Agenda was approved as printed.

FY94 Proposed Budget

III. FY94 PROPOSED BUDGET:

Overview

A. OVERVIEW - COMMENTS OF THE TOWN MANAGER AND FINANCE ADMINISTRATOR: Mr. Doney summarized the exhibits and discussed the Calendar. After discussion, it was decided the next Finance & Taxation Committee meeting will be held on Wednesday, July 7, 1993 at 10 AM.

Mr. Doney identified and generally described the attachments (Exhibits A-N - see attached list) to his memorandum of June 4, 1993. He said these exhibits are intended to be an informative package of materials to assist in the consideration of the proposed Budgets for FY94.

Mrs. Crozier advised the Committee that she had also prepared the attached Exhibit dated June 7, 1993 to show the difference between the FY93 Adopted General Fund Budget and the FY93 Adjusted General Fund budget, which represents those expenditures from prior years which are reflected as encumbrances, as they are carried over to the FY93 year to be paid from the dollars that were originally budgeted in FY92.

Mr. Doney explained that, as of this time, there are three major items which will affect the General Fund FY94 Proposed Budget which are (please see attached exhibit dated June 7, 1993):

1. Treatment and disposal charges for sanitary sewage from the City of West Palm Beach, which are estimated to increase approximately $240,000.

2. Capital Improvement Fund - increase of transfer of $228,000 from General Fund based upon the proposed projects, which will be reviewed later in the meeting.

3. First year of a five year lease purchase of a replacement aerial platform truck for Fire-Rescue Department, which is approximately $110,000 for each of the next five years.

Mr. Doney reported the overall personnel complement for the Town's General Fund has decreased from 352.56 to 349.23 positions. This reduction of slightly over three full time positions is due to the following:

1) Mr. Dusey's elimination of two laborer positions in the Parks Division.

2) Chief Elmore's change in the Fire-Rescue Department by eliminating a full time fire inspector position and changing same to a part time contractual position.

Mr. Doney then proceeded to generally review each Exhibit A-N and offered a few highlighted comments on each exhibit. The following are summary abbreviated comments on several Exhibits and copy of each Exhibit is available for review in the Town Clerk's Office.

Exhibit D

Mr. Doney advised Exhibit D identifies potential non-ad valorem revenue that could be generated if Town residents paid user fees for sanitary sewer, residential solid waste collection, and yard trash collection and disposal services rather than paying for same by ad valorem taxes. This exhibit also identifies the potential affect that same would have on the operating millage, which would reduce the operating millage by approximately 1.14 mills, or operating ad valorem taxes by approximately $4,500,000.

Exhibit E

Mr. Doney explained Exhibit E is a new exhibit which shows cost saving measures that have been implemented from FY90 through FY93 and what cost saving measures are proposed for FY94. He noted the cost saving measures proposed for FY94 would total approximately $2,600,000.

Exhibit F

Mr. Doney noted Exhibit F shows the unfunded Federal, State and County mandates which is a cumulative effort by all Department Heads and Mrs. Crozier. For FY93, the mandates were approximately 13% of the total General Fund budget or approximately $3,800,000.

Mr. Doney advised a preliminary millage figure will be available at the July meeting, and as the Town has done during prior fiscal years, Mr. Doney indicated that he will recommend that the Town Council set a higher operating millage than what would be expected to be required for FY94, due to the TRIM law. He stated another item which has not been addressed at this time is the transfer from undesignated general fund balance for use for the FY94 budget. The third item annually visited is that, as of this time, the proposed budget contains no potential general pay increase for Town employees for FY94, as this issue will be addressed in August or early September after the salary surveys are completed by Mr. Crouse.

Planning, Zoning & Bldg. Department

B. Planning, Zoning & Building Department: Mr. Moore gave a summary of his budget, noting his proposed FY94 budget is down $90,855 or a 7.4% reduction. He advised the State mandated Comprehensive Plan Evaluation and Appraisal Report is due next year and the funding of approximately $45,000 will have to be provided in next year's budget. The other reduction of approximately $45,000 were for consultants and legal fees associated with the potential Mar-a-Lago litigation. He requested the purchase of a replacement computer terminal which has been

Continuation: Finance & Tax Committee Report

recommended by the Data Processing Manager, as well as the purchase of additional software. After review, the COMMITTEE'S RECOMMENDATION is to approve the budget submitted by the Planning, Zoning & Building Department.

Town Clerk's Office

C. Town Clerk's Office: Mrs. Peters noted her budget has increased by ten per cent and, inasmuch as she is planning to retire in March 1996, she is requesting a part-time position for catch up work. She requested a replacement computer terminal, ink jet printer, and the installation of a replacement copy machine on the first floor, sharing the expense of same with the Finance Department. After discussion, it is the RECOMMENDATION OF THE COMMITTEE to approve the Town Clerk's proposed FY94 Budget and, in addition, to include the amount of $1500 for an Analysis by the Municipal Code Corporation of the Town's Code of Ordinances, and to include a half-year salary for a Deputy Town Clerk.

Town Manager's Office

D. Town Manager's Office: Mr. Doney noted he has not made a request for additional personnel and his budget has increased by approximately four per cent. He has not included any salary increase for himself and if there was any increase, it would need to be authorized by the Town Council, and would be funded from undesignated general fund balance. He noted the lease of his automobile expires in Feb. of 1994, and requested the Town Council consider authorizing a change from a leased vehicle to a car allowance in the approximate amount of $4800 per year. After discussion, the COMMITTEE RECOMMENDED the Town Manager's Office's budget be approved.

Data Processing

Data Processing: Mr. Doney reported they are requesting the purchase of a small AS400 Computer for a dual service purpose which is a contingency for emergency preparedness and also for day-to-day improvements in operations. Mr. Myers advised the cost of the equipment is approximately $17,000. Mr. Myers advised the Town participates in a Business Recovery Plan via IBM in the event of an emergency, which could be a hurricane, fire or disaster of some sort which would render the current AS400 system inoperable and this recovery plan is a contract with IBM which allows the Town personnel to travel to another location and use the same type of equipment and the closest site is Tampa, Fl. He advised there is no guarantee in the event of a disaster that Tampa would be available and the Town personnel could find themselves traveling to anywhere in the country. He reported that occasionally the large AS400 does malfunction and it could take a day or more to repair and when that does occur, this smaller AS400 could be taken to various departments for their use on critical operations. He advised the daily use would be by the programmer who normally uses a large amount of space on the current AS400, slowing the system down for other users. Mr. Myers advised there would be no additional personnel required. After discussion, it is THE COMMITTEE'S RECOMMENDATION to approve the budget of the office of Data Processing.

Personnel Dept.

E. Personnel Department: Mr. Doney noted this Department is one that is subject to many mandates. Mr. Crouse noted there are four areas which have increased, which include increases in salaries and wages, and also in-house training for employees. He reported there are no increases in personnel for his Department. He noted there is an increase in employee events. He advised there is a request for a printer for the Clinic and also a replacement of a personal computer, as the present equipment does not have the capability to operate certain programs. He advised recruitment and testing costs are on the rise due to certain mandates. After discussion, it is THE COMMITTEE'S RECOMMENDATION to approve the budget of the Personnel Department.

Finance Dept.

F. Finance Department: Mrs. Crozier noted overall, her budget is down $6,424 due to the reallocation of the auditing fee. She reported increases are for data line charges, $1000, as it was discovered Public Works was paying for a portion of the Purchasing Division's expense on this item; and capital expenditure requests are half of the copier shared with the Town Clerk's Office and $3500 for an electric charged pallet walker for the Purchasing Division. Mr. Boggs, Purchasing Agent advised they are presently using a fork lift from the Public Works Department which is not meeting their operational needs. Mr. Boggs indicated the pallet walker is to be used to move heavy items in the Purchasing Warehouse and some pallets weigh approximately 3000 lbs.

Mrs. Crozier noted she is doing a study on the possibility of purchasing a piece of equipment called a Risograph which she believed could cut the Town's printing costs by 50% and could be used for printing the Crimewatch Bulletins, the Employees' Newsletter and the Town's budget documents. She advised she will finish her investigation on this proposal and will bring it back to the Committee on July 7th.

Mrs. Wiener stated she wished to talk about the personnel situation in the Finance Department. Mr. Doney responded in April of 1992, the Finance Department's organizational structure was revamped and the Finance Administrator was appointed on a one year conditional basis and he believed she has performed exceedingly well. He recalled they eliminated the Finance Director's position and added a part time secretary. He would recommend the part-time secretary account/clerk position be increased into a full time position. If additional part-time or full-time positions need to be added to properly staff this office, in that the the Finance Department has been under a heavy overload, he will recommend same. The Budget Award and the Annual Financial Report Award have been achieved through GFOA and there have been other accomplishments. Mrs. Wiener felt Mrs. Crozier was overworked and she believed the Finance Department may need an additional person. Mrs. Crozier explained there have been several unusual conditions in her Department, and she didn't wish to compromise the integrity of her Department. However, she doesn't feel comfortable in stating the only answer to the problem is another person. Mrs. Smith felt this was a very important Department and very much in the public eye. Mr. Doney noted the two bond refinancings (1992 and 1993) took a tremendous amount of time; however, those were one-time large work items. Mr. Doney advised he will further study the staffing issues and will report to the Committee on July 7th on additional staffing requirements. THE COMMITTEE RECOMMENDED THE BUDGET OF THE FINANCE DEPARTMENT BE APPROVED FOR FY94 AND THE CURRENT PART TIME POSITION IN THAT DEPARTMENT BE INCREASED TO A FULL TIME POSITION.

Lunch break was taken. Meeting called back to order at 1:40 PM.

Legal Services

LEGAL SERVICES: Mr. Doney advised there is a quarterly status report prepared by the Town Attorney which the Mayor and Town Council members should review thoroughly and perhaps, the Council may desire to make a determination on certain cases as to whether or not they wish to continue to pursuing a certain case to control legal expenses.

Attorney Randolph noted there is a cumulative total of what has been spent on a particular case since its inception, and the Town Council could review that figure. After discussion, the COMMITTEE RECOMMENDS the Town Attorney do more frequent updates on lawsuits by way of a review with

Continuation Legal Services

Continuation: Legal Services

the Town Manager on those cases he is handling on behalf of the Town and in their opinion, if there are reasons for the case not to go forward, this information should be presented to the Mayor and Town Council.

Discussion was had on whether or not legal counsel was absolutely necessary to be in attendance at the various meetings of the Town's commissions and boards.

Discussion was had on the telephone calls the Town Attorney receives from Town residents, including their representatives and the media for which the Town is billed; the COMMITTEE requested the Town Attorney keep for a six month period a statistical record of the number of calls he takes with regards to Town related to these matters and report this information to the Finance & Taxation Committee at a future meeting.

Annual Report

ANNUAL REPORT: After discussion, the COMMITTEE RECOMMENDS that the Annual Report be continued in the form of a Calendar for a cost not to exceed $18,500, with a good quality paper stock, with a colored cover and black and white print on the inner pages of the Calendar, and be distributed via a bulk mailing. Throughout the meetings, the following information was requested by the Committee to be included within the Calendar:

Information to be included in Calendar

Water Conservation

Recreational Programs

Xeriscaping

Recognition of Volunteers who work for the Town.

Request for donations (replacing the Donations Guide).

Information on recycling programs.

Updated information on Library Services available in the Town of Palm Beach through the Society of the Four Arts.

Information on services provided to the Town residents which are funded through ad valorem taxes rather than user fees.

Intergovernmental relations

INTERGOVERNMENTAL RELATIONS: Mr. Doney explained that this includes the fees which will be charged by Mr. LaFace or other special advisors in Tallahassee and that the expense to comply with the Americans with Disabilities Act for FY94 is $70,000.

Police Dept.

G. Police Department - Chief Terlizzese introduced Sgt. Robinson and Mr. Rufer who have assisted him with the budget and then reviewed the Police Department's Summary Report on the budget, noting the proposed FY94 budget is less than one per cent higher than last year's budget. After discussion, it is the COMMITTEE'S RECOMMENDATION THAT THE BOOT FEE BE RAISED FROM $25.00 TO $50.00 AND THE BOOT BE APPLIED AFTER THREE TICKETS ARE ISSUED, RATHER THAN THE PRESENT POLICY OF HAVING THE BOOT APPLIED AFTER FIVE TICKETS ARE ISSUED. THE COMMITTEE FURTHER RECOMMENDED THE BUDGET FOR THE POLICE DEPARTMENT BE APPROVED.

Rec. Dept.

H. Recreation Department - Mr. Bitzer reviewed his Summary Report on the Recreation Department's Budget. After review, it is THE COMMITTEE'S RECOMMENDATION THAT THE BUDGET FOR THE RECREATION DEPARTMENT BE APPROVED WITH THE FEE INCREASES RECOMMENDED BY MR. BITZER. THE FOLLOWING ADDITIONAL FEE INCREASES WERE RECOMMENDED BY THE FINANCE & TAXATION COMMITTEE:

Tennis Fees

TENNIS:

Annual Resident Adult Tennis Fee from $170 to $190.

Annual Resident Family Tennis Fee From $395 to $400.

Annual Non-Resident Adult Tennis Fee from $330 to $375.

Golf Fees

GOLF:

Winter Non-Resident Green Fees from $15.50 to $18.00.

Winter Non-Resident 12 play tickets from $155 to $180.

Fire-Rescue Dept.

I. Fire-Rescue Department: Chief Elmore introduced his secretary, Belinda Melton, and Chief Frazier who have assisted him in the preparation of his budget. He reviewed his summary budget report, indicating his budget has increased in Administrative Programs by $11,859 which is due to personal service costs, data line charges, data processing supplies and telephone maintenance contracts. He noted in the Fire Fighting Program, the proposed increase is $150,000, with the major item being capital equipment in the amount of $122,400. Of this amount, $110,000 is for the replacement aerial platform equipment, which is the first year payment of a lease-purchase agreement over a five year period to replace the equipment purchased in 1974. He commented on the Fire Prevention Program which has a reduction of $15,658, with the reduction due to the elimination of a Fire Inspector's position as a full time employee and contracting the position on a part-time basis. He advised that in the EMS Program there has been an increase of $55,853, with the major increase due to capital equipment and other increases for personal service costs, fuel and safety equipment. Chief Elmore recalled he sometimes does have donations and he will remove the $40,000 for the Lifepak 10 monitor/defibrillator and the two rescue tools so that same can be purchased via donations. He advised Fire-Rescue building maintenance is down $22,290.

Chief Elmore noted some revenue will be received by the General Fund for sale of the present aerial platform truck.

After hearing the comments of Chief Elmore, the COMMITTEE RECOMMENDS THE FIRE-RESCUE DEPARTMENT"S BUDGET BE APPROVED WITH THE ELIMINATION OF $40,000 FROM THE EMERGENCY MEDICAL SERVICE PROGRAM UNDER CAPITAL EQUIPMENT.

J. Public Works Department - Mr. Dusey, Director of Public Works summarized his budget, noting the budget has increased by $125,272, or 1.5%, due primarily to proposed sewerage treatment and disposal charges. He advised that sewerage treatment and disposal charges from the City of West Palm Beach are proposed to increase by $240,000 for FY94 and this is very difficult to control, but the Public Works Staff is investigating whether this amount can be reduced. He advised three computer terminals need to be replaced, as they are over seven years old. THE COMMITTEE RECOMMENDS THE BUDGET OF THE PUBLIC WORKS DEPARTMENT BE APPROVED. Public Works Dept.

K. Capital Improvement Program - Mr. Dusey distributed the Five Year Capital Improvement Program which is proposed for FY94-98, and requested that the Committee concentrate on the figures under the column FY94 at this time. He reported he has budgeted $1,500,000 for the Sand Transfer Plant, and this project is premised on receiving substantial funding assistance from the State. He also noted that this is the first year there has been an amount budgeted for the Sand Transfer Plant. He noted the storm sewer program has targeted the 200 and 300 blocks of Clarke Avenue (and that it is anticipated the City of West Palm Beach will replace the water mains in this area as the present pipes are very old) and the alley north of Eden Road; for a total cost of $539,000. On the alley north of Eden Road, it was noted that the two pipes in this area have collapsed and since they are no longer in operation due to a new pumping station, the Public Works Department plans to fill them and resurface the alley which is used by the property owners in this area for access to their properties. Capital Improvement Program

Mr. Bowser explained the Pump Station enclosure ($20,000) at the Par 3 will be a small concrete building with a tile roof to enclose and protect the pump. This project will be paid from the Golf Course Fund. Mr. Dusey explained the $30,000 figure for landscaping improvements at the Recreation Center is for large trees and some other landscaping around the tennis courts.

Mr. Dusey explained the underground wiring replacement and street light upgrade is down from $200,000 to $50,000. He advised the traffic signal system was installed in 1972 and is worn out and he has planned a three year program to replace the hardware, commencing with $55,000 in FY94. He advised there are bridge rehabilitations proposed at an estimated cost of $60,000 on the two bridges which are the Town's responsibility, Ibis Way and Island Road.

Mr. Dusey noted there is $170,000 proposed for an expansion project for the Police Station. This will expand the records and communication rooms and provide necessary additional space for the Town telecommunications operations. Mr. Dusey also noted that an additional $375,000 has been budgeted for the South Fire-Rescue Station project, and that he is further studying this project.

