TOWN COUNCIL MEETING
Tuesday, July 11, 2000 - 9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 a.m. on Tuesday, July 11, 2000, by President Jack McDonald in the Town Council Chambers. On roll call, the following Elected Officials were found to be in attendance:

Mayor Lesly Smith
President Jack McDonald
President Pro-Tem Sam McLendon
Councilman William Brooks
Councilman Norman Goldblum
Councilman Allen Wyett

Also in attendance for all or portions of the meeting were:

Acting Town Manager Thomas Bradford
Assistant to the Town Manager David Jakubiak
Town Attorney John Randolph
Chief Code Compliance Officer Brian House
Finance Director Jane Skittone
Finance Assistant Director Cheryl Somers
Fire-Rescue Chief Vincent Elmore
Human Resources Director William Crouse
Information Systems Manager Spencer Wilson
Planning, Zoning & Building Director Robert Moore
Planning, Zoning & Building Assistant Director Veronica Close
Zoning Administrator Paul Castro
Planning, Zoning & Building Administrative Aide Wendy Zamecnik
Police Chief Frank Croft
Police Captain Richard Howe
Public Works Director Al Dusey
Recreation Supervisor II Alan Brown
Risk Coordinator Karen Temme
Town Engineer Jim Bowser
Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. PRESENTATIONS

A. None

IV. COMMENTS OF MAYOR LESLY S. SMITH

Mayor Smith gave the following comments:

> A quick run-through of our Agenda prompts me to point out some issues of particular importance. First, I want to comment on our decision to retain a national search firm to find a new Town Manager. Filling Bob Doney's shoes will be incredibly difficult, so there is no question we must look at candidates whose excellence has been demonstrated in other cities of similar size and with similar concerns. I do hope,

however, that we will remember that the unique qualities of Palm Beach require a very special person -- someone who understands our history and our commitment to preserving the special character of our Town. This is the kind of understanding that does not show up on a resume or a management review.

We have before us today a Resolution for approval by the Council urging the Board of Intracoastal Health Systems to make open to the public all the financial records of both St Mary's and Good Samaritan Hospitals. It also asks that in case of a sale, such sale would require the buyer to keep both hospitals open to serve the community. I have expressed repeatedly my strong feelings about this situation and urge the Council to approve this Resolution. I will continue to work with the community coalition and the new local committee – Community Advisory Board – dedicated to uncovering the facts about Intracoastal's financial situation and putting this very essential health service back on track.

A very important item on today's Agenda is the unveiling by the Finance and Taxation committee of our proposed budget, which holds the line on taxes and continues to provide the high level of facilities and services we expect of Palm Beach. We have proposed public hearings on the budget for September 11 and September 21. I am beginning to sound like a broken record, but I have to say again what I have been saying for years as President of the Council – the budget hearings are your opportunity, as citizens, to have your say on how we tax and spend. Past hearings have not drawn the crowds that lined up to watch the movie stars on Sunday, and yet this is the most important decision we ask Town residents to help us make. I know that many of you are here today to talk about other issues – but please take the time to understand our budget and come back in September with your questions and ideas.

Finally, the issue has been raised about our forthcoming contract with the Florida Department of Transportation for work on Royal Poinciana Way next spring. I am delighted that many of you are here today to express your ideas, and a number of valid concerns were raised in Mr. Evans' letter to the editor in Sunday's Shiny Sheet. I do, however, want to give you a little background and explain some precedents for decisions about median landscaping, in particular.

Over the years, the Town Council has affirmed its policy to keep the medians on Royal Palm and Royal Poinciana Way for plantings and open green space. We are a residential community where preservation of our natural habitat is paramount – enhanced by the lovely landscaping that graces our parks, medians and other public spaces. I am not the only resident who would be disappointed and, in fact, outraged, if our medians were to become an extension of commerce. To fill Royal Poinciana Way with benches and bike racks – what Mr. Evans has termed "useable as opposed to just a median" – would violate our commitment to green space and create just the kind of traffic hazard and congestion that we work so hard to avoid in Palm Beach.

This is not the first time something of this sort has been proposed – nearly thirty years ago a proposal for adding sculpture and statuary drew heavy opposition and an especially apt resolution from the Garden Club to protect what they call "our precious public open space." A similar proposal in 1987 was summarily rejected by the Town Council. I do not question the call for input into the Royal Poinciana Way project nor the good intentions of the Royal Poinciana Association related to parking, lighting and road improvements. I would urge the Council, however, not to be tempted to desecrate the lovely planted median that spells "Palm Beach" to residents and to visitors coming over the bridge.

V. APPROVAL OF THE AGENDA

DEFER - Variance No. 6-2000 - Edwin L. Ecclestone, Jr., 190 S. Ocean Blvd; to October 10, 2000, Town Council Meeting.

Councilman Brooks moved approval of the deferral of Variance No. 6-2000 to the October 10, 2000, Town Council Meeting. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

DEFER - Flood Variance No 2-2000 - Gloria & Grant Stoddart, 246 Seminole Ave.; to the August 8, 2000, town Council Meeting.

Councilman Wyett moved approval of the deferral of Flood Variance No. 2-2000 to the August 8, 2000, Town Council Meeting. The motion was seconded by Councilman Brooks, and on roll call carried unanimously.

ADD - as Item XVI. D.7 - Discussion of moving the preliminary budget hearings to March or April so that residents could more easily attend.

Councilman Wyett moved approval of adding Item XVI. D. 7 to the Agenda for discussion of moving the preliminary budget hearings, to include a Town Council workshop, which would encourage participation of residents, to March or April. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

ADD - as Item XVI.D.8. - Discussion of third terms for commissioners.

Councilman Wyett moved approval of adding Item XVI. D.8. to the Agenda for discussion of referring the reduction of third terms for commissioners to two terms. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

The Agenda was approved as amended through motion of Councilman Brooks, seconded by Councilman Wyett. On roll call the motion carried unanimously.

Note: Item XVI.D.9 - Discussion of Florida Department of Transportation (FDOT) Project on Royal Poinciana Way was added to the Agenda during discussion which took place under Item VI. Communications from Citizens. The motion made during that discussion was as follows: Councilman Brooks moved approval of designating a time certain of 4:00 p.m. for the addition of Item XVI.D.9. - of Royal Poinciana Way project. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

VI. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT PLEASE

Mr. Leslie Evans, on behalf of the Royal Poinciana Association, addressed the Town Council proposing that Royal Poinciana Way be studied for lighting, landscaping, public benches, and parking, in the upcoming renovations planned, and that the Florida Department of Transportation (FDOT) be contacted for discussion in this regard before a bid on the project was completed.

Public Works Director Al Dusey commented that the project had been under design consideration for at least three years, and the FDOT had been convinced to split the project so that South County Road and Royal Poinciana Way would not be done during the same season. He explained that Royal Poinciana Way was in need of infrastructure improvements; the drainage was in horrendous condition; FDOT had recognized a need for improvement to the area, and had conducted public hearings, which had not been well attended. He noted that the plans were in the final stages, and if the project was not done now, it would be dropped off the program and recycled back into the system.

Mr. Evans commented that there had apparently been meetings that no one had attended, and that perhaps residents had not realized the magnitude of the project.

Town Engineer Bowser commented that he had not been aware that Mr. Evans was speaking on this subject today, and offered that he would speak with representatives of the FDOT, however, they would lose the money for the project, if they did not move forward. He explained that notices had been placed in the Town, as well as advertisements in the newspaper regarding the public hearings on the project, which he and FDOT representatives had attended, however, no residents had attended.

Mr. Evans commented that the Royal Poinciana Association would participate in funding for beautification, and that there were additional funds available for pavers and lighting.

Town Engineer Bowser advised that the project would start in April 2001 and be completed in October 2001.

President McDonald suggested that this issue be added as an Agenda item later in the meeting today, as Item XVI. D.9, at which time Town Engineer Bowser could provide further detail, and Mr. Evans could make specific suggestions.

Mr. Leslie Shaw, Co-Director of the Royal Poinciana Association, suggested that the Town Council allow the planning firm of Urban Design, which was already working on a Town project, to work with the Association on a cost sharing basis to provide a plan for the area.

Mrs. Lyn Cudahy, representing the Garden Club of Palm Beach, read a resolution adopted by the Garden Club, which addressed the open green space in the Town, and supported retention of wide, grassy medians in the Town. She provided a history of previous actions in this regard that had been taken by various Town Councils.

Mayor Smith suggested that a time certain be designated for the discussion of this item later in the Agenda.

Councilman Brooks moved approval of designating a time certain of 4:00 p.m. for the addition of Item XVI. D. 9. - discussion of Royal Poinciana Way project. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

Mr. Michael Maris suggested that a family aquatic center used for education, fitness, recreation, and rehabilitation be developed in the Town of Palm Beach.

APPROVED AGENDA

VII. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF JUNE 12, 2000

VIII. APPROVAL OF TOWN COUNCIL MEETING MINUTES OF JUNE 13, 2000

IX. APPROVAL OF SPECIAL TOWN COUNCIL MEETING MINUTES OF JUNE 16, 2000

X. APPROVAL OF CHECK REGISTERS FOR JUNE 2000

XI. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING OF JUNE 28, 2000

XII. OTHER

A. Authorization for Town Council President Jack McDonald to Execute Letter to PalmTran Regarding Local Transit Service and Local Option Gas Tax

B. Sand Transfer Plant - U.S. Army Corps of Engineers ***(Recommend Deferral to September 12, 2000, Town Council Meeting)***

C. Palm Beach Day School Request for Modification of Town Recreation Facility

D. Ordinance No. 22-00 - Traffic Control/Flagmen Directing Traffic ***(Recommend Deferral to August 8, 2000 Town Council Meeting)***

E. Resolution No. 29-00 - Consideration of Proposed Transfer Agreement From Comcast Cable Communications, Inc., to Adelphia Communications Corporation ***(Recommend Deferral to the August 8, 2000, Town Council Meeting)***

F. Consideration of Report Regarding Litigation with Army Corps of Engineers - Jerry Stouck, Spriggs & Hollingsworth ***(Recommend Deferral to the August 8, 2000, Town Council Meeting)***

1. Erosion Control Line Issues - Update - ***(Recommend Deferral to the August 8, 2000, Town Council Meeting)***

G. Catherine F. Bradley, 255 Park Avenue – Proposed Initiation of Foreclosure (Code Enforcement Case No. 99-1089) ***(Recommend Deferral to the August 8, 2000, Town Council Meeting)***

Councilman Wyett moved approval of the Approved Agenda. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

REGULAR AGENDA

XIII. PUBLIC HEARINGS

A. Landmark Designation of 80 Middle Road, Resolution 19-00 *(Deferred from May 9, 2000, Town Council Meeting)*

Town Clerk Pollitt verified proof of publication, and administered the oath to all those who would be speaking.

Planner/Projects Coordinator Timothy Frank reported that the Landmarks Preservation Commission had studied the subject property, and found that it met the criteria for designation as a landmark in the Town of Palm Beach.

Historic Preservation Consultant Jane Day completed the presentation of the property at 80 Middle Road.

Councilman Goldblum moved acceptance of the Landmark Designation Report. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

Town Attorney Randolph read Resolution No. 19-00 by title:

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND DOES HEREBY DESIGNATE SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK, PURSUANT TO ORDINANCE

President Pro-Tem McLendon moved approval of Resolution No. 19-00. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

XIV. COMMITTEE REPORTS

A. FINANCE AND TAXATION COMMITTEE

1. May 31, 2000 Committee Report

REPORT OF THE FINANCE AND TAXATION COMMITTEE MEETING HELD ON MAY 31, 2000

I. CALL TO ORDER AND ROLL CALL

Chairman Jack McDonald called the Finance & Taxation Committee meeting to order at 10:05 a.m. on Wednesday, May 31, 2000, in the Town Council Chambers. Elected Officials in attendance for all or a portion of the meeting were: Mayor Lesly Smith, Council President Pro-Tem Sam McLendon, and Committee Member William Brooks. Also attending the meeting were: Town Manager Robert Doney, Assistant Town Manager Tom Bradford; Finance Director Jane Skittone; Assistant Finance Director Cheryl Somers; Purchasing Agent Charles Boggs; Public Works Director Al Dusey; Public Works Facility Maintenance Division Manager Joe Ugi; Public Works Services Division Manager Lloyd McCoy; Recreation Director Russ Bitzer; Recreation Supervisor II Alan Brown; Golf Pro Rick Dytrych; Information Services Manager Spencer Wilson; Information Services Specialist Cory Cordero; Risk Coordinator Karen Temme; Human Resources Director William Crouse; Human Resources Analyst Pam Moses; Police Chief Frank Croft; Assistant Police Chief Michael Reiter; Police Planner Lisa Gorman; Assistant Fire-Rescue Chief Kent Koelz; Fire-Rescue Administrative Secretary Belinda Hardy; Director of Planning, Zoning & Building Robert Moore; PZ&B Administrative Aide Wendy Zamecnik; and Town Clerk Mary Pollitt.

II. APPROVAL OF AGENDA

The agenda was approved as written.

III. FY2001 PROPOSED BUDGETS

A. OVERVIEW AND COMMENTS BY TOWN MANAGER

Town Manager Robert J. Doney highlighted the major items of the budget package and referred to his memorandum dated May 24, 2000, the initial budget message for FY2001. Mr. Doney pointed out the following highlights:

- Total preliminary taxable value from the Palm Beach County Property Appraiser is $5,874,916,711 or an increase of approximately $435,441,507 which is an 8.01% change in total taxable value;
- Preliminary expenditure budget for FY2001 is $40,568,608;
- A general pay increase will be considered in late August or early September after a review and a survey by the Human Resources Department;
- Final fees for the Solid Waste Authority and rate increases for the East Central Sewage Treatment Plant have not been received as of this date;
- The total personnel complement has an increase of 1.23 full time equivalent personnel;
- Details of Staff estimates of non-ad valorem revenues are on page 4 of the memorandum;
- The Town of Palm Beach receives approximately 22% of each dollar of each Town taxpayer's total tax bill;
- Reduction in debt service is based on the defeasance of the 1992 refunding issue;
- Investment earnings have earned higher amounts than estimated for FY2000;
- Request for three replacement Fire-Rescue pumpers;
- Proposal for a reverse 911 system to be used for notification in the event of emergencies;

- Proposal for a Town-wide telephone system to improve usage and management of Town telephone lines;
- Changes in Marina operational details as identified in the Marina Fund;
- Funding needs for FY2001 for the two Retirement Funds are decreased;
- Major changes in operating expenditures reflect an $180,243 decrease;
- Proposed increases for parking ticket fines and changes in penalty structures resulting in revenue increases to the General Fund of approximately $131,000.

B. OVERVIEW BY FINANCE DIRECTOR ON BUDGET STANDARDS

Finance Director Jane Skittone reported that standards used in preparing the FY2001 budget were: 7.65% for FICA; employer portion of the retirement contribution - $2,142,331; Health Insurance - $6,232 per employee with the Town contributing approximately $3,040,000 and employees contribute approximately $660,000; Utilities - 4% increase for water, 5% increase for gasoline, and 3% for postage.

C. INFORMATION SYSTEMS OVERVIEW - INFORMATION SYSTEMS MANAGER

1. Software Needs Analysis
Information Systems Manager/Finance Director

Information Systems Manager Spencer Wilson identified the major proposed projects for the Town included participation in a Geographical Information System and utilizing shared information with the County and other municipalities. Twenty personal computers and four network printers were included in the proposed budget figure in addition to software. Mr. Wilson reported that $17,000 allocated for consulting services in FY2000 was not used as the work was done in house. He requested a recommendation from the Committee, with authorization from the Mayor and Town Council at the June 13th Town Council meeting, to spend the $17,000 on programming in lieu of consulting services in FY2000.

Mr. Doney said if the Committee recommended spending the $17,000 on programming in FY2000, Mrs. Skittone would prepare a memorandum to present to the Mayor and Town Council at the June 13th meeting requesting approval.

After discussion, **THE COMMITTEE RECOMMENDED AUTHORIZING $17,000 TO BE USED FOR PROGRAMMING IN FY2000 IN LIEU OF THE CONSULTING SERVICES AS PREVIOUSLY DESIGNATED.** *(This recommendation was presented at the June 13th Town Council Meeting.)*

Mr. Wilson explained proposed projects that included a new cable system for parts of Town Hall and the Police Department and a new telephone system as part of a data network for the entire Town that would replace the current fragmented program which is expensive for additional lines. The telephone system would be a two year program that is part of the Capital Improvement Program.

After discussion of items included in Exhibit N in the FY2001 Proposed Budget, **THE COMMITTEE RECOMMENDED APPROVAL OF ALL ITEMS IN EXHIBIT N, THE CAPITAL IMPROVEMENT PROGRAM, THE 64-03 BUDGET LINES IN THE POLICE DEPARTMENT AND TOWN HALL FOR THE CABLING SYSTEM, AND $9,000 IN PROGRAM 124 FOR A CABLING SYSTEM AS PRESENTED BY INFORMATION SYSTEM MANAGER SPENCER WILSON.**

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

Town Manager Doney reported these programs included expenditures associated with the Mayor and Town Council members and intergovenmental costs. He noted that the annual Town calendar and report at an estimated cost of $11,000 was included in these programs.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 111, LAW AND POLICY REVIEW.**

Mr. Doney explained the largest item in Program 112, Intergovernmental Relations, line item 49-17, covered telecommunications and included attorneys' fees and proposals for the I-net. He said that line item 49-19, Holiday Trees, should be reduced from the $21,074 proposed for FY2001 because of at least one donor tree to be announced at a later date.

After discussion concerning reducing line item 49-19, Holiday Trees, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 112, INTERGOVERNMENTAL RELATIONS.**

Town Manager Doney reported that program 121 in the Town Manager's Office and is the Administrative Management account according to the uniform accounting system. He noted that the number of personnel did not increase in the proposed budget.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 121, ADMINISTRATIVE MANAGEMENT.

Mr. Doney said that Program 122, Advice and Litigation, was based on consultation with Attorney Randolph regarding on-going services and litigation.

President McDonald asked what the yearly total for all services provided by Attorney Randolph's firm was?

Mr. Doney responded the line item 31-01 Legal Advice total is $211,600 and litigation is $80,000 for an approximate total of $291,000.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 122, ADVICE AND LITIGATION.**

IV Self Insurance Fund - Risk Management (501)

Risk Coordinator Karen Temme explained that 87% of the Self Insurance Budget is comprised of the Town's Insurance Program which includes Workers Comp, Property and Liability, Fixed and Variable Cost. The variable costs are determined by underwriters which is budgeted at $775,000. Ms. Temme indicated the property market is undergoing a "correction" and increases across the board are anticipated regardless of any loss experience. At the September Town Council meeting, insurance coverages and costs will be submitted for renewal.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 501 WITH A 5% INCREASE.**

E. HUMAN RESOURCES DEPARTMENT (PROGRAM 123)

Human Resources Director William Crouse reported his goal was to have no increases in the FY2001 budget as compared to the FY2000 budget and the increase was $800 in the proposed budget.

THE COMMITTEE RECOMMENDED APPROVAL OF THE HUMAN RESOURCES DEPARTMENT BUDGET(PROGRAM 123).

B. Retirement Fund (Programs 600 and 601)

Mr. Crouse explained the reduction of approximately $500,000 in the proposed FY2001 Retirement Fund budget was mainly due to investments that contributed substantially to the present 115% funding level for the fund where the goal is 100% funding. The 15% excess is a cushion.

THE COMMITTEE RECOMMENDED APPROVAL OF THE RETIREMENT FUND (PROGRAMS 600 AND 601).

C. Self Insurance Fund - Health Insurance (Program 502)

Mr. Crouse said an actuarial report received from Gabriel, Roeder, Smith reported the Town's contribution structure with reserves provided for an actuarially sound system and the proposed budgeted amount of $3.7 million for FY 2001 should be sufficient for funding for the year. He said the $3.7 million amount is the same amount that has been used since 1993.

Mr. Crouse reported that approximately $1.1 million should be rolled over to the reserve fund at the end of this year (FY2000). Based upon the $3.7 million figure for FY2001, approximately $1 million should go to the reserve account at the end of that year. At the end of FY99, $13.2 million was in the reserve account, and the 1997 report indicated a need for an unfunded liability amount of $17.1 million.

THE COMMITTEE RECOMMENDED APPROVAL OF THE SELF INSURANCE FUND - HEALTH INSURANCE (PROGRAM 502).

F. TOWN HALL MAINTENANCE (PROGRAM 124)

Public Works Director Al Dusey reported an increase in line item 46-03 for $28,000 was a proposal for a new roof and painting of the structure in West Palm Beach used for storage; otherwise, the budgeted amounts were the same as the FY2000 Budget.

THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN HALL MAINTENANCE PROGRAM 124.

7. OFFICE OF INFORMATION SYSTEMS (PROGRAM 125)

Information Services Manager Spencer Wilson said his FY2001 budget projected an increase of 6% due to mainly to costs associated with the GIS project. He added that the software maintenance line 46-11 increased 220% due to changes in the costs for supporting the two AS400 systems.

THE COMMITTEE RECOMMENDED APPROVAL OF THE OFFICE OF INFORMATION SYSTEMS PROGRAM 125.

H. TOWN CLERK'S OFFICE (PROGRAM 131)

Town Clerk Mary Pollitt explained the 5% increase in this budget was due to salary increases, computer updates, and proposed small copier for the Town Clerk's office.

After discussion of the number of copiers and their usage in Town Hall, **THE COMMITTEE RECOMMENDED APPROVAL OF THE TOWN CLERK'S OFFICE PROGRAM 131 PROPOSED FY 2001 BUDGET.**

I. FINANCE DEPARTMENT (PROGRAMS 141-145)

Finance Director Jane Skittone reported the Finance Department's proposed budget was down $1,907 over FY2000's budget.

THE COMMITTEE RECOMMENDED APPROVAL OF THE FINANCE DEPARTMENT'S FY2001 BUDGET (PROGRAMS 141-145).

1. Debt Service Fund (Programs 200, 202 and 203)

   Finance Director Jane Skittone reported $707,635 was budgeted for the Series 1993 General Obligation Bond, and the bond will be paid off in the year 2005.

   Program 202 has no proposed funding for FY2001 as the bond will be paid off this year. Program 203 represents the new revenue bond and $1,369,749 is budgeted with the funding coming from non-ad valorem revenues that will be transferred from the General Fund.

   THE COMMITTEE RECOMMENDED APPROVAL OF THE DEBT SERVICE FUND (PROGRAMS 200, 202, AND 203).

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

Planning, Zoning & Building Director Robert Moore reported his department's budget is projected to increase 9% or $163,000 of the total $2,054,000 budgeted amount. He said most of the increased costs were associated with moving into a separate location if it is approved. If the move is not approved, corresponding amounts can be removed from the proposed FY2001 budget at a later date. If those costs were removed, the budget would be down approximately 4% over FY2000. He noted that legal expenses, Comp Plan expenses related to the R-B Zoning Study, and no replacement of vehicles resulted in a 4% savings.

Mr. Moore said that $15,000 was budgeted for his department's share of the GIS system as presented by Information

Manager Spencer Wilson. Mr. Moore said the proposed budget did include a request for a new records technician position to provide for scanning of documents.

Responding to questions from Mr. McDonald regarding the Comp Plan, Mr. Moore said $20,000 was assigned to Adley, Brisson, Engman Consultants for studying the zoning issues; $15,000 was designated for legal ads; $6,000 for the annual traffic count; $4,000 for architectural services; and $25,000 contingency for the R-B Zoning district.

Mr. Moore explained line item 31-12, Other Professional Services, totaled over $200,000 because three contract inspectors were hired on a 30 day termination basis and were not Town employees covered by Town benefits.

THE COMMITTEE RECOMMENDED APPROVAL OF THE PLANNING, ZONING AND BUILDING DEPARTMENT'S PROPOSED BUDGET (PROGRAMS 211-214).

K. RECREATION DEPARTMENT (PROGRAMS 311 - 314)

Recreation Director Russ Bitzer reported the overall combined FY2001 proposed Seaview Park Maintenance, Recreation and Tennis Center budget is up approximately $11,000 or 1% compared to the FY-2000 budget. This increase is primarily due to increases in part time wages due to increased participation in programs. The increases in wages will be offset by corresponding increases in program revenue.

Mr. Bitzer presented an amended fee schedule dated May 25, 2000, for the Recreation Department.

Mr. Bitzer referred to an overview of the Golf Course Enterprise Fund, and the FY2001 Proposed Expenditures are estimated to be down approximately $36,000 or 5% compared to the FY2000 Expenditure budget. He said the estimated FY2001 Revenues are estimated to be up approximately $34,000 or 5% above the FY2000 Anticipated Revenue. The expenditures are down due to the removal of some equipment from the depreciation line in the budget.

Mr. Bitzer reported the revenues for the first half of FY2000 are up 3% compared to FY99 revenue suggesting the FY2000 Financial Action Plan is working. Mr. Bitzer said it is estimated that the golf course fund, including all capital projects and depreciation, will be debt free in the year 2004, or optimistically, the year 2003.

Mr. Bitzer said a golf course maintenance and improvement fee is recommended for every round of golf by the Golf Pro at 50 cents per round with an estimated additional $17,500 to be raised. The Recreation Advisory Board recommended the fee of $1.00 per round which would raise approximately $35,000. The idea of the golf course maintenance and improvement fees would be for specific designated projects that would require approval prior to using the funds.

Mr. Bitzer said the Advisory Board recommended increasing the costs of warm up buckets of golf balls during the summer months, and the staff concurred with that recommendation.

Mr. Bitzer said the proposed 2001 Financial Action Plan includes increasing the fees as presented, further expansion of the golf programs and events, continuing advertising and promotions, reducing expenditures wherever possible, and continuing to monitor the golf course financial conditions and make strategy changes as required.

After discussion regarding the increased fee structures as listed on pages 11,20, and 21, **THE COMMITTEE RECOMMENDED APPROVAL OF THE RECREATION DEPARTMENT PROGRAMS 311-314, INCLUDING THE INCREASED FEES.**

1. Golf Course Fund (Program 401)

   THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 401 AND OF A 50 CENT CHARGE PER ROUND OF GOLF DESIGNATED AS A SEPARATE LINE ITEM FOR MAINTENANCE AND IMPROVEMENTS OF THE GOLF COURSE.

G. LIBRARY SERVICES (PROGRAM 321)

Town Manager Doney reported the Library of the Four Arts received $125,000 as an annual appropriation from the Town, as approved by the Town Council through the year 2004.

THE COMMITTEE RECOMMENDED APPROVAL OF THE LIBRARY SERVICES PROGRAM 321.

M. FIRE-RESCUE DEPARTMENT (PROGRAMS 411 - 418)

Assistant Fire-Rescue Chief Kent Koelz and Office Manager Belinda Hardy presented the proposed FY2001 budget that included five programs within the department: Administrative, Fire Prevention, Building Maintenance, Operations Maintenance, and Operations and Training. The proposed By2001 budget includes the purchase of one new mobile intensive care unit, eight new defibrillators, and the first year payment of a seven year lease/purchase agreement for three new pumpers. The proposed FY2001 budget of $6,186,552 is $31,639 (0.514%) over the approved FY2000 budget of $6,151,143.

THE COMMITTEE RECOMMENDED APPROVAL OF THE FIRE-RESCUE DEPARTMENT PROGRAMS 411-418.

N. POLICE DEPARTMENT (PROGRAMS 421 - 440)

Police Chief Frank Croft, Assistant Chief Michael Reiter, and Planner Lisa Gorman presented the budget. Chief Croft reported that over $400,000 was cut from the budget during the budget process. One part-time civilian position was eliminated in FY2000 and an additional full time civilian position is proposed for another program in FY2001 with a net result of ½ person increase. The proposed FY2001 budget is 1% less than the approved FY2000 budget.

President McDonald, after reviewing the proposed amounts for recruitment, asked Chief Croft what the resolution was for the recruiting problem for eight officer positions?

Chief Croft explained part of the problem was the nation-wide tight job market, and recruiting ten years ago did not produce the caliber of candidates that would be serving on the Police Department now. He added that neighboring communities offer many incentives to recruit and retain well qualified, well educated people. Chief Croft said the Palm Beach Police Department is not competitive in the area of financial compensation, and retaining the best qualified people to run the day to day activities in the Police Department requires top notch pay ranges, incentives, and benefits.

President McDonald, noting the proposed brochure for recruiting candidates, said he wanted to deal with the eight vacancies in a larger way than the brochure presented.

Responding to questions from Councilman Brooks regarding competitive pay ranges, Chief Croft replied the Town of Palm Beach was at approximately the 65% level with 35% of the agencies in the area having better packages.

Town Manager Doney commented that the Committee and the Town Council should consider the issue as a Town-wide issue although the Town should be careful with an approach to one segment of employees. Issues of internal equity should be considered along with external equity issues.

President McDonald said he was not aware that the Town of Palm Beach was not the highest payer in the County for Police officers.

Human Resources Director Bill Crouse reported that the Town looks at salaries and benefits on a yearly basis, and the focus is generally on Palm Beach County.

President McDonald said there was a problem and requested Mr. Doney or Mr. Crouse provide the answer.

Mr. Crouse reported that the salaries were ranked according to mid-points, and the Town of Palm Beach would be number two behind Boca Raton. Mr. Crouse said the Town was competitive with salary ranges, and entry level salaries are determined on a sliding point scale based on years of service. He said the Sherif's office personnel do not have to contribute anything to a retirement fund, and the Town's police officers contribute almost 7% of their pay, and that is an issue. He added that the Town's pay system is based on a pay for performance, and based on that, perhaps only 20 - 25% of the police officers ever reach the top of the salary scale. Other agencies have automatic raises based on time served.

President McDonald said someone has to be able to look at the variables and arrive at a number to determine where the Town ranks compared to other agencies. He said if the Town is having a problem recruiting, why does not the Town have the data that lists the rank of the Town compared to everyone else?

Chief Croft said if the Town does not offer top entry level salaries, it cannot compete with other agencies, and the State mandates 4.2% raises regardless of performance for Sherif's office employees. He said other departments are using various recruiting tools such as tapes, brochures, etc., and his budget proposal included preparation of some of these.

Town Manager Doney said he will prepare a cost estimate with Human Resources Director Crouse to upgrade the Police Department salaries. Mr. Doney said he will also look at other salaries within the Town.

After discussing the issue of the weather station, **THE COMMITTEE RECOMMENDED APPROVAL OF THE POLICE DEPARTMENT PROGRAMS 421 - 440.**

O. PUBLIC WORKS DEPARTMENT (PROGRAMS 511 - 571)

Public Works Director Al Dusey stated the Public Works Department's programs are performance based and vary from year to year based on a needs analysis particularly in the area of maintenance. He reported the proposed FY2001 budget is reduced approximately 2.2%, or approximately $190,000, over the approved FY2000 budget, and a large portion of that reduction is based on reduced retirement costs.

Mr. Dusey pointed out the following budget highlights:

Department has added one full time Assistant Dockmaster position for the Town Marina;

Added an $11,000 appropriation in Program 552 (Medians) for irrigation at the Par 3 Golf Course between A1A and the pedestrian walkway on the west side;

The 531 Program includes an allocation of $42,000 for purchase of a spare pump motor for storm water pumping stations D-14 and D-12 (when constructed);

Palm Beach County to reimburse an additional $12,000 for parking meter replacement at Kruesler Park;

The following programs should be considered preliminary in that the agencies having control of the costs have not finalized their budgets:

533 - Sanitary Sewer Treatment
543 - Solid Waste Disposal
581 - Sand Transfer Plant

THE COMMITTEE RECOMMENDED APPROVAL OF PUBLIC WORKS DEPARTMENT PROGRAMS 511-571.

IV. Capital Improvement Fund (Including 5-Year Capital Improvement Program) - (Programs 307, 308 and 309)

Mr. Dusey referred to Exhibit M in the Budget book and noted that $608,000 was earmarked for the Sanitary Sewers: West Palm Beach Facilities Reserves with $508,000 revenue to offset that amount. He said that $1,800,000 was projected to be spent on Gravity Sanitary Sewer improvements that needed to be updated.

Mr. Dusey reported that $1,095,000 was proposed to be spent on storm sewers; $400,000 on structures (town-wide telephone system plus the expansion of the Police Station); and $18,000 on an irrigation system for the Driving Range Drainage (a loan from the General Fund). Mr. Dusey reviewed the funding sources for the projects.

After discussion, **THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 307.**

Mr. Dusey explained the 309 Program was set up exclusively for Comprehensive Coastal Management. He added that the revenue shown for this program reflected the bond proceeds.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 309.

IV. Marina Fund (Program 402)

Mr. Dusey said the increase in this program was due to the change in the level of service as requested by the boat owners and captains at meetings held in Town Hall. They requested a dock attendant be available for each dock to at least 7:00 p.m. in the evening as other marinas in the area have. Mr. Dusey said the personnel increase is the largest increase in this line item; however, the anticipated revenue should increase $100,000 to $200,000 over FY2000.

THE COMMITTEE RECOMMENDED APPROVAL OF THE MARINA FUND, PROGRAM 402.

Mr. Dusey added that he would be returning to the Town Council to request rate increases, because the Town's annual contracts are lower than others in the area and transient rates are also less than others in the area. Mr. Dusey said that will be presented in the form of a resolution.

P. EMERGENCY/DISASTER PREPAREDNESS (PROGRAM 710)

Town Manager Doney explained the reasoning behind budgeting for emergency or disaster preparedness.

THE COMMITTEE RECOMMENDED APPROVAL OF THE EMERGENCY/DISASTER PREPAREDNESS (PROGRAM 710).

Q. OTHER EXPENDITURES - TOWN MANAGER AND FINANCE DIRECTOR (PROGRAMS 611, 612, 621, 623, 624, 625, 711, 722, 720)

Finance Director Skittone explained Program 611 contained the transfers to the Capital Improvement Fund of $2.7 million and Fund 308, the pay as you go portion of the coastal protection project which is $1,266,433.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 611.

Mrs. Skittone explained Program 612 was the transfer from the General Fund to the Debt Service Fund for the FY2000 revenue bond.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 612.

Mrs. Skittone said the Program 621 was the Town's portion of the Retirees Group Health Insurance which is $679,288.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 621.

Mrs. Skittone reported that Program 623 was the $1,702,097 transfer to the Risk Work Comp Liability Fund from the General Fund.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 623.

Mrs. Skittone said the purpose of Program 624 was to bring the level of Retirees' monthly payments to $300 for those who previously were not entitled to the $300 payment. $9,000 was budgeted for Program 624 for General Employees.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 624.

Mrs. Skittone said Program 625 is the same as Program 624 but it applies to Public Safety Employees, and $5,160 is budget for that purpose.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 625.

Mrs. Skittone said $40,000 is budgeted for the Extraordinary Longevity Program 711 for employees who have been with the Town between twenty years and thirty years. She added that the amounts for FICA and Medicare are shown for this program. Mrs. Skittone said at this time no amount is shown for General Contingency, and that amount will be added at a later date.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 711.

Mrs. Skittone reported that Program 722 is for Capital Lease Acquisitions, and the $750,000 amount is for the purchase of the Fire-Rescue Department's three pumpers. She added that the $750,000 is shown on the revenue side as a Capital Lease Revenue and the $40,000 budgeted by the Fire-Rescue Department is the only true impact on the FY2001 budget.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 722.

Mrs. Skittone said that Program 720 represents the expenditures related to Kreusler Park; however, there is a transfer from Palm Beach County to cover the expenditures.

THE COMMITTEE RECOMMENDED APPROVAL OF PROGRAM 720

R. REVENUES - TOWN MANAGER AND FINANCE DIRECTOR

IV Proposed Changes to Parking Ticket Fine and Penalty Structure
(Exhibit R)

Finance Director Skittone explained that the budget transmittal letter contained summaries for each of the revenue sources and the major changes for each.

Mrs. Skittone said the General Operating Revenues (General Use Taxes, Licenses & Permits, Intergovernmental Revenues, Charges for Services, Fines & Forfeitures, Investment Earnings, and Miscellaneous Revenue) were projected to increase approximately 12.39% or $1,748,674, not including the ad valorem taxes.

THE COMMITTEE RECOMMENDED APPROVAL OF THE REVENUES.

Councilman McLendon brought up the issue of the utility service taxes and questioned if it should remain as a direct payment by the residents or should it be included in the ad valorem taxes?

President McDonald asked that Mrs. Skittone have the information relating to the breakdown of utility service taxes between residential and commercial charges by the July 11th Town Council meeting.

1. Proposed Changes to Parking Ticket Fine and Penalty Structure (Exhibit R)

Mrs. Skittone reported that the proposal was to increase the fines for expired meters from $10.00 to $20.00 to bring it up to the same levels as charged by Lake Worth and Delray Beach. Additionally, the second penalty would be increased from $10.00 to $20.00; change the timing of the second penalty from 30 days after the first late notice to 60 days after the ticket is issued; and adding a penalty of $25.00 after 90 days from the date of ticket issuance at which time the tickets would be turned over to a collection agency. At that point an additional $25.00 fine would be added.

THE COMMITTEE RECOMMENDED APPROVAL OF PROPOSED CHANGES TO THE PARKING TICKET FINE AND PENALTY STRUCTURE (EXHIBIT R).
Mayor Smith questioned if the $20.00 fine for overtime parking should be raised to $25.00 ?

Mrs. Skittone replied the figures for the additional charge were not calculated at this point but could be presented at the July 11th Town Council meeting.

President McDonald concurred with that suggestion and requested that Mrs. Skittone supply that estimate.

IV. ANY OTHER MATTERS

There were none.

V. ADJOURNMENT

The meeting was adjourned at 2:03 p.m.

Jack McDonald, Chairman

William Brooks, Member

****

President McDonald provided a summary of the report of the Finance & Taxation Meeting held on May 31, 2000:

The Finance & Taxation Committee approved the following, upon presentation and review by staff:

All expenditure programs of the General Fund from Law & Policy Review to Kreusler Park were approved. All other funds from Debt Service to Retirement Fund were approved.

Expenditure items of note were:

- Town contributions to the self-insurance fund for liability, estimated to increase by 5%, due to returns in the Town's share of retirement contributions would decrease.
- Information Systems Department plans to commence re-wiring Town facilities and install new telephone systems to provide a better level of service to Town operations. The cost: $117,000 for FY 2001.
- Planning, Zoning & Building requested the allocation of $140,000 for lease payments to address short term space problems.
- Staff was requested to review Police Officer pay and benefits to determine if current levels were sufficient to realize recruitment goals.
- Fire-Rescue requested to purchase three new pumpers, using a seven year lease/purchase or financing plan, costing $43,835 in the next fiscal year.
- Altering the personnel complement in the Marina Fund to provide for additional hours of service to the Town Docks.
- Transfers of non ad-valorem revenues from the General Fund to the Debt Service Fund, totaling $1,306,000 will be made to pay debt service for the coastal management projects to be undertaken in accordance with the 2000 Revenue Bond.

- Transfer to the Capital Improvement Fund in the amount of $2,750,000 and $1,266,000 for the coastal protection project pay-as-you-go portion.

In regard to revenue:

- A $.50 surcharge per round of golf to fund the Maintenance/Improvement Fund to Par 3.

- Increase parking ticket fine and penalty structure, including raising the expired meter penalty to $20. Estimated annual revenue increase: $158,000.

- Property tax revenues were not addressed at this meeting.

- Pertinent matters affecting the millage rate, such as the amount of a general pay increase, if any, and preliminary Town property values were not known at the time.

- Town staff was prepared to address the recommendations at today's meeting.

President McDonald then concluded the summary of the report of the Finance & Taxation Committee meeting held on May 31, 2000.

President McDonald moved acceptance of the report of the Finance & Taxation Committee of May 31, 2000. The motion was seconded by Councilman Brooks. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

2. Staff Overview of Tentative Budget and Millage Rate

Acting Town Manager Thomas Bradford reported that Florida Statue 200.065 required that all municipalities respond to the Property Appraiser's Office at this time of year, and within 35 days of July 1, advise the Property Appraiser's Office of the tentative millage rate, and the tentative budget of the community, as well as the date, time and place of the first and second Public Hearings in September. He recommended that the Town Council approve a conservative tentative operating millage rate of 4.4330 mills. This rate represented a 13.14% increase over the rolled back rate of 3.9183, and was .133 mills greater than the FY 2000 adopted operating millage rate of 4.3000. When the FY 2001 proposed debt service millage rate was added to the proposed operating millage rate, the change from the FY 2000 combined millage rate to the proposed 2001 combined millage rate was a 2.33% decrease. These two specific proposed millage rates were being recommended based upon the discussions and recommendations that the Finance & Taxation Committee made, as well as additional factors:

1. $700,000 had been included within the budget to provide for not less than a 3.25% general pay increase, effective October 1, 2000, and any other items that may arise. Although the Human Resources Department had not yet completed its annual service, this recommendation was based upon the latest information available from the Department of Commerce Bureau of Labor Statistics, Consumer Price Index Reports.

2. While the combined millage rate (operating milage, plus debt service millage) represented a 2.33% decrease over the current combined millage rate, Town staff was in a position to ultimately recommend a decrease of 2.70% in the combined millage rate. Staff was recommending a smaller, conservative decrease in the combined rate at this time to provide for a cushion in the event that unanticipated cost factors, or increases, occur between now and the first and second Public Hearing in September. If the Town was successful in bringing to fruition the 2.7% combined millage rate decrease, the Mayor and Town Council would be successful in realizing the goals stated during the meetings on funding the coastal protection plan, which was that after the non-ad valorem revenue bond issuance, that there would be no impact to the combined millage rate. Additionally, by reducing the combined millage rate by 2.70%, property owners in the Town of Palm Beach, having a homestead exemption who did not make any taxable improvements to their home, would not realize any increase in the total dollars paid to the Town, because the Palm Beach County Property Appraiser, in response to the Save Our Homes initiative, had indicated that the taxable value for such homestead exempted properties would not exceed a 2.7% increase in taxable value. Therefore, the Town's ultimate combined millage rate that would be recommended in September would be revenue-neutral to property owners having the homestead exemption.

3. The millage rate proposal is based upon the utilization of $500,000 of undesignated general fund balance. The general fund undesignated fund balance estimate was $15.3 million as of September 30, 2000. Town policy was to not allow the general fund undesignated fund balance to go below 15% of general fund expenditures. Based upon the proposed general fund budget of $41,962,920, the fund balance would be 36% of expenditures.

Mr. Bradford explained that the computed, rolled-back millage rate was 3.9183, and the first public hearing was recommended to be scheduled for Monday, September 11, 2000 at 5:01 p.m. in the Town Council Chambers, and the second and final public hearing was recommended to be scheduled for Thursday, September 21, 2000 at 5:01 p.m.

3. Mayor and Town Council Comments

Councilman Wyett commented that a 12.1% increase in spending was difficult to accept; assessments, both new construction and the 2.7% increase in values had provided a 9% increase in revenues, yet there was a 2.7% inflation factor. He maintained that the Town could not continue to go on spending the increases every year, and reminded all that a new Fire-Rescue facility would be built in the future, and now was the time to put money aside and look into areas where savings may be achieved.

President Pro-Tem McLendon commented that $5 million of revenue had been received from taxpayers through utility service fees and franchise fees; that was a direct payment by the consumers, all of the taxpayers in Town, to the utilities. He maintained that if that money were not collected from the utilities it would have to shift over to an ad valorem revenue, with the homeowner/taxpayer realizing a tax deduction of approximately 39% of those numbers which would be approximately $1.9 million dollars. He suggested that it may be something that the Town Council would want to receive input on from the public. He mentioned that the ambulance service fees would be discussed at a later time.

Councilman Brooks recommended that a minimum of 15% be maintained in reserve, since this was a year when the Town could prepare for a rainy day; additionally, he referred to page 5 of the report, item 3, – "All infrastructure of the Town will be capitalized and depreciated. Fixed assets and infrastructure assets must be designated a useful life." He suggested that some of the $9.5 million overage go into a capital improvement budget, so that the Town would be prepared for the new State mandated procedure (Government Accounting Standard Boards) which would take effect in 2003; the budget format and process would also need to be linked to stated goals and objectives of the Mayor and the Town Council.

Councilman Goldblum commented that he was in favor of upgrading equipment and maintaining the capital improvements on an up to date basis.

In response to the concern of Mayor Smith regarding the long range plan for infrastructure improvements, and the format indicating the life of infrastructure equipment and systems, Public Works Director Al Dusey reported that the process would be formalized, in accordance with the General Accounting Office, establishing the date of the infrastructure improvement, estimated life, and depreciation. He noted that the infrastructure of the Town was in good condition, its buildings were in good condition, the roadways were in good condition, and recent drainage improvements had been made, with plans to improve the sanitary system.

Mr. Bradford explained that the report regarding the status of the infrastructure would be taken from a departmental internal planning process, and changed to a financial report format.

Mayor Smith suggested that the fees for the ambulance services be discussed in October/November so that more residents would be available, since the issue was rather controversial.

Mayor Smith commented that she had been surprised to see a new EMS unit in the budget, as historically they had been donated to the Town by residents.

Fire-Rescue Chief Elmore replied that this was the first time that a request for money for the purchase of a medical unit had been made, however, he had no other choice at this time; an additional unit would be needed if one of the hospitals closed. He explained that the purchase of the three new fire trucks would be over a seven year period; the vehicles would last approximately 15 years, and it was prudent to purchase all of them in the same year in order to maintain parts, etc. In addition, he noted that the costs for the trucks would escalate in the future.

Councilman Wyett asked if another method had been studied to maintain the high quality of the emergency medical service without the use of the fire pumper trucks, and suggested that perhaps a study could be done to conclude if two fire trucks would be adequate for the Town?

Fire-Rescue Chief Elmore responded that mileage would not deteriorate a fire truck, it was more time/technology than mileage; the fire trucks had been purchased six months before a law had gone into effect preventing fire fighters from riding on the outside of fire trucks. He estimated that the last time a study had been done regarding the needs of the Fire Department was in 1987, and that response time required the use of three fire trucks, largely as the result of the elongated community. He noted that there was actually one department conducting two independent services: EMS and fire; the Insurance Services Offices, which created insurance premiums based on fire departments and their response time, was interested in fire equipment and response times, not medical/EMS equipment. A survey on EMS services would not be interested in fire equipment.

4. Approval of the Proposed Operating Millage Rate (4.4330) Necessary to Provide the Ad Valorem Taxes Required to Balance the Tentative Fiscal Year 2001 General Fund Budget

Councilman Wyett suggested that, before consideration was given to reducing the millage rate, consideration be given to adding the money to the Town reserves, which could be applied to the beach fund, or to the costs of the new Fire Department building; he suggested that the millage rate from last year be maintained, and the funds generated by that be used for Town reserves.

Finance Director Jane Skittone explained that if that was done, the operating millage rate would be 4.5412, and the debt service millage rate would remain at .104 for a total proposed millage rate of 4.6452; the proposed use of fund balance would be reduced by $500,000.

Councilman Brooks moved approval of the proposed operating millage rate of 4.4330. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

5. Approval of the Proposed Debt Service Millage Rate (0.1040) Necessary to Provide the Ad Valorem Taxes Required to Balance the Fiscal Year 2001 Debt Service Fund Budget

Councilman Wyett moved approval of the proposed debt service millage rate of 0.1040. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

6. Approval of the Computer Rolled-Back Millage Rate (3.9180) to be Provided to the Property Appraiser in Accordance with F.S. 200.065

Councilman Goldblum moved approval of the computed rolled-back millage rate of 3.9180. The motion was seconded by Councilman Brooks. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

7. Approval of the Date, time and Place of the First and Final Budget Hearings to Consider the Proposed Millage Rate and Tentative Budgets

(a) First Public Hearing - September 11, 2000, 5:01 p.m.; Town Hall Council Chambers, 360 South County Road, Palm Beach, Florida

Councilman Brooks moved approval of the dates, times, and place of the first public hearing to be held on September 11, 2000 at 5:01 p.m.; the final public hearing to be held on September 21, 2000, at 5:01 p.m. in the Town Council Chambers. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

(b) Final Public Hearing - September 21, 2000, 5:01 p.m.; Town Hall Council Chambers, 360 South County Road, Palm Beach, Florida

see above

XV. OLD BUSINESS

A. Ordinances (Second Reading)

1. <u>Ordinance No. 5-00</u> - Amendment to Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances at Article III, Architectural Review, Amending Section 18-205 Relating to Criteria for Building Permit, at Item (a)(6)

Town Attorney Randolph read Ordinance No. 5-00 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE TOWN CODE OF ORDINANCES AT ARTICLE III, ARCHITECTURAL REVIEW, AMENDING

SECTION 18-205 RELATING TO CRITERIA FOR BUILDING PERMIT, AT ITEM (a)(6); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman Brooks moved approval of Ordinance No. 5-00. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

2. Ordinance No. 11-00 - Amendments to Chapter 2 of the Town Code of Ordinances pertaining to Administration

Town Attorney Randolph read Ordinance No. 11-00 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE OF ORDINANCES AT ARTICLE III, OFFICERS AND EMPLOYEES, BY AMENDING AND DELETING SEVERAL SECTIONS CONTAINED THEREIN; AT ARTICLE VI, FINANCE, BY AMENDING CERTAIN SECTIONS CONTAINED THEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman Brooks moved approval of Ordinance No. 11-00. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

3. Ordinance No. 14-00 - Granting to Comcast Cablevision of West Palm Beach, Inc., a Non-Exclusive Franchise to Construct, Operate, and Maintain a Cable System in the Town and to Provide Cable Service in the Town of Palm Beach, Florida, Pursuant to the Terms of the Agreement ***(SCHEDULED FOR TIME CERTAIN - 2:30 P.M.)***

Town Attorney Randolph read Ordinance No. 14-00 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING TO COMCAST CABLEVISION OF WEST PALM BEACH, INC., A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE SYSTEM IN THE TOWN AND TO PROVIDE CABLE SERVICE IN THE TOWN OF PALM BEACH, FLORIDA, PURSUANT TO THE TERMS OF THE AGREEMENT ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman Goldblum moved approval of Ordinance No. 14-00 on second reading. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

In response to Councilman Brooks regarding the transfer process, Ms. Diane Christie, General Manager for Comcast Cable, responded that nothing had been heard as yet from the FTC.

4. Ordinance No. 15-00 - Amending Chapter 2, Administration, so as to Include a New Article VII Authorizing the Issuance of Subpoenas by the Town Manager or the Town Manager's Designee to Compel Attendance at Hearings Before Any of the Boards or Commissions of the Town

Town Attorney Randolph read Ordinance No. 15-00 by title: (second reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, SO AS TO INCLUDE A NEW ARTICLE VII AUTHORIZING THE ISSUANCE OF SUBPOENAS BY THE TOWN MANAGER OR THE TOWN MANAGER'S DESIGNEE TO COMPEL ATTENDANCE AT HEARINGS BEFORE ANY OF THE BOARDS OR COMMISSIONS OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Councilman Wyett moved approval of Ordinance No. 15-00. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

Town Attorney Randolph explained that there were times during which attendance may be compelled at various hearings, and some ordinances do allow for a board to compel attendance by subpoenas, and others did not; rather than amending all of the ordinances for all of the boards, one overall ordinance would deal with all of them.

B. Other

5. Consideration of Staff Request for Additional Funding for Appraisals and/or Environmental Assessment Report for Gray's Mobil Site

Town Engineer James Bowser reported that the proposals obtained had exceeded the cost estimate by $3,000; it had also been found that Gray's Mobil Site did have a Class I and a Class II Environmental Assessment, which had been completed in 1996, and with the owner's consent that assessment could be updated for no more than $4,000. He requested an additional $2,000 to cover the appraisals and Class II Environmental Assessment update, with the funding coming from the General Fund Contingency.

Councilman Wyett questioned the logic of paying for an assessment before it was decided to purchase the property, and suggested that the cost of the property could include a deduction for the cost of updating the Environmental Assessment.

Councilman Goldblum moved approval of the request for an additional $2,000 for appraisal and environmental assessment update of the Gray's Mobile Site. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

XVI. NEW BUSINESS

A. Resolutions

1. Resolution No. 25-00 - A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida Urging The Board of Directors of Intracoastal Health Systems, Inc., to Make All Financial Records of Good Samaritan And St. Mary's Hospitals Open to The Public For Review And Analysis, to Make All Reasonable Efforts to Keep Both Hospitals Open So That This Community May Continue to Receive High-quality And Convenient Hospital Services, And Urging That in The Event Intracoastal Health Systems, Inc., Finds it Necessary to Sell Either Hospital Facility That Such Sale Be Made to an Entity That Would Ensure The Continued Operation of Two (2) Separate Hospitals to Serve This Community at Large

Mayor Smith objected to the language within paragraph two in the resolution: "Whereas, due to extremely difficult financial concerns, Intracoastal Health Systems, Inc., the owner of the hospitals, is in the process of closing one (1) of these hospitals as a cost-cutting measure." She explained that she questioned the reasoning of the language, and since all information had not been forthcoming from Intracoastal Health Systems and Catholic East, she suggested that there was no reason for the language.

Town Attorney Randolph suggested the following language: "Whereas, Intracoastal Health Systems, Inc., the owner of the hospitals, is in the process of considering closing one (1) of these hospitals as a cost-cutting measure."

Councilman Brooks moved approval of the amended Resolution No. 25-00. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

2. Resolution No. 26-00 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving the Terms and Conditions of a Disaster Relief Agreement Between the Department of Community Affairs and the Town of Palm Beach, Providing for Disaster Relief Assistance Concerning the Effects of Hurricane Irene, and Designating Thomas G. Bradford, Assistant Town Manager, as the Primary Designated Agent and V. K. Elmore, Fire-Rescue Chief, as the Alternate Designated Agent to Execute Requests for Reimbursements, Necessary Certifications, and Other Supplementary Documentation, and Authorizing Lesly S. Smith, Mayor, to Execute the Agreement on Behalf of the Town

Councilman Wyett moved approval of Resolution No. 26-00. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

3. Resolution No. 27-00 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving the Terms and Conditions of a Disaster Relief Agreement Between the Department of Community Affairs and the Town of Palm Beach, Providing for Disaster Relief Assistance Concerning the Effects of Hurricane

Floyd, and Designating Thomas G. Bradford, Assistant Town Manager, as the Primary Designated Agent and V. K. Elmore, Fire-Rescue Chief, as the Alternate Designated Agent to Execute Requests for Reimbursements, Necessary Certifications, and Other Supplementary Documentation, and Authorizing Lesly S. Smith, Mayor, to Execute the Agreement on Behalf of the Town

Councilman Brooks moved approval of Resolution No. 27-00. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

4. Resolution No. 28-00 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving an Agreement Between the Town of Palm Beach and the Palm Beach Day School for Use of Town and Day School Recreation Facilities and Authorizing the Acting Town Manager to Execute the Agreement on Behalf of the Town

Councilman Wyett moved approval of Resolution No. 28-00. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

Recreation Supervisor II Alan Brown explained that a similar interlocal agreement with Palm Beach County Schools was in place, and it would be in the best interest of the Town to have a formal agreement in place with the Palm Beach Day School.

5. Resolution No. 30-00 -A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving a Utility Conveyance Agreement Between the Town of Palm Beach and the City of West Palm Beach and Authorizing the Town Council President to Execute the Same on Behalf of the Town

Councilman Wyett moved approval of Resolution No. 30-00. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

B. Ordinances (First Reading)

1. Ordinance No. 16-00 - Amending Chapter 82 of the Town of Palm Beach Code of Ordinances to Comply with the Provisions of Chapter 99-1, Laws of Florida, By: Amending Definitions; Amending Military Service Credit; Requiring that Firefighters be Certified; Eliminating the Medical Committee; Eliminating Self-Inflicted Injury as Precluding Disability; Clarifying Absences From Employment

After Town Attorney Randolph read Ordinance No. 16-00 by title, Councilman Wyett moved approval of Ordinance No. 16-00, on first reading. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

2. Ordinance No.17-00 - Amending Chapter 62, Marine Structures in the Town of Palm Beach Code of Ordinances by Amending Section 62-39 Subsections (b) and (c) to Add Year of the National Geodetic Vertical Datum and Changing Town Council Approval to the Town Engineer in Listed Sections; by Changing the Application Fee in Subsection (c)(15); And, by Amending Section 62-75 in Subsections (d), (e), and (o) by Changing Department of Public Works Approval to Town Engineer; and Subsection (m) to Add Year of the National Geodetic Vertical Datum, and Subsection (n) by Rewording Authorized Inspections

After Town Attorney Randolph read Ordinance No. 17-00 by title, Councilman Wyett moved approval of Ordinance No. 17-00, on first reading. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

3. Ordinance No. 18-00 - Amending Chapter 118, Traffic and Vehicles, at Article III, Parking Stopping and Standing, by Amending Section 118-92 to Increase the Fines for Overtime Parking and Expired Meter; Amending Section 118-94 to Increase the Service Charge for Nonpayment of Parking Violation Penalties Assessed Under Sections 118-91 and 118-92; Amending Section 118-127, to Increase the Penalty for Expired Meters; Amending Section 118-128 to Increase the Service Charge for Nonpayment of Parking Violation Penalties Assessed Under Section 118-127

After Town Attorney Randolph read Ordinance No. 18-00 by title, Councilman Wyett moved approval of Ordinance No. 18-00, on first reading. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

4. Ordinance No. 19-00 - Amending Chapter 42 Environment, at Article II, Conditions on Private Property, at Division 2, Lowland Areas, so as to Eliminate Section 42-62 and Section 42-63, and Renumber the Remaining Sections; Amending Division 3, Unsightly, Unsafe or Unsanitary Conditions, Providing for a Listing of Nuisances; Providing for Procedures for Notice of Abatement, Hearing and Liening of Property; Providing for Emergency Actions; Providing for Penalties; Providing for Code Enforcement Procedures

After Town Attorney Randolph read Ordinance No. 19-00 by title, Councilman Brooks moved approval of Ordinance No. 19-00, on first reading. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

5. Ordinance No. 21-00 - Amending Chapter 74, Parks and Recreation, of the Town Code of Ordinances at Article I, in General, Amending Section 74-1 Relating to Appointments, Qualifications, Alternates, Requirements

After Town Attorney Randolph read Ordinance No. 21-00 by title, Councilman Wyett moved approval of Ordinance No. 21-00, on first reading. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

C. Appointments

1. Building Board of Adjustments and Appeals - Two Member Terms to Expire July 2001

(a) Ames Bennett
(b) John Nora, Jr.

Councilman Brooks moved approval of the reappointment of Ames Bennett and John Nora, Jr. to the Building Board of Adjustments and Appeals. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

D. Other

1. Statue of Henry Morrison Flagler - Request by John Blades, Executive Director, Henry Morrison Flagler Museum *(Deferred from June 13, 2000, Town Council Meeting)*

Mr. John Blades, Executive Director, Henry Morrison Flagler Museum, addressed the Town Council, stating that he had been directed last month to return with more illustrative materials related to the statue of Henry Morrison Flagler. He presented a series of digital images for the review of the Town Council.

In response to Mayor Smith regarding input from the Landmarks Preservation Commission, Director of Planning, Zoning & Building Robert Moore explained that the material had not been ready for the June Landmarks Commission meeting; the Town had made application for Certificate of Appropriateness, which was on the upcoming July Agenda for the Landmarks Preservation Commission meeting scheduled for July 13, 2000. He suggested a deferral until the Town Council meeting scheduled on August 8, 2000.

President McDonald commented that he had been of the understanding that it was to be determined whether the Town Council wanted to have a statute in the Memorial Fountain area at all, and suggested that Mr. Blades be given an indication of what was desired, and then defer the matter to the August 8, 2000 meeting.

Ms. Polly Earl, Executive Director of the Preservation Foundation, addressed the Town Council, stating that she had urged that the issue be sent first to the Landmarks Preservation Commission, as the commissioners were there to evaluate the overall integrity of the historic, landmarked Town Square. She urged that the advice of the Landmarks Preservation Commission be evaluated before any decision of the Town Council in this regard. She relayed the history of the Town Square, noting that Mr. Flagler and Captain Dimick were specifically recognized with the fountain.

Town Attorney Randolph commented that normally the Landmarks Preservation Commission would not have jurisdiction over the statute placement; they would only have jurisdiction considering a Certificate of Appropriateness which would come to them through the

Town Council. He considered that it would be appropriate for the Town Council to make a determination as to the location. He noted that the Landmarks Preservation Commission grants Certificates of Appropriateness without any further action necessary by the Town Council, so if the issue went to them as a Certificate of Appropriateness there would be no further action required by the Town Council in the event it was granted. He suggested that it should not be a Certificate of Appropriateness, but that the Town Council should merely ask the thoughts of the Landmark Preservation Commission, with the issue returning to the Town Council, and a subsequent Certificate of Appropriateness issued by the Landmarks Preservation Commission.

Councilman Wyett suggested that perhaps the statue could be placed in the park planned for the Boynton Landscape area.

Mr. Moore apologized to Mr. Blades for the confusion in this regard. He suggested that a deferral of the Certificate of Appropriateness be made to the August meeting, and then the issue would be placed on the Landmarks Preservation Commission Agenda for advice and consent only at the July Landmarks Preservation Commission meeting.

Councilman Goldblum moved approval of placing the statue of Henry Morrison Flagler on the Landmarks Preservation Commission Agenda for the July 13, 2000, meeting, with deferral of the Certificate of Appropriateness to the August meeting. The motion was seconded by Councilman Brooks. On roll call the motion carried 4/0, as Councilman Wyett was temporarily out of the room.

2. Proposed Donation of Holiday Tree by First National Bank of Palm Beach in the 100 Block of Royal Palm Way - David Scaff, President, First National Bank of Palm Beach

Mr. David Scaff, President of First National Bank in Palm Beach, addressed the Town Council, offering the donation of a Holiday Tree by First National Bank of Palm Beach in the 100 block of Royal Palm Way, as well as a semi-permanent structure that would be assembled and disassembled by Town staff. He distributed a graphic image of the proposed tree for the review of the Town Council.

Public Works Director Dusey reported that the tree would be located on the west end of the 100 block of Royal Palm Way in the median.

In response to Mayor Smith, Mr. Scaff replied that the tree would be donated regardless of location.

President McDonald noted that there were additional costs associated with the tree.

In response to Mayor Smith, regarding the tree that was currently placed at Memorial Fountain each year, Public Works Department Dusey reported that the costs totaled approximately $1,250 per year for installation. The proposed holiday tree to be donated would have costs of approximately $34,600 for the first year installation, and an annual expenditure of $12,000 for subsequent years.

Mr. Scaff commented that he had not had the opportunity to review the costs, and requested the opportunity to work with Town staff.

Mr. Dusey commented that there was a time frame involved, and this issue must be resolved at this meeting in order to complete the tree in time for the holidays.

Councilman Goldblum moved approval of accepting the offer of the donation of the holiday tree, <u>without</u> any associated expenses, with the condition that First National Bank would have 24 hours to determine the specifics regarding associated costs. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

Mayor Smith clarified that First National Bank would be responsible for furnishing the additional $34,600, if it was determined that the project would go ahead, and would have 24 hours (until 12:00 p.m. on Wednesday, July 12, 2000) to make that determination.

3. Request for Clarification and/or Modification of Commercial Motion Picture Filming Permit by MGM Studios in Specific Commercial Zoning Districts Within Town in Accordance with Article IV of Chapter 22 of the Town Code of Ordinances

Attorney Maura Ziska, on behalf of MGM Studios, addressed the Town Council, explaining that part of the filming application submitted had included a request for shots to be filmed while driving down the road, and requested that "rolling shots" be approved. She specified that it would be one picture car with a camera man in it filming driving down the street in the commercial section of Town - Royal Poinciana between Cocoanut and South County Road; Royal Palm Way between Hibiscus (not including residential portions); Worth Avenue west of the Esplanade; County Road between Oleander and Via Bethesda; Seaview to Worth Avenue. She stated that the cars would not be stopping or impeding traffic; the date would be either July 18, 19, or 20, 2000. She noted that she had contacted Town Clerk Pollitt in this regard, stating that she had understood this request was part of the original approval, and had received a letter stating that this had not been part of the approval, and she was present today to clarify the issue.

Mayor Smith commented that the Town had never allowed filming in the Town in the commercial area without a specific date and time, and suggested that a time certain be made, rather than having an ongoing schedule; she expressed concern that a precedent could be set for possible entry into residential areas.

Attorney Randolph responded that the Town Council was being very specific in requiring that the filming be strictly in the commercial area.

Town Clerk Pollitt requested that prior notice be given, so that the required $800 fee could be received in advance of filming.

Councilman Brooks moved approval of "rolling shots" being filmed on one day, either July 18, 19, or 20, 2000, with the condition that prior notice be given to Town staff, and that the required $800 fee be paid prior to filming. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote.

4. Consideration of the Town of Palm Beach Police Department's Request to Provide for Security Lighting of the Three (3) Parking Areas on Southern Boulevard Between the Southern Boulevard Bridge and Highway AIA

Town Engineer James Bowser reported that the Police Department had requested a cost estimate to install lighting on the three parking lots on Southern Boulevard between the Southern Boulevard Bridge and Highway A-1-A. He advised that the estimate for design, permitting, and construction was $45,000, (from the General Fund Contingency) with underground services and matching light poles to those that were currently in place; if existing poles could be utilized that would be done.

Police Chief Croft reported that there was a continuing problem in the evening hours with criminal activity in the area and exterior lighting in a public parking lot was standard fare from a crime prevention standpoint.

Councilman Wyett suggested that low voltage lighting be investigated, and that he did not find the necessity to spend $45,000.

Mr. Bowser replied that much of the expense was in doing directional boring and in underground conduits. He stated that he would review the project with design consultants.

Councilman Brooks cited the safety of police officers, and the high incidence of calls reported in the area, and moved approval of the cost estimate of $45,000 for security lighting in the three parking areas on Southern Blvd. between the Southern Blvd. Bridge and Highway A-1-A. The motion was seconded by Councilman Goldblum.

Mayor Smith commented that this may be an opportunity to also do beautification in the area as well, with plantings, sprinklers, etc. She noted that various groups could be asked for donations in this regard.

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

5. Follow-up on Selection of Recruitment Firm for Town Manager Search

(a) Director of Human Resources Report on Reference Checks for DMG Maximus

President McDonald commented that Human Resources Director Crouse had submitted the references for the review of the Town Council, and asked if there were any specific questions.

Councilman Brooks thanked Mr. Crouse for a very thorough job, and suggested that consideration be given, as a courtesy to present employees who applied for the position and did not make the DMG cut, to have the opportunity for an interview.

Mayor Smith suggested that a list of at least ten candidates be furnished by DMG, and the Town Council could chose to include any other candidates.

(b) Report on Professional Services Negotiations with DMG Maximus

Director of Human Resources William Crouse reported that he had approached four particular issues with DMG:

1. DMG agreed to reduce the professional fee from $17,500 to $15,000.

2. DMG assigned Renee Narloch as the chief consultant in change of the recruitment, screening, and assistance with the Town Council in the selection of a Town Manager. The regional director for DMG, Mike Casey, will assist Ms. Narloch.

3. Ms. Narlock will be prepared to meet with the Town Council within two weeks of receiving the contract; the original meeting will be concerned with developing the candidate profile.

4. DMG agreed to include background investigations on finalists at no extra cost.

(c) Town Council Approval of Town Manager Search Expenses Being Paid with an Allocation from General Contingency

Councilman Brooks moved approval of expenses paid for the Town Manager search with an allocation from General Contingency. The motion was seconded by President Pro-Tem McLendon. On roll cal the motion carried unanimously.

6. Consideration of Legal Issues, Franchise Matters, and New Florida Legislation Relating to BellSouth

Acting Town Manager Thomas Bradford referred to his memorandum dated July 7, 200, concerning the consideration of legal issues, franchise matters, and new Florida legislation related to BellSouth, explaining that in April 1998 the Town Council took some specific actions relative to BellSouth:

- denied BellSouth's request for an extension of the franchise period;
- acknowledged that BellSouth's franchise had expired
- acknowledged that BellSouth failed to file an application for a telecommunications franchise pursuant to the Town's telecommunications ordinance;
- acknowledged that the Town considers BellSouth to be in the public rights-of-way without a valid franchise and, therefore, unlawfully occupying the Town's rights-of-way; and
- directed Town staff to give BellSouth notice, under Section 2(5)(b) of the expired franchise, that the Town objects to the continuation of the existing terms under such franchise.

He explained that BellSouth had filed suit against the Town of Palm Beach relative to franchise and other issues; the lower court had ruled that BellSouth would be required to have a franchise from the Town of Palm Beach. He noted that a few weeks ago, Governor Bush signed new legislation in the State of Florida which would not require BellSouth and other telecommunicators to have a franchise agreement from municipalities any longer. He explained that two specific letters had been received from BellSouth requesting that they acquire Town property to enable them to provide upgrades to services, such as digital Internet access.

Town Attorney John Randolph advised that staff had discussed the first step that should be taken, which was that staff be able to respond to BellSouth in regard to the requests that were currently on the table, which deal not with the use of the Town right-of-way, but for the use of Town property. A letter to BellSouth had been drafted, asking further information before any decision could be made. He recommended that the letter be sent to BellSouth, before any decision was made on the use of Town owned property; staff would then conduct further discussions with BellSouth and report back to the Town Council.

Mayor Smith commented that she had received a request from a resident, asking that she look at his property on Tangier Avenue to see what the phone company had done to his property. Assistant to the Town Manager Jakubiak had accompanied her, and presented photographs of the property for review, which indicated phone lines across the rear of the property at eye level in an easement on the property. She stated that it should be brought to the attention of BellSouth, to address the concern of residents.

Town Attorney Randolph replied that would be discussed with BellSouth. He explained that the new legislation did not preclude the Town from regulating the use of the rights-of-way; a question had been raised by BellSouth as to whether regulation of the use of their easements can be done, which would also be discussed with them.

In response to Councilman Goldblum, Assistant to the Town Manage Jakubiak explained that the right-of-way valuation study had been put on hold, as a result of the new legislation, which may make the study a moot point.

Councilman Wyett expressed concern over the delay in the installation of a Digital Subscriber Line (DSL).

Councilman Brooks moved approval of the submission of the draft letter to BellSouth. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

******The luncheon recess was taken at 12:20 p.m.******

******The Town Council meeting of July 11, 2000, was reconvened at 1:55 p.m.******

7. Discussion of Moving The Preliminary Budget Hearings to March or April so that Residents Could More Easily Attend

Councilman Wyett commented that most municipalities conducted Budget & Finance Workshops, in which residents participated, as well as Council members. He noted that the Town scheduled primary budget meetings during May, when many residents were not available; no member of the public had ever attended the meetings during the six years he had been a member of the Town Council. He suggested that the budget process be started in March or April.

President McDonald commented that perhaps a Town Workshop could be set up, where the Mayor and Town Council could provide staff with ideas in terms of goals and objectives that could possibly be incorporated into the budget.

Councilman Brooks commented that the Finance Director followed the dictates of State law, and the dates tragically fell during the summer months; he suggested that it may be possible to discuss the capital budget at a workshop, however, the operating budget process must follow the rules.

Councilman Wyett replied that the operating budget could be started at any time; the law only required that it be finished according to State rules.

Councilman Brooks replied that he had handled many budgets, and did not like playing things months out.

Councilman Wyett responded that the way the budget process was currently done did not allow the democratic process of the residents of the Town to participate in the budget; both residents and the Town Council should be given the opportunity for input through a workshop where all members of the Town Council would participate.

Councilman Brooks commented that he could agree with a workshop, however, he was not in favor of asking staff to prepare a tentative budget before the State laws would go into effect.

President McDonald commented that he was in favor of a budget workshop that would be held before the entire Town Council sometime in March or April.

Mayor Smith suggested that a Finance & Taxation Committee Meeting could be conducted with the entire Town Council participating.

President McDonald commented that he would like to make such a meeting more of a performance and objective/goal meeting; in view of the accounting standards that would need to be complied with in 2003, the Town Council would need to give direction to the Town Manager and the staff on budget issues; the capital budget could perhaps be discussed at the same time.

Mayor Smith suggested that the issue be made an Agenda item for discussion at the April Town Council meeting, and discussion could be conducted at that time.

Finance Director Jane Skittone commented that it would be helpful to staff if the discussion could take place prior to that time, as staff commenced work on the budget document in March; she suggested that a goal setting meeting could be conducted in February, which would give staff time to put any goals/objectives into the budget for final presentation.

Councilman Wyett moved approval of a goal setting workshop to be set in February 2001. The motion was seconded by Councilman Brooks.

President McDonald explained that discussion of the workshop would be put on the Agenda for the February 2001 Town Council Meeting so that the meeting could be set sometime before the end of February.

On roll call the motion carried unanimously.

8. Discussion of Third Terms for Commissioners

Councilman Wyett commented that this matter had been discussed several months ago, however, it had not been resolved. He explained that six months ago the terms of commission members had been extended from two terms to three terms; that would mean that theoretically a member could serve 18 years on the Architectural Commission or the Landmarks Preservation Commission. He proposed that a motion be made that the two term limit (two terms of three years each) be reinstated.

In response to Councilman President McDonald, Councilman Wyett explained that an 18 year service on a commission or board would constitute three terms as an alternate and three terms as a regular member.

President McDonald commented that recent discussion regarding this matter had indicated that it took several years for people to be experienced, and by the time they became experienced, their term was up, and that was one of the reasons for the extension to three terms.

Councilman Brooks moved approval of adding discussion of third terms for commissioners and board members on the Agenda for the August 8, 2000, Town Council Meeting. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

9. Discussion of Florida Department of Transportation (FDOT) Project onRoyal Poinciana Way

Item XVI. D. 9 - Discussion of the Proposed Florida Department of Transportation (FDOT) Project on Royal Poinciana Way, was heard after Item XVIII. C. Other 1.

Mr. Leslie Shaw acknowledged those who had appeared earlier in the meeting regarding the Royal Poinciana Way project. He explained that there were two issues being addressed: the road improvement project which would go forward – there was no intention to postpone that project – the concern was with Royal Poinciana Way after the project was completed. He requested that the Town Council give consideration to a plan that would make the street function in the best possible way. A plan would need to be funded that would provide a pedestrian environment for residents. The specific recommendation was to request allocation of a sum not to exceed $7,500 to allow for a study to be completed by Urban Designs; the Royal Poinciana Association would contribute to that amount as well, if needed.

In response to Councilman Wyett's concern regarding parking in the area, Mr. Shaw responded that the concern was to enhance the ambiance of the street, and that parking could not be created where none was available.

Mr. Leslie Evans commented that the possibilities of underground parking could be considered, such as some type of parking structure, the addition of more parking spaces, or a parking agreement with The Breakers. He explained that there were both long term and short term concerns with the parking. He suggested that employee parking in West Palm Beach, with a shuttle service, be investigated. He noted that 115 parking spaces would be eliminated on the street for approximately 6-9 months, and that would have a devastating effect on residents and stores.

Public Works Director Al Dusey reported that construction would be phased so as to leave parking on one side of the street while work commenced on the other side. He explained that the FDOT was in the process of finalizing the plans, and there was not much likelihood of modification to the plans at this time; the project had been funded for 3-4 years, and FDOT was coming under criticism for not completing the project; the project could be dropped completely, however, obtaining monies in the future for a different type of project would be difficult. The project was a rehabilitation project of the existing infrastructure, and was not intended to make improvements; the monies could not be spent on beautification. He reminded all that the Worth Avenue Association had paid for the improvements to Worth Avenue; South County Road Association had provided the program and the money to beautify South County Road.

Councilman Goldblum moved approval of the installation of temporary paths during construction, designed so that people could go across the grassy areas, when parking was only allowed on the south side of the street during construction. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

President McDonald clarified that Public Works Director Dusey would provide a cost estimate in this regard. He noted that there had been no precedent set for the Town to provide the costs.

Councilman Wyett expressed concern for the businesses in the area, and suggested that perhaps parking should be allowed in the median strip, and that perhaps FDOT could compensate businesses for their losses during this time.

Mayor Smith suggested that, during construction, parking be allowed in the Publix lot at night, so that the valets could make use of it. She asked Mr. Shaw what Urban Designs could provide in the next 10 days?

Mr. Shaw responded that there may be a way to combine the FDOT project with a plan that would improve and enhance the function of the street, and suggested that the Town Council may be able to help coordinate the two.

Ms. Candice Cohen, resident, and owner of the Palm Beach Book Store, addressed the Town Council, stating that: the FDOT project alone would not result in an improvement of the roadway from what it now was; night work could be allowed in order to shorten the construction time; compensation to store owners by FDOT should be pursued, as suggested by Councilman Wyett; parking arrangements should be investigated.

Mr. Drew Minervino, General Manager and Proprietor of Chuck and Harold's, addressed the Town Council, stating that if the street endured the FDOT project, it should end up with something better than what currently existed. He noted that there was no thoroughfare or crosswalk across Royal Poinciana, which was a safety/liability issue; he explained that the businesses on Royal Poinciana received customers by both car and pedestrians, and it would be difficult to reach businesses during construction. He suggested that consideration be given to a study to investigate what could be done to make the area more conducive to both businesses and residents, and leave the area better after nine months of construction.

Councilman Goldblum clarified that construction would not entail nine continuous months; it would be during the off-season that work would be done.

In response to Councilman Brooks regarding night work, Mr. Minervino replied that night and weekend work would be welcomed in order to complete the project in a more timely manner.

Ms. Amy Shaughnessy, resident, addressed the Town Council, stating that she was a member of Royal Poinciana Association, and Palm Beach Civic Association and served on its Residents Concerns Committee. She noted that she had invited the Residents Concerns Committee and the Town Beautification Committee to a meeting of the Royal Poinciana Association so that they would be acquainted with the initiative to affect the road work project on Royal Poinciana Way; members of the Committees would like to make it known that they would be happy to serve as resources for Town planning. Two members of the Town Beautification Committee, who were unable to appear today, had asked that their comments be conveyed that they were hopeful that some shade trees could be added to the street as pedestrians frequently find that walking on Royal Poinciana did not provide shade.

Mayor Smith asked if the idea of hiring a design firm to provide a plan had been discussed at the joint meeting?

Ms. Shaughnessy replied that it had not been specifically discussed; items of specific interest were shade trees on the sidewalks, matching sidewalks, perhaps some sort of gazebo in the median, or benches in the median.

Mr. Larry McAllister addressed the Town Council, commenting that making a change should mean something, and after the inconvenience experienced during the project things should be better on the street. He expressed concern that an effort had not been made to mitigate the damages to the community resulting from the project, and questioned how the process of weekend work, night work, etc., would begin.

Mr. Henry Skokowski, of Urban Design Studio, addressed the Town Council, stating that his firm would not provide an extensive parking analysis, however, some related parking assessment may be done; a pedestrian circulation could also be addressed. He commented that there was an opportunity to look at details, such as crosswalks, pavers, benches, lighting; there was clearly an opportunity to coordinate improvements in conjunction with infrastructure improvements.

Ms. Debbie Dobi, business owner, expressed the concern of the property management company, Caldwell Banker, regarding traffic control, parking issues, lateral sanitary lines, sidewalks (if something could be done to coordinate the 5' of private sidewalk with the installation of the new sidewalk so that it would match), and the loss of business for proprietors in the area. She submitted a letter from the manager of Caldwell Banker for the record.

Mayor Smith commented that the FDOT grant could be turned down, the street could remain as it was, and a study process could be started.

Mr. Shaw replied that this was a major issue, and he did not believe that the project could be delayed, however, a coordination effort could be made. He suggested that the project be completed as fast as possible, and that meetings be conducted so that the public would be aware of what was being done.

Public Works Director Dusey commented that the project would either have to be abandoned, or it could be done, and added to with beautification, which would not be funded by the project the project was specifically for infrastructure only.

Ms. Shaughnessey commented that she did not believe that the majority of the members of the Royal Poinciana Association wanted the project scratched, but did hope that the project could be delayed.

President McDonald explained that if the project was passed by now, the Town Council had no control when or if it would come back; the funding would be lost.

Town Engineer James Bowser advised that the FDOT had a $1.2 million budget for the project. The project had been funded four years ago, and money for beautification was not included.

President McDonald suggested that the Town proceed with the FDOT project, and that if the Royal Poinciana Association wanted to have a study done to coordinate with the project they could proceed to do that, and come back to make their recommendations to the Town Council.

Councilman Wyett moved approval of proceeding with the FDOT project, giving the Royal Poinciana Association the opportunity to have a study done to coordinate with the project, and report back to the Town Council. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

Town Engineer Bowser advised that the Town Council could make a recommendation to go outside the normal work hours; the FDOT could consider it, and determine if it was possible. He indicated that he would approach FDOT in this regard, and report back at the August 8, 2000, Town Council meeting.

XVII. COMMENTS OF THE TOWN COUNCIL MEMBERS

Councilman Brooks requested that a courtesy be extended to allow presentations by staff members submitting applications for the Town Manager position, and not included in the final cut of DMG.

Mayor Smith noted that sometimes variances and special exceptions were approved before staff comments were heard, and she requested that staff comments be heard before any motions were made on the variances and special exceptions.

XVIII. DEVELOPMENT REVIEWS

Town Clerk Pollitt administered the oath to all those who would be testifying in the following matters.

A. Time Extensions - None

B. Variances, Special Exceptions, and Site Plan Reviews

Old Business - Major

1. VARIANCE NO. 6-2000 - Edwin L. Ecclestone, Jr., 190 S. Ocean Blvd.; located in the R-B Zoning District. To allow construction of an awning providing no side yard setbacks on the north or south in lieu of 10' required and providing a 3' rear yard setback in lieu of 10' required **(Request for Deferral per Letter Dated, June 30, 2000, from James R. Brindell, to be deferred to the October 10, 2000 Town Council Meeting)**

This item was deferred earlier in the Agenda, under Item V. Approval of the Agenda.

New Business - Major

2. SITE PLAN REVIEW NO. 17-99 Request by the Palm Beach Day School by letter, dated June 9, 2000, from Mr. James Brindell, Esquire, relative to property located at 241 and 246 Seaspray Avenue (west play field) to change a condition of approval by postponing the removal of the temporary portable classroom and the construction of the six required off-street parking spaces

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

Attorney James Brindell, on behalf of the Palm Beach Day School, addressed the Town Council, explaining that the Town Council had previously approved some temporary portables, and the construction of six required off-street parking spaces. He advised that the project was somewhat behind schedule, and the applicant was requesting that the use of the temporary portables be allowed to continue through the upcoming school year, and that the six parking spaces be deferred until the portables were removed. Mr. Brindell provided an update of the construction work completed to date.

Director of Planning, Zoning & Building Robert Moore commented that staff had no objections to the request.

Councilman Wyett moved approval of the use of the temporary portables through the upcoming school year, and deferral of the six parking spaces until the portables were removed. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

3. FLOOD VARIANCE NO. 2-2000 The application of Gloria & Grant Stoddart relative to property described as Lot 12, Blk 4, Ocean Park; commonly known as 246 Seminole Ave.; located in the R-C Zoning District. To allow renovations exceeding 50% of market value to a residence with a first floor elevation of 7.1' NGVD in lieu of 7.5' required **(Request for Deferral per Letter Dated, July 3, 2000, from Charles W. Millar, Jr., to be deferred to the August 8, 2000 Town Council Meeting)**

This item was deferred earlier in the Agenda, under Item V. Approval of the Agenda.

4. VARIANCE NO. 29-2000 The application of Julie Heberlein relative to property described as Lot 223 & Lot 224 less W42', Poinciana Park; commonly known as 200 S. Ocean Blvd.; located in the R-B Zoning District. To allow modification to the swimming pool area, adding a spa, providing a 2' side yard setback in lieu of 10' required

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

Attorney James Brindell, on behalf of the applicant, addressed the Town Council, exhibiting graphics of the area in question and explaining the need for the requests being made.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments: Comprehensive Plan: does not meet criteria for granting a variance; Building Department: no hardship; Town Manager: need to show evidence of valid hardship.

Attorney Brindell responded that spas were a typical component of pool complexes, and the logical place for the spa was in the pool area; appropriate shielding from adjacent properties was provided; given the constraints of the physical area there was not any other place to put the spa.

Councilman Wyett moved denial of Variance No. 29-2000, as there was no hardship indicated. The motion was seconded by Councilman Goldblum. On roll call the motion carried 4/1, with President Pro-Tem McLendon casting a dissenting vote.

5. VARIANCE NO. 30-2000 The application of Amy Sims relative to property described as Lots 457 & 459 Poinciana Park 2; commonly known as 206 Seaspray Ave.; located in the R-B Zoning District. To allow construction of an addition to the second story on a residence that provides a 27.6' frontyard setback in lieu of 30' and provides a 8.3' side yard setback in lieu of 15' required

Councilman Brooks commented that he had walked the property on several occasions; ex-parte communication was not declared by any other member of the Town Council.

Attorney James Brindell, on behalf of the applicant, addressed the Town Council, presenting a site plan and photographs of the property in question, explaining that the applicant would like to add 328 sq. ft. to the second floor for a bedroom and a bathroom. He presented graphic material relative to the request; stating that the only logical place for the addition was as presented, given the way the house sat on the property, and its internal organization, and that the request was reasonable.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments: Comprehensive Plan: could be designed in a manner which would meet the Code; variance criteria not met; Building Department: regarding the side yard request: lot is narrow - criteria for granting of variance is indicated; regarding the front yard request: hardship is in question; although first story portion did meet one story setback by adding second story, it would now require a small variance. He explained that relocation had been suggested to the applicant after staff review, and suggested that Mr. Brindell continue to address that aspect.

Councilman Brooks noted that he had walked the property on several occasions, primarily as a result of complaints of the neighbors immediately to the east, who had maintained that their privacy would be intruded upon. He commented that, in his judgment, that was not the case, as shrubbery, trees, and an awning provided privacy. He requested that the applicant enhance the landscaping on the subject property.

Councilman Wyett suggested that the variance be granted, even though he could not see a hardship, with the condition that the Sims family would indemnify the Town for any and all costs resulting from any associated lawsuit

Town Attorney Randolph advised that the variance could not be granted if there was no hardship.

President McDonald cautioned that indemnification agreements were not a substitute for finding a legitimate hardship.

Councilman Brooks commented that he had walked the property in question, primarily because of the intrusion of privacy suggested by the neighbor to the east. He advised that he had not observed a problem with privacy.

After further discussion, Councilman Wyett moved approval of Variance No. 30-2000, on the basis that the hardship was the size of the lot, with the condition that the landscaping on the east side of the house would be enhanced. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

Attorney Brindell clarified that the landscaping on the east side of the house would be enhanced, as suggested by Councilman Brooks, and that he would work with Town staff in that regard.

6. VARIANCE NO. 31-2000 The application of Michael & Suzanne Ainslie relative to property described as Lots 336, 338, 340, 342, 344, 346, 348 & 350, Poinciana Park 2; commonly known as 415 Seaspray and 405 Seaspray Ave.; located in the R-B Zoning District, but subject to R-A District regulations. To allow construction of an addition providing a 28' side yard setback in lieu of 30' required , and to allow four AC units in a setback in lieu of two units allowed

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

Attorney James Brindell, on behalf of Michael & Suzanne Ainslie, addressed the Town Council, stating that because the properties were combined, the R-AA requirements were triggered by the ordinance. He presented photographs of the property in question, explaining that the hardship was thus created by the ordinance itself, because of the circumstances of combining two existing properties, as opposed to putting two properties together and starting from scratch, which would be a totally different issue in terms of setbacks.

Director of Planning, Zoning & Building Robert Moore commented that staff agreed that the combining of properties was an anomaly in the ordinance.

Councilman Brooks moved approval of Variance No. 31-2000. The motion was seconded by Councilman Goldblum.

In response to the query of Mayor Smith, Architect Jacquie Albarran, explained the architectural renderings depicting the property, and that a Unity of Title had been put into place.

Mayor Smith explained that this type of situation had happened before, however, when the properties were sold, and were split, they had resulted in a tiny house on a tiny lot that was nonconforming, and she questioned if there was some assurance that this would not happen in this case?

Zoning Administrator Paul Castro explained that one of the conditions of the Unity of Title was that Town approval would be required in order to severe the Unity of Title, and all existing code requirements would have to be met in order to severe the property.

Mayor Smith commented that in the previous situation a self-inflicted hardship had been argued, because the properties were sold and split, and that she would not like to see that happen in this case, with another precedent set.

On roll call the motion carried unanimously.

7. <u>VARIANCE NO. 32-2000</u> The application of Paul Ilyinsky relative to property described as W23.8' of N166.8' of S1935.25' Govt Lot 2; commonly known as 270 Algoma Rd: located in the R-A Zoning District. To allow construction of a canvas carport providing frontyard building height plane setback of 11.5' in lieu of 35' required and providing a 149 degree angle of vision in lieu of 120 degree allowed. To allow a one story addition providing a 32' frontyard setback in lieu of 35' required, and providing a 140 degree angle of vision in lieu of 133 degree existing and 120 degree allowed

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

Attorney Peter Broberg, on behalf of the applicant, addressed the Town Council, exhibiting photographs of the property in question, explaining that all of the properties on the south side of Algoma had an easement, which was called Algoma Road. He exhibited a site plan indicating that Algoma ran through the north 30' of the Ilyinsky property, and Mr. Ilyinsky actually owned approximately 5' on the north side of Algoma; the Ilyinsky house was at the end of Algoma and was in essentially a cul-de-sac, with no one else using the property or needing access to the property. He advised that the hardship was the configuration of the land and the existence of the 30' roadway through the northern portion of the property; the area had been graveled and was being used as the entrance way; technically the house did not have a front yard, however, from a legal perspective, the measurements must be taken from the south side of Algoma Road, even though it was private and on the property.

Director of Planning, Zoning & Building Robert Moore gave the following staff comments: Comprehensive Plan: applicant should demonstrate how proposal meets criteria for granting of a variance, versus other variances on Algoma; Building Department: no objection to the fill in variance; carport setback is excessive, except that the street is owned by the property owner, and used as a driveway; carport must be approved by the Landmarks Preservation Commission. He explained that there was technically actually no frontyard setback, and the situation was unusual.

Councilman Wyett moved approval of Variance No. 32-2000. The motion was seconded by Councilman Brooks.

In response to Mayor Smith, Attorney Broberg indicated the area on the site plan where the measurements would be taken.

President McDonald commented that this was unusual in that the private road was owned by the property owner, and the measurement could not be taken from the north side of the property, and thus the hardship ran with the land.

Mayor Smith commented that the north side of the driveway was technically the lot line, and yet legally, it was the south side of the driveway where the measurement must be taken, and there was no other area in Town where similar circumstances existed.

On roll call the motion carried unanimously.

8. VARIANCE NO. 33-2000 The application of Frank Howard Jr. relative to property described as Lots 4 & 5, Daisy Erb; commonly known as 257 Oleander Ave.; located in the R-C Zoning District. 1) To allow construction which will raise the house to 7.5' NGVD and provide a 19.33' frontyard setback in lieu of 25' required and will provide a 10' rearyard setback in lieu of 15' required. 2) To allow construction of a front entry addition providing a 13.33' frontyard setback in lieu of 25' required. 3) To allow a 2-story garage addition with zero sideyard setback in lieu of 10' required and to allow a 10'- 8" rearyard setback in lieu of 15' required. To allow a lot coverage of 39% in lieu of 35% maximum per code

Ex-parte communication was declared by Councilman Brooks via conversation with Attorney Brindell, and by visiting the site; by President Pro-Tem McLendon via telephone with Attorney Brindell discussing the application, and by visiting the site; and by Councilman Goldblum via conversation with Attorney Brindell, and by visiting the site.

Attorney James Brindell, on behalf of Frank Howard Jr., addressed the Town Council, stating that the block in question was one of the more unusual blocks in Town, as the north side of Oleander was comprised predominately of lots which were 25' x 56' and were platted in 1924; the property in question was on two of those lots and was 50' x 56'. He presented photographs of the property, indicating that it was a two unit property, and the applicant would like to reduce the density non-conformity by reducing it to a single family property, reduce the parking non-conformities, provide a garage, meet the current requirements for flood elevation, remove the stairs on the front, and create an internal stairway, and add approximately 315 sq. ft. of additional area. Mr. Brindell provided an architectural rendering, by Architect Ames Bennett, of the proposed construction; he advised that the hardship was the size of the lot that was platted in 1924.

Zoning Administrator Paul Castro commented that while staff did see a hardship relative to meeting the current flood elevation requirements, and the variances for the setbacks, staff saw no hardship in the proposed garage with the second floor sundeck addition, and believed that the garage could be designed in such a fashion as to minimize its impact on the neighboring properties.

In response to Mayor Smith, Attorney Brindell advised that Architect Bennett had designed an alternative plan for the garage in front of the house, which had not yet been presented to staff; he circulated a drawing of the proposal.

Mayor Smith commented that, in all fairness, the Town Council should have the benefit of seeing everything that was available before reaching a decision.

Councilman Wyett moved approval of the requests acceptable to staff, which were: to allow construction which would raise the house to 7.5' NGVD, and provide a 19.33' frontyard setback in lieu of 25' required, and provide a 10' rearyard setback in lieu of 15' required, with the hardship being the size of the lot, and to allow construction of a front entry addition providing a 13.33' frontyard setback in lieu of 25' required.

Ms. Sharon Talbot, property owner directly to the east of the subject property, addressed the Town Council, objecting to the proposed design, as it would create more of a solid, cement look to the street, which was already very congested. She explained that there were both homes and apartment houses on the street, and that she owned an eight unit apartment building which would be next to the proposed building; in addition, there would be no breezeway or corridor for her tenants, resulting in a confining, dark situation and the lack of an ocean breeze. She noted that she also owned the property on the north side of the proposed building, and that property would be directly impacted as well. She commented that she would prefer the garage located in the front.

Director of Planning, Zoning & Building Robert Moore commented that staff agreed that the placing of the garage on the side was not a good idea, and had advised the applicant that an alternative plan would be appropriate for consideration.

Attorney Brindell noted that the alternative plan would not affect variance request one, however, request two would change with the alternate plan.

Councilman Brooks moved approval of variance request one: to allow construction which will raise the house to 7.5' NGVD and provide a 19.33' frontyard setback in lieu of 25' required and provide a 10' rearyard setback in lieu of 15' required; and deferral of variance requests two, three, and four.

Councilman Wyett withdrew his motion of approval made earlier.

President Pro-Tem McLendon seconded the motion of Councilman Brooks approving variance request one deferring variance requests two, three, and four. On roll call the motion carried unanimously.

9. VARIANCE NO. 34-2000 The application of Sarah Murphy relative to property described as Lot 114 Mark Rafalsky; commonly known as 325 Ridgeview Dr.; located in the R-B Zoning District. To allow construction of an addition providing a 8.5' rearyard setback in lieu of 10' required

Architect Steve Trezise, Trezise Design Associates, addressed the Town Council, requesting the construction of an elevator in the rear of the house with an 8.5' rearyard setback in lieu of 10' required. He explained that the applicant was unable to use the stairs, and the elevator would permit him to access his bedroom, the placement of the proposed elevator was in the only logical location in the house, as the master suite was higher than the majority of the second level.

Director of Planning, Zoning & Building Robert Moore gave the following comments: Comprehensive Plan: should be designed in a manner which conforms to the Code; Building Department: architect should address why the elevator could not be placed on the west elevation; Town Manager: discuss hardship.

Councilman Wyett moved approval of Variance No. 34-2000, with the hardship being the location of the existing house relative to the property line, and the layout of the first and second levels in that area of the home. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

10. VARIANCE NO. 35-2000 The application of Arturo Burigatto relative to property described as Lots 44- 48 & E5.06' Lot 49, Orange Grove Park; commonly known as 205 Atlantic Ave.; located in the R-C Zoning District. To allow for the construction of a two-family house with a second story 12.5' sideyard setback on both the east & west sides in lieu of 15' required

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

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, exhibiting an architectural rendering of a duplex that had been approved for a variance in November, at a time when the applicant had been represented by someone else; the lot was slightly undersized at 13,000 sq. ft., and the requirement was 13,333 sq. ft., and that variance had been granted. Attorney Kolins explained that upon the granting of that variance, Town staff had made it clear that in all other respects the application had satisfied all lot, yard, and area requirements. The application had then gone to the Architectural Commission (ARCOM), at which time Mr. Kolins was asked to represent Mr. Burigatto, and in January had been approved. Subsequently, all construction drawings were prepared and the matter was filed with the Building Department, however due to the passing of a new ordinance, Ordinance 1-99, just before this application had been considered, no one had realized that in the R-C Zoning District for portions of homes that were two-stories in height, there was now a requirement for a 15' side setback in lieu of a 12 1/2' side setback. Mr. Kolins advised that he was now before the Town Council to request a variance on either side to allow 12 1/2' in lieu of 15', because of the unusual circumstances, which he maintained constituted a hardship. He pointed out that the side setback areas were very small, and the neighbors on both sides had been contacted, and had executed agreements with the applicant that they would not object to the variance request.

Director of Planning, Zoning & Building Robert Moore commented that the applicant had relied on what had been approved, and the variance being requested today was a de minimis type variance in that it was only for a small portion; the one story portion could now actually go to 10', instead of the 12 1/2' according to the Ordinance; staff had no objection to the request today.

In response to Mayor Smith, Attorney Kolins advised that the construction drawings had already been completed by the time the mistake was realized.

President Pro-Tem McLendon moved approval of Variance No. 35-2000. The motion was seconded by Councilman Goldblum. On roll call the motion carried unanimously.

11. SPECIAL EXCEPTION NO. 13-2000 The application of George Sharoubim relative to property described as Lots 5-16, Royal Park Block 18; commonly known as 232A Worth Ave.(formerly art gallery); located in the C-WA Zoning District. To allow expansion of Giorgio□s of Palm Beach, 230 Worth, from 8,600 sq.ft. to 10,175 sq.ft. for retail clothing use

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

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, stating that Giorgio's had the opportunity for expansion on Worth Avenue; he presented a survey and pictures of the proposed expansion, indicating the existing store delineated in red, the space immediately to the west delineated in green, and unused external corridor spaces between the buildings in that block delineated in blue. He explained that, as part of his agreement with the property owner, Mr. Handelsman, Giorgio had the opportunity to include the blue colored properties within his store; a special exception would be required; Giorgio would be relinquishing the space he now had on Worth Avenue, which was known as Ashley's and was directly across the street; therefore this request was not representing an actual expansion, but rather a trade of one space for another in a consolidation effort. He requested approval of the special exception for both the enclosure of the blue space, with the condition that the applicant provide proof of one additional parking space, and approval of the green colored spaces, as indicated on the survey.

Zoning Administrator Paul Castro gave the following comments: staff comments were related to the proposed additions onto the building where the covered walkways were as well as the open walkway; the covered walkway was a cantilevered overhang from both buildings, and would not count in lot coverage; the maximum amount of lot coverage for two story buildings in the 200 block of Worth Avenue was 35% on the first floor, and 35% on the second floor. He explained that the space that was existing to the west was grandfathered, however, staff was concerned with lot coverage, meeting the Worth Avenue Design Guidelines for the first story additions, and a need for a variance for parking for both the additions outlined in blue; staff did not believe that approval of the site plan review with special exception could be given, when variances were necessary; in addition a condition of approval would be that Ashley's be vacated prior to an occupational license issuance, and that only a certain amount of openings be included in designing the entry into that space (identified in green). He explained that if Giorgio's ever left the space at a future time, it could be closed up and created into two separate spaces again.

At this time, President McDonald reminded Mr. Moore that the Town Council had recommended a dramatic upgrade of audio/visual facilities for use during the Town Council meetings, and suggested that be taken under advisement.

Director of Planning, Zoning & Building Robert Moore commented that the Town Council had already approved, by special exception, a second story addition under the Worth Avenue Guidelines, which would be built during 2001 off-season. Additionally, he explained that an arcade had been approved, and the elevation presented today did not include the arcade; at a subsequent time the applicant would need to apply for a special exception under the Worth Avenue Guidelines for the continuation of the arcade, as well as that second floor. He explained that staff had not had time to completely review the request, and requested that the Town Council consider only the area delineated in green, which would be the occupation of Giorgio into the area which was formerly the art gallery, and defer the remainder of the application to the August 8, 2000, Town Council meeting. He stated that he concurred with Zoning Administrator Castro that if Giorgio's ever left the space at a future time, the area could once again revert to two spaces.

Attorney Kolins suggested that the green space be approved today, and defer the consideration of the blue space to the next Town Council meeting. He advised that he would furnish the requirements for advertising to staff, and suggested that the condition mentioned by Mr. Castro regarding the limitation of openings into the next store over was unnecessary and unfair; it would inhibit design and would serve no purpose. He requested that suggestion not be incorporated into any approval granted today.

Director of Planning, Zoning & Building Robert Moore replied that staff believed consolidation was good, however, in the long run there was the potential for a 12,000 sq. ft. store in that location. He suggested that the special exception be conditioned with a condition that any future tenant must return to the Town Council for a full-fledged special exception application. He explained that the applicant had a November 1st deadline, and work would need to begin on the inside of the art gallery.

Attorney Kolins suggested that the applicant return next month on the blue portions of the plans, which would leave the applicant enough time to incorporate the blue area into the rest of it.

Councilman Brooks moved approval on the delineated green space, finding that the request met all criteria as outlined in the ordinance, and deferral of the blue space until the August 8, 2000, Town Council meeting. The motion was seconded by Councilman Goldblum.

In response to Mayor Smith, Attorney Kolins explained that the applicant would need to return to the Town Council to extend what had already been granted in terms of the second floor, and would also have to return with new applications which would allow a second floor and an arcade over the green space.

Councilman Goldblum suggested that the second floor be designed in such a way that the buildings could stand alone if one day the buildings were separated.

Attorney Kolins commented that would be discussed when the applicant returned to the Town Council on the second floor issue.

Zoning Administrator Paul Castro clarified that the approval included the condition that any future tenant would have to get a full special exception application.

Councilman Brooks incorporated within the motion the condition that any future tenant would need a full special exception application. On roll call the motion carried unanimously.

Councilman Brooks moved deferral on the blue space until the August 8, 2000, Town Council meeting. The motion was seconded by Councilman Goldblum, and on roll call carried unanimously.

C. Other

1. Consideration of Approval of Proposed Study Items and Zoning Schedule for 2000/2001 Zoning Season

Director of Planning, Zoning & Building Robert Moore referred to his memorandum finalizing the dates and study items for the

2000/2001 Zoning Season. He requested information on any additional items that would need to be added.

Zoning Administrator Castro explained that the R-B Study consultants would be reviewing in-fill additions.

Councilman Brooks moved approval of the study items and zoning schedule for the 2000/2001 Zoning Season. The motion was seconded by Councilman Goldblum. On roll call the motion carried 4/1, as President Pro-Tem McLendon had left the room.

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XIX. ANY OTHER MATTERS

Councilman Wyett commented that the Agenda packet furnished to the Town Council for the meeting today was too large.

President Pro-Tem McLendon commented that he would like to see the Agenda packet reduced.

President McDonald suggested that the Agenda packet next month not include development matters, and each Council member would bring the material as it was received earlier in the month.

XX. ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

Mary A. Pollitt
Town Clerk

Prepared by:
Susan Eichhorn
Deputy Town Clerk