us as our lead consultant. Mr. Elwell asked if they wished to have in the motion the specifics on the trees? Mr. Heeke indicated that should be incorporated and recalled it was to contract out for the removal of the six trees; sixteen trees which would be trimmed by the Town and we contract out the trimming of the remaining forty-seven trees. Mayor Marix asked if there should be a time frame stated in the motion? Mr. Ilyinsky felt it should be as soon as possible. Mr. Heeke noted this is an emergency situation and it should be made known to the outside contractors that this cannot go beyond a certain date and it should be done as soon as possible. Mayor Marix asked if it could be conditioned that the work must be completed by August. Mr. Dusey stated they will try to do that but they have to make sure they can find someone. Mr. Ilyinsky made a motion that the Town Council increase the authorized expenditure to $50,000, which is an additional $15,000 to the amount granted at the June 12, 1990 Town Council meeting; accept the Garden Club's offer to contribute towards the payment for the six replacement trees; authorization is given for retaining Dr. Bart Moore, a Horticultural Consultant who lives in the Town and who would be the lead consultant, for an amount not to exceed $35,000; contract out for the removal of the six trees which are totally dead; contract out the trimming of forty-seven trees; and sixteen trees will be done by the Town's Public Works Department; and all of this work be completed as soon as possible, preferably by August 1. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS. None.

Adjournment

VI. ADJOURNMENT. There being no further business, the meeting was adjourned at 6 PM.

Grace T. Peters, Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING OF JUNE 12, 1990

Roll Call

I. CALL TO ORDER AND ROLL CALL. President Heeke called the June 12, 1990 Town Council Meeting to order at 9:32 AM in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwoman Douthit, Councilman Weinberg and Councilwoman Wiener. Also attending were Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Chief Terlizzese, Chief Elmore, Mr. Elwell, Mr. Jakubiak, Chief Frazier, Mr. McPhail, Mr. Moore and Mr. Dusey.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by President Heeke. Pledge of Allegiance was led by President Pro Tem Ilyinsky.

Appr. of Minutes

III. APPROVAL OF MINUTES OF APRIL 11, 1990. Minutes of April 11, 1990 were approved with corrections on motion of Mrs. Wiener, seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Appr. of Agenda

V. APPROVAL OF AGENDA. Motion was made by Mrs. Wiener, seconded by Mr. Weinberg, to defer Item XII, C-11, Special Exception 6-90, 337 Worth Avenue Corp. to the July Town Council meeting. On roll call, the motion carried unanimously.

Motion was mede by Mrs. Douthit, seconded by Mr. Ilyinsky, to defer Ordinance 12-90. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit, seconded by Mr. Ilyinsky, to add Resolution 56-90 and Resolution 61-90 on Landmark designations as Items IX C-2 and 3. Motion carried unanimously on roll call.

Motion was made by Mr. Ilyinsky, seconded by Mrs. Wiener to approve the agenda as amended. Motion carried unanimously on roll call.

Comments of the Mayor

V. COMMENTS OF THE MAYOR: Mayor Marix indicated she would make her comments during the meeting.

VI. PUBLIC HEARING:

Public Hearing Res. 35-90

A. Resolution No. 35-90 - Stipulated Settlement with the Department of Community Affairs Regarding the Comprehensive Plan. Mr. Heeke called for public comments and there were none.

Mr. Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE TOWN OF PALM BEACH AUTHORIZING OF THE STIPULATED SETTLEMENT AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE TOWN OF PALM BEACH; AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO UNDERTAKE THE NECESSARY MEASURES TO EFFECTUATE THE TERMS OF THE SETTLEMENT AGREEMENT.

Motion was made by Mrs. Douthit to approve Resolution 34-90. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Licenses & Permits

VII. LICENSES AND PERMITS:

A. Charitable Solicitations:

1. Jewish Federation of Palm Beach County, Inc. No. 22-91.
2. The International Society of Palm Beach, No. 232-91.
3. International Game Fish Association, No. 235-91.

Mrs. Peters advised the three applications are recommended by staff for approval. On motion of Mr. Weinberg, seconded by Mr. Ilyinsky the applications for charitable solicitation permits were approved. On roll call, the motion carried unanimously.

VIII. COMMITTEE REPORT:

Finance & Taxation Committee Report

A. Finance & Taxation Committee - Report of June 4 and 5, 1990 meetings.

REPORT OF THE FINANCE & TAXATION COMMITTEE OF THEIR MEETINGS HELD ON JUNE 4, AND JUNE 5, 1990.

JUNE 4, 1990:

Roll Call

I. CALL TO ORDER AND ROLL CALL. A meeting of the Finance & Taxation Committee was held on June 4, in the Town Council Chambers at 9:30 AM. In attendance were the Finance & Taxation Committee, Bernard A. Heeke, Chairman and Committee Member Nancy S. Douthit; also Mayor Marix, Councilwoman Wiener and Councilman Ilyinsky. Also attending were Town Manager Doney, Director of Finance McPhail, Town Clerk Peters, and for portions of the meetings, Administrative Assistants to the Town Jakubiak and Elwell and other Department Heads with their staff members.

Appr. of Agenda

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

III. FY 91 PROPOSED BUDGET:

FY91 proposed budget

A. OVERVIEW - Comments were received from Mr. Doney and Mr. McPhail who reported in working up the proposed budget, all Department Heads were instructed to base their payrolls on the current pay system in effect and there is no general pay increase provided at this time in the figures before the Committee. Mr. McPhail stated there are also no dollars in the current FY 91 Proposed General Fund Budget to finance proposed benefit increases for the Retirement System, although that is an item on the agenda.

Mr. McPhail reported the insurance portion of the budget had a 12% increase in Group Insurance based on the actuarial valuation of the Health Insurance Plan, which will enable us to keep our reserves at mid-point of the amount the Actuary recommended, which puts the reserves at about 30%. He noted we are self-insured on Worker's Compensation, which means we do not pay the high premiums, but we do have to pay the State their fee; and we must pay the insurance carrier for the excess coverage and provide a claims fund, so these rates have been increased by 25%.

Mr. McPhail reported the transfers for General Liability insurance claims have been increased by ten per cent.

Mr. McPhail stated there has been no increase projected for utilities. He noted postage has increased by 25%; and gasoline products has been increased by 5%.

Mr. McPhail indicated the Department Heads have been instructed to attempt to bring in their proposed budget figures at a figure of four per cent or less than their last year's adjusted budget.

Mayor Marix noted there is no provision as yet in this proposed budget for the general pay increase. Mr. McPhail stated at this time the next year's proposed budget is slightly under the FY 1990 General Fund Budget, and depending on future decisions on a general pay increase, it may be under the four per cent overall.

B. POLICE DEPARTMENT: Chief Terlizzese presented his budget, noting he was returning approximately $148.481 from the FY 90 budget to the General Fund and for FY 1991, shows an increase of 1.93%. He summarized the activities of his Department for the past year, noting there was crime reduction this year; and their recovery rate of stolen property was approximately 35%. THE COMMITTEE RECOMMENDS the acceptance of the Police Department Budget as submitted AND FURTHER RECOMMENDS the approval of an increase to Handicapped Parking Fines from $100 to $250; Double Parking fine increase from $20 to $30; fine for obstruction of traffic from $20 to $30; and the increase of the fee for copying audio cassettes from $7 to $10. Chief Terlizzese was asked to check the Town Code regarding these proposed increases in fees/fines and also with Mr. Randolph and advance these proposed increases in Ordinance or Resolution form (whichever is appropriate). Mr. Doney noted there will be no change in the personnel complement of the Police Department.

C. FINANCE DEPARTMENT (WITH PURCHASING DIVISION). Mr. McPhail indicated his expenditures for this year will be slightly under the budgeted amount. He indicated his current budget is 4.8% over last year's due to equipment costs. He reported last year there were no equipment costs for his Department.

Mr. McPhail reported he is working on an Internal Audit program (per the Auditor's Comments) and he is trying to develop this with his present staff.

Purchasing Division's salaries will be slightly higher than budgeted due to the replacement of the Purchasing Agent and the addition of a part-time clerical employee on a temporary basis, pending the outcome of a job audit by the Personnel Department that this part-time position be a full-time position for FY 91.

COMMITTEE RECOMMENDS THE ACCEPTANCE OF THE BUDGET FOR THE FINANCE DEPARTMENT AND PURCHASING DIVISION.

C. TOWN MANAGER'S OFFICE AND OFFICE OF DATA PROCESSING: After hearing the presentation of the Town Manager, the COMMITTEE RECOMMENDS the approval of the Town Manager's Office proposed budget and the Office of Data Processing Proposed Budget; and FURTHER RECOMMENDED the Town Manager consider and plan for physical modifications to the reception area in the secretarial area of the Manager's office.

D. TOWN CLERK'S OFFICE: After hearing the presentation of the Town Clerk and her explanation that her budget was one per cent under what was proposed last year, the COMMITTEE RECOMMENDS APPROVAL of the Town Clerk's budget.

E. PERSONNEL DEPARTMENT: After hearing the presentation of Mrs. Porter of the Personnel Department, noting that Department's budget has been increased four per cent, the COMMITTEE RECOMMENDS APPROVAL of the Personnel Department's Budget.