Mrs. Wiener asked that the Town Hall Renovations for the second and third floors, particularly with regards to the Mayor and Council offices be moved up from 1997 to next fiscal year, as this important project continues to be deferred. THE COMMITTEE RECOMMENDS THE SECOND AND THIRD FLOOR TOWN HALL RENOVATIONS BE REFERRED TO THE PUBLIC WORKS COMMITTEE FOR FURTHER CONSIDERATION.

MARINA DOCK REPLACEMENT PROJECT IN THE MARINA FUND: Mr. Dusey recalled on April 1, 1993, he made the request to investigate long-range financing for replacing the Australian and Peruvian Docks with expansion. This request was not granted and Mr. Dusey is again is making the request to investigate same and he will report back to the Finance & Taxation Committee. Mrs. Smith believed the Town should be looking for the business of the larger boats which are being charged excessively with the economic climate being what it is abroad and also, the additional taxes that are placed on chartered boats in Europe. These boats are looking to come to South Florida and if the Town could accommodate them with the larger slips, it may be an additional source of revenue. Mr. Dusey stated he has a list of boats which do want to come to the Town of Palm Beach which are approximately 150' in length. COMMITTEE RECOMMENDS THE DIRECTOR OF PUBLIC WORKS PROCEED WITH HIS RESEARCH ON THE LONG TERM FINANCING AND REPORT BACK TO THE FINANCE & TAXATION COMMITTEE FOR FURTHER CONSIDERATION. Marina Dock Replacement Project

L. Other Funds:

1. MARINA FUND: Mr. Dusey reported there have been no personnel changes, except for a change in the maintenance effort, and there is one million dollars budgeted for the replacement of the Brazilian Docks, which will come from the balance in the retained earnings of the Marina Fund. THE COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED MARINA FUND BUDGET. Marina Fund

2. PARKING FUND: Mr. Weinberg reported that he believed that the City of Lake Worth has increased their parking meter fees at the Beach and he believed there should also be an increase in the parking meter fees at Phipps Ocean Park. Mrs. Wiener asked that this be verified and returned to the Committee for a recommendation. Parking Fund

ADJOURNMENT: Meeting was adjourned at 4:50 PM. Adjournment

<u>JULY 10, 1993</u>

CALL TO ORDER: Meeting called to order by Chairperson Wiener at 10 AM on July 10, 1992. In attendance were Chairperson Wiener and Committee member Smith. Other Elected Officials in attendance for all or portions of the meeting were Mayor Ilyinsky, President of the Town Council Weinberg, and Councilwomen Douthit and Royal. Also in attendance were Mr. Doney, Mrs. Crozier, Mrs. Peters and other Department Heads with staff. Call to Order Mtg. of July 10,1993

CAPITAL IMPROVEMENT PROGRAM: Mr. Doney stated there is a policy question on the storm drainage issue, noting that several years ago a policy decision was made that the storm drainage Capital Improvement Program be funded on a pay-as-you-go basis; however, on proposed storm drainage and oceanfront roadway protective seawall projects, there were additional issues. Mr. Doney stated that he didn't believe the Town should consider any long-range General Obligation Bond Issues at this time as the projects are principally maintenance of pipes. Capital Improvement Program

Mr. Dusey recalled when they went with the pay-as-you-go system on Capital Improvement Funding, the drainage improvement projects were set up on the basis of a 50-50 assessment. He stated they never did the assessment projects, but now they are finding that some of the work does need to be done. He suggested the Town continue paying for drainage improvements with the money on hand and without assessing the property owners. Mr. Dusey felt the assessment program is very difficult to administer and in the past, property owners have not been charged for drainage

Continuation: Mtg. of July 19, 1993

improvements. Mr. Dusey advised the total drainage improvement program with the pump stations will have an approximate cost of ten million dollars and he is suggesting this be spread over a seven year period and the Town proceed on a pay-as-they-go basis. Mr. Doney felt it was necessary to have the DOT commit on the Royal Palm Way (D-14) and Royal Poinciana Way (D-12) pump station collection systems, as they are centered on these State Roads as the State's funding is crucial to these projects. THE COMMITTEE RECOMMENDS THE DIRECTOR OF PUBLIC WORKS MOVE FORWARD WITH THE STORM SEWER PROJECTS, WITHOUT ASSESSMENTS, AND CONTACT THE DEPARTMENT OF TRANSPORTATION TO DETERMINE IF THERE IS STATE FUNDING AVAILABLE FOR THESE PROJECTS. IF NOT, THIS SUBJECT WILL NEED TO BE REVISITED.

Mrs. Smith asked if some of the previously approved projects could be deleted, such as the landscaping at Seaview Park, which could possibly be done through private donations. Mr. Doney advised this could be considered at the July 7th Finance & Taxation Committee meeting. Mrs. Wiener agreed.

Mr. Dusey distributed an updated summary of the Capital Improvement Program which included a $400,000 expenditure for renovations of the Town Hall, which was discussed briefly yesterday by the Committee. After discussion, IT WAS THE RECOMMENDATION OF THE COMMITTEE THAT THIS FIGURE BE REDUCED AND MR. DUSEY WILL BE PREPARED TO DISCUSS THE RENOVATION SCHEDULE FOR THE SECOND AND THIRD FLOOR AT THE FINANCE & TAXATION COMMITTEE MEETING OF JULY 7TH, 1993.

Non-Ad Valorem Revenue

NON-AD VALOREM REVENUE (SEE ATTACHED EXHIBIT DATED JUNE 7, 1993): Mrs. Crozier reported the proposed FY94 revenue from non-ad valorem sources will potentially be two per cent less than the FY93 anticipated revenues. She noted the numbers prepared for the FY94 year were conservative estimates, and the main areas where there have been reductions are anticipated revenues from fines and the interest on idle funds. Mrs. Crozier is further investigating the interest on the idle funds issue in an attempt to increase some, while insuring the Town's Charter and Code requirements on collateral and related issues are met.

Mr. Doney advised they are not anticipating raising building permit fees as this is usually done on a three year cycle basis, and that will occur next fiscal year. Mrs. Smith asked how they compare with other municipalities with regards to the fees charged in the Building Department to which Mr. Moore responded Palm Beach is not the highest in the County, as the highest is Boca Raton.

Mr. Doney reported the State shared revenues have decreased, whereas the State mandated costs to the Town have increased, which is an impact on the Town's budget. Mrs. Wiener requested an exhibit for the July 7, 1993 Finance & Taxation Committee meeting to show how much the State Shared Revenue has decreased in the past three fiscal years.

After discussion, the COMMITTEE RECOMMENDS the annual fee for Burglar Alarm registrations be increased from $20.00 to $25.00.

Overtime Parking Fee

OVERTIME PARKING FEE: Mrs. Crozier reported the following are the overtime parking charges for surrounding municipalities:

CITY OF BOCA RATON:	$15.00
CITY OF WEST PALM BEACH:	$10.00
CITY OF DELRAY BEACH	$10.00
CITY OF LAKE WORTH:	$20.00

Mrs. Crozier stated the meter fee charged by the Town at Phipps Ocean Park is 75 cents per hour (25 cents for each twenty minutes) whereas the City of Lake Worth at the Beach charges $1.00 per hour. THE COMMITTEE RECOMMENDED that the parking meter fees for Phipps Ocean Park and Kreusler Park be whatever is charged by the City of Lake Worth at their beachfront property.

Permit Parking Fees for Arlington Parking Plan

PERMIT PARKING FEES FOR ARLINGTON PARKING PLAN. Chief Terlizzese advised the Committee that the Gainesville Parking Permit annual fee is $20 and the Arlington Parking fee is $10 and he suggested they be the same. After consideration, the COMMITTEE RECOMMENDS the fee for the Arlington Parking Plan be increased from $10 to $20.

Planning, Bldg. & Zoning

PLANNING, BUILDING & ZONING: Mr. Moore advised their building permit fees are comparable to surrounding municipalities although they are not the highest fees. He suggested on larger projects, such as the recent Mar-a-Lago hearings, that they revisit the concept of recouping fees, such as the Town Attorney's charges, and he requested consideration of this fee increase and it will be submitted to the Zoning Commission, to which the Committee agreed. IT IS THE RECOMMENDATION OF THE FINANCE & TAXATION COMMITTEE THAT THE PROPOSED FEE INCREASE BE ON THE AGENDA FOR THE ZONING COMMISSION'S AGENDA FOR NEXT ZONING SEASON WITH REGARDS TO REIMBURSEMENT OF LEGAL AND CONSULTANT FEES FOR LARGE PROJECTS (INCLUDING A DEFINITION OF "LARGE PROJECTS"). AUTHORIZATION WAS GIVEN FOR THE BUILDING DEPARTMENT TO STUDY THE APPROPRIATENESS OF ADDITIONAL FEES BEING CHARGED FOR LARGE PROJECTS, FOR STAFF TIME INVOLVED IN THESE PROJECTS.

Mr. Moore advised another fee increase which will be forwarded to the Town Council, after a meeting of the Occupational License Equity Study Commission next week, is to increase the revenue from occupational license fees. Mr. Doney reported the Town may also receive an increase from the County, if the County chooses to increase their occupational license fees.

Interest on Idle Funds

INTEREST ON IDLE FUNDS: Mr. Doney commented on the present procedure of handling the Town's funds, as the Town has no professional money manager and the Town's general funds are invested in the State Board of Administration Fund through the State of Florida. A proposed agreement under the Town's banking services agreement with First Union is being investigated and this will be advanced to the Town Council for consideration in the next few months.

Garbage Coll. Fees

GARBAGE COLLECTION FEES FOR PROPERTY OWNERS RATHER THAN TENANTS. Mr. Dusey advised he will be coming to the Town Council with an Ordinance change on charging property owners rather than tenants. Mr. Dusey noted that he has identified forty businesses who are not serviced by the Town of Palm Beach, but are serviced by private contractors who do not pick up on the five day minimum schedule which was set by the Town Council. After discussion, IT IS THE COMMITTEE'S RECOMMENDATION THAT THE TOWN BE THE EXCLUSIVE SERVICE ON ALL GARBAGE COLLECTION WHICH WOULD ALLOW THE TOWN TO BE IN CONTROL OF THE SERVICE LEVELS, WITH THE FIVE DAY SERVICE AS A MINIMUM AND RESTAURANTS HAVING SEVEN DAY SERVICE, IF THERE ARE NO LEGAL RAMIFICATIONS. Mr. Dusey explained the Public Works Department could handle this additional pick-up with its present staff. He advised the Town would not be able to pick up compacted garbage, however, he would subcontract with a private service, then bill the property owner or resident in order that the Town would have better control. Continuation: Garbage Collection Fee

L. OTHER FUNDS:

2. PARKING FUND: Mr. Doney informed the Committee there is no significant change in this Fund and no additional personnel are being requested. The added item of $13,000 is for projects to be in compliance with the Americans With Disabilities Act; and they also plan to replace two scooters. THE COMMITTEE RECOMMENDED APPROVAL. Parking Fund

3. DEBT SERVICE FUND: Mr. Doney advised the only bond issues are the 1992 and the 1993 refunding issues, and there should be a slight decrease in the debt service millage for FY94. Debt Service Fund

4. SELF-INSURANCE FUND: Mr. Doney advised this fund addresses liability, worker's compensation, health insurance and the self-insurance enterprise fund and the personnel are the same as now existing. Self-Insurance Fund

5. RETIREMENT FUND: Mrs. Crozier reported the retirement contribution increase for FY94 is 4.89% due to increased payroll and as determined by the Town's actuary. Retirement Fund

6. ENDOWMENT FUND: After discussion, it is THE COMMITTEE'S RECOMMENDATION that the Endowment Fund be eliminated by repealing the Ordinance which created the Fund and the monies in the Fund be transferred to the Town's General Fund. Endowment Fund

EMERGENCY PREPAREDNESS FUND: Mr. Doney advised this is for emergency preparedness, such as a hurricane. Mrs. Smith asked if the figure in this part of the budget included the hurricane-proofing of the Public Works Building to which Mr. Doney responded no, and the hurricane-proofing will be considered at an upcoming meeting of the Public Works Committee. Emergency Preparedness Fund

ANNUAL APPROPRIATION OF $100,000 FOR STORM PREPAREDNESS. Mr. Doney advised this amount is budgeted for FY94 in the event the Town will have to respond to storm or hurricane damage such as the Halloween day storm of October 31, 1991. Annual Appropriation for Storm Preparedness

GROUP INSURANCE FOR RETIREES: Mr. Doney advised this was addressed earlier this year, when the Town Council set the premium rates for this program. Group Ins. for Retirees

M. Request from the Society of the Four Arts for increase in annual appropriation from the Town for FY94. Mr. Doney reported there is a request for an increase from $80,000 to $100,000. After consideration, THE COMMITTEE RECOMMENDS THE INCREASE IN THE APPROPRIATION BE RAISED TO $100,000 FOR THE SOCIETY OF FOUR ARTS LIBRARY AND A REPRESENTATIVE FROM THE SOCIETY BE ASKED TO ATTEND THE NEXT MEETING OF THE FINANCE & TAXATION COMMITTEE ON JULY 7th TO ADDRESS THE CONCERNS OF THE COMMITTEE, SUCH AS WHETHER OR NOT IT WOULD BE POSSIBLE TO HAVE THE LIBRARY OPEN ON SATURDAYS DURING THE SUMMER MONTHS; WHETHER OR NOT A BOOKMOBILE CAN BE CONSIDERED; AND A DISCUSSION ON FUTURE REQUESTS FOR INCREASE ON APPROPRIATIONS TO THE SOCIETY. Request from Society of the Four Arts

IV. ANY OTHER MATTERS:

A. THE NEXT MEETING OF THE FINANCE & TAXATION COMMITTEE WILL BE JULY 7, 1993 AT 10:00 AM.

B. TRANSFER OF UNDESIGNATED GENERAL FUND BALANCE: Mr. Doney noted the FY94 Proposed General Fund Budget does not include this item at this time. Also, the Certification of Taxable Value from the Property Appraiser will be received on July 1st and these figures will be available at the July 7th meeting. Transfer of Undesignated General Fund Balance

C. GENERAL PAY INCREASE: Mr. Doney reminded the Committee that the proposed General Fund budget at this point in time does not include a general pay increase, as the results of the annual salary survey from the Personnel Director will not be available until later in the summer. General Pay Increase

D. PARKING METERS: Mr. Doney advised the Finance & Taxation Committee may wish to consider recommending to the Council whether or not there should be a change in the number of parking meters in the commercial areas of the Town. After discussion, it was the COMMITTEE'S RECOMMENDATION to not increase the number of parking meters in the commercial areas of the Town at this time. Parking Meters

E. POTENTIAL USER FEES: Mr. Doney referred to Exhibit D., which showed there could be a potential operating millage reduction of approximately 1.14 mills,if the Committee wished to recommend user fees for such items as sanitary sewer maintenance and treatment; residential solid waste collection and yard trash collection and disposal. After discussion, IT IS THE COMMITTEE'S RECOMMENDATION THAT SINCE THESE SERVICES ARE PROVIDED AND RECEIVED BY EACH RESIDENT IN THE TOWN AND THEY WOULD HAVE TO PAY FOR THESE SERVICES IN ANY EVENT, THESE SERVICES SHOULD CONTINUE TO BE PAID FOR FROM THE AD VALOREM TAXES AND NOT THROUGH DIRECT USER FEES. Potential User Fees

F. UPDATED INFORMATION ON MILLAGE AND MILLAGE RATES OF OTHER TAXING AUTHORITIES HAVING JURISDICTION WITHIN THE TOWN: Mr. Doney advised this information will be available at the next meeting of the Finance and Taxation Committee on July 7, 1993. Millage Rates

Mrs. Wiener expressed her genuine appreciation to the Town Staff who had provided additional budget documentation. These materials provided the back-up for the Finance & Taxation Committee meetings and enabled the Committee and those in attendance to be fully aware of a variety of financial details concerning the budget, which had not been provided in the past.

V. ADJOURNMENT: Meeting was adjourned at 12:03 PM. Adjournment

Signed by Hermine L. Wiener, Chairperson and Lesley S. Smith, Committeemember.

REPORT OF THE FINANCE & TAXATION COMMITTEE MEETING HELD ON JULY 7, 1993

Report of Finance & Taxation Comm. Mtg. of July 7, 1993

I. CALL TO ORDER AND ROLL CALL: A meeting of the Finance & Taxation Committee was called to order by Chairperson Wiener at 10 AM on July 7, 1993 in the Town Hall Council Chambers. On roll Roll Call not be able to pick up compacted garbage, however, he would subcontract with a private service, then bill the property owner or resident in order that the Town would have better control. Continuation: Garbage Collection Fee

L. OTHER FUNDS:

2. PARKING FUND: Mr. Doney informed the Committee there is no significant change in this Fund and no additional personnel are being requested. The added item of $13,000 is for projects to be in compliance with the Americans With Disabilities Act; and they also plan to replace two scooters. THE COMMITTEE RECOMMENDED APPROVAL. Parking Fund

3. DEBT SERVICE FUND: Mr. Doney advised the only bond issues are the 1992 and the 1993 refunding issues, and there should be a slight decrease in the debt service millage for FY94. Debt Service Fund

4. SELF-INSURANCE FUND: Mr. Doney advised this fund addresses liability, worker's compensation, health insurance and the self-insurance enterprise fund and the personnel are the same as now existing. Self-Insurance Fund

5. RETIREMENT FUND: Mrs. Crozier reported the retirement contribution increase for FY94 is 4.89% due to increased payroll and as determined by the Town's actuary. Retirement Fund

6. ENDOWMENT FUND: After discussion, it is THE COMMITTEE'S RECOMMENDATION that the Endowment Fund be eliminated by repealing the Ordinance which created the Fund and the monies in the Fund be transferred to the Town's General Fund. Endowment Fund

EMERGENCY PREPAREDNESS FUND: Mr. Doney advised this is for emergency preparedness, such as a hurricane. Mrs. Smith asked if the figure in this part of the budget included the hurricane-proofing of the Public Works Building to which Mr. Doney responded no, and the hurricane-proofing will be considered at an upcoming meeting of the Public Works Committee. Emergency Preparedness Fund

ANNUAL APPROPRIATION OF $100,000 FOR STORM PREPAREDNESS. Mr. Doney advised this amount is budgeted for FY94 in the event the Town will have to respond to storm or hurricane damage such as the Halloween day storm of October 31, 1991. Annual Appropriation for Storm Preparedness

GROUP INSURANCE FOR RETIREES: Mr. Doney advised this was addressed earlier this year, when the Town Council set the premium rates for this program. Group Ins. for Retirees

M. Request from the Society of the Four Arts for increase in annual appropriation from the Town for FY94. Mr. Doney reported there is a request for an increase from $80,000 to $100,000. After consideration, THE COMMITTEE RECOMMENDS THE INCREASE IN THE APPROPRIATION BE RAISED TO $100,000 FOR THE SOCIETY OF FOUR ARTS LIBRARY AND A REPRESENTATIVE FROM THE SOCIETY BE ASKED TO ATTEND THE NEXT MEETING OF THE FINANCE & TAXATION COMMITTEE ON JULY 7th TO ADDRESS THE CONCERNS OF THE COMMITTEE, SUCH AS WHETHER OR NOT IT WOULD BE POSSIBLE TO HAVE THE LIBRARY OPEN ON SATURDAYS DURING THE SUMMER MONTHS; WHETHER OR NOT A BOOKMOBILE CAN BE CONSIDERED; AND A DISCUSSION ON FUTURE REQUESTS FOR INCREASE ON APPROPRIATIONS TO THE SOCIETY. Request from Society of the Four Arts

IV. ANY OTHER MATTERS:

A. THE NEXT MEETING OF THE FINANCE & TAXATION COMMITTEE WILL BE JULY 7, 1993 AT 10:00 AM.

B. TRANSFER OF UNDESIGNATED GENERAL FUND BALANCE: Mr. Doney noted the FY94 Proposed General Fund Budget does not include this item at this time. Also, the Certification of Taxable Value from the Property Appraiser will be received on July 1st and these figures will be available at the July 7th meeting. Transfer of Undesignated General Fund Balance

C. GENERAL PAY INCREASE: Mr. Doney reminded the Committee that the proposed General Fund budget at this point in time does not include a general pay increase, as the results of the annual salary survey from the Personnel Director will not be available until later in the summer. General Pay Increase

D. PARKING METERS: Mr. Doney advised the Finance & Taxation Committee may wish to consider recommending to the Council whether or not there should be a change in the number of parking meters in the commercial areas of the Town. After discussion, it was the COMMITTEE'S RECOMMENDATION to not increase the number of parking meters in the commercial areas of the Town at this time. Parking Meters

E. POTENTIAL USER FEES: Mr. Doney referred to Exhibit D., which showed there could be a potential operating millage reduction of approximately 1.14 mills,if the Committee wished to recommend user fees for such items as sanitary sewer maintenance and treatment; residential solid waste collection and yard trash collection and disposal. After discussion, IT IS THE COMMITTEE'S RECOMMENDATION THAT SINCE THESE SERVICES ARE PROVIDED AND RECEIVED BY EACH RESIDENT IN THE TOWN AND THEY WOULD HAVE TO PAY FOR THESE SERVICES IN ANY EVENT, THESE SERVICES SHOULD CONTINUE TO BE PAID FOR FROM THE AD VALOREM TAXES AND NOT THROUGH DIRECT USER FEES. Potential User Fees

F. UPDATED INFORMATION ON MILLAGE AND MILLAGE RATES OF OTHER TAXING AUTHORITIES HAVING JURISDICTION WITHIN THE TOWN: Mr. Doney advised this information will be available at the next meeting of the Finance and Taxation Committee on July 7, 1993. Millage Rates

Mrs. Wiener expressed her genuine appreciation to the Town Staff who had provided additional budget documentation. These materials provided the back-up for the Finance & Taxation Committee meetings and enabled the Committee and those in attendance to be fully aware of a variety of financial details concerning the budget, which had not been provided in the past.

V. ADJOURNMENT: Meeting was adjourned at 12:03 PM. Adjournment

Signed by Hermine L. Wiener, Chairperson and Lesley S. Smith, Committeemember.

REPORT OF THE FINANCE & TAXATION COMMITTEE MEETING HELD ON
JULY 7, 1993

Report of Finance & Taxation Comm. Mtg. of July 7, 1993

I. CALL TO ORDER AND ROLL CALL: A meeting of the Finance & Taxation Committee was called to order by Chairperson Wiener at 10 AM on July 7, 1993 in the Town Hall Council Chambers. On roll ~~Roll Call~~

Continuation:
Finance & Taxation Comm. Mtg. of July 7, 1993

call, Chairperson Wiener and Committee Member Smith were found to be in attendance. Also attending for all or a portion of the meeting were Elected Officials: Mayor Ilyinsky, Councilwoman Douthit and Council President Weinberg. In addition, Mr. Doney, Mrs. Crozier, Mrs. Peters and other Department Heads with their staff were also in attendance.

II. APPROVAL OF AGENDA. Agenda was approved as printed.

Revisions to FY94 proposed budgets

III. CONSIDERATION OF REVISIONS TO THE FY94 PROPOSED BUDGETS, IN FURTHERANCE OF THE FINANCE & TAXATION COMMITTEE MEETINGS ON JUNE 9 AND 10, 1993.

Society of the Four Arts

SOCIETY OF THE FOUR ARTS: Mr. Robert Safrin, Director of the Society of the Four Arts addressed the Council and after discussion, it is the COMMITTEE'S RECOMMENDATION THE INCREASE FROM $80,000 TO $100,000 AUTHORIZED FOR THE LIBRARY AT THE SOCIETY OF THE FOUR ARTS, WITH THE ASSURANCES FROM MR. SAFRIN THAT THIS FIGURE WILL NOT CHANGE OVER THE NEXT FIVE YEAR PERIOD UNLESS THERE ARE UNFORESEEN CIRCUMSTANCES, AT WHICH TIME THEY MAY ALWAYS RETURN TO THE TOWN COUNCIL FOR FURTHER CONSIDERATION. The Committee suggested to Mr. Safrin that he also inform his Board of the Committee's suggestions that a bookmobile be considered a long range goal especially for the south end and north end of the Town and that the Library consider staying open on Saturdays for a few hours during the summer months.

1994 Calendar and Annual Report

1994 CALENDAR AND 1993-94 ANNUAL REPORT: THE COMMITTEE heard the comments of Mr. Jakubiak and Mr. Doney and RECOMMENDS THE SOCIETY OF THE FOUR ARTS LIBRARY BE LISTED IN THE CALENDAR AND STAFF CONTINUE WITH THE PREVIOUS AUTHORIZATION OF THE FRONT AND BACK COVERS OF THE CALENDAR TO BE IN COLOR AND THE INSIDE PAGES IN BLACK AND WHITE, WITH A MAP LOCATED IN THE CENTER OF THE CALENDAR AND IT BE DISTRIBUTED THROUGH THE U. S. MAIL POSTAL CUSTOMER LOCAL. THE COMMITTEE FURTHER RECOMMENDED THAT THE TOTAL COST OF THE CALENDAR NOT EXCEED $18,500 AND THAT THE TOTAL COST BE LESS, IF POSSIBLE.

Mr. Doney reviewed his memorandum dated July 6, 1993 to the Committee and explained each Exhibit A through K (see attached List of Exhibits.) Also, a copy of an additional exhibit entitled "Town of Palm Beach - Proposed Total Taxes (Includes Operating and Debt Service Millages) as of July 7, 1993 and an "Amended - Exhibit F" are attached.

Risograph

RISOGRAPH: Mrs. Crozier reported on her investigation concerning the purchase of a Risograph printing machine. She indicated the first year cost on a lease-purchase plan would be $16,843 with costs of $5,148 in each of the fiscal years 1995 and 1996. She further indicated that a savings of approximately $13,000 per year could potentially be realized utilizing the Risograph.

Among the many comments by Mr. Doney on the various exhibits, Mr. Doney noted that on Exhibit G, there is an increase of approximately $666,000 over last year's budget, with the major items being:

1. Increased Transfer to Capital Improvement Fund of $228,000.

2. Increased Sewage Disposal Charges of $240,000.

3. First year of five year lease purchase for a replacement aerial platform truck in the amount of $110,000.

After hearing the comments of Mr. Bitzer, it is THE COMMITTEE'S RECOMMENDATION that $30,000 CONTINUE TO BE BUDGETED IN THE CAPITAL IMPROVEMENT FUND FOR THE LANDSCAPING AT THE SEAVIEW PARK COMPLEX UNDER THE CAPITAL IMPROVEMENT PROGRAM EXPENDITURES, WITH THE UNDERSTANDING THAT $15,000 WILL BE REPAID OVER THE NEXT TWO YEAR PERIOD THROUGH THE EFFORTS OF THE SEAVIEW PARK COMMISSION, WHO WILL BE SEEKING DONATIONS.

After hearing the comments of Mr. Dusey on the Capital Improvement Program expenditures, it is the COMMITTEE'S RECOMMENDATION THAT THE PROPOSED EXPENDITURES FOR FY94 FOR ALL FUNDS LISTED ON EXHIBIT "J" IN THE AMOUNT OF $4,263,000 BE APPROVED.

Mr. Dusey and Mr. Doney reported on some of the major items in the FY94 Proposed Capital Improvement Program:

South Fire-Rescue Station

SOUTH FIRE-RESCUE STATION: Mr. Dusey reported they will be changing architects on the South Fire Station building as the Council wishes to move along swiftly on this project with the bids proposed to be awarded in October, 1993 for the construction at a recommended additional funding level for FY 94 of $275,000 for this project.

Town Hall Renovations

TOWN HALL RENOVATIONS: Mr. Doney reported the Town Hall Renovations will be for the second and third floor with the Mayor and Town Council present office relocated to the space currently occupied by the Data Processing staff on the second floor of Town Hall. Due to the need for additional space for applicant processing and other personnel activities and to meet Americans With Disabilities Act (ADA) requirements, the space currently used by the Mayor and Town Council will be made available for use by the Personnel Department. He noted the Data Processing offices and the AS-400 will be relocated to the third floor of the Town Hall which is currently being used as a conference room and storage area and also the third floor hallway will be refinished. He advised the third floor conference room will be relocated to the second floor of the Town Hall at the rear of the Council Chambers, on the west side with the wall being eliminated between the two offices in that location; and the east room in the rear of the Council Chambers being used for a storage area. Mr. Dusey advised all of these renovations will meet the ADA regulations for access by the handicapped, and the renovated areas will have fire-sprinkers to meet the Code.

Seawalls

SEAWALLS: Mr. Doney reported there has been $75,000 added for the Ocean Protective Seawalls.

Sand Transfer Plant

SAND TRANSFER PLANT (INLET MANAGEMENT PROJECT): Mr. Doney advised this is listed in the Capital Improvement Program for $1,500,000; however, this proposed project contemplated a grant in the amount of $1,125,000 being received from the State of Florida.

Exhibit B

EXHIBIT B: Mr. Doney expounded on this Exhibit (see attached) advising the preliminary taxable value for FY94 is $4,150,188,569 with the value of one mill at 95% at $3,942,679. He advised the percentage increase over the FY93 taxable value is approximately seven-tenths of one per cent and this results in the rolled back millage rate of 4.1937 mills or $4.19 for each $1000 of taxable value.

Continuation: Finance & Taxation Comm. Mtg. of July 7, 1993

Mr. Doney advised for each $100,000 of expenditures funded by ad valorem taxes, it would equal approximately .0254 mills. Mr. Doney reported due to the pending items noted in his memorandum dated July 6, 1993, which will require further Town Council consideration, and to preclude the need to notify each property owner via first class mail (per State Law), if the Town Council deems it to be necessary to exceed the "Tentative" operating millage rate which will be set on July 29, 1993, he believed it would be prudent and recommended to the Town Council that a "higher" Tentative operating millage rate of 4.7000 mills be set at the July 29th Special Council Meeting. He reported this millage rate of 4.7000 would fund a Tentative FY94 Operating Expenditure Budget of $29,390,451.

Millage

Mr. Doney noted that he is recommending an operating millage of 4.7000 and this is a 12.07% increase over the rolled-back millage rate of 4.1937; $29,390,452 which is the FY94 recommended operating budget is $1,123,711 or 3.98% higher than the FY93 adopted General Fund Budget of $28,266,741. Mrs. Wiener commented the bottom line is that the Committee is recommending adoption of this proposed operating expenditure budget for FY94, which is slightly under a four (4) per cent increase over the FY93 adopted General (operating) Fund Budget.

MEETING TO SET TENTATIVE OPERATING (GENERAL FUND) MILLAGE RATE: After hearing the comments of Mr. Doney, IT IS THE COMMITTEE'S RECOMMENDATION THAT AT THE SPECIAL TOWN COUNCIL MEETING OF THURSDAY, JULY 29, 1993 at 9 AM, THE TENTATIVE OPERATING MILLAGE RATE BE SET AT 4.7000 MILLS.

IV. ANY OTHER MATTERS:

A. FUTURE MEETING DATE OF FINANCE & TAXATION COMMITTEE WAS SET FOR MONDAY, AUGUST 30, 1993 AT 10 AM, WHICH WILL BE AFTER THE GENERAL PAY SURVEY IS COMPLETED BY THE PERSONNEL DEPARTMENT AND TO CONSIDER THE FY94 PROPOSED BUDGETS WITH ANY PROPOSED REVISIONS AS OF THAT TIME.

B. THE COMMITTEE RECOMMENDS THE TWO PUBLIC HEARINGS OF TOWN COUNCIL TO ADOPT THE TENTATIVE AND FINAL GENERAL (OPERATING) FUND BUDGET BE SET FOR TUESDAY, SEPTEMBER 7, 1993 AT 5:01 PM AND TUESDAY, SEPTEMBER 14, 1993 AT 5:01 PM.

Adjournment

V. ADJOURNMENT: Meeting was adjourned at 1:00 PM.

Signed by Chairperson Hermine Wiener and Committee Member Lesly Smith.

Mrs. Wiener reported the Finance & Taxation Committee met for two and one half days with many of the Council members, and she will go through the recommendations.

Mrs. Wiener noted the recommendation for the Town Clerk's Office is to approve the budget and add an additional $1500 for the analysis by the Municipal Code Corp of the Town's Code of Ordinances and additionally to include a half year salary for a Deputy Town Clerk, as Mrs. Peters will be retiring and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mrs. Wiener noted the recommendation for the Planning, Building & Zoning Department is to approve the budget, as there is a reduction over last year of 7.4% and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mrs. Wiener noted the recommendation for the Town Manager's Office is to approve the budget as presented, noting there is no request for additional personnel and she so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Data Processing

Mrs. Wiener stated there was considerable conversation concerning the Data Processing Budget, and in the final analysis, there will be some replacement and some change, and the Committee recommends the approval of the Data Processing Department as presented and she so moved. Mrs. Royal noted there was a recommendation to purchase a computer AS400 for $17,000 and asked for more details. Mrs. Wiener explained this will be a mini-type computer and it should save time and also can be moved around in the event there was a problem with the mainframe. Mrs. Royal asked if it could be leased as this is an ever changing expertise in this field which reinvents itself quite quickly and it could be obsolete very quickly. Mrs. Wiener stated they did go through that and it is their recommendation it be purchased. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Mrs. Wiener indicated she is touching on these items quickly but the back-up is there and it does cover two and one half days of meetings.

Personnel Dept.

Mrs. Wiener referred to the Personnel Department, noting there are a number of new mandates, especially the American with Disabilities Act which require expenditures and after considerable conversation, the Committee's recommendation is to approve the budget of the Personnel Department. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Finance Dept.

Mrs. Wiener commented on the Finance Department's budget, noting the budget is down $6,424 over last year, due to the reallocation of the auditing fee and there are a few minor increases. She recalled when Mrs. Crozier assumed the leadership in that Department, she not only continued her job but took on the job of the head of the Department, and at the time that was done, it was on a trial basis and Mrs. Wiener had definite concerns about it as in this Department everything must be absolutely perfect, and although Mrs. Crozier is quite capable, she is putting in long hours. Mrs. Wiener advised the recommendation is the part time person in that Department become full time and it is the Committee's recommendation to approve the budget for the Finance Department and she so moved. Seconded by Mrs. Smith, noting it may not be terribly clear to everyone who did attend the Finance & Taxation Committee meetings how much discussion went into the Risograph printer issue and the additional personnel in this office. She advised the printer they have authorized will over a five year period save the Town a great deal of money, as many projects may be printed in house and this will also include the calendar.

Mr. Doney suggested the change for the part time position to become a full time position be made effective immediately. Mrs. Wiener included this recommendation in her motion to which Mrs. Smith agreed. On roll call, the motion carried unanimously.

Legal Services

LEGAL SERVICES: Mrs. Wiener explained in the past, this has not been treated as a separate department, and it was noted that legal fees are over one half million dollars, not only for the

Legal Services
Town Attorney

Town Attorney but for other legal services. She reported Mr. Randolph attended this portion of the Finance & Taxation Committee meeting and in discussion, Mr. Randolph advised there may be a number of places where his services would not be required, such as attendance at certain Commission meetings and this will be left up to his judgment.

She advised there was another item that came to the Committee's attention and that is that through the years, people who live in the Town have called the Town Attorney direct. She believed that the fact of the matter is the Town Attorney is the Attorney for the Town and not for individuals. She noted in the discussion, Mr. Randolph stated he was not certain how many calls he does receive are truly unauthorized calls and he will make a report to us in six months time as to how many calls of this type he does receive. She commented he will report back to the Finance & Taxation Committee at the end of the six month period.

She noted the Town Attorney does present frequent updates on lawsuits by way of review with the Town Manager, and it is the recommendation of the Committee that the Town Attorney place a dollar figure on those cases, so the Council members can be constantly aware of what the current cases are costing.

Mrs. Wiener moved that the Committee's recommendations on legal services be accepted.

Seconded by Mrs. Smith, commenting that Mr. Randolph will be keeping a list of the names of the people who call him and she wanted the public to be aware of that. She stated most of the people who do live in the Town have their own attorneys and she did not feel it was fair to have the taxpayers pay for free advice from the Town Attorney and for that reason, he was asked to keep a list of the names of people who call him and the amount of time he spends talking to them on Town related matters.

On roll call, the motion carried unanimously.

Mrs. Wiener recalled about five years ago, the Annual Report was done by way of a Town Calendar and it is the Committee's recommendation to go back to that calendar as there are many informational items that can be included in the calendar which will save money on postage and printing and she so moved with the provision that the cost of the calendar not exceed $18,500. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Police Dept.

Mrs. Wiener advised the Police Department's budget for this fiscal year is less than one per cent higher than last year's, and it is the Committee's recommendation that the boot fee be raised from $25 to $50 and a further recommendation is the boot be applied after three parking tickets have not been paid, rather than five tickets and the Committee recommends the budget for the Police Department be approved and she so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Rec. Dept.

Mrs. Wiener referred to the Recreation Department's budget be approved with the fee increases recommended by Mr. Bitzer and additional fee increases recommended by the Finance & Taxation Committee, which were Tennis, Annual Resident Adult Tennis Fee from $170 to $190; Annual Resident Family Tennis Fee from $395 to $400; annual nonresident Adult Tennis Fee from $330 to $375; Golf Winter nonresident Green Fees from $15.50 to $18.00; Winter nonresident Twelve Play Tickets from $175 to $180 and she so moved. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Fire-Rescue
Dept. Budget

Mrs. Wiener announced that Chief Elmore advised them there was an increase of $150,000 with the major item being capital equipment in the amount of $122,400, which is for the replacement of an aerial platform equipment which will be a lease purchase agreement over a five year period and this is to replace equipment which was purchased in 1974. She noted there was an increase in the EMS program of $55,853, this also for capital equipment and other increases for personnel service costs, fuel and safety equipment. She recalled there will be removed from the budget $40,000 which was requested for equipment, which will be purchased through donations. She moved the Fire Rescue Department's budget be approved with the elimination of $40,000 from the EMS Program under capital equipment. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Public Works

Mrs. Wiener recalled the Public Works Department budget was increased by $125,272, or a 1.5% increase due to the proposed sewage treatment and disposal charges which have increased by $240,000. She moved the Budget of the Public Works Department be approved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Storm Sewer
Program

Mrs. Wiener noted the Capital Improvement Program was discussed and this is on a five year basis and they concentrated on the FY94 with 1.5 million dollars budgeted for the Sand Transfer Plant, and this project at the time the Committee met, was to receive some funding from the State, however, that is not the case at this point in time, but they are hopeful that that may happen. She advised the Storm Sewer Program will be improved in the 200 to 300 block of Clarke Avenue and the alley north of Eden Road. She recalled this alley is behind her property and Mrs. Smith's house faces the alley and Mr. Dusey kept telling them it needed to be repaired but both she and Mrs. Smith did not see any problems there and after Mr. Dusey reviewed this matter once again, he found it was not this alley but the one to the south. She noted the Pump Station Enclosure at the Par 3 will be on the calendar for the upcoming fiscal year with the funding coming from the Golf Course Fund. She noted with regards to the landscaping improvements at the Seaview Park, part of that funding of $30,000 will come from donations. She stated underground wiring and street light improvement is down from $200,000 to $50,000. She announced the Traffic Signal System which was installed in 1972 needs updating and a three year program is planned to replace the hardware starting with $50,000 in FY1994. She indicated there was $170,000 budgeted for an expansion of the Police Department. She knew there were two bridge rehabilitation projects which will cost $60,000 for the bridges at Ibis Way and Island Road.

She noted there has been an additional $275,000 budgeted for the South Fire Rescue Station and they expect to move forward with this project this next fiscal year.

Renovation of
Town Hall

Mrs. Wiener recalled there has been a lot of conversation for many years on the renovations of the second floor of the Town Hall, which she personally thought they needed to do as there is no reason for the Mayor and the five members of Council to work at two desks with one telephone and one filing cabinet. She noted there are new mandates under the ADA which need to be done for the Personnel Department, it is the Committee's recommendation that the present space occupied by the Mayor and Town Council be utilized by the Personnel Department and the Data Processing Department moved to the third floor with their equipment and the Mayor and Town Council utilize the Data Processing office in the future. She recalled the original figure was for $400,000 which has been reduced to $275,000 and she so recommended by way of a motion, including the other items discussed for the Capital Improvement Program. Seconded by Mrs. Smith. Motion carried 4-1 with Mrs. Royal voting against the motion. Renovation of Town Hall

Mrs. Wiener referred to the Marina Dock Replacement project which will be paid for out of the Marina Fund. She recalled Mr. Dusey indicated that he wanted to investigate long range financial planning for replacement of both docks,the Australian and the Peruvian Docks with some expansion. She recalled the Committee was not in favor of this, but Mr. Dusey is again making the request and he will report back to the Finance & Taxation Committee about the expansion and the possible revenues that may come from the expansion. She moved that the Committee's recommendation that the Director of Public Works proceed with research on the long-term financing and report back to the Finance & Taxation Committee for further consideration. Seconded by Mrs. Royal. On roll call, the motion carried unanimously. Marina Dock Replacement

Mrs. Wiener recalled there is one million dollars budgeted for the replacement of the Brazilian Docks which comes from the balance in the Marina Fund, which normally, except for very large projects, come from that fund and the Committee recommends approval of the proposed Marina Fund Budget and she so moved. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Mrs. Wiener reported Mr. Doney indicated to the Committee there was a policy question on the storm drainage issue, noting that several years ago, a decision was made that the Capital Improvement Program be funded on a pay-as-you-go basis, however, on proposed storm drainage and oceanfront roadway protective seawall projects, there were additional issues and Mr. Doney recommended the Town Council not consider long range general obligation bond issues at this time as the work proposed is principally maintenance of pipes. She noted the Committee Recommendation is that the director of Public Works move forward with the storm sewer projects without assessments and contact the Department of Transportation to make a determination if State funding is available for these projects; and if not, the subject will be revisited and she moved the recommendation be adopted. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Storm Drainage Issue

Mrs. Wiener noted a recommendation was made that the Burglar Alarm registration fee be increased from $20 to $25 and she so moved. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Mrs. Wiener noted many of the parking fees have been established by surveying the surrounding communities and the overtime parking rates have been checked with the City of Lake Worth, West Palm Beach, and Boca Raton and the Town has been charging .75 per hour at Kreusler Park and Phipps Ocean Park and the Committee recommends that whatever is charged by the City of Lake Worth be the fee charged by the Town at their oceanfront properties and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously. Parking Fees

Mrs. Wiener talked about the permit parking fees for the Arlington Plan, noting it is $10 and the residents of the Town who are included in the Gainesville Parking Plan have been paying $20 and the recommendation is to make both of these the same and the fee for the Arlington Parking Plan be increased from $10 to $20 and she so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Mrs. Wiener recalled fees were discussed for the contractors doing business in the Town and the fees collected by the Planning, Building and Zoning Departments and the building fees are comparable to surrounding municipalities, but Mr. Moore suggested that on larger projects, such as the recent Mar-a-Lago issue that they revisit the concept of recouping fees, such as the Town Attorney's charges and requested consideration of this type of a fee increase which will be submitted to the Zoning Commission and she so moved that this item be put on the Zoning Commission agenda for next year with regard to reimbursement of legal and consultant fees for large projects, including a definition of large projects and she so moved. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Mrs. Wiener noted that the subject of the garbage collection came up and it is the feeling of the Committee that this should be continued on a five day basis and it is the Committee's recommendation that the Town be the exclusive service, (relating that there are some commercial places in Town who have private garbage collection) on all garbage collection which will allow the Town to be in control of the service levels with the five day service at the minimum and restaurants having seven day service, if there are no legal ramifications, and she so moved. Seconded by Mrs. Smith who informed the Mayor and Town Council that Mr. Dusey spoke quite strongly for this change, as there have been complaints from residents of the Town and the condominiums about garbage that was not picked up. On roll call, the motion carried unanimously. Garbage Collection

Mrs. Wiener commented on the Parking Fund, noting that Mr. Doney advised there is a $13,000 item added to the budget strictly to be in compliance with the Americans with Disabilities Act, and they also plan to replace two scooters and the Committee recommended approval and she so moved. Seconded by Mrs. Smith. Mrs. Royal asked what was the item to be in compliance with the ADA regulation to which Mr. Doney responded it is a modification to the rest rooms which are located in Phipps Ocean Park principally. On roll call, the motion carried unanimously. Parking Fund

Mrs. Wiener noted the Committee recommends the Endowment Fund be eliminated by repealing the Ordinance which created the Fund and the monies in the Fund be transferred to the Town's General Fund and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mrs. Wiener noted there was discussion on increasing the number of parking meters in the commercial areas of the Town and the recommendation is that the parking meters not be increased and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried 4-1 with Mrs. Douthit voting against the motion. Parking Meters

Mrs. Wiener recalled they talked about a potential operating reduction of millage of 1.14 mills if the Committee wished to recommend User Fees for such areas as sanitary sewer maintenance and treatment, residential solid waste collection and yard trash collection and disposal and after discussion, the Committee recommended that since these services are provided and received by each resident in the Town and they would have to pay for these services in any event, the services should be continued to be paid for from the ad valorem taxes and not through direct user fees and she so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Lunch break was taken. Mr. Weinberg reconvened the meeting after the luncheon break.

Society of Four Arts Library

Mrs. Wiener referred to the Finance & Taxation Committee meeting of July 7, 1993, noting that the Society of Four Arts representative, Mr. Robert Saffron, addressed the Committee and they discussed the $20,000 increase as in the past increases have been in increments of $5000, and the Committee recommended the increase go from $80,000 to $100,000 for the Library with assurances that this figure will not change over the next five year period, unless there are unforeseen circumstances and she so moved. She noted the Bookmobile for the north and southern sections of the Town was discussed and the possibility of having library hours on Saturdays during the summer months. She moved the increase be granted from $80,000 to $100,000 with the understanding that that figure will stay at $100,000 over the next five years. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Town Calendar

Mrs. Wiener noted additional comments on the calendar were received from Mr. Jakubiak who stated it was a probability that the entire calendar could be in color instead of just having a colored cover and the Committee strongly recommended that they go with the calendar as was planned, with it being black and white inside and the colored cover and it be distributed through the U. S. Postal service and hopefully, will be under the $18,500 previously authorized, and she so moved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Seaview Park

Mrs. Wiener advised that after further discussions with Mr. Bitzer, concerning the recreation department and the landscaping and it is the Committee's recommendation that $30,000 continue to be budgeted in the Capital Improvement Fund for the landscaping at the Seaview Park Complex but that $15,000 be forthcoming from donations over the next two years and she so moved. Seconded by Mrs. Smith explaining she had a problem with this expense and it was the Seaview Park Commission who offered to underwrite the $15,000 if the Committee would approve the additional $15,000 to complete the project. On roll call, the motion carried 4-1 with Mrs. Douthit voting against the motion.

Operating Millage Rate

Mrs. Wiener noted the Operating Millage Rate is 4.700 which is a 12% increase over the rolled back millage rate of 4.1937. She pointed out this does not mean there is a 12% increase in the budget as there is just under a four per cent increase, which include the additional items mentioned earlier, but also any possible raise increases and other unforeseen expenditures and the reason this figure is higher than what has been recommended is in the event something should occur, they would have to let the residents know with a mailing. She emphasized that the increases in the budget amount to a total of $34,719, which are items that were put in by the Committee and that figure is an equivalent of eighty eight cents per one thousand dollars of taxable evaluation. She noted they do have a Committee meeting on August 30, 1993 at 10 AM and reminded all they should attend and the Council would be very pleased to have members of the public in attendance.

Capital Improve. Fund

Mr. Doney asked for Town Council Action on the proposed expenditures for FY94 for all Funds listed in Exhibit J, which is the Capital Improvement Fund Program in the amount of $4,263,000. Mrs. Wiener so moved. Seconded by Mrs. Smith. On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Royal voting against the motion.

Mr. Doney advised there is a Special Town Council Meeting coming up on July 29, 1993 to set the tentative operating millage rate.

XI. OLD BUSINESS

A. Appointment

Appointments: Seaview Park

1. Seaview Park Commission - Balance of One (1) Term to Expire February 1995 - After discussion, a motion was made by Mrs. Wiener, seconded by Mrs. Smith to defer this item to the October Town Council Meeting. Motion carried on roll call 4-1 with Mrs. Royal voting against the motion.

B. Other

Interlocal Agreement Re: Potable Water Supply with WPB

1. Consideration of Proposed Interlocal Agreement Regarding Potable Water Supply with City of West Palm Beach - Mr. Doney reported what the Town staff has attempted to do in conjunction with Attorney Sundstrom and Mr. Osterman is to bring the Council up to date as to the major issues which need Town Council consideration and policy direction so as they meet with the City of West Palm Beach staff and their attorney, that the proper policy direction of the Town Council is followed. He wrote a memorandum to the Mayor and Town Council dated July 6, 1993, which states further direction is needed from the Council for the following reasons:

1. There are a few key sections in the draft Agreement over which the parties are at an impasse;

2. There has been a change in the composition of the Town's elected officials since the last time this matter was considered at a Town Council meeting and he wants to ensure that staff is proceeding in accordance with the policy direction of the current Mayor and Town Council members;

3. Since it has been directed that staff and the Town attorney take the lead in the negotiations from this point forward, using the Town's consultants on an as-needed basis, he would like to have specific instructions from the Town Council regarding the Town's priority objectives in finalizing the interlocal Agreement.

He stated the five issues are then outlined and he would like to take them on an individual basis to which Mr. Weinberg agreed.

Mr. Doney noted the first item is Quantity of water. He advised the City of West Palm Beach has formally assured the Town that it will have sufficient capacity to serve the Town's projected potable water needs through the year 2000. He stated the availability of water beyond that date will be subject to the regulatory authority of the South Florida Water Management District in its effort to balance the needs of the region's potable water supply system, agricultural interests, and environmentally protected areas. He felt the Town's interests will be protected equally with

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those of other developed areas, but there is no guarantee of any specific level of water availability.

He indicated that related to this matter is the use restrictions, and he would like direction on this matter as to how they should pursue this particular issue. He noted there were several alternatives investigated, one being Aquifer Storage and Recovery System and others which would require consideration and action by the South Florida Water Management District, as far as the potential for the Town to receive some type of conditional approval to obtain relief from water restrictions. He thought it was important to have this fully advanced to the Mayor and Town Council and perhaps they would want to consider a Workshop meeting.

Mr. Weinberg asked the consultants to give their comments in this regard. Mrs. Smith noted there was the statement that there is sufficient quantity to supply our needs but in the course of the draft contract, on page 19, it states the City shall have the exclusive right to provide central potable water services within the Town and she believed they were telling us they have the quantity but they are reserving the right to be exclusive to the Town and asked Mr. Osterman if the Town has to accept whatever they give us? Mr. Osterman responded it is the basic nature of most franchise or interlocal agreements that the purveyor has the exclusive right to provide all of the water necessary, and in the latest draft there are provisions in the event of default. He answered there is a distinction between the water they are able to deliver and the water they are allowed to deliver. He didn't feel there was much in the way of concern over the quantity of water which the City is able to deliver, but he is concerned over those events that could restrict the quantity of water delivered by the City because of other limitations imposed by regulatory agencies. He stated in the alternative method section of the Agreement, the Town is able to seek alternate methods and have the City's cooperation if they want to use some advance technology to supplement the Town's supply of water.

Mrs. Douthit asked if they knew what South Florida Management was doing in its own name to conserve since they waste 33 gallons for every gallon we use, from the C-51 Canal into Lake Worth. Mr. Osterman agreed that they are more interested in discharging and preventing flooding than saving and storing water. He thought they would also agree that they wish they had the current capability to take water when it is prolific and hold that in the system somehow so it could be dispensed when it is needed. He stated they have some plans to do that in the future but there are no immediate plans. Mrs. Douthit agreed they were not saving the first drop.

Attorney William Sundstrom addressed the Council advising the District is involved in a large scale Aquifer Storage and Recovery program in joint venture with Broward County as a test case, but as to anything specific happening in Palm Beach, the answer is in the negative.

Mrs. Wiener noted in the paper this morning, it reported the taxes for the SFWD are increasing as a result of clean-up of the Everglades which suddenly becomes a problem for all of the taxpayers, even though they were not responsible for the contamination.

Mr. Sundstrom thought Mr. Doney's memorandum does an excellent job of outlining the issues as there are two members of the Council who have not been with the Council since the entire process was initiated. He recalled when they were last before the Council in September, the Town Council's instructions to them was to go forth and hammer out the best Interlocal Agreement that they could with the City of West Palm Beach relative to the long term supply of water in sufficient quantity and quality for the benefit of the Town in the long haul. He recalled they were told to preserve the options concerning the technological things that Mr. Osterman referenced and this document does it but it commits no funds on that sort of a capital improvement program, but gives the Town that option during the life of the agreement. He thought they needed to remember that the potable water distribution system within the Town is in large part in need of repair. The system has some asbestos pipes as well as pipes that have become clogged at both the north and south ends, and the system is not large enough to deliver water in the quantity requested by the citizens of this Town.

He advised there was a workshop with the City of West Palm Beach and Mr. Olsen, Utility Director for the City, admitted there is need for renewal, replacement and repair.

He advised on the issue of the delivery of water, he needed to inform them the Department of Environmental Protection, in concert with the District are discussing state wide rules of general applicability relative to water utilization. He felt the rules were indeed short-sighted and are nowhere near the adoption stage, but the target discussion at this point would set a per capita usage of 150 gallons per person per day, and that obviously is way out of line with the consumption of water used in the Town with the large properties using water for irrigation. He urged them to be vigilant about their options and their ability to get water in the future.

He noted the document states the Town will cooperate with the City of West Palm Beach, if it is their provider of water, relative to restrictions imposed by the Water Management District, or other governmental agencies to preserve their ability to challenge those rules. He could go on for hours as to how it would make any sense for someone in a high rise condominium in Miami Beach would be allowed the same amount of water as someone on a one acre lot with an irrigation demand.

He knew they wanted to hear about the rate protection, as it has been their fundamental principle from the time they started with the Town, that as the Town collectively uses approximately 35% of the output of the City of West Palm's water treatment facilities, they should produce 35% of the revenue as opposed to 80% of the revenue. He felt there were traps in fact and at law where the Town Council and the citizens of the Town could be hurt:

1. Florida Law authorizes the imposition of a tax on certain utility services and this document provides that should the City elect to impose this tax, the tax will be in the same amount on the people in the Town as it is in the City of West Palm Beach.

2. Florida Law references a statutory surcharge of up to 50%, for providing water outside of one's host community's limits to another community. He announced 25% is fairly common and 50% is not out of line and the document clearly provides that in negotiation there would be no surcharge, as part of the partnership between the two bodies since the Town is such an important user.

3. The inclining block rate structure what is commonly known as conservation rates means the more they use the more they pay.

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He advised the memorandum of Mr. Doney clearly points out there is a mathematical computation in the last draft of the agreement which provided that under no circumstances would the relationship between the highest block and the lowest block be greater than 75%. He advised the Water Management District is in the early stages of mandating inclining block rate structures on the higher user and they want to protect their ability to know where that finite cap is as otherwise they know the typical consumer within the Town does use over 10,000 gallons per month and that is 90% of the consumers in the Town. He knew also that 90% of the consumers in the City use under 10,000 gallons per month, so it would be very simple to construct a rate structure with a large rate for the high blocks and wind up receiving a much greater percentage of the revenue from the Town than from the City customers. He noted these are the type of protection they have tried to build into the contract and those are the key issues in the contract and that is where they got to the impasse.

Mr. Osterman addressed the Council on this issue, commenting that the early draft of the proposed agreement contained the 75% maximum relationship and when this matter was brought before the City Commission, and it was up for discussion, the staff reversed their position from negotiations and indicated they thought the 75% formula was too restrictive on the City and it was removed from the negotiations. He stated that left them at a crossroads, as the Town Council asked them to bring the best they could and the City of West Palm Beach's admonition that that protection would not be in the agreement, so they moved forward to another draft.

He informed the Council that this draft instead of the formulae of 75% contains 20 specific rate provisions designed in the aggregate to try to amount to a reasonable protection for the Town. He drafted that and again had a meeting with the staffs of both the City and the Town and at that time, there was no agreement reached by the City staff on the language that exists now, so the latest draft has not yet been agreed to by the Town. He advised in talking with Mr. Olson yesterday, he informed him the City has hired a new City Attorney and he is reviewing it and perhaps there would be some amended language available within seven to ten days.

He believed there will be some requested changes coming from the City and the only definitive statement that came out of the last meeting was from Mr. Olson who stated he still believed that the terms in the rate section were a little bit restrictive, although he agreed with the principles of fairness and equity, but nevertheless, he did not want to unreasonable restrict the City's ability to set rates as it saw fit. He described there is an attempt by the negotiating team to lay before the Council some reasonable protections which are obviously not as good as the original 75% rule, which he would like to hold to, however, they didn't get that and now the Town has a document that is more of an expression of good faith in its language but yet it does not have the comfort of a mathematical formula.

Mr. Weinberg stated when he read the document he gets the impression that all people are equal but some are more equal than others, but in hearing Mr. Osterman's comments he believes that the users of water in Palm Beach now have a greater risk than West Palm Beach users, to which Mr. Osterman agreed, noting Mr. Sunstrom has tried to cure that in the language and it should be an overriding principle that the Town should basically pay for its consumption equivalent in the capacity of the plant, but what overlays this is the feeling of the Water Management District that only inverse rate blocks are effective in encouraging consumption, and he on the other hand has always said to this Council as well as the Water Management people that that works fine in some places, but not here, as it is simply an economic fact of life that that is not the way to conserve. He felt if they were trying to conserve water, they would not use an inverse rate block here but they will produce an awful lot of additional revenue. He agreed that some people are more equal than others and the strange anomaly here is that the residents of the Town, because of any number of reasons do have a characteristic and probably necessary usage pattern that exceeds that of what is found in the City of West Palm Beach and because of that, the blocks are structured under the name of conservation and the net effect will be that a disproportionate amount of revenue will be paid.

Mrs. Wiener noted the contract does run out in 1995 and in looking at all of this, they have totally forgotten this, which causes her a great deal of concern because suddenly over the last six months, their so called "partners" in the District who love to have us as their 35% customers and have told us how important we were and how anxious they were that we stayed within the system and to please the Town, but now they are starting to play games. She commented they are now in a time tunnel problem now and they can't continue to play games because if the Town needs to go to some other alternative method, they are running out of Town. She believed the City of West Palm either feels that it is very important to them to keep the Town as their customer or they get off that track right now and start doing something else as time is working against us. She stated as far as their problem with the unreasonably restricted rates, she thought they needed to remember that now is the time they have to make up their mind and the Town cannot go on another two or three or five months and have this constant back and forth, and she thought her message would be either the 75% formula or something that encompasses approximately 75% within the next 30 days or the Town of Palm Beach will look elsewhere. She felt they were getting greedy over there and asked if it cost anymore to supply somebody with 300,000 gallons of water than it does 30,000 gallons? Mr. Osterman responded it does not. Mrs. Wiener thought they should get very sensible very fast unless they think that this Council is a bunch of fools, as everything has been calm and quiet and friendly and cooperative and now she has a strong feeling that they know as well as the South Florida Water Management District as well as other water businesses that someone who lives in a condo and someone who lives on a large estate cannot possibly have the same water usage. She felt it was an attack on the Town's zoning to make these kinds of ridiculous requests. She felt when they had the Plan for the Town, there were requirements that all cities and Towns in the State of Florida were forced to make, whether they were rural or city and they made no sense. She felt this particular water situation is the same story and it is hysteria and is driven by people who cannot themselves take care of their problem. She thought it was time to get serious about this stating the people in the Town don't drink more water than anyone else, do not use more water than others for bathing, but we do have zoning and if they want to ruin the Town, they should simply turn off the taps. She thought they had to start saying exactly what they think and not agree because a bunch of people who are making a salary and are called a Water District or whatever, are thinking in a way that is improper, incorrect and does not serve this Town and West Palm Beach should move ahead if they want to keep the Town as their customer and they should move ahead rapidly.

Mr. Osterman indicated he was concerned about what happens in 1995, and it has been much in their focus and he would like to suggest to them what the answer to that question is. He stated at first blush, nothing will happen in 1995 and the customer that today receive service from West Palm Beach under an independent direct billing relationship in his judgment cannot be cut off, cannot be

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curtailed from service and will have equal dignity with any other customer in the system, however, the downside is that from a rate point of view and a surcharge point of view, from a quantity point of view under certain circumstances, the City would be entitled to impose whatever the law would allow them to impose. He felt even though no tragedy would occur in 1995 from a point of service, the absence of a workable agreement does give rise to possible problems from a rate and service relationship. He pointed to the other side, as he thought the City was very interested in somehow resolving this dispute, because they will refinance their debt in October and that will be of a major nature and it will provide funds for a major rehabilitation and that relies to a large extent on the rating of those bonds and that rating in part depends upon solidifying the 35% user of their system into a 30 year franchise. Mrs. Wiener stated that gives her some comfort. Mr. Osterman stated that may be so but if the bonds are not double A, they can be single A, or triple B+, but certainly their credit position is enhanced, if they can somehow bring this matter to a closure, but what he cannot explain to them is why, given that motivation nothing seems to happen and it has been frustrating.

Mr. Osterman stated whatever he has implied with his answers, he wants to assure them he is not casting aspersions on the people that are there today, as this is a discussion of a 30 year agreement that is administered by staffs and councils many years into the future and they are looking for long term protection. He felt it was a question of what the long term goals are. He thought that because of this community's way of life, and how they feel about it, he and Mr. Sundstrom have interpreted that as trying to maintain for the people in this town the mechanics or the root to be able to maintain that way of life and it is difficult in today's environment. He didn't think they were under the time constraint they may feel they are under, but he does think that failing an agreement, other things may come into play, like surcharges.

Mrs. Wiener noted he may call it a way of life, but she calls it zoning, and they have regulations on the books that cannot change and instead of talking around the subject, they should simply point out that this is our zoning and this is our requirement and they cannot use one formula for the entire state or the entire county. She wished to move forward on this within thirty days and the City of West Palm Beach needed to make a decision, and it will still be several months before everything is signed, sealed or delivered, but if they don't come back with something, we need an alternative.

Mr. Sunstrom believed that there were two key points in the memorandum of Mr. Doney one being a recommendation from staff to the Council that they pursue the 75% cap and they pursue the 40 lbs per square inch average pressure throughout the system, and if it is the sentiment of the remainder of the Council in concert with the view expressed by Mrs. Wiener and coming back to the point that the City of West Palm Beach is actively involved in the remarketing of its outstanding debt, they will direct correspondence to the City telling them not to rely on the Town of Palm Beach as a customer for the thirty year duration of the bond issue, until such times as they come to closure on the Agreement and if that is their direction, they will pursue that direction.

Mr. Sunstrom wanted the Mayor and Council to know they were close to this at the first of the year and there was a meeting between the Mayor of the City of West Palm Beach and her senior staff and the previous President of this Town Council and its staff and there was an agreement that was ready to come before the Council and it was the same feeling for the City of West Palm Beach but this has broken down.

Mrs. Smith asked if in that Agreement that they were ready to bring to this Council at the beginning of the year, was there a specific water pressure mentioned? Mr. Sunstrom responded negatively. Mrs. Smith asked why would they feel it was a good agreement, as that is a very strong issue and the Town needs a specific water pressure. Mr. Sunstrom agreed that specific over the general obviously is better, just like the 75% is a mathematical formula that is better, but what they do have in the Agreement and what remains in the Agreement is Exhibit B, which is a long list for capital improvements with a requirement for a systems study within a year and a requirement to work with the Director of Public Works and staff in alleviating the pressure problems. He recalled they didn't have that nomenclature before. He stated unfortunately Florida Administrative Code Standards are very lenient as all it requires is 20 lbs per square inch and that won't cut it here, so consistent with the standards in the industry, the 40% recommended is a reasonable one. Mrs. Smith stated she as a newcomer to this contract is looking for a little more comfort as the contract sounds wonderful, but it is only as good as the people who are administering it and is very general in some areas as it refers to "sufficient pressure" and she doesn't know whose definition that is of "sufficient".

She felt if there are problems in the lines and she felt they should be looking at that now and if the agreement is signed and there still are problems, they state they will fix them within three years and that is four years down the line and what happens to the Town of Palm Beach in the meantime? Mr. Sundstrom responded it was the judgment of the Town's engineers that if the improvements made on Exhibit B were done, that they would achieve that goal with regards to pressure. Mrs. Smith asked what action can the Town of Palm Beach take, as a body, to make the City of West Palm Beach live up to the agreement if it is signed? Mr. Sunstrom responded the Town has standing on behalf of itself and behalf of its consumers to enforce the Agreement. He believed that obviously when an agreement is enforced it is first done through a dispute resolution, secondly, they can resort to the Court. Mrs. Smith thought that would take some time and it doesn't give her much comfort. Mr. Sunstrom advised the problem is there is no over-riding regulatory body in Florida as there is no Public Service Commission to which to make a complaint. He thought there was an alternate remedy which is an uncured breach which would be cause to declare a termination of the Agreement, and the reason they put in the 18 month notice provision, it would allow that time which is the time the engineers tell us in their judgment is the time it would take to design, permit and do something else.

Mrs. Wiener noted they have spent a lot of time on this and the consultants are looking for direction. Mr. Doney advised that based on what Mr. Sunstrom and Mr. Osterman have offered, it would be good to go back and focus on the five major points and as they move through it, the staff will have direction to pursue this matter with the City of West Palm Beach and get them to make a decision and then the staff will report back to the Council. He believed there was one other issue and that is they have looked back at the water supply study done by James M. Montgomery and also staffwise, with Mr. Dusey and Mr. Bowser looking at whether there are other alternatives.

Mrs. Douthit thought the Council should direct the consultants to continue to support the 75% cap and the 40 pounds per square inch as these are two vital issues. Mrs. Wiener and Mr. Weinberg both agreed.

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Mr. Doney went back to the quantity issue, noting they got potential relief from the water restrictions from the South Florida Water District, but there were no guarantees for permanent relief and that whole issue is changing as the rules are being rewritten.

Mr. Dusey addressed the Council reporting that the City of West Palm Beach has lost interest in negotiating with the Town and perhaps the Town needed to be looking for other sources of water, including the options explored in the past, although the opportunity to negotiate should be extended and perhaps they could come to some agreement, but lacking that, they needed to look to the alternatives.

He advised there are other things that can be done. Mrs. Royal asked if the Town is a 35% customer of the City of West Palm Beach and they are looking at a bond issue, why have they lost interest in the negotiations? Mr. Dusey responded they are talking about a 30 year contract and he really cannot answer the question.

Mr. Doney pointed out another important issue is what has happened in the last year, they have had a major change in the City of West Palm Beach as far as the function and power and authority of the Mayor, plus the City Commission, so they are regrouping and the Town needs to be in touch with them with whatever direction the Council offers to the staff. Mrs. Wiener knew they had financial problems which are probably more important to them but she thought the Town should be very important and staff should meet them and tell them what this Council wants and the City either accepts it or doesn't accept it, and maybe this isn't going to work out and she hates to do that with all the money has been spent on this project.

Mrs. Smith asked if there has been any discussion with the City of West Palm Beach since April of 1993? Mr. Osterman responded there was and two things happened - one, there was a formal meeting and at that meeting they asked for some changes and he thought he would be hearing from them within one or two weeks. and when he called, he was told they were still trying to choose a City Attorney and they were close to do doing so, but the attorney was not on board at that time and they wanted this agreement reviewed by their City Attorney. He knows they have now hired a City Attorney and yesterday he was told by Mr. Olson that in another week or ten days, they would be sending a response with the new language and concept. Mr. Osterman appreciates what Mrs. Wiener has said and he agrees with her but he wanted the Mayor and Council to know that as a companion to this procedure, there is a rating process going on at this time, even though there is not an executed Agreement. He knows the City's rate consultant has been given instructions which would add up to rate increases, and in the long run, these would maintain a proper relationship between the two municipalities. He advised he was encouraged with the way the current rate study is going, but pointed out it is not an exercise for tomorrow, but for twenty or thirty years from now.

Mr. Weinberg asked if it would serve any useful purpose to have a joint meeting of both of the Councils, telling of the Town's concern and striving for some action soon? Mr. Osterman recalled at that last meeting he had with the City, Mayor Graham came briefly and suggested perhaps a joint workshop may be beneficial and she too wants to get it resolved and stated her concern about the bond issue and about the relationship that exists between the City and the Town.

Mrs. Wiener pointed out the forms of government are quite different and this Town is a Manager/Council form of government and the City has a strong Mayor type government and she didn't think they could change the way this Town is supposed to operate. She thought the Town Manager could meet with the Mayor of West Palm Beach but she didn't think having a joint meeting made any sense. Mrs. Smith asked if the City of West Palm Beach had specifically turned down the specific language that was requested for the 75% formula and the 40% pressure? Mr. Sunstrom stated they really have not, but the document was brought before the City Council of West Palm Beach and comments were made by their staff members that perhaps there wasn't time to act and consequently,their staff was instructed to work with the Town's consultants and staff and it was at that time, the Town Manager decided definite direction was needed from the Town of Palm Beach Council and that is why they are here. He stated the City has not taken any action adverse to the process. Mr. Weinberg noted they just have not acted to which Mrs. Smith agreed. Mrs. Douthit suggested they take the original draft with the numbers be taken back to the City and make it more specific.

Mrs. Wiener believed the consultants have the message. Mrs. Smith agreed noting the consultants are very ably serving the Town but she believed they were also being very ably paid. Mrs. Douthit thought there should be a time limit on it and it should be September 15, 1993. Mr. Doney suggested the next step would be a letter he would write to Mayor Graham enunciating what the Town Council has outlined and suggesting that within sixty days or some specific time frame, they meet and address the items outlined in his memorandum and the discussions relative to the Agreement during the end of 1992 and 1993 be reintroduced and an attempt be made to complete this by a certain date.

Mrs. Douthit thought they had ample opportunity to talk about it. Mrs. Smith noted they have been doing this over and over and we keep saying what we want and they don't answer and asked who exactly would make the decision - the Mayor or the Council? Mr. Sundstrom responded the decision will be made by the City Council. Mrs. Wiener believed one of the things they haven't had before is a time frame, as they have been kind of dragged along and everything was looking good and suggested a friendly but firm letter be sent with a time set. She thought unless they came to a satisfactory solution as a 35% customer, whom the City was courting at the outset, and if they are not interested, we investigate another direction. Mrs. Smith thought they were bringing this pressure since they are having serious financial problems in the City. Mr. Sundstrom did not think that was the case to which Mrs. Smith asked how could they possibly say no? Mr. Sundstrom responded the answer is that this document does contain a restriction on the City's right to otherwise act unilaterally in the future. He explained a utility is, by definition, a monopoly and this is an unregulated monopoly except for statutory and constitutional regulations which are brought in. He felt the document says the Town will be their long term customer for another thirty years in exchange for the City living by the rules outlined in the document. He is simply saying that the level of sophistication in this type of an engagement with water being a very sensitive issue and more so than it was 30 years ago, and they require this kind of protection.

Mrs. Wiener asked if there was anything further they needed to do to move forward in the direction that has been talked about? Mr. Doney asked to summarize the points in his memorandum, and asked how important was it to the Town Council to have freedom from restrictions? Mrs. Douthit noted the Comprehensive Plan has something to say about that and she thought those restrictions were too much. She thought the South Florida Water Management District were the worse offenders but they also were the regulators. Mr. Doney noted he will not explore that issue.

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Mr. Doney referred to the Quality, noting that does not need to addressed. He went to the Rates issue, noting they will include there be a 75% cap and on the pressure, they will push for 40 psi.

Mr. Doney referred to the System Infrastructure, noting this is a very important issue as they have talked about Exhibit B for two years, and this is a listing of capital improvements which will primarily be on-island, but the aging system is in need of repair and he would like to see a firm commitment from the City of West Palm Beach as to what those projects will be and he will push hard on that.

Mr. Doney noted on the rate making issue, one of the proposals today is have Mr. Osterman represent the Town on the rate making process, and wondered if they were at that point as yet and directed the question to Mr. Osterman. Mr. Osterman indicated they were still in Phase One and they were not incurring any great expense until they report back to the Council as to the cost. He told them the contract the City of West Palm Beach has with their rate analyst is between $77,000 to $80,000, so obviously the Town could expect his fee would be a fraction of that. He advised there is no definite list of the schedules as yet, and he would prefer to wait until it can be priced out.

Mr. Doney recommended the time limit be by October 1, 1993 and the staff will report back to the Council at the October Council meeting, to which the Council agreed.

Mr. Gerry Goldsmith addressed the Council asking if the inter-economic independence of both municipalities has been recognized as without Palm Beach being here, the City of West Palm Beach does not have an economic base over there and without their services, we obviously do not have a Town. He felt the other items were most appropriate. He didn't think that the Town had the ability in the short term to provide an alternative source of water, so we would have to provide other things which will help the City provide the Town with water in using their system. He thought it was also important for them all to remember that the City of West Palm happens to own all the pipes and systems that the Town has, so it is important that they try to work together.

Mrs. Wiener responded they have been saying this for a long time and there comes a point that one can't do business in a soft way, then they have to do it the hard way. Mr. Goldberg suggested they recognize the fight is on and this be done another way.

Mid-Town PEP Reef Project

2. Mid-Town PEP Reef Project - Consideration of Revised Composition of Scientific Review Panel - Mr. Doney reported at the last meeting the Town Council asked a letter be sent to Dr. Dean asking that the names of Dr. Fletemeyer and Peggy VanArman be added to the Scientific Review Panel, which has been done and Dr. Dean has responded that he will replace the two individuals with biological backgrounds with the recommendations, however, he would like to maintain the Panel reasonably small in number. Mrs. Douthit moved that Dr. Fletemeyer and Peggy Van Arman be added to the Panel. Seconded by Mrs. Smith. Mr. Doney wanted the Council to be aware that the Town Council has made a direct action in the appointment and dealing with the University of Florida or anyone that by having the two individuals on the Panel with biological backgrounds replaced, the Town becomes responsible in the final reports and analysis and he wanted to be sure the Town Council is willing to accept that responsibility. Mrs. Smith noted Dr. Dean has made the decision that the two people recommended by the Council were to replace two people on the Panel and now we concur with that. Mrs. Wiener knows what Mr. Doney is saying and she may vote for this, but had the concern that this is an experimental project and it is being tested by these people, there is a problem with that but the majority has agreed that that is what they want to do. Mr. Doney stated his concern is merely that by the Town Council suggesting these two individuals, if there is a question arising on the tested findings, they could come back and say this and this, and they will make it a point that the Council appointed Dr. Fletemeyer and Miss VanArman and that was his only concern. Mrs. Douthit noted they have appointed people closer to the location, who have good backgrounds and it may be they are more appropriate than some others. She agreed that Dr. Dean is the one who elected to remove two people. On roll call, the motion carried 4-1 with Mrs. Wiener voting against the motion.

XII. NEW BUSINESS

A. Ordinances - First Reading

1. Ordinance No. 13-93 - Amendment to Occupational License Ordinance - Recommendations and approval of Report of Equity Study Commission Meeting on June 16, 1993 - This matter was considered earlier in the meeting and adopted. Ord. 13-93

2. Ordinance No. 14-93 - Amendment to Golf Commission Ordinance - Mr. Monaghan read the Ord. No. 14-93 by title: Ord. 14-93

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER XIV OF THE TOWN CODE OF ORDINANCES, RELATING TO PARKS AND RECREATION AT ARTICLE II, GOLF COMMISSION, SO AS TO EXPAND THE MEMBERSHIP FROM FIVE MEMBERS TO SEVEN MEMBERS; PROVIDING FOR ALTERNATE MEMBERS; MAKING PROVISIONS FOR VOTING; PROVIDING FOR REMOVAL OF MEMBERS; REQUIRING THAT MEMBERS BE REGISTERED VOTERS IN THE TOWN OF PALM BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Wiener to move for the adoption of Ordinance No. 14-93. Seconded by Mrs. Smith.

Alexander Beal, Chairman of the Zoning Commission, addressed the Council congratulating the Finance & Taxation Committee for their splendid work on the proposed budget. He now wished to address the changes being proposed for all Boards and Commissions, noting that they have made the provision that any member appointed to these Boards and Commissions must be a resident in the Town of Palm Beach and he approved of that totally. Mr. Weinberg commented they must be registered voters. Mr. Beal wondered about whether the alternates attending all meetings and whether they would have the right to vote to which he was told they could not unless they are appointed by the Chair of the Commission to sit as a full member. Mrs. Smith thought it should be the Town Attorney who makes that decision. On roll call, the motion carried unanimously.

Ord. 15-93

3. Ordinance No. 15-93 - Amendment to Seaview Park Commission Ordinance - Attorney Monaghan read the Ordinance No. 15-93 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE TOWN CODE OF ORDINANCES RELATING TO PARKS AND RECREATION AT ARTICLE I, SEAVIEW PARK COMMISSION, SO AS TO PROVIDE AMENDMENTS RELATING TO VOTING; SO AS TO REQUIRE MEMBERS TO BE REGISTERED VOTERS IN THE TOWN OF PALM BEACH; PROVIDING FOR ALTERNATE MEMBERS; PROVIDING FOR REMOVAL OF MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Wiener moved for approval of Ordinance No. 15-93 on first reading. Seconded by Mrs. Royal. On roll call, the motion carried unanimously for approval.

Ord. 16-93

4. Ordinance No. 16-93 - Amendment to Architectural Commission Ordinance - Attorney Monaghan read Ordinance No. 16-93 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN CODE OF ORDINANCES AT ARTICLE IX, ARCHITECTURAL REVIEW AND PROCEDURE, SOAS TO INCLUDE PROVISIONS FOR REMOVAL; SO AS TO REQUIRE MEMBERS TO BE REGISTERED VOTERS IN THE TOWN OF PALM BEACH; AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener asked that the person who takes the minutes for the Commissions should indicate in the beginning of the meeting that the alternate is taking the regular member's place and is a voting member.

Motion was made to approve Ordinance No. 16-93. Seconded by Mrs. Smith. On roll call, the motion carried unanimously for approval.

Ord. 17-93

5. Ordinance No. 17-93 - Amendment to Landmarks Preservation Commission Ordinance - Attorney Monaghan read Ordinance No. 17-93 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING AT ARTICLE III, LANDMARKS PRESERVATION COMMISSION, SO AS TO REQUIRE MEMBERS TO BE REGISTERED VOTERS IN THE TOWN OF PALM BEACH; INCLUDING PROVISIONS FOR VOTING; PROVIDING FOR ALTERNATE MEMBERS; PROVIDING FOR REMOVAL OF MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener moved for adoption of Ordinance No. 17-93 at first reading. Seconded by Mrs. Royal.

Discussion of who may serve on Commission or Board

Mrs. Smith informed the Mayor and Council that after the last meeting and the report of the Ordinance, Rules & Standards Committee was received, she reflected on the fact that perhaps the Town may be limiting itself by closing the door on not allowing anyone who does not live in the Town to serve on a Commission or Board. She believed there were many occasions where she felt that Judge Knott and Mr. Curl and Mrs. Divoll were important members on the Landmarks Commission and she sees no reason to cut off this outside expertise, as it is the scope of the Town Council to make the appointments to the Commission and if they choose to appoint someone who is a Town resident who is qualified as a preservationist and historian, that is fine; but if they also choose to appoint an outside person who they feel is qualified and willing to serve, that is something that presently exists in the Ordinance and they should leave it as is.

Mrs. Douthit agreed that freedom of choice is important and she would like to see this ordinance adopted in such a fashion so it would be totally possible to have one out-of-town expert. Mrs. Smith felt if there is someone who came to Palm Beach for a limited period of time and lived in the area and was willing to share their expertise knowledge, they should be able to serve. She recalled the Ordinance has existed with the non-residency for a long period of time and if the Town Council does not want to appoint anyone who is not a registered voter, they do not need to do so.

Mayor Ilyinsky asked why Mrs. Volk wanted this provision removed from the Ordinance and not have an outsider serve on this Commission? Mrs. Smith believed Mrs. Volk as an individual certainly has the right to her opinion as Mrs. Smith has the right to her opinion.

Mrs. Douthit advised there have been letters received from other Landmark Commissioners who are quite surprised and who would like to see the provision that someone with expertise who does not live in the Town should be allowed to serve on the Landmarks Commission. She did not want to see this freedom abandoned.

Mrs. Elise P. Mackintosh, Landmark Commissioner, addressed the Council noting she was in New York for one month and missed one meeting and was surprised to hear that Mrs. Volk had made the statement that the Landmarks Preservation Commission was in agreement that all members of the Commission should be registered voters of the Town. She thought landmarking was a very delicate procedure and this expertise is quite necessary and just because an expert does not happen to live in the Town of Palm Beach would be discrimination and undemocratic and harmful to Palm Beach. She recalled there were many times they wouldn't have gotten through meetings, without the expertise of Judge Knott, Donald Curl. or Leslie Divoll. She didn't know how they could deny this knowledgeable help as it is needed. She thought they also needed to have this provision for the Architectural Commission. Discussion of who may serve on Commission or Board

Jackie Alberran, an architect and a member of the Landmarks Commission addressed the Council indicating she has missed no meetings and was surprised when she heard of Mrs. Volk's comments to the Council as this matter was not discussed at a Landmark Preservation Commission meeting. She stated even working as an architect and serving on this Commission, she does not consider herself an expert on preservation and she feels an expert is very necessary.

On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Smith voting against the motion.

Mrs. Wiener made the statement that there are a lot of people in this Town who are not only preservation-minded and educated and she has a problem with the people who are appointed to this Commission as being selected to sit as a Commissioner does become a part of their resume and she felt there were enough people in this Town who were available and when they need experts, they hire them, and she suggested they move on to the next item. Mrs. Smith hoped they did have preservation experts in this Town as she felt the Council has made a big mistake.

6. Ordinance No. 18-93 - Amendment to Zoning Commission Ordinance - Mr. Monaghan read the Ordinance No. 18-93 by title: Ord. 18-93

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN'S CODE OF ORDINANCES, AT ARTICLE I, RELATING TO ZONING COMMISSION, SO AS TO INCLUDE PROVISIONS RELATING TO VOTING; PROVIDING FOR ALTERNATE MEMBERS; PROVIDING FOR REMOVAL OF MEMBERS; REQUIRING THAT MEMBERS BE REGISTERED VOTERS IN THE TOWN OF PALM BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Royal moved for approval of Ordinance No. 18-93. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

7. Ordinance No. 19-93 - Proposed Abandonment of Easements and Rights-of-Way - Mr. Doney requested this Ordinance be deferred to the August 10, 1993 Town Council meeting as Mr. Dusey and Mr. Bowser have some concerns about this ordinance. Mrs. Wiener moved that Ord. No. 19-93 be deferred to the August 10, 1993 Town Council meeting. Seconded by Mrs. Royal. On roll call,the motion carried unanimously. Ord. 19-93

A. Consideration of Request from Mrs. Bertles, 201 Angler Avenue, to Abandon the West One-Half of Ocean Way North of Angler Avenue - Deferred from June Meeting - Mr. Doney indicated he will notify Mrs. Bertles and her attorney that this matter has been deferred to the August 10, 1993 Town Council meeting.

B. Resolutions

1. Resolution No. 25-93 - Amending Recreation Department Fee Schedule Classification and Rates - Attorney Monaghan read Res. No. 25-93: Res. 25-93

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RECREATION DEPARTMENT TENNIS AND YOUTH PROGRAM FEES.

Motion was made by Mrs. Douthit to approve Res. No. 25-93. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

2. Resolution No. 26-93 - Amending Golf Course Winter Rates - Attorney Monaghan read Res. No. 26-93 by title: Res. 26-93

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING GOLF COURSE WINTER RATES.

A motion was made by Mrs. Royal to approve Res. 26-93. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

3. Resolution No. 27-93 - Application for Funds from the Palm Beach County Emergency Medical Services Awards Program - Attorney Monaghan read Res. No. 27-93 by title: Res. 27-93

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE APPLICATION FOR FUNDS FROM THE PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES AWARD PROGRAM TO BE USED FOR THE IMPROVEMENT AND EXPANSION OF EMS SERVICES FOR THE TOWN IN HELPING TO MEET STATE EMS GOALS. SUCH GRANTS SHALL NOT SUPPLANT EXISTING EMS BUDGETED FUNDS.

Mrs. Wiener moved for the adoption of Res.No. 27-93. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

C. Bid Award

Bid Award

1. Sealed Bid No. 93-015A - Seaview Park Storage Building - Consideration of Resolution No. 28-93 - Mr. Dusey explained the low bidder ARZ Builders was disqualified due to his being non-responsive to the Towns Purchasing Agent. He noted the second low bidder, Coral Springs Construction Co. did not submit a sufficient bid bond and was also disqualified and the last bidder was West Construction and it is his recommendation to award the bid to West Construction. Seaview Park Storage Bldg.

Attorney Kevin LaMontayne, attorney for ARZ Builders, addressed the Council and introduced George Aboujawdeh who is the corporate representative of ARZ who was the lower bidder. He wished to try and get justice for his client and he did not understand why his client was disqualified.

Bid Award Seaview Park (cont'd)

He knows the Council wants to do what is best for its citizens but he feels they also have an obligation to others when they invite them to participate and deal with the Town. He reported the invitation was issued to bid to the contractors and contractors responded and he reviewed the extensive documents relating to bidding which was on line with the Code and Statute requirements, but then something went afoul. He advised ARZ Builders responded in response to the Town's invitation and they submitted the lowest bid, in fact the bid was $8,875 lower than the next bidder. He reported that his client received a letter from the Town's Purchasing Agent indicating that his bid was non-responsive. Mr. LaMontayne did not understand that as in order to be responsive to a bid, it has to respond to the specifications in the bidding documents, and to say something is unresponsive is to say somebody came in and gave a bid to something other than what the specs required. He did not believe his client was not responsive as he gave a bid, which was in all respects in conformance with the specifications. He recalled the letter from the Town stating his client was unresponsive stated that the four references provided were not for similar construction and that is why the bid was rejected. He believed that references were necessary for contracts in excess of $130,000. He noted the Code specifically says that only on Level 4 and 5 contracts do they need to look at references. He believed what they were saying is that they didn't have references for similar construction for $20,000 noting his client has done contracts for hundreds of thousands of dollars. He noted just the fact that the contractor is licensed by the State shows the State has given him some type of credibility. He didn't understand also as in this case there is a bond which would protect the Town, and he thought the precedent they could establish by not giving this bid to the lowest bidder is from this point forward on each bid that his client makes, he must disclose that the Town of Palm Beach has found him unqualified to do business and he could be prevented in the future from having jobs with other government agencies because he has been found to be unqualified to do this $40,000 job and he believed they would be discouraging bidding of contractors to do business in the Town of Palm Beach.

Mrs. Smith asked the Town attorney to address the comments that this man has implicated that his client's career is being ruined and she thought he was wrong and was presenting a wrong point to this. Mr. Dusey asked if Mr. Boggs could address them to which Mr. Weinberg agreed. Mr. Boggs addressed the Council noting the issue is responsiveness and not responsibility. He asked for a list of references for similar construction and he did not provide that with his initial bid and he was given an opportunity to provide them and they provided another list but again they did meet the requirements of the contract documents, so responsiveness is what he is talking about.

Attorney Monaghan agreed that all specifications and requirements included in the bid package become a part of the contract and the Town reserves unto itself the right to reject any and all bids and that is unequivocal. He was given by Attorney LaMontayne a list of sections from the Florida Administrative Code which speak to the levels to which the attorney referred, and Mr. Monaghan advised he checked the statutory citations for the rules and this hearkens back to rule making authority which is under the Department of Management Services which is a state agency that regulates state agencies and political subdivisions and does not include a political subdivision. He advised municipalities do have the authority to establish their own purchasing rules and are not necessarily covered by these rules.

Mrs. Wiener felt they have spent a lot of time talking about this and the fact of the matter is she has been sitting on this Council for almost five years and this is the first time that something like this has happened which is an indication to her that they are doing what they are supposed to be doing. She wondered why someone who is doing hundreds of thousands of dollars worth of business would be appealing to the Council for this very small item. She moved that the Council go along with the recommendations of our Department Head and the Purchasing Agent and proceed. Seconded by Mrs. Smith.

She asked Mr. Aboujawdeh why he felt it was necessary to hire an attorney. Mr. George Aboujawdeh, owner of ARZ Builders addressed the Council noting he has people working on half million dollar jobs and $40,000 jobs, as what has happened is not acceptable in his eyes, because he supplied references and he doesn't understand why the references supplied were not acceptable, as one was FAU. Mrs. Wiener explained the Town Council is a policy making body and they are not staff and he has a conflict with staff and their decision is based on what has been heard from both sides. Mrs. Smith noted the references did not comply with the requirement for the Department for this type of job and his bid was turned down and she was sure this was not the first time he has had a bid turned down. Mr. Aboujawdeh explained this was his first time.

Mrs. Douthit noted the reference was not for buildings, but for concrete slabs and landscaping. Mr. LaMontayne asked why would the State license a company that was not able to do construction? Mrs. Douthit responded the firm gave references and this is response to the request for information and it was slabs and landscaping and it was not a building. Mr. LaMontayne wanted the Council to know this case will proceed to court. Mrs. Smith stated she resented the fact that he was here today taking this case probably for free, because he is going to court, as if that is his whole reason for being here, she believed he made a big mistake in coming before this Council which doesn't scare as this Council will not be bullied. Mr. LaMontayne stated that was not the situation and she was incorrectly accusing him as he just wanted justice and did not intend to bully her and it doesn't seem like she was capable of giving justice.

Mrs. Wiener reiterated that in all the time she has been on Council no-one has ever come before them stating they will see them in court. Mr. LeMontayne commented it was about time. Mayor Ilyinsky asked everyone to remain calm and called for the vote.

Mr. Weinberg asked for the vote to be called and on roll call, the motion was carried unanimously.

Res. 28-93

A motion was made to approve Resolution No. 28-93 by Mrs. Wiener. Seconded by Mrs. Smith. Mr. Monaghan read the Resolution No. 28-93 by title:

> A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AWARDING A CONTRACT TO WEST CONSTRUCTION, INC., FOR THE SEAVIEW PARK STORAGE BUILDING.

On roll call, the motion carried unanimously.

A short break was taken. President Weinberg reconvened the meeting.

D. Appointments

Appointments:

1. Building Board of Adjustments and Appeals - Two Three-Year Terms to Expire July 1996 and One Citizen-at-Large Alternate Member - Mr. Zimmerman advised staff recommends the reappointment of Vance Carpenter to the Board and the appointment of Mr. Hugh Davis to fill the member position vacated by Mr. Walton and for the alternate, Peter S. Broberg. Mrs. Wiener believed that Mr. Broberg was a member of the Seaview Park Commission and she moved that Mr. Carpenter and Mr. Davis be appointed to the Building Board of Adjustments and Appeals and the alternate position be left open. Seconded by Mrs. Smith. On roll call, the motion carried 4-1 with Mrs. Royal voting against the motion. Building Board of Adjustments and Appeals

E. Other

1. Consideration of Request by Dr. Melvin Small on Behalf of the Tres Vidas Homeowner's Association for Refund of Prior Payments for Solid Waste Collection and Disposal - This matter was considered earlier in the meeting. Tres Vidas Homeowner's Association

2. Request Authorization for Town Manager to Execute Medical Director's Contract for FY94 - Mrs. Douthit moved that the Town Manager be authorized to execute the Medical Director's Contract for FY94. Seconded by Mrs. Smith. On roll call, the motion carried unanimously. Medical Dir. Contract FY94

3. Consideration of Voting Delegate for the Florida League of Cities 67th Annual Convention in Fort Lauderdale on August 12-14, 1993 - After discussion, a motion was made by Mrs. Wiener, seconded by Mrs. Douthit that the President of the Council, Mr. Weinberg be the voting delegate for the Florida League of Cities Convention on August 12-14 in Ft. Lauderdale. On roll call, the motion carried unanimously. Voting Delegate for FL. League of Cities

4. Consideration of Proposed Interlocal Agreement - Water Control Monitoring National Pollutant Discharge Elimination System (NPDES) Permit - Request for Authorization for Town Manager to Execute Agreement and Initiate Other Actions as Required - Motion was made by Mrs. Wiener to authorize the Town Manager to execute this agreement and initiate other actions as required. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Proposed Interlocal Agreement

5. Consideration of Request by Palm Beach County Regarding State Road A1A - Mr. Doney indicated this issue is before the Council as result of a letter from Mr. Charles Walker, Director of Traffic for Palm Beach County. He advised the County is contacting various oceanfront municipalities inquiring as to the policy position of each governing body, noting that the municipalities of Ocean Ridge and Briny Breezes have requested that in their towns the roadway be limited to two lanes. He noted Mr. Moore has written as of July 7th, 1993 which speaks to the issue and references the Town's Comprehensive Plan issues. Mrs. Wiener didn't think this made any sense as we certainly have to stay within the provisions of the Town's Comprehensive Plan. Mrs. Douthit thought it was an effort by DOT to figure out where they could spend more money and at one time they did plan to have A-1-A be four lanes and after the monies came through, the people in the south end decided they didn't want it, and she would like to make a motion that A-1-A stay two lanes with the proviso that turn-off lanes can be added. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously. State Road A1A

6. Consideration of Proposed Florida Department of Environmental Protection Rule 16B-33 Regarding Oceanfront Armoring - Mr. Doney noted a draftletter has been furnished to Kirby Greene and in addition, Mr. Elwell was at the Countywide Beaches and Shores Meeting as was Mayor Ilyinsky and he called on Mr. Elwell for his comments. Mr. Elwell reported there are two concerns that are in the back-up material and at this meeting yesterday a third issue was raised regarding the mass of the boulders that can or cannot be used in a revetment and the concern that was raised is that the proposed limit would preclude the use of local Florida Limestone and granite would have to be used and would have to be transported from Georgia, and that would add costs. He thought there may be from a coastal engineer's point of view while additional mass is beneficial, but there is concern about the extra cost. He advised a workshop will be held on August 4, 1993 in Tallahassee and the draft letter will be sent in lieu of attending the workshop. FL. Dept. of Environmental Protection Rule 16B-33

Attorney Paul Prosperi advised the Council when there was countywide reaction to the new proposed Coastal Construction Control Line, one of the most compelling arguments that moved DNR to reconsider was the armoring of the shores which has the effect of a reef, and the DNR is now reconsidering their models, so he thought it was very important to the Town to analyze all of the impacts on this and he would not rely on the County's staff or consultants on this. He suggested this may be an area they may want to fund an expert from the point of view of how the armoring of the Town shores, and taking into consideration the existing seawalls would make the Town a special case when it comes to the relocation of the Coastal Construction Control Line. Motion was made by Mrs. Wiener to authorize the draft letter be forwarded to Mr. Greene of Department of Natural Resources in Tallahassee. Seconded by Mrs. Royal. Mr. Elwell asked if they wanted the item added on about forcing Florida to use the Georgia materials rather than use local materials to which the Council did not agree. On roll call, the motion carried unanimously. Coastal Construction Line

E. 7. DISCUSSION ON FIRE AT 1330 NORTH LAKE WAY.

Mrs. Wiener commented she wanted to have this matter included on the agenda as she believed there should be cooperation with the utility companies who service this Town so the underground system is safer and the Town can be assured that this type of incident will not happen again in the future. Fire at 1330 North Lake Way

Chief Elmore informed the Mayor and Town Council that in his 36 years of experience, he has seen these types of emergencies with no two being completely alike. He stated the cause of this fire was that a gas line crossed an electrical service line as it went into the house and somehow when these lines were originally installed, it appears that the gas line had been there for a long period of time, and the electrical service line was more recent, which could be twenty years, as he is not sure when either of these lines were originally installed. He advised one line was laid on

Fire at 1330 North Lake Way (cont'd)

top of the other. He advised his Department dug a number of trenches and in this same area, they have found a number of utility lines, water lines, and it just happened that an electrical charge created a hole between the two lines and gas leaked into the electrical service line, which allowed it to go into the residence which was filled up with gas and then it touched an ignitable source and there was an explosion.

Chief Elmore stated he was not really sure how one can guard against something like this not happening again, but perhaps they can talk to the utility companies. He recalled there was a statement made by the Florida Power & Light representative that this particular electrical service line was installed by a private contractor and not by FP&L.

Mrs. Wiener commented it was fortunate that the house was not occupied at the time of the explosion. She thought they needed to somehow research or identify if they have a number of these lines crossing each other in other areas of Town and how it can be corrected, perhaps by giving the homeowners information to check whether this is or is not the situation in their particular location. She felt they should do whatever they could as their prime purpose is the health and welfare of the citizens of this Town.

Mrs. Douthit recalled that everyone in the neighborhood did smell the leaking gas an hour before the explosion and FP&L was called and was there looking for the obvious leak and were unable to find it. Chief Elmore recalled his Department also received a call approximately one hour prior to the explosion in the 200 block of Palmo Way, which is about three or four blocks south of where the explosion occurred. He advised his staff called Florida Public Utilities and they were on the scene so the gas company and his staff did search an area from the Lake to the Ocean from Palmo Way to a block north of the Sailfish Club. He stated this was a very large area and they would smell gas and then it would dissipate and they did not leave until the odor did dissipate but they could not locate the source of the gas odor.

He advised he had three calls from people smelling gas and one was a construction project where a worker had hit a gas line and they responded and capped the line and there was no problem. He advised the other two calls they did check out in the 200 block of Queens Lane, but they could find nothing. Mr. Doney reported Florida Public Utilities was also contacted to which Chief Elmore responded they don't go on these calls without the utility company and sometimes they can find the leak, but there are numbers of occasions when his Department will respond to an odor of gas and they cannot find anything, nor does the gas company find anything as it is difficult to determine the difference between natural gas and sewer gas.

Mrs. Wiener asked if there was some way they could get something going with the utility companies, as she has a real concern about this, and she didn't think the Council could turn their backs on this and she is looking for guidance from the Chief as to what they should be doing.

Chief Elmore agreed, stating it did take three hours the night of this explosion to focus on what was the exact cause, and he shared their feelings.

Mr. Weinberg asked if there were any sophisticated instruments which could be helpful in making an early determination in this kind of difficulty to which Chief Elmore responded the gas company is very cautious in allowing the Fire-Rescue Department to use any kind of meters or devices and he did not think that type of equipment was available for the use of his Department.

Mr. Doney recalled this issue has come up before and the Administration and the Risk Manager would not want to have Town employees conducting that type of service.

Mrs. Royal asked how many calls does the Fire-Rescue Department receive on this type of a problem on an annual basis to which Chief Elmore responded it is not increasing from year to year, stating he has an increase in this type of calls immediately following an incident, which he thought was natural and in a twelve month period, he might receive one or two calls per month.

Mrs. Smith asked if there are regulations for how much distance should be between the gas and electric lines to which Chief Elmore responded he believed if the lines were not so close, this probably would not have happened, but he would call on Mr. Zimmerman for an answer to the question. Mr. Zimmerman addressed the Council indicating that the Code states there shall be a clearance and he believed it was eight inches between gas lines, water lines and sewer lines, but it does not address electrical lines.

Mrs. Smith thought they should look into that because she considered it a miracle that there was no-one walking or riding their bike on the Bike Trail that night as they might have been killed.

Mr. Zimmerman advised that requirement is applicable only to private property and is not what might occur in the right-of-way of the Town as those lines would be installed by the utility companies themselves.

Mrs. Wiener asked if Chief Elmore would check this with his professional organizations as there may be a committee on prevention and then report back to the Town Council, as she wants to be able to do something about this. Mrs. Smith suggested he also be in touch with the Florida Public Utilities Co. notifying them that because there is a deterioration of the lines within the Town, they want to notify the property owners to look into the gas lines.

Chief Elmore reported his staff did dig up portions of this particular gas line and it appeared to be in good shape and this happened because of the fluke of the electrical charge which touched the gas line and caused the problem. He believed the residents in this area are desirable of some sort of comfort that this particular incident was a unique circumstance. He advised no guarantees can be provided but perhaps some assurances can be provided.

Mr. Weinberg asked Chief Elmore to report to the Council on this matter. Mr. Doney suggested that Mr. Weinberg write a letter to Florida Public Utilities and the Florida Power & Light Company, indicating the serious concern the Town Council has on this and request they reassess all of their underground facilities within the Town to determine if any repairs and/or replacements are necessary and if repairs or replacements are necessary, that it be accomplished as quickly as possible. He recalled the electric line to the house from the roadway was installed by an private electrical contractor and the permitting of that is not clear, so they want to get both of the utility companies on notice that the Town has this concern.

Fire at 1330 North Lake Way (cont'd)

Chief Elmore advised he will be in touch with representatives from both of the utility companies and report to the Town Council within a sixty day period.

Gerry Daum, local architectural designer and project manager addressed the Council advising the gas company is using a flexible one-half inch line which is very thinly coated and he has called the Fire Department on the projects he has managed as it would be very easy for a landscaper to sever this line. He recalled he has had to call the Fire Department several times when he was a project manager and the personnel come with masks on and the gas line is not being buried as deeply as it should be and the material is thin coated poly vinyl chloride lining and easy to sever.

XIII. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR JUNE 1993. On motion of Mrs. Wiener, seconded by Mrs. Smith, the Warrant List and Fund Expenditures was approved. On roll call, the motion carried unanimously.

XIV. COMMUNICATIONS FROM CITIZENS - None.

XV. DEVELOPMENT REVIEWS

Development Reviews

A. Major Matters Previously Considered by the Architectural Commission at Their Meeting of June 23, 1993 - Motion was made by Mrs. Douthit, seconded by Mrs. Smith to approve the Major Matters considered by the Architectural Commission on June 23, 1993. On roll call, the motion carried unanimously.

The major matters were:

B11-93 - New residence for Mr. & Mrs. Joseh Rimonim 218 Miraflores Dr. - Deferred
B13-93 - New residence for Casacore, Inc., 201 Kawama Lane - Removed from agenda.
B14-93 - New residence for Casacore, 207 Kawama Lane - removed from agenda.
B15-93 - Alterations and additions for Mr. & Mrs. George Milidrag, 445 Antiqua Lane - Approved.
B21-93 - New residence for Solcon, 127 Everglade Ave. - Deferred
B23-93 - Addition for Richard Limeouse, 215 Mediterranean Rd. - Approved conditionally.
B27-93 - Parking Deck for J. Grace, 230 Sunrise Avenue - Deferred
B44-93 - Jay Ryan, 250 Osceola Way, Deferred.
A53-93 - Landscaping for Beach Point Condominium Owners Assoc., 2660 S. Ocean Blvd. - Approved.
A55-93 - Carport for Patricia Schmidlapp, 695 S. County Rd., - removed from the agenda.
B-31-93 - Gilbert Thompson, one story addition at 109 El Mirasol. Approved.
B35-93 - Gardens and Pavilion for Preservation Foundation of Palm Beach, at 386 Hibiscus - Approved conditionally.
B4-93 - Revisions to west elevation for Joel Martino, 109 Ocean Terrace. Approved conditionally.
B66-92 - Landscape Plan for Sandy Pam Beach Properties, 248 Bahama Lane - Approved.
B38-93 - Addition to residence of Dr. Marvin Rosenberg, 2 La Costa Way - Approved.
B39-93 - Addition to residence of Mr. & Mrs. Robert Monks, 220 Ocean Terrace. Deferred.
B40-93 - Addition to residence of Mr. & Mrs. Robert Eigen, 1616 N. Ocean Blvd. - Approved.
V41-93 - Additions and Remodeling of Paul Z Okean, 201 Via Vizcaya - Deferred
B41-93 - Addition of second story to residence of Nicole Durr, 1491 N. Ocean Blvd., Approved conditionally.
B44-93 Pergola for Susan Burch, 124 Brazilian Avenue - Approved.
B45-93 - Gates for Villa Plati Homeowners Association, 300 block of Everglade and Atlantic Avenue - Approved.
B46-93 - New Meeting Room Facility for Colony Hotel, 155 Hammon Avenue - Conceptual approval with conditions.
B47-93 - Remodeling of Testa's, 231 Royal Poinciana Way - Approved.
B48-93 - Demolition and Landscape Plan for Mr. & Mrs. Arno Turklitz, 482 Island Dr. - Approved with condition.

B. Variances, Special Exceptions and Site Plan Reviews

<u>Old Business</u>

Var. 27-93

1. Variance No. 27-93 - Noranit Tui Pranich, 273 Sandpiper Drive; to allow construction of an addition increasing lot coverage to 34.8% in lieu of 30% maximum allowed. R-B District. Deferred from June meeting. Mr. Pranich addressed the Council on his behalf, indicating at the last meeting the Council asked him to rework the plan and the square footage has been cut to 245 square feet from 425 square feet, which will bring the request to 33% lot coverage instead of the 34.8% that was requested previously. He reminded the Council that when the house was built, 35% was the lot coverage that was allowed. Mr. Zimmerman advised the Council that the square footage was reduced from 425 to 245 reduces the lot coverage to 33.4% and is a two per cent reduction. He recalled there is no hardship but the applicant did make a reduction as the Council requested. Mrs. Wiener commented she has always voted against anything that went over 31% and she has a problem with this and will be voting against the motion.

Mrs. Royal asked if it would be better for him to add a second story to which Mr. Pranich responded it would be visible from the street and this way he is adding at the rear of the property and it cannot be seen. He advised he still has 40% green space as required. Mrs. Douthit wondered if he could provide more green space in the front. Mr. Pranich responded he will cut down the driveway and more greenery will be provided.

Mrs. Smith indicated she would prefer to not see a second floor on this house as that will be a real drawback to the neighborhood.

Mr. Pranich advised in the alleyway there are mostly garages and his nearest neighbor cannot see it in the back. Mrs. Smith noted the garage does not open to the alleyway to which Mr. Pranich responded it does open to the front and he is trying to landscape it and take away the driveway so in the front of the house there will be more landscaping. Mrs. Wiener noted there was no hardship to the land and he is already over the allowed lot coverage by one percent. Mrs. Smith pointed out the house did conform when it was built originally.

Motion was made by Mrs. Royal to approve the Variance No. 27-93. Mr. Weinberg turned the gavel over to Mrs. Wiener to chair the meeting and seconded the motion. On roll call, the motion failed 3-1 with Mrs. Smith, Mrs. Douthit and Mrs. Wiener voting against the motion to approve.

Motion was made by Mrs. Douthit to deny Variance No. 27-93. Seconded by Mrs. Wiener. On roll call, the motion carried 3-2 with Mrs. Royal and Mr. Weinberg voting against the motion.

New Business

Var. 30-93

2. Variance No. 30-93 - Abbey Financial Corp., 125 Worth Avenue; to allow installation of a 30" satellite dish on the roof prohibited in Section 5.51(f) of the Town zoning code. C-WA District. - Steven Allen, facilities coordinator for the applicant addressed the Council, requesting authorization to install a 30" satellite dish to receive financial information necessary for their business. He indicated it would be placed on the east side of the building where the wall is the highest and it could not be observed from surrounding areas. Mrs. Smith asked if the parapet would conceal it completely and asked for a photograph. Mr. Zimmerman advised the dish will be installed behind the parapet wall along the east side of the building, which he did not think could be viewed from anywhere. Mrs. Wiener asked if there were any buildings in the area which are taller and it could be viewed from those buildings? Mr. Zimmerman responded the Kirkland House to the east is taller but in his opinion, they could not see it because of the location behind the parapet wall which is quite high. Mr. Allen explained the dish is 30" and that is not very big.

Mrs. Monroe Greene, 100 Worth Avenue, addressed the Council noting her apartment faces this building, and pointed out once they grant this, they will see many of these dishes all over Worth Avenue and wherever there is a banking institution. She recalled when the parapets on the Winthrop House were crumbling, they asked for permission to remove them and were told they couldn't because of the appearance and it cost the tenants in that building over one hundred thousand dollars. She asked the Council to deny the application.

Mrs. Wiener recalled the Council has granted a number of these dishes to financial institutions throughout the Town and she didn't believe anyone could see it. Mrs. Greene advised those who are on the sixth, seventh and eight floors at the rear of the Winthrop House would be able to view it. Mrs. Smith asked if it could be installed behind the mechanical tower which is located in the center of the roof, then the people in the apartment houses would not be able to see it. Mr. Allen responded it would be more visible on the north side to everybody but the Winthrop House. Mrs. Smith suggested it be placed on the west side of the building. Mr. Allen agreed. Motion was made by Mrs. Smith that approval be given for Variance 30-93 with the stipulation that it is placed on the west side of the mechanical building on the roof of 125 Worth Avenue. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously for approval with conditions.

Var. 31-93

3. Variance No. 31-93 - Kathy W. Hammer, 25 Middle Road; to allow installation of replacement gate located 12', in lieu of 15' required, from the road. R-B District - Tim Lee of Morgan Wheelock, Inc., Land- scaping Architects addressed the Council for Kathy Hammer, re- questing authorization for the installation of replacement gates at 12' rather than the required 15' at the same location the wall is now located which is 12' from the roadway. He advised the gates will be operated manually and it is the owner's intention to have the gates open at all times when they are in residence. Mr. Zimmerman stated the staff comments were that any controller could not be placed in the right-of-way which will not happen as they now indicate they will be manually operated and he has no objection to the application. Mrs. Wiener Moved that Variance No. 31-93 be granted. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Var. 32-93

4. Variance No. 32-93 - Dr. Michael & Virginia Longo, 210 Colonial Lane; to allow construction of a two-story dwelling on a lot 82' wide in lieu of 100' minimum required. R-B District. - Gerry Daum, Architect addressed the Council on behalf of the applicants requested the variance. He stated the lot coverage would be 43% and allowable is 45% for a two story. He advised they will be demolishing the building that is there presently. He advised the lot contained 14,000 square feet which exceeds the 10,0000 required. He advised the new construction will comply with all the zoning regulations. Motion was made by Mrs. Douthit to grant Variance No. 32-93. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Var. 33-93

5. Variance No. 33-93 - Robert E. Deziel, 319 Brazilian Avenue; to allow construction of a two-story garage and guest house providing a 7' west side yard setback in lieu of 10' required, and to provide a 10' rear yard setback in lieu of 15' required. R-C District. This variance was withdrawn earlier in the meeting.

Var. 34-93

6. Variance No. 34-93 - H. Irwin Levy, 900 N. Lake Way; to allow construction of an addition over the garage; due to a basement at the northwest portion of the house, this addition would constitute a third floor, but would not exceed the building height limit. R-B District. Milton Klein, Architect for Mr. Levy addressed the Council requesting the variance. He stated the house from the North Lake Way street is one story, but there is a ten foot drop at the northwest corner which has two bedrooms in the basement level. He advised this would not be visible since the kitchen wing would cut off the view of the new construction. Mr. Zimmerman reported there is no objection from the staff as the addition does comply with all the setbacks and from the North Lake Way side, it looks like a two story house. Mrs. Wiener noted it technically becomes a three story house but in that area it is just a garage and the way it all works out, it doesn't look like a third story and she moved for approval of Variance NO. 34-93. Seconded by Mrs. Smith asking what the height of the hedge was to the north to which Mr. Klein responded it is approximately 14'. Mrs. Douthit agreed it doesn't look like much from the drawing nor can it be seen from the roadway, but it will set a precedent as it is turning it into a three story house and she will be voting against the motion. Mrs. Wiener remarked the vast majority of the house is one story and there is a one story garage. On roll call, the motion carried 4-1 with Mrs. Douthit voting against the motion.

7. Variance No. 35-93 - Michael Price, 450 Worth Avenue; to allow installation of a car port gate providing a 9.36' front yard setback in lieu of 15' minimum per Section 5.36(b) of the zoning code. R-B District. - Attorney Robert Deziel addressed the Council for Mr. & Mrs. Price, requested the variance, noting of the five residences on this street, four have these security gates on Worth Avenue and his client has elected to set his back off of Worth Avenue. He noted the hardship is due to the extremely irregular shaped lot. Mrs. Wiener moved Variance No. 35-93 be granted. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Var. 35-93

8. Special Exception with Variances No. 18-93 - Leverrier, Inc., Bistro Jean Pierre at AnnZ, 132 North County Road; to allow expansion from 2,800 square feet to 5,392 square feet, including the second floor, and a 392 square foot kitchen addition requiring a side yard setback variance, providing 1.3' setback in lieu of 5' required. A variance from the parking requirement of 10 additional parking spaces is requested. C-TS District. Attorney Paul Prosperi addressed the Council on behalf of the applicant noting they wish to separate the hot and cold functions in the kitchen and the variance requested is to be able to build up to the easement, which would be a zero foot setback for the 15' width of the new addition of the cold storage kitchen. He stated the second request is allow the second floor expansion, which was used by the restaurant when it was O'Hara's and they are requesting adding the 2,200 which would be limited to 50 seats and would be used as a private function room and on occasions as an overflow room on the second floor. He noted that 60 per cent of the area would be for seating and the rest would be for storage and office for the restaurant and an employee's changing room. He noted this also will need a variance from the parking as the lot only accommodates 40 spaces. He thought the restaurant use would be a less intensive use than the existing beauty salon where there are 12 employees and it generates 180 trips per day during the season, and the proposed restaurant use would shift the use from daytime to evening use when there is less congestion in the area. Mr. Zimmerman noted there are several comments from staff: Var. 18-93

Fire Department: If approved, two means of egress from the second floor need to be provided.

Mr. Zimmerman believed that has already taken care of to which Mr. Prosperi reported there already are two exits.

Building Department Planner: Expansion may generate a need for more parking which could be interpreted as a more intensive use.

Building & Zoning: Mr. Zimmerman observed the Building Department has no objection to the setback variance or the parking variance, as they feel the enclosure of the dumpster area is an excellent compromise for the granting of this variance.

Town Engineer: The north wall of the addition must be removed from the easement as it has an encroachment. Also, the drainage system on the parking lot should be improved to retain the first one inch of rainwater on the premises.

Mrs. Douthit asked if they would be willing to provide the documentation that the restaurant is Town-serving to which Mr. Prosperi reported it is now and they would be providing the annual documentation.

Mrs. Smith asked if the dumpster would be relocated so it would not be visible from the parking lot by sightscreening to which Mr. Prosperi responded affirmatively. Mrs. Douthit asked if it would be enclosed. Mr. Prosperi responded it would take an addition 30 square feet and he would be happy to do that. Mrs. Smith asked if there would be a fan system on the kitchen addition to which Mr. Prosperi responded it is a whole new ventilation system.

Mrs. Smith believed the proposed second floor use would probably reduce the traffic. She indicated she knows many people use this parking lot while they do their shopping and wondered if it could be monitored during the daytime with either a gate or an attendant? Mr. Prosperi responded there was a gate there and the problem was it constantly was having to be replaced. Mrs. Douthit wondered if they could leave the entrance free and a gate be put across the exit. Mrs. Wiener believed they could patrol this for a little while until people got used to it, but most of the usage there is night usage. Mr. Prosperi stated he always had a conflict in his mind about this because if they don't park there, they will be going round and round looking for a parking space. He thought just the elimination of the 12 people from the beauty salon will free up almost one-fourth of the parking spaces.

Mrs. Wiener moved that Special Exception with Variance No. 18-93 be granted with the condition that the applicant will file an annual Town-serving report with the Town, in a manner which is acceptable to the Town. Mrs. Royal asked for an amendment to cover the dumpster. Mrs. Wiener amended her motion that there will be thirty extra feet granted for the enclosed dumpster. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously for conditional approval.

XVI. ANY OTHER MATTERS

A. SELECTION OF COASTAL ENGINEER FOR INLET MANAGEMENT PLAN AND OTHER COASTAL MATTERS. Motion was made by Mrs. Wiener, seconded by Mrs. Douthit to appoint a Selection Team composed of: Coastal Matters

Mr. Dusey
Mr. Bowser
Mr. Elwell
Mrs. Smith, Chairperson of the Public Works Committee.

On roll call, the motion carried unanimously 4-1 with Mrs. Smith voting against the motion.

B. CITY OF WEST PALM BEACH BEAUTIFICATION PROGRAM FOR WEST END OF ROYAL PALM BRIDGE ALONG FLAGLER DRIVE. Mr. Doney noted there was a letter in the Council's packet from Commissioner John F. Koons of the City of West Palm Beach which relates to the issue of the removal of the left turn lane. He advised they were to commence this in mid-June and it hasn't been started. He noted this Beautification Program - Royal Palm Bridge is an opportunity for the Council to ask for additional action, to which there was no response and there was no action on this issue.

Loftin Street "Renaissance" Project

C. LOFTIN STREET "RENAISSANCE" PROJECT: Mr. Doney noted a letter has been received from James L. Jensen proposing a potential project for the Town's property on Loftin Street and he would not be doing anything on this unless the Town Council directs action. Mrs. Wiener recommended there be no further action on this project to which the remainder of the Council agreed.

Upcoming Meetings

D. UPCOMING MEETINGS: Mr. Doney reminded the Mayor and Council of the upcoming meetings. Mrs. Smith and Mrs. Wiener noted the Finance & Taxation Committee Meetings of August 4, 5, and 6 have been cancelled.

E. ELEVATION REFURBISHMENT: Mr. Doney reminded all the elevator will be out of service for approximately six weeks.

F. SPECIAL RECOGNITION OF JOHN RYBOVICH. Mr. Doney advised this recognition will be held at the August Town Council Meeting.

Tax Abatement on Landmarked Property

G. TAX ABATEMENT ON LANDMARKED PROPERTY: Mrs. Royal asked where they were in the development of an Ordinance which will provide tax abatement for landmarked property? Mr. Frank responded the State has hired Clarion Associations to advise the City of Orlando on the writing of such an Ordinance and a draft ordinance has been prepared and Mr. Randolph is reviewing that. He noted the key issue is getting the assessor of each County brought into the process so it is thoroughly understood that it is not a relief from taxes, but an exemption from new taxes. He noted after this is set up at the County level, each municipality would adopt a Resolution and the County will follow suit before this is in place and he hoped it would take anywhere from 90 days to six months. Mrs. Smith asked if Mr. Frank could explain this in great detail to the County Commission so the plan can get rolling. Mr. Frank announced he believed the State may be providing funding for Clarion to come and promote it to the County Commission.

Risograph

H. RISOGRAPH PRINTER: Mr. Doney wished to clarify they may or may not be able to produce the Annual Report on this printer as at the Finance & Taxation Committee meeting review of their report, there was a statement that it would be, and that may or may not happen.

Sound System for Town Council Chambers

I. SOUND SYSTEM FOR THE TOWN COUNCIL CHAMBERS: Mr. Doney reported this item will be on the agenda for the August Town Council meeting. Mrs. Wiener suggested they have gooseneck type microphones as they do work.

Adjournment

XVII. ADJOURNMENT - Meeting was adjourned at 5:55 PM.

Grace T. Peters
Town Clerk