FY91 proposed budget:

Recreation Department

F. RECREATION DEPARTMENT (INCLUDING PAR 3 GOLF COURSE FUND): After hearing the presentation of Mr. Bitzer, the COMMITTEE RECOMMENDED APPROVAL OF the Recreation budget, AND FURTHER RECOMMENDS THE FOLLOWING FEE INCREASES:

TENNIS:

ANNUAL RESIDENT - ADULT FROM $150 to $160
ANNUAL RESIDENT - JUNIOR FROM $75 TO $80
ANNUAL RESIDENT - FAMILY FROM $375 TO $395
ANNUAL NON-RESIDENT - ADULT FROM $300 TO $315
ANNUAL NON-RESIDENT - JUNIOR FROM $150 TO $160

SEMI-ANNUAL RESIDENT - ADULT FROM $75 TO $80
SEMI-ANNUAL RESIDENT - JUNIOR FROM $37.50 TO $40
SEMI-ANNUAL RESIDENT - FAMILY FROM $187 TO $197
LESSON-INTERMEDIATE - FROM $45 FOR 3/4 HOUR TO $90 FOR 1.5 HOUR
LESSON - ADVANCED - FROM $120 FOR 2 HOURS TO $300 FOR 4.5 HOURS

SUMMER YOUTH CAMPS:
RESIDENT - HALF DAY FROM $20 TO $25/WEEK
NON-RESIDENT - HALF DAY FROM $30 TO $35/WEEK
RESIDENT - FULL DAY FROM $40 TO $50
NON-RESIDENT - FULL DAY FROM $60 TO $70
EXTENDED PROGRAM - RESIDENT FROM $10 TO $12.50
EXTENDED PROGRAM - NON-RESIDENT FROM $15 TO $17.50

ELIMINATE GAMEROOM USER CARD FEES

AFTER SCHOOL YOUTH PROGRAM:
RESIDENT $30.00/MO
NON-RESIDENT $50.00/MO

FACILITY USER REGISTRATION CARD:
RESIDENT - $5.00/YR NON-RESIDENT - $3.00/DAY

Mr. Bitzer will be requested to prepare an appropriate Resolution or Ordinance, if necessary for consideration and action by the Mayor and Town Council to implement these fee increases.

H. SOCIETY OF THE FOUR ARTS LIBRARY - REQUEST FOR INCREASED APPROPRIATION:

THE COMMITTEE RECOMMENDS the annual appropriation for FY 1991 be increased from $70,000 to $75,000.

1. RETIREMENT ISSUES:

A. Discussion of Costs for a two per cent annual Compounded Cost-of-Living Adjustment (Currently one per cent non-compounding) Applicable to Members retiring after 9-30-90.

B. Discussion of request by General Employees for Benefit Improvements.

C. Discussion of "Rule of 65" Proposal - Police and Fire/Rescue Departments.

After receiving information from Retirement Board Trustees (Mr. Ouellette, Mr. Olson, Lt. Perry), Chief Terlizzese and Chief Elmore, and a conference telephone call with Mr. Ron J.W. Smith, Actuary, the retirement items were put over to the next day's agenda with projected financial information requested as to what the increased cost would be to the Town over the next five years, which will be provided by Mr. Smith and Mr. McPhail.

IV. ANY OTHER MATTERS. THE COMMITTEE RECOMMENDS a Town Council meeting be held on August 3, 1990 at 9 AM to set the proposed tentative millage rate and set the time, date and place for the public hearings to be held after 5 PM to adopt the final budget.

Meeting was adjourned at 4:55 PM.

JUNE 5, 1990

Roll Call

I. CALL TO ORDER AND ROLL CALL. A meeting of the Finance & Taxation Committee was called to order by the Chairman of the Committee, Bernard A. Heeke at 9:30 AM on June 5, 1990 in the Town Hall Council Chambers. In attendance were members of the Committee, Council President Heeke and Councilwoman Douthit. Also in attendance for all or a portion of the Committee were Mayor Marix, Councilwoman Wiener, Councilman Ilyinsky, Town Manager Doney, Director of Finance McPhail, Town Clerk Peters and Department Heads with their staff members.

Appr. of Agenda

II. APPROVAL OF AGENDA. Agenda was approved with the addition of Retirement Issues added to the beginning of the Agenda.

Retirement Issues

RETIREMENT ISSUES:

A. Discussion of Costs for a two per cent Annual Compound Cost-of-Living Adjustment (Currently one per cent non-compounding, Annual Cost-of-Living Increase) Applicable to members retiring after 9-30-90.

B. Discussion of Request by General Employees for Benefit Improvements - 2.4% with three year deferral.

C. Discussion of "Rule of 65" Proposal - Police and Fire-Rescue Departments.

After discussion with Retirement Board Trustees Olson, Perry and Ouellette, and reviewing information requested from the Actuary and Mr. McPhail, the COMMITTEE has no formal recommendation to the Council on these items, but will submit the total package of Retirement issues to the Town Council, depending on the overall budget and this matter will again be discussed at a Finance & Taxation Committee meeting scheduled for July 13, 1990 at 9:30 AM.

A. FIRE-RESCUE DEPARTMENT: Chief Elmore presented his Department's budget and was requested to reduce it by $100,000, the cost of refurbishing the reserve 1981 engine with the understanding that this item will be included in the FY 92 Proposed budget. With this adjustment, THE COMMITTEE RECOMMENDS approval of the Fire-Rescue Department's Budget. Fire-Rescue Department

B. PLANNING, ZONING AND BUILDING DEPARTMENT: Mr. Moore presented his Department's budget noting the budget requested is a 3.7% increase over last year's budget. He indicated they are not requesting additional personnel, however, they are requesting additional equipment, a voice-acactuated inspection system which is designed to relieve the pressure of their secretarial force and he should not have to increase his personnel level, (in the event there is no State or Federal mandate) at least until the year 2000. After hearing Mr. Moore's presentation, THE COMMITTEE RECOMMENDS the Planning, Zoning and Building Department Budget be approved as submitted. Planning Zoning & Building Dept.

C. PUBLIC WORKS DEPARTMENT: Mr. Dusey presented his Dapertment's budget and explained there is a personnel change as he is requesting a part time person for his data processing needs. Mr. Dusey noted the solid waste disposal fees will now be part of the resident's tax bill and they will no longer be charging the Town for tipping fees, and therefore, his budget is reduced. Since detailed information is not available on the methodology of how this will be implemented, THE COMMITTEE REQUIESTED a letter be prepared for the Council President's signature to be sent to the Solid Waste Authority requesting a prompt update and specific answers on this matter. Public Works Dept.

Mr. Dusey indicated the total percentage increase of the combined divisions in his department is three per cent. After hearing the presentation by Mr. Dusey, the COMMITTEE RECOMMENDS the Public Works Department budget be approved as submitted.

D. CAPITAL IMPROVEMENT FUND: Mr. Dusey distributed figures for the Capital Improvement Fund showing a five year projection, which he explained was for planning purposes only and only the FY 1991 figure will be requested to be adopted by the Town Council at a later date. Capital Improvement Fund

Chief Elmore addressed the Committee on the South Fire Station, noting they have outgrown that facility and need to do something with it and remodeling it does not appear to be the answer as it used to be a former caretaker's home and trying to physically remodel the station for a Fire Station is not the answer. He recommended new construction of between 8500 and 10,000 square feet and $20,000 is requested for research and design for this fiscal year.

THE COMMITTEE RECOMMENDED the monies budgeted for the Capital Improvement Program be approved with $780,000 removed for the proposed groin removal program.

Mr. Dusey and Mr. Bitzer addressed the proposed tennis court lighting project (for four courts) which will replace the existing old lighting system for the two courts is estimated to cost $68,000 and the COMMITTEE RECOMMENDS the lighting for these courts not be next to the residential area of Phipp's Plaza and requested Mr. Bitzer to investigate some kind of a loan proposal be developed for a cost-sharing program for the installation of lighting with the Palm Beach Tennis Association through the Seaview Park Commission.

E. Other Funds

1. Marina Fund
2. Parking Fund
3. Debt Service Fund
4. Self-Insurance Fund
5. Retirement Fund
6. 1985 Bond Fund
7. Endowment Fund

Mr. McPhail addressed the above funds and after hearing his input, THE COMMITTEE RECOMMENDED approval of the amounts budgeted for each of the Funds.

VI. ANY OTHER MATTERS: None.

V. ADJOURNMENT. There being no further business, the meeting was adjourned at 3PM. Adjournment

FINANCE & TAXATION COMMITTEE

SIGNED - Bernard A.Heeke, Chairman
SIGNED - Nancy S. Douthit, Committee Member

On motion of Mrs. Wiener, seconded by Mr. Ilyinsky, the Finance & Taxation Committ Report of the June 4 and 5, 1990 meetings was approved. On roll call, the motion carried unanimously.

IX. OLD BUSINESS Old Business

a. Ordinances - Second Reading

1. Ordinance No. 9-90 - Amendments to Code Enforcement Board Ordinance. Mr. Randolph read the Ordinance by title: Ord.9-90

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE X, OF THE TOWN CODE OF ORDINANCES RELATING TO THE CODE ENFORCEMENT BORAD SO AS TO BRING SAID ORDINANCE FULLY IN ACCORD WITH CHAPTER 163 FLORIDA STATUTES; PROVIDING AN AMENDMENT TO DEFINITIONS: PROVIDING AMENDMENTS TO ENFORCEMENT PROCEDURE: PROVIDING AMENDMENTS TO CONDUCT OF HEARING: PROVIDING FINES AND LEINS: PROVIDING AMENDMENTS TO APPEALS: PROVIDING AMENDMENTS TO APPEALS: PROVIDING AMENDMENTS TO NOTICES: PROVIDING FOR CITATION REQUIREMENTS: PROVIDING FOR A FEE SCHEDULE: PROVIDING FOR CODIFICATION: PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Mrs. Wiener to approve Ordinance No. 9-90. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

2. Ordinance No. 10-90 - Amendments to Commercial Motion-Picture Making Ordinance Regarding Revised Application Fee. Ord. 10-90

Mr. Randolph read the Ordinance No. 10-90 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE XVI, OF THE TOWN CODE OF ORDINANCES RELATING TO COMMERCIAL MOTION-PICTURE MAKING; PROVIDING FOR A DAILY FILMING FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

On motion of Mrs. Douthit, seconded by Mr. Ilyinsky, the Ordinance No. 10-90 was adopted on second reading. On roll call, the motion carried unanimously.

Bid Awards

B. Bid Awards

Sealed Bid 015A-89/90

[redacted]es.57-90

1. Sealed Bid No. - 015A-89/90 - Town Hall Fire Alarm System - Consideration of Resolution No. 57-90. Mr. Randolph read the Resolution No. 57-90 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO NETWORK SECURITY FLORIDA, INC., FOR THE TOWN HALL FIRE ALARM SYSTEM.

On motion of Mr. Ilyinsky, seconded by Mrs. Wiener, the Resolution No. 57-90 was adopted awarding the bid to Network Security Florida, Inc., in the amount of $40, 310.00. On roll call, the motion carried unanimously.

Sealed Bid 018A-89/90 Res. 58-90

2. Sealed Bid No. 018A-89/90 - Interior Painting of Sanitary Sewage Ejector Stations - Consideration of Resolution No. 58-90. Mr. Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO HEAVY HYDROBLASTING FOR INTERIOR PAINTING OF EJECTOR STATIONS.

On motion of Mrs. Douthit, Seconded by Mr. Ilyinsky, the Resolution No. 58-90 was adopted with award of the bid to Heavy Duty Hydroblasting in the amount of $19,510.00. On roll call, the motion carried unanimously.

C. Other

Water Supply Feasibility Study

1. Water Supply Feasibility Study by James M. Montgomery Consulting Engineers, Inc., Progress Report by Town Staff. Mr. Doney recognized Joe Galegios, Assistant City Manager for the City of West Palm Beach and Eric Olson, Director of Utilities for the City of West Palm Beach in the audience. Mr. Al Dusey addressed the Council noting that since the last Council Meeting when the contract was authorized for execution with James M. Montgomery Consulting Engineers, there was a kick-off meeting on May 22,1990 at which time the population projections were discussed as well as concurrent flo projections and problems and questions about the distribution system and water quality standards.

Mr. Dusey stated the engineers coordinated the testing of the well at the Public Works Facility which the South Florida Water Management System will test to determine the quality in this area.

He stated a second meeting was held on June 6th at which time they basically focused in an alternative siting of a facility and they believe that fifteen million gallon per day plant is what they are looking for, which is maximum not daily. He reported production has to be provided for fire protection and peak flows and a plant is needed for that capacity although that doesn't mean that would be used every single day.

Mr. Dusey stated the building would be required to be 100' in width, 400' in length and a free wall height of about 25' to house the equipment. He stated there are only a few properties in the Town to be able to house such a facility and that would be at Phipps Ocean Park, Bradley Park, Lake Drive Park and the Palmo Way Nursery. He stated Palmo Way is not really large enough so that has been discarded, as it wouldn't be large enough for a plant, although it may be considered for water storage. Mr. Ilyinsky asked if the 100 X 400 feet plant would have storage capabilities to which Mr. Dusey responded negatively, noting that storage capacity is needed for about half the production, and he didn't think that would be a major problem in siting, however, it will be strategic. He reported it could be partially or totally underground which may not be what can be done in the Town due to the water table.

Mayor Marix recalled there were restrictions on Bradley Park and she wondered if it could be used for a project such as this? Mr. Dusey responded he was not sure. Mr. Heeke pointed out this is a status report without conclusions. Mr. Dusey stated the legalities are being looked into by the Town Attorney.

Mayor Marix asked when they would have a general idea as to whether or not the property at Palmo Way may have to be used as that property is controlled by the Green Space amendment in the Charter and that may be a question that would have to be considered by the voters and time is needed to place it on the ballot. Mr. Randolph did not believe the green space amendment would preclude this use.

Mr. Dusey stated three sites off island were also looked at, one of which was Loftin Street, and another was near the Public Works facility and one in the south portion of West Palm Beach. He stated in looking at the potential locations in the Town, they were not sure how to proceed with the studying of some of those, as to the feelings of the Mayor and Town Council and decided it would be prudent for them to come to them for a policy decision as to whether or not they should continue to look at Town sites.

Mr. Dusey exhibited a rendering of Phipps Ocean Park and noted the facility would fit fairly well in the parking lots, although there may be a slight conflict with the Little Red School House. He stated this site has some advantages, as the Golf Course is nearby and it could be used for well fields and there is room on the Phipps Ocean Park site for well fields. Mr. Weinberg asked if there was apossibility of having two plants ofa smaller size to give them a better pumpint situation and this would mean they would not have to use so much Town property. Mr. Dusey stated this is an alternative that is being considered and it would reduce the plant a little less than half, perhaps 100 X 250'. He stated there are advantages from a distribution standpoint and a siting standpoint.

Mr. Dusey stated Bradley Park, not withstanding the legality of whether it can be used, would fit but it was awesome to consider how much of the Park would have to be utilized for the facility. Mr. Weinberg felt perhaps that same situation could prevail there, and it could be half the size. Mr. Dusey stated there would be opportunities for well fields on the Breaker's Golf Course, if they were agreeable.

He stated the facility may fit on the property on Australian Avenue parking lot, but it is a tight fit.

Mr. Weinberg asked if this facility could be placed in the Intercoastal Waterway? Mr. Dusey stated the consultant does not think that is something that should be pursued, but it has been discussed.

Mr. Dusey stated this would have the possibility of well fields in the Everglades Golf Course.

He reported the well fields are small and rather inconspicuous. Mr. Weinberg asked how many well fields would there have to be on one particular site? Mr. Dusey responded it would depend on production as a fifteen million gallon per day may mean they need 15 to 20 well fields and they need to be spread out because of the draw down, as they cannot be placed right next to each other. He indicated this is a part of this study and they do need open spaces around when they are siting the facility. He stated another alternative was the possible purchase of a property in Town which would be suitable to house a water plant. He stated they have been considering the properties that are owned by the Town, but this is also an alternative and he needed the Mayor and Council's feedback on whether that is a viable alternative.

Mr. Weinberg asked if they would also have to consider the purchase of property for the well fields? Mr. Dusey stated that is possible.

Mr. Doney noted these investigations and research to date are preliminary and the well field location item has been discussed. He stated there are existing golf courses on the island and it may be a possibility that they would lease areas within the golf course with some arrangement that would have some advantages to the golf courses. He stated the legalities are being investigated with regards to deed restrictions, etc by the Town attorney.

Mrs. Douthit asked if it would be more economical to have two well fields rather than one? Mr. Dusey stated there would be additional costs, but it would not be unreasonable and it would help the distribution substantially. He stated there is one disadvantage for the location to be at Phipp's Park as it is so far south and a trunk line would have to be installed to get water to another part of the island.

Mr. Heeke asked if Loftin Street was a viable location for some facility to be located there? Mr. Dusey responded affirmatively. Mr. Heeke felt that could be done in conjunction with West Palm Beach. Mr. Ilyinsky asked whether or not the zoning in the City of WEst Palm Beach would lend itself to something of this type as they have done a lot in beautifying their downtown areas, and it may eliminate the possibility of ever using Loftin Street for anything else in the future.

Mr. Weinberg felt the study was moving along, but he felt it needed to be more intensified as there is a lot to be done. He felt Loftin Street would be a great location, but perhaps there couldn't be the proper distribution across the Lake or they could not get the cooperation of the City of West Palm Beach.

Mrs. Douthit stated she would favor Palmo Way and Phipps Park, because of the distribution angle, and she would prefer two sites, but of course, it would all depend on whether or not the pipes that are there now could be used. Mrs. Wiener believed they would have to have a voter referendum for the Palmo Way site and she believed there may be a lot of objection for that area. Mayor Marix felt they first needed to determine what was going to be put there. Mrs. Wiener pointed out the report from Mr. Dusey states this site is too small for the water plant and had limited access to a potential well field.

Mr. Weinberg asked if there were two plants installed, could one handle the entire Town if one should go down for some reason? Mr. Dusey stated it is highly unlikely for a whole plant to go down. Mr. Heeke felt also there would be inter-local agreements to back up the furnishing of water. He stated he liked the concept of multi-distribution sites and he liked the concept of using the Loftin Street area as logistically, that seems to be an ideal location. Mayor Marix asked if they could bear in mind the possibility of the Publix lot, which had been offered to the Town some time ago. Mrs. Douthit felt that could be possibly used for storage, even if not for the siting. Mrs. Wiener felt the Town had many possibilities with the land the Town now owned. Mrs. Douthit felt that investigation should be made of what we owned, however,if it cannot be used, we need to explore further to which Mrs. Wiener agreed. Mr. Dusey stated he will explore the three park sites and if that failed, they will look into the alternative of obtaining something else. Mayor Marix felt all of the alternatives should be looked into.

Mr. Heeke stated he had a concern about the use of Bradley Pari not only because of the legalities but also the aesthetics. Mr. Ilyinsky stated he too had a concern about the aesthetics for the Lake Drive Park area. Mr. Weinberg stated if they were going to have another accessory rather than a processing plant, he would like to give consideration to the northern side of Phipps Park, which would be an ideal location.

Mr. Heeke recalled a motion was made of establishing a committee consisting of Mr. Weinberg, Mr. Dusey, and Mr. Sunstrom and he knew there were problems and he asked for a motion to reconsider that motion establishing the Committee and have a new motion to appoint Mr. Weinberg as the liaison. Mrs. Wiener made the motion to reconsider the previous motion to establish the Committee. Seconded by Mrs. Douthit. On roll call the motion carried unanimously.

Mrs. Douthit moved that Mr. Weinberg be the liaison member of the Committee and Mr. Sunstrom be appointed to function in a consulting capacity at the hourly rate previously agreed upon. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

2. RESOLUTION NO. 56-90 - To undesignate a portion of property previously designated at 822 South County Road. Mr. Randolph read the resolution by title: Res.56-90

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 A PORTION OF THE PROPERTY HEREINAFTER DESCRIBED DOES NOT MEET ANY OF THE CRITERIA SET FORTH IN

ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND DOES HEREBY UNDESIGNATE SAID PORTION OF SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOW AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Mr. Randolph advised this states that a portion of the property described as being undesignated is that portion of the property immediately west of the west facade of the house to the shores of Lake Worth.

He indicated the Council did not adopt the resolution in regard to this property at yesterday's meeting. Mrs. Douthit stated Mrs. Hoffstot called her last evening and she would like to have the eastern portion undesignated also, as she wants to install gravel and lighting in her driveway without going before the Landmarks Preservation Commission. Mr. Heeke stated that usually is not a problem. Mr. Heeke passed the gavel to President Pro Tem Ilyinsky and made the motion that Resolution 56-90 be adopted. Seconded by Mrs. Douthit. On roll call the motion carried with a negative vote cast by Mrs. Wiener. (4-1).

3. RESOLUTION NO. 61-90. i SOUTH LAKE TRAIL. Mr. Randolph read the Resolution by title:

Res.61-90

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 XVI, ATRICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND HEREBY DISIGNATES SAID PROPERTY AS A TOWN OF PALM BEACH ORDINANCE LANDMARK, PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER XVI, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Motion was made by Mr. Ilyinsky to approve Res. 61-90. Mr. Heeke passed the gavel to President Pro Tem Ilyinsky to chair the meeting and seconded the motion. On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Wiener voting against the motion.

New Business

NEW BUSINESS

Ord. 11-90

A. Ordinance No. 11-90 - Opting out of County's Environmentally Sensitive Lands Ordinance. Mr. Randolph read the Ordinance by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA PROVIDING FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS; PROVIDING THAT THE TOWN OF PALM BEACH SHALL OPT OUT OF THE PALM BEACH COUNTY ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Douthit to approve the Ordinance No. 11-90 on first reading. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Ord. 12-90

2. Ordinance No. 12-90 - Amendments to Retirement Ordinance - Chapter 15 - "Pensions and Retirement" - "Rule of 65" for Police and Fire Rescue Department Personnel. Deferred.

Ord. 13-90

3. Ordinance No. 13-90 - Amendment to Section 2-3 of Town Code of Ordinances - Expiration Date of Appointive Offices.

Mr. Randolph stated the Council wanted to have two ordinances presented in case they wanted to have all appointed officials' terms expire at the same time. Mr. Randolph read the Ordinance by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 2 OFTHE CODE OF ORDINANCES, AT SECTION 2-3TO PROVIDE THE TERMS OF OFFICE OF ALL APPOINTED ADMINISTRATIVE OFFICIALS OF THE TOWN SHALL EXPIRE AT THE TIME OF THE FIRST REGULAR MEETING OF THE TOWN COUNCIL IN SEPTEMBER OF EACH YEAR; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Wiener to approve Ordinance No. 13-90 on first reading. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

B. Bid Awards:

Bid Awards

Sealed Bid 019-89/90

1. Sealed Bid No. 019-89/90 - Marina Concrete Dock Rehabilitation (All Docks) - Consideration of Resolution No. 59-90. Mr. Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO BURKHARDT CONSTRUCTION, INC. FOR MARINA CONCRETE DOCK REHABILITATION.

Mrs. Douthit moved Resolution No. 59-90 be approved. Seconded by Mrs. Wiener. On roll call the motion carried unanimously.

Sealed Bid 20-89/90
Res. 60-90

2. Sealed Bid No. 20-89/90 - Marina Fire and Water Line Replacement (All Docks) Consideration of Resolution No. 60-90. Mr. Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AWARDING A CONTRACT TO ACADEMY MECHANICAL CORP. FOR MARINA FIRE AND WATER LINE REPLACEMENT.

On motion of Mrs. Wiener, seconded by Mrs. Douthit, Resolution No. 60-90 was adopted. On roll call, the motion carried unanimously.

C. Appointment:

Appointment

1. Landmarks Preservation Commission - Alternate Member to Fill Vacancy. Mr. Heeke reported Mr. Ilyinsky has recommended Wilbur Thomas be appointed to the Landmarks Preservation Commission as an Alternate member. Mr. Ilyinsky moved that Mr. Thomas be appointed to the Landmarks Preservation Commission as an Alternate Member. Seconded by Mrs. Douthit. On roll call, the motion carried with Mr.Heeke abstaining due to a conflict of interest as Mr. Thomas is a client of his firm. (4-0)

Landmarks Pres.Comm.

Mrs. Wiener has heard all kinds of good things about this appointee, but does know there are many other names on the lists of people who want to serve the Town and have good backgrounds and interest and felt a better way was needed to appoint.

2. Royal Poinciana Theatre - Request for Additional One (1) Year Extension of Lease Agreement to Continue Wednesday Matinee Program from December 1990 to April 1991. Attorney Phil O'Connell addressed the Council indicating they have come back to the Council for the last six years to extend this agreement. He stated the Hibel Foundation has given them permission to valet park in their lot which will provide an additional twenty parking spaces and in addition, the Labor Union has requested their members to park in West Palm Beach which will free up an additional six to fourteen spaces for additional parking within the Plaza. He believed the new owners of the theatre have done well here and in addition, they operate several other theatres in Florida, so they do have a firm presence in Florida. He requested if it is possible for the Council to consider a two year extension. Mr. Moore stated he has met with the attorney and he felt they have shown a good faith effort to increase the parking that the matinee exacerbates on Wednesday afternoons. He reported his staff has no objection to the request as he felt they have complied to try and mitigate the problems. He would not recommend that this be granted for the two years requested as he felt they needed to address this on a yearly basis. Mr. Heeke agreed it should be looked at on a yearly basis. Mr.O'Connell stated they would prefer to have the two years and perhaps it could be looked at as in other areas, as a constrained facility, and perhaps the theatre which has become institutionalized in this community could take on the same thought with the time, as it is a cultural benefit. The senior residents in the Town attend the Matinees, which is a benefit and an integral part of the economic stability of the theatre is to have that matinee performance and if the parking lot does reach its full capacity on those afternoons, it might be a public policy which could be accepted because of the greater benefit to the Town of having this facility available for the residents.

Royal Poin. Theatre request for exten.

Chief Terlizzese addressed the Council indicating it does get congested on Wednesday twelve times a year, however, none of the tenants of the Plaza seem to be too concerned about it, and the residents that go there for business in the other business places in the plaza also have not complained and it would be his recommendation the permit be granted. He felt sinceit was the Town's policy to grant it on a yearly basis, he would see no reason to make a change to the procedure.

Motion was made by Mr. Ilyinsky that the Council extend for one year the authorization to continue the Wednesday Matinee Program from December 1990 to April, 1991, with the same conditions as previously imposed. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

3. Consideration of Request for Funding from Undesignated General Fund Balance for Dead Tree Removal and Replacement on North County Road from Wells Road to Miraflores Drive.

Dead Tree Removal

Mr. Doney stated a memorandum dated June 6, 1990 from Mr. Dusey has been provided on the problems of the trees on North County Road. Mr. Dusey addressed the Council indicating the winter freeze killed 23 of the Ficus Benjamina Trees on North County Road and they have confirmed that the trees anre dead and they need approximately $20,000 for removal and stump grinding and another $10,000 for replacement of a reasonable size, although they will not be the size of the existing trees.

Mrs. Wiener felt the trees that will be replacing the dead ones should not be too small and scrawny as it will take years to get to anything decent and she would be willing to consider getting a larger size tree for the replacements. She recalled there are some trees with a lot of leaves on them, which have survived but there are some that are obviously dead and need to be removed. Mrs. Wiener recalled the replacement trees that were put on Worth Avenue, which just didn't work out and had to be replaced.

Mayor Marix believed a 16' tree is exceedingly small for the replacement and she wondered if they had any idea of what the bigger trees might cost, although they couldn't be much bigger as they have a very low survival rate.

Mrs. A. Parket Bryant recalled when the original trees were planted and how beautiful they were and wondered if perhaps they all should be removed so they would be uniform. Mr. Dusey stated he has been in touch with Dr. Moore of the Beautification Committee of the Civic Association ahd he thought 16' to 18' would be sufficient with a spread of 12' to 14' was a reasonable size for the replacement and there is a limit to how large a tree can be when it is transplanted. Mayor Marix noted there is no water systemthere to which Mr. Dusey agreed, but indicated they do have a water truck which could be used and the contractor who installs them guarantees them for a one year period.

Mr. Dusey stated he would not be able to replace what has been there as they have been there for years. Mayor Marix believed the trees that have been trimmed there were not trimmed properly and she was told part of the reason is because the utility companies cut them quite severely, and wondered if it was possible for the Town to trim the trees before Florida Power & Light Co. gets to them. Mr. Dusey stated ficus trees do a lot of damage to the roadway and bike paths, but they do provide a beautiful canopy. He believed they could trim them on a controlled basis. Mr. Dusey stated he would like to get this underway.

Mr. Heeke suggested the Council approve what has been requested and next month he ccan come back with the amount of additional monies he would need for the replacement.

Mayor Marix stated the growing season is now and they should be able to move fast in July.

Mrs. Wiener wondered if they should authorize a spending limit with regards to the replacement trees. Mayor Marix suggested this be considered later in the agenda and in the meantime, Mr. Dusey can have his people check out what is available.

Mrs. Douthit moved this item be deferred until later in the meeting. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Auth. to purchase copier

4. Request for Authorization to Purchase REplacement Copier for Town Hall Under State Contract (Included in Current FY90 General Fund Budget). Mayor Marix noted there will be a savingof $500.00 per month on the maintenance of the copier. Mr. Weinberg asked if it was possible to use recycled paper? Mr. Doney stated it is possible, however,there is a problem with some recycled paper foruse in certain copy machines, but he will check into it further. Mayor Marix noted the machine has made two million copies and that is a lot of paper and filing time and she would like to see an effort made to make less copies. Mrs. Wiener moved for authorization to replace the copy machine. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Town recycling program

5. Proposed Town Recycling Program - Request for Authorization for Town Manager to Execute Interlocal Agreement with Solid Waste Authority of Palm Beach County. Mr. Doney stated authorization is needed to have him execute an Inter-Local Agreement with the Palm Beach County Solic Waste Authority. Motion was made by Mrs. Wiener to authorize the Town Manager to execute the InterLocal Agreement with the Solid Waste Authority of Palm Beach County. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Authorization for Town Manager to enter into agreement with Southern Bell

6. Request for Authorization for Town Manager to Enter Into an Agreement with Southern Bell for ESSX Telephone Service and Related Telephone Matters. Mr. Doney indicated the research has been prepared by Mr. Jakubiak and at the May Town Council meeting, monies were authorized to investigate the options and the primary goal is to have a reliable telephone service. Mr. Jakubiak addressed the Council, indicating a thorough study has been conducted with a consultant and the Department heads did thorough research of their telephone inventory. He reported this new system will be cost effective and the proposal to go to ESSX will eliminate certain charges which we now pay to operate our PBX system, with projected savings to be in the vicinity of eighteen thousand per year.

Mrs. Wiener asked how efficient the operation would be? Mr. Jakubiak responded he has contacted other municipalities which use this service and had good reports and also this wervice was in use in N. Charleston and they reported they were happy with the turnaround time when the hurricane hit. Mr. Doney stated it is for the reasons of the reliability of service and cost savings that this system is recommended.

Mr. Ilyinsky asked if this ESSX system was available when the other system was procured? Mr. Doney stated it was but there are many variables involved with the telephone service and with some there was a great difference in cost between ESSX service and the off-premise extensions, but the State contract bid was used at that time in 1985.

Mr. Ilyinsky asked if there was a guarantee by Southern Bell if there is a problem with the system? Mr. Jakubiak responded there are Southern Bell representatives here who can address that question and in the five years since we have had the present system, there has been a lot of technology changes.

Mrs. Douthit asked if the existing equipment can be plugged into this new system? Mr. Jakubiak responded the majority of the old equipment will be compatible, except fora limited amount of telephone hardware and the initial hardware cost will be approximately $31,000.

Mr. David Daucanski of Southern Bell addressed the Council, indicating this system will be cost-saving and will not affect their service that much but will provide a reliable vendor. He explained ESSX does work out of their Southern Bell offices and it is dependable.

Mr. Ilyinsky asked what is their response time in the case of a problem? Mr. Daucanski responded they have Southern Bell behind them and with ESSX, the Town will become a major account and when there is a failure, they call and report it and a technician is immediately dispatched to handle the problem. Mayor Marix asked if they would get a recording? Mr. Daucanski stated they will be talking with live representatives.

Mrs. Wiener stated she was concerneed about the change-over time. Mr. Daucanski responded when they have a changeover, the training person will train the employees on how the system will work and there is a service consultant who will go to the departments and sit with each one and explain what will happen as the change-over occurs and the cut-over will take approximately one week with each phone being out of service for just a few minutes.

Mr. Doney reported the Communication Center for Police and Fire is a major concern and will have a minimum down-time and it should be done at an off hour. Mr. Daucanski stated there are people in their central office twenty-four hours a day manning the system, and checking for emergencies.

Mr. Heeke asked if he could go back to the Charleston matter as she knows preparation is an important factor in the event of a hurricane, and asked if they would be advising the Town on how to prepare for an eventuality of an outage during a storm? Mr. Ducanski responded the majority of the service is on a telephone line during major outages and hurricanes or storms and they would not be affected since those lines are underground, and if there is a power failure, you could still use the phone, but when they are notified there will be a problem, they would notify the Town's representative. He noted a fibre network is being installed even as we speak as that is part of the plan, to replace the cable, because it is older cable and it will be underground.

Mr. Ilyinsky asked if staff was telling the Council that this is the best system out there today? Mr. Jakubiak responded he looks at this as the most attractive alternative, based on several reasons, one of them being reliability of service and secondly, the cost savings.

Mayor Marix recalled at the last meeting we authorized the expenditure of monies for a consultant. Mr. Doney indicated they have a report in their back-up information.

Mr. Ilyinsky moved that the Town Manager be given authorization to enter into an Agreement with Southern Bell for the ESSX telephone system and this is to include the expenditure of

$31,598.47 from the Undesignated Fund Balance. Seconded by Mrs. Wiener. On roll call the motion carried unanimously.

XII. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR MAY, 1990. On motion of Mrs. Wiener seconded by Mr. Ilyinsky, the Warrant List and Fund Expenditures for May 1990 was approved. On roll call, the motion carried unanimously. Appr. of Warrant List

Meeting adjourned for lunch.

Meeting called back to order at 1:15 PM by President Heeke.

XII. DEVELOPMENT REVIEWS:

A. Major Matters Previously Considered by the Architectural Commission at their meeting of May 23, 1990 - Motion was made by Mr. Ilyinsky, seconded by Mrs. Wiener to approve the major matters considered by the Architectural Commission's May 23,1990 meeting. On roll call, the motion carried unanimously. Major Matters Arch.Comm.

The Major Matters were:

B6-90 - Addition and remodeling to residence of Mr. & Mrs. Holden Luntz, 234 Seminole Avenue. Deferred.

B10-90 - New residence for Mr. & Mrs. Lopata, 234 Eden Road. Approved.

B20-90 - Addition and Remodeling to 1616 S.Ocean Beach, Inc. Deferred.

B22-90 - Commercial Building for Dr. Steve Spector, 241 Sunset Avenue. Approved.

B24-90 - Renovation to 245 Worth Avenue, Stefan Richter - Approved.

B25-90 - Renovation for Mrs. Ruth Morrow, 593 Island Drive. Approved design of carport, gateposts and urns.

B26-90 - New residence for Leonard & Pat Sousa, 1300 N. Ocean Blvd. - Approved conditionally.

B27-90- Second Story Addition for John Raimondi, 1420 N.Ocean Blvd. Deferred.

B28-90 - New construction for the Wells Road Land Co., 133 Wells Road. Approved conditionally.

B28-90B - New construction for the Wells Road Land Co., 131 Wells Road. Deferred.

B31-90 - New residence for Bertram I. and Lucille Cohen, North LakeWay and Cherry Lane Approved conditionally.

B33-90 - New residence for Ralph Hibbard, 115 Oceanview Road. Removed from agenda.

B35-90 - Addition for Elizabeth H. Howe,432 Seabreeze Avenue. Approved.

B36-90 - Addition to residence of Gregory and Edwina Kempf,300 N. Ocean Blvd. Approved.

B5-90 - Addition to residence of Mr. & Mrs. Alfonso Fanjul, Jr., 1161 N. Lake Way - Deferred.

B84-89 - Commercial buildings for Biltmore Galleria, 255 and 265 Sunrise Avenue - Approved conditionally.

B34-90 - Addition to residence of Mr. & Mrs. Donald Dick, 201 Indian Road - Approved.

B38-90 - Storefront renovation for Stefan Richter, 243 Worth Avenue. Removed from Agenda.

B39-90 - Demolition of residence at 132 El Brillo (Mr. & Mrs. Anthony Mooter).

B40-90 - New residence for Palm Beach Land Investments, Inc., (William A. Meyer, President, Graham Eckes Academy Plat - Lot 3 - Deferred.

B41-90 - Demolition of 325 Via Linda (Mildred R. Hecht/Applebaums) - Approved conditionally.

B42-90 - Demolition and new residence plans for Stuart Scharaga, 210 Wells Road. Approved conditionally.

B43-90 - New residence for Mr. & Mrs. Frazier Wellmeier, 206 Queens Lane - Approved conceptually and conditionally.

B44-90 - New Guest House and Pool for Gerard Haryman and Denise Valentini, 137 Dunbar Road. - Conceptually and conditionally approved.

B45-90 - Addition and renovation to 112 Woodbridge (L & V Investments, Inc.)

B46-90 - Pool and cabana - Mr. & Mrs. Peter Tigges, 1560 S.Ocean Blvd. - Approved.

B47-90 - Demolition and new residence for Marvin Rosenberg, 210 Tangier Avenue - Approved conditionally.

D-2 - Reconsideration of Request for Funding from Undesignated General Fund Balance for Dead Tree Removal and Replacement on North County Road from Wells Road to Miraflores Drive. Mr. Heeke called on Mr. Dusey to reconsider this matter.

Mr. Dusey addressed the Council indicating he has had Mr. Ugi contact several local companies regarding the trimming and there are approximately 45 trees which would require trimming and the per tree cost is about $550.00, which would be approximately $25,000.

Mr. Dusey stated a larger tree, twenty-five feet high and six or seven inches in diameter would cost approximately $5000 more than originally requested and with the trimming, the removal and the larger tree wouldbe $60,000.

Dead Tree Removal

Mayor Marix believed obtaining the larger trees was very important and asked if they could be transplanted successfully, to which Mr. Dusey responded affirmatively. Mayor Marix believed if the larger trees were installed, perhaps we could get some of the organizations in the Town to help with the trimming costs. Mrs. Douthit thought perhaps that additional funding could be sought for a portion of the cost for the larger trees.

Mayor Marix believed they needed to move on the replacement because of the growing season, and perhaps we could seek help for the trimming cost.

Mr. Dusey stated he thought it was a good idea to remove the dead trees, replace them with the larger trees and then approach the trimming problem. Mayor Marix thought perhaps the Garden Club, the Civic Associations andpossibly the Preservation Foundation may want to help with the trimming cost.

Mr. Dusey explained without the trimming it will be $35,000 and with the trimming it will cost $60,000. Mrs. Douthit moved that the Council approve the $30,000 for the removal and the tree planting and then we see how that looks and how much trimming needs to be done. Seconded by Mrs. Wiener. Mr. Dusey noted that was for the original proposal? Mayor Marix stated it was for the removal of the dead ones and replacing with the larger trees. Mr. Dusey stated that figure is $35,000. Mrs. Douthit amended her motion to the $35,000 figure. Mrs. Wiener stated this includes removing the dead trees and replanting with the larger trees. Seconder accepted the amendment.

On roll call, the motion carried unanimously.

Mr. Dusey stated it is competitive bidding so they would have to come back for a contract award at the July meeting. Mayor Marix suggested they bid it in thirds.

Mr. Randolph asked the Council if they considered this an emergency situation? Mr. Dusey stated the trees are becoming a hazard. Mr. Heeke noted this is a main thoroughfare and he would declare it to be an emergency. Mrs. Wiener moved this matter be considered as an emergency to get rid ofthe hazard. Seconded by Mrs. Douthit.

Mr. Randolph stated if this is being declared an emergency situation, on that basis, they could allow the Manager to negotiate the best bid.

On roll call, the motion carried unanimously.

B. Appeal

Appeal

Appeal of Landmark Pres.Comm. to defer certificate of appro. No. 17-90 (702 N. County Rd.)

1. Appeal of Landmark Preservation Commission's Decision to Defer Certificate of Appropriateness No. 17-90 (702 N. County Road) Attorney Peter Broberg addressed the Council on behalf of Mr. Gerald Tsai who is appealing the Landmark Preservation Commission's second deferral of his request to add a three car garage to his property, which is a landmark. He stated this does fully comply with the setbacks and no variances will be needed. He stated there is a caretaker's cottage and the Landmarks Commission had discussion on installing the garage at that site, however, it islocated 120' from the house and would be that far away from the staircase which gains access to the house, so that was not a viable alternative. He stated they will be installing a tennis court and at the street there is a high hedge which will hide the tennis court. He stated his clients have done extensive renovation. He stated they will be installing landscaping and the garage addition will not be visible from the street, due to the high hedge and the tennis court.

Mr. Moore stated one of the alternatives suggested by Landmarks was the garage be moved towards the north property line, and that would present a zoning problem and the backing traffic standards could not be met. He stated Landmarks asked them to study the reconfiguration of the garage and the possibility of adding on to the caretaker's house.

Mrs. Elise McIntosh of the Landmarks Preservation Commission addressed the Council and suggested it be moved towards the other end of the property. Mrs. Wiener asked if Landmarks approved it with that condition? Mrs. McIntosh stated they did not approveit, but deferred it for study, hoping they would move it back and keep the symmetry of the house, as this is a truly beautiful house. Mrs. Wiener pointed out this addition cannot be seen from the road. Mrs. McIntosh stated she was thinking about the pure beauty of the house which she wants to save. Mrs. Wiener felt one of the situations with Landmarks Preservation Commission is they attempt to preserve homes as well as possible, under the direction of the Landmarks Commission, but with the understanding that we are now in a modern living situation and there must be additional air conditioning and other modern equipment. Mr. Heeke noted it already has wings to the house which are not in the same plane. Mr. Heeke knew there were plans coming before the Council which were more aesthetically appealing but because a variance was needed, the Council has turned them down. Mayor Marix asked if they were stating technically they could not move the garage back to the north as they wouldn't have room to back out, regardless of the variance that would be necessary. Mr. Moore agreed.

Mr. Heeke felt it had to be looked at for proper usage and what we are hearing, it won't work to move it. Mr. Moore stated that was coreect and the other alternative was to locate it somewhere else on the property and that was at the caretaker's cottage.

Mr. Heeke felt with landmarked homes, the Council has to be sensitive to the owner's needs as well as preserving the unity of the design and the two should be balanced. He felt the options were not realistic for the use of the property, one to put it in such a place which would require a variance and physically it could not be used according to proper traffic standards. He stated another alternative was to move it a great length from the main structure, and thereby running the risk of disrupting the use of the tennis court so he would be inclined to go along with the request made by Mr. Broberg.

Mrs. McIntoxh asked if there was any way that further embllishments could be halted on this one and any of them which come before the Council. Mr. Heeke felt they needed to be handled on a case-by-case basis, as they are so unique.

Mr. Heeke handed the gavel over to President Pro Tem Ilyinsky to chair the meeting and moved the Certificate of apropriateness be granted and the appeal to the Landmarks Preservation Commission be overruled and the plantings of the bouganvillia as outlined today by Mr. Broberg be approved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions and Site Plan Revisions:

1. Var. No. 21-90 - Mrs. James Wood, 726 Hi-Mount Road; to allow installation of gates at three driveway entrances at the front property line, in lieu of the 15' setback required and at a height of 9' in lieu of 6' maximum allowed. R-B District. Deferred from May meeting. Attorney Michael Johnson, representing Mrs. Woods addressed the Council requested the variance. He stated this property is located at the south end of Hi-Mount Road and there are no neighbors directly across from them and there are two service drives on the property. He stated the majority of the gates in the neighborhood are at the property line and that is what they are requesting. He stated this is a dead end portion of the road and there is little traffic and the road is 24' wide. He stated if the gates were set back 15', they would be at the center of the motor court. He requested the gates be allowed to be installed at nine feet and that would match the proportions of the neighbor's gates. Var. 21-90

Mr. Johnson stated there is a problem as this is a dead end and cars come down this street and pull into one of the driveways to turn around. Mr. Weinberg did not believe a gate post would stop cars from turning around. Mr. Moore stated staff has no objection as far as the gate height is concerned as it does match the neighbor's gates. He stated because the street is a short dead-end street, the staff has no objection but would like to note for the record just because the neighbors have gates at the property line would not be the means for the setback requirement as the traffic and the business of the street would have to be looked at on an individual basis.

Mrs. Wiener moved Variance No. 21-90 be approved. Seconded by Mr. Ilyinsky. Mayor Marix knew there is a problem with people coming in there and having a hard time in getting out and wondered if it were possible to put a sign before you approach Hi-Mount Road stating there was no exit, and they would have to back out if they wanted to come out of there.

On roll call, the motion carried unanimously. Mr. Heeke asked if Mr. Dusey could check into the possibility of installing some signs there to indicate there was no exit.

2. Var. No. 25-90 - John D. Reed, 169 Root Trail; to allow construction of two Additions; the front yard addition provides 17' sethack in lieu of 25' required; the rear addition would provide a 3' rear setback in lieu of 15' required and a side yard setback of 3' in lieu of 10' required. Said additions will expand the non-conforming lot coverage from 48% to 51% in lieu of 35% maximum allowable. R-C District. Mr. Reed addressed the Council indicating he wishes to put the house into decent condition and the house does sit further back in the street than any other house on that side of the street and he would like to put a line of French Doors along the front of the house. Mr. Moore stated the application requires a variance for the lot coverage and it is quite substantial for a lot which is already over developed and the staff finds no hardship. Var. 25-90

Mrs. Douthit asked if there were any structures along Root Trail which were within the setbacks? Mr. Moore responded there are none. Mr. Heeke recalled density was substantially reduced and a variance was allowed for one particular applicant.

Mrs. Wiener remarked she normally is against any increase in lot coverage, but Root Trail is unique and the applicant is attempting to upgrade the area and she viewed this with favor and the size of the property would be the hardship and she moved for approval of Variance No. 25-90.

The motion was seconded by Mrs. Douthit. On roll call, the motion carried unanimously for approval.

3. Variance No. 26-90 - Donald and Michelle Dick, 201 Indian Road; to allow constriction of an addition providing a 30' street side yard setback in lieu of 35' required. R-B District. Mrs. Dick addressed the Council requesting the variance. Mr. Moore indicated staff had no objection due to the fact the five feet is from the right of way rather than the actual physical setback and one similar to this has been granted on Indian Road. Mr. Ilyinsky moved Variance No. 26-90 be granted. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously. Var. 26-90

4. Variance No. 27-90 - Ann Dillard, 245 Barton Avenue; to allow construction of a garage addition allowing lot coverage of 26.8% in lieu of 25% maximum allowed. R-B District. Mr.Jerry Sullivan addressed the Council for Mrs. Dillards' request for the variance to build a one car garage which would be connected to the existing one car garage. He stated the hardship is this is a very busy street and his client has to park one car on the stree, and its quite difficult as she usually has to park on the roadway in front of her driveway and has to move one car to get the other one out. Mrs. Douthit asked if the garage could be reduced as it does seem quite long. Mr. Sullivan responded they also have laundry facilities in the garage. Var.27-90

Mr. Moorestated staff does not believe the hardship exists and they too felt the size of the garage should be modified and they build a garage 13 X 22' and that would reduct it to 25.8. Mr. Heeke suggested they get with the Building Department and see if it can be reduced and perhaps they won't need a variance. Motion was made by Mrs. Wiener that the Variance 27-90 be deferred. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

5. Variance Nol 28-90 - Mailbox International of Palm Beach, 204 Brazilian Avenue; to allow occupancy of the first floor by a business service establishment in lieu of retail use as permited. C-TS District. Mr. Chip Lutz of Prudential Realty and Mary Lamb of Brazilian Realty addressed the Council indicating the Mailbox International operates on County Road and they request they be able to occupy the space on Brazilian Avenue with the entrance through the lobby and not directly off the street. Mr. Heeke asked what was the hardship? Mr. Lutz responded he needs to be at the street level. Mr. Heeke did not believe that was a hardship. Mr. Moore stated this is similar to the applications that we have had at the Paramount Theatre and in this case, facing Brazilian Avenue, there is no storefront facing the street and they would have to go through a lobby area before there is access to this office and they believe it would be analogous to those granted at the Paramount Theatre, providing the configuration of the building does not change, that is, a storefront entrance be applied for after the fact, which would change the nature of this building as it now exists. Var. 28-90

Mrs. Wiener movedthat approval be given for Variance No. 28-90. Seconded by Mr. Ilyinsky with the provision that the building configuration does not change. Maker of the motion agreed to the amendment. On roll call, the motion carried 4-1 with Mr. Heeke voting negatively. Mrs. Lamb pointed out this was a landmarked building.

Var. 29-90

6. Variance No. 29-90 - Edward's Beauty Salon, 215 Sunset Avenue; to install a second floor tenant business identification sign prohibited in Section 6.33 (c) of the Town Zoning Ordinance. C-TS District. Mr. Heeke called for someone to present the application and there was no one in the room. Mr. Heeke asked if there was anyone in the room who wished to address this matter. An unidentified man representing Barnett Bank addressed the Council and he really has no objection but would like to know how large the sign would be. Mr. Zimmerman responded it would be approximately four square feet and it would be a portable sign that goes out during the day and comes in at night and would be on the building to the south. Motion was made by Mrs. Wiener to defer this item to later in the meeting. Seconded by Mr. Weinberg. Mr. Moore stated staff has no objection to this because of the nature of it being temporary. Motion carried unanimously for deferral to later in the meeting.

Var. 30-90

7. Variance No. 30-90 - William E. Flaherty, 315 Chapel Hill Road; to allow construction of four masonary gateposts with lanterns each 8'10" high thereby exceeding the maximum height permitted of six feet, under Section 5.36 (b) of the Town Zoning Ordinance. R-A District. Gene Beems representing Mr. Flaherty addressed the Council requesting the variance, exhibited photographs which showed how dark it was and the primary purpose is security and secondly, if these gateposts were lit, it would establish the fact this is a dead end road. Mr. Heeke asked what was the hardship? Mr. Beems responded it would have to be security. Mr. Heeke explained this is not the type of hardship they need to hear about but something to do with the property.

Mr. Moore stated the staff has an objection because there ae none in the area at that height and it would set a precedent for others on that street.

Mrs. Peters read a letter from a neighbor, Sheldon Rodbell, who did not object.

Mr. Heeke noted there was no hardship demonstrated and he felt there were alternative ways they could light this area without the need of a variance.

Mr. David Beems addressed the Council for Mr. Flaherty who reported there were no lights at all on this particular street and he viewed that as a hardship as when you drive down the street, there is no clear indication of where the road ends. He stated the only fixture they could install would be one which requires a 40 watt bulb and that would not be enough illumination, or a side mount which would not be practical as that could be easily hit by passing cars.

Mr. Moore reported the occupants on that street do have the option of requesting street lights to be put in by the Town.

Mayor Marix thought if they had the option to install street lights, it would cost the Town fifty per cent of that cost, and she suggested this be deferred to see if the applicant can come up with an alternative smaller light or grant the variance, which would save the Town the cost of installing the street lights.

Mrs. Wiener recalled variances have been granted for higher gateposts and she believed the dark street can be a hardship and a two and onehalf foot light isi not excessive and she made a motion that Variance No. 30-90 be approved. Seconded by Mr. Ilyinsky. On roll call, the motion did not carry 3-2 with Mr. Heeke, Mrs. Douthit and Mr. Weinberg voting against the motion.

Motion was then made by Mr. Weinberg to defer Variance No. 30-90 to the July 10th Town Council meeting. Seconded by Mrs. Wiener. Motion carried unanimously.

Var. 32-90

8. Variance No. 32-90 - Joel Whitney, 127 Ocean View Road; to allow construction of a single family dwelling on a lot 98' wide at the building line, in lieu of 125' required. R-A District. Michael Clark, Architect, representing the Whitneys addressed the Council, recalling this variance was granted previously but construction was postponed and the variance had expired but now they would like to have the variance reapproved. Mr.Moore explained there has been a change in the Zoning Ordinance with regards to setbacks and angle vision and any prior approvals he may have had from the Architectural Commission would have to be reapproved also. Motion was made by Mrs. Wiener to approve Variance 32-90. Seconded by Mrs. Douthit. Mr. Moore asked if there could be a condition that the applicant not return and using the unusual shape and problems with the lot as areason for further zoning variances other than to build the new house. Mrs. Wiener and Mrs. Douthit accepted the condition to the motion. On roll call, the motion carried unanimously.

Spec.Excep. 4-90

9. Special Exception No. 4-90 with Variance - Leonard and Patricia Sousa, east of 1300 N. Ocean Blvd.; to allow construction of a beach house permissible under Section 4.10 of Town Code, but providing a six foot front yard setback in lieu of 10' required. "Beach Area District". Ed Sheehan, Architect addressed the Council for the Sousas, requested permission to apply to DNR to build the cabana and a variance from the setback off of N. Ocean which is ten feet and they would like to build it at six feet, the hardship being the narrowness of the lot.

Mr. Moore stated the site itself has been in controversy since the application was filed because the property has been completely cleared. He stated they had given him permission to remove four Australian Pines and they went way beyond that. He reported it has brought in the DNR and County's DERM as well as the Town's Code Enforcement Officer for removing the native vegetation and alededly destroying a turtle's nest with heavy equipment. He stated he could see no hardship for the variance and if the Council approves the Special Exception, the staff would recommend the conditions imposed by DERM and DNR be applicable and in place before the construction of a beach house. Mr. Sheehan advised the Council there was a permit obtained to clear the property across the street and on the beach andthey hoped to have one contract to clear both lots. Mr. Moore stated he signed a permit for a contractor, Charles Griffin to remove four pine trees. Mr. Sousa stated he hired a contractor to clear both lost and in clearing the ocean lot, the equipment fell over and it was a miracle the operator was not killed. Mr. Heeke stated the reason he went over is because he was close to the edge. Mr. Sousa showed the Council a permit received from the Public Works Department to clear land. Mr. Moore explained tha doesn't say anything about the beach side.

Mr. Moore stated there will be a meeting held with all the agencies on remedial action. Mr.

Heeke believed this application then should probably not be considered until after the meeting is held.

Mr. Sousa noted it was his contractor who made the error and he didn't view that as his responsibility. Mr. Heeke informed him it was his employee and it was his property. Mr. Sousa stated they should read the small print on the permit. Mr. Moore read: "Dune vegetation permit required per B. House, R. Moore okayed permit for issuance. Use flag man when on North Ocean Blvd. I have read, understood and accept form such and such $100 right of way violation charged for permit application." Mr. Moore stated it states a dune vegetation permit is required and he issued the permit for the Australian Pine removal as invader species. Mr. Sousa assumed his contractor assumed this was the permit and he has made a mistake and he didn't believe the Council should take this out on him personally. Mr. Heeke stated the Council did not select the contractor, Mr. Sousa did, and he felt this problem needs to be resolved before the zoning requests are approached andcalled for a motion to defer indefinitely and this come back to the Council after the meeting with DNR and DERM and Code Enforcement. Mr. Moore stated he could continue with the construction of the main house. He reported if the Council wanted this deferred indefinitely, does that mean they wish to have the applicant pay for the readvertising of this Special Exception? Mayor Marix suggested perhaps they would want to withdraw the application as she didn't like deferrals. Mr. Ransolph stated if they would turn it down and circumstances were differend, it should be stated that it can come back within the twelve month period as long as everything is worked out to the satisfaction of the Building Department. Mayor Marix stated she still would like to see it withdrawn as if there are zoning changes, they could say they were grandfathered in, if this was deferred. Mr. Sousa stated they are going to be here and would like it deferred. Mr. Moore believed they should have some resolution of this within thirty days and the State DNR would have the ultimate resolution of this problem. Mr. Sheehan requested the application be withdrawn. Mrs. Wiener moved the Council accept the withdrawal of Special Exception 4-90. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

10. Special Exception No. 5-90 - with Variance - Alex Brown & Sons, Inc., 450 Royal Palm Way; to allow occupancy of a stock brokerage firm, I.E., financial institution. A variance is requested from the required 36 off-street parking spaces; applicant proposes to provide 29 spaces. C-OPI District. Attorney David Shaw addressed the Council representing the landlord of the property at 440 and 450 Royal Palm Way, which are under a Unity of Title with certain restrictions in accordance with previous zoning approvals. He indicated this is for space at 450 Royal Palm Way now known as the Boston Bank Building. He stated the request is for a financial institution to occupy space in that building. He stated there is a variance requested for the parking required and the landlord will provide the seven missing spacesin a combination of ways. He stated one would be to realign certain spaces now existing in accordance with the Town Code to provide additional on site parking, and for those spaces that would remain needed, the owner will enter into a long-term lease coincident with the requested lease for this use for off-site parking so there will be 36 spaces provided. He stated the proposed use by Alex Brown would meet all the requirements of Section 6.40 and this tenant will be an excellent tenant and will be of a town-serving nature. Spec.Excep. 5-90

Mr. Alex Giacco of Alex Brown & Sons addressed the Council indicating he will be the manager of the Palm Beach office and has purchased a home on the island. He gave a history of his firm which is the oldest investment banking firm in the United States and they have 21 offices throughout the United States and London and their goal is to be of service and to establish mature investors. He stated they plan on being town-serving and already have 200 residents of Palm Beach as their clients.

Mrs. Wiener asked how many employees would they have? Mr. Giacco stated they will start with five sales people and perhaps five staff people and grow from there. Mrs. Wiener asked what would they propose to grow into? Mr. Giacco stated it would probably be 15 to 20 sales people and staff of about 10 to 15.

Mrs. Douthit asked if they would be able to prove themselves town-serving and this would have to be on an annual basis? Mr. Giacco explained they already have two hundred. Mr. Heeke asked what is the total number of clientele they project to have on their mailing list for the Palm Beach office? Mr. Giacco stated that is difficult to answer as it will depend on the style of their sales personnel as some sales people like to have twenty and some like to have one hundred, so it would depend on that.

Mr. Ilyinsky asked if they would be advertising from Ft. Lauderdale to Ft. Pierce? Mr. Giacco stated they rarely advertise and the word gets around by word of mouth.

Mrs. Douthit asked Mr. Moore to refresh her momory on the Unity of Title conditions for the two buildings. Mr. Moore stated the Police Department has concern with the number of spaces for the financial institution. He stated the staff comment from Building and Zoning is the hardship on the variance request is not identified. Also, the Town serving nature must be spelled out for the usage.

Attorney Shaw stated they will restripe the present parking lot and make additional parking spaces, and according to what that number is, they will enter into a long-term lease coincident with the lease of this tenant and make it a subject of his occupancy that there is off-site parking available at all times during the lease so that the number of total parking spaces are met as a requirement of the lease.

He stated as to the Town-serving requirement, for every new business in the Town, there is a problem as they create a track record, but annually, they will provide the documentation necessary and it is their opinion that fromthe moment they get in, they are Town-serving, in terms of existing and proposed customes.

Mrs. Wiener asked where the off-site parking is proposed to be? Mr. Shaw responded the landlord has made arrangements with the Society of Four Arts to have a cross-leasing agreement but it has not as yet been finalized. Mr. Moore stated he would have to check his records to determine where or not the Four Arts had any additional parking which was supplemental which would allow them to enter into such an agreement.

Mr. Moore stated he believed the Council should also determine whether or not the landlord, if this financial institution were to leave, was willing to return to the Town Council before any other financial institution could go into that space. Mr. Shaw stated they will agree to that provision.

Mr. Moore suggested this be deferred until he has an opportunity to investigate whether or not there is supplemental parking at the Four Arts. Mr. Shaw stated that was an example, not definitive, however, he felt if there was a lease for the spaces coincident with the lease, that should satisfy the Town. Mayor Marix asked if they had 29 spaces available? Mr. Shaw responded affirmatively. Mayor Marix asked why the Alex Brown people didn't rent less space to utilize those particular spaces. Mr. Moore indicated 29 spaces are available based upon the square footage requested, but financial institutions do require more spaces so the extra seven will proportionately come down but it still will be in excess.

Mrs. Wiener suggested they simply lease space somewhere else for the staff people or else they do not occupy the premises until they have the parking nailed down. Mr. Shaw stated that is what they prefer to do and do not mind if that was a condition. Mr. Moore stated we allowed Chase Bank to acquire parking spaces in West Palm Beach, so the precedent has been set to pick up extra parking.

Mr. Heeke asked if there could be an independent certification of the Palm Beach clients from their compluter list by an accountant? Mr. Gaccacio stated they would try. Mr. Shaw reported the computerf list list is a total list of all their clients and what they are saying is 200 people on that list have a 33480 address and that will be their client base, so they will start out with 100% Town serving. Mr. Moore stated that is adequate evidence to demonstrate Town serving, however, at the end of the first year, the customer list of the customers in the Palm Beach office would have to be audited by a CAP firm and the Town furnished an audited statement that more than 50% of those people being serviced from the Palm Beach office have the 33480 address. Mr. Shawl stated they will agree to that as a condition tothe granting of the Special Exception.

Mrs. Wiener felt an easy way to handle this is perhaps they could simply select their accounts and indicate the proper ratio of 33480 VA. others, with a statement to the effect they would be servicing no other accounts until such time as the Palm Beach part of it increases.

Mr. Randolph asked if they were saying that one hundred per cent of the clients they service from the Palm Beach office, as they begin, are Town of Palm Beach residents? Mr. Giaccio stated at this time there are no employees, except for himself, and what he is talking about is they in their existing business have over two hundred Palm Beach people as their clients and the reason they are coming here is to provide service to those people. Mr. Heeke asked if all of those 200 people will be customers of the Palm Beach Office? Mr. Giaccio stated he did not think so.

Mr. Heeke indicated they had a special exception request from another financial institution, a bank, who had a board of directors all made up of Palm Beach and they provided a list of their potential clients in order to prove they were Town-serving. Mr. Weinberg stated they were people who indicated that if the Bank was to go into business, they would become depositors of that bank. Mayor Marix thought they were pointing out they have 200 people who are clients already and if they are a client locally, they will probably continue to be such. Mr. Giaccio stated he will be providing service to all of the accounts they will have in their office, but a majority of them hopefully will be Palm Beach people, but to predict that will happen, he just didn't want to make that commitment. Mr. Shaw stated the sole intent of the Palm Beach office is to utilize the existing Palm Beach client list and to develop Palm Beach clients and there is no other reason they are interested in taking this space in Palm Beach.

Mr. Moore asked of the two hundred people they show as having 33480 addresses, how many of those would they actually service in this Town? Mr. Giaccio responded there are two ways to look at this service, one is that he is their representative and the other is they have a representative who will deal with him and they will provide the service. Mr. Moore stated the reason they have to deal with the Town-serving as there are many financial institutions who wish to have a Palm Beach mailing address, and the Town-serving method is the way the Town deals with that, but the question is their clients' home base and how many of those 200 will have their home base here - how many would they transfer here to make them home based? Mr. Giaccio responded what he is going to say will be supposition and not fact, as he doesn't know, but he believes it will be a majority of those people but he can't put a number on it. Mrs. Wiener asked how many of those Palm Beach clients has he been given to try and develop? Mr. Giaccio responded all but about ten or fifteen.

Mr. Moore asked if they intend to keep a 50-50 ratio or higher ratio when they have a firm client list? Mr. Giaccio stated they would like the ratio to be 85 or 90 per cent. Mr. Moore indicated that based on those answers the staff believes they have come a long way in meeting the intent of the Town-serving but at the end of the first year, an independent audit needs to be submitted that shows more than 50% do have the 33480 addresses.

Mr. Heeke asked if they could initially have a letter of intent in affidavit form, showing they had the 200? Mr. Moore believed a letter of intent from the institution would be ample for starters.

Mr. Heeke stated they would expect the certification from their accountant that the numbers are there and the affidavit will recite what he has said today about the 200 and obviously, they would not be paying the rent if they did not anticipate a good bit of business from this community. He believed they did not anticipate much walk-in business.

President Heeke handed the gavel to President Pro Tem Ilyinsky to chair the meeting and moved the Special Exception 5-90 be approved with the conditions that the landlord has agreed to a termination clause permitting Alex Brown & Sons to exit from the lease in the event they fail to qualify as Town-serving and they will enter into a lease providing sufficient parking spaces prior to taking occupancy in the building and the Special Exception with variance is unique to Alex Brown and in the event of their termination of the leasehold or substantial change in ownership, the Special Exception will be void. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Spec.Excep 6-90

11. Special Exception No. 6-90 - 337 Worth Associates, 332 Peruvian Ave.; to allow restaurant occupancy of 3,133 square feet gross leasable area thereby exceeding the 2000 square feet maximum allowed; to allow off-street parking within 500' of the restaurant as permitted by Special Exception per Section 6.20 (d) (1) - C-TS District. Deferred to July meeting.

Site Plan Review No. 1-90

12. Site Plan Review No. 1-90 - Palm Beach Country Club, Golf Course Maintenance Facility; to allow construction of a 2600 square foot addition to maintenance building. R-A District. Sidney Kohl addressed the Council for the Club explained the Site Plan Review, noting they wish to construct a 2600 sq ft addition to the maintenance building and it will not be visible from the roadway. Mr. Kohl indicated there is a fueling facility there now and the DNR has asked them to upgrade it which they will be doing at this time. Mr. Moore stated they would have to comply with the Town's ordinance on fuel cells and other than that, staff has no objection

to the request. He understood from meetings he has had with the Country Club people, they have not contemplated to make any improvement to the N.Ocean Blvd. area as they have not budgeted for that, however, in another budget year, consideration will be given by the Club's House Committee to clean up that area. He asked that they seek consideration to follow through with those plans, in conjunction with the overall Site Plan Review by Dec. 31, 1991. Mr. Rubicoff addressed the Council stating the area you are talking about stretches along the ocean about 1000 feet and he and Mr. Moore had a discussion on this last Fall and they do intend to bring the matter up to their Board next year and there will be some kind of improvement contemplated in that area in terms of clean-up and they will be glad to consider some improvement but of course he couldn't pre-judge what that will be, but he would like to cooperate as best they can. Mr. Heeke asked when their Board would meet to which Mr. Rubicoff responded the next board meeting will be November 3. Mr. Heeke asked if there was any way they could have a more firm commitment on this? Mr. Rubicoff felt the two issues were separate as thei is something that has existed there for a long time. Mr. Heeke stated this is a Site Plan discussion.

Mrs. Wiener noted there has been some work done along there this year and she wondered if they could put in some grass along the ocean way and could plant a few more trees as she didn't think these items were out of the question.

Mr. Crawford indicated they made provisions to put in an irrigation system and continue the sod down to the Martino wall and they are working on it. Mr. Kohl advised the trees were cut back but he has had complaints from some of the members that they can see into that parking lot, but it should grow back quite thick and if it doesn't they will plant additional trees. Mayor Marix stated she has had complaints about the people who park along that stretch and she believed that was a matter of safety and wondered if they could take further measures to ensure that this is used only by their own people.

Mr. Ilyinsky moved that application for Site Plan Review No. 1-90 be approved. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

President Heeke turned the gavel over to President Pro Tem Ilyinsky to chair the meeting.

13. Flood Insurance Variance No. 3-90 - The Sailfish Club of Florida, Inc., 1338 N. Lake Way to construct the replacement of the lower level floor of the pool deck adn cabanas, which is now at an elevation of of +5.1' NGVD at the same elevation in lieu of the required +7.5' as required. R-B District. Mr. Gerra of Schwab and Twitty, Architects, addressed the Council indicating they wish to refurbish the pool deck and lower level of the Club and replace it with much the sameand explained the existing elevation is at 5.1 and they would like to maintain that construction elevation. Mrs. Douthit did not think there was anything else they could do to which Mr. Moore agreed, indicating staff has no objection. Mayor Marix asked why it could not be built at the higher elevation? Mr. Moore responded if it was built at the higher elevation, the entire dining room section abutting the area would be precluded from being used as an access, and would make it virtually unusable. Mrs. Wiener moved the Flood Insurance No. 3-90 be granted with the standard Hold Harmless Agreement to be executed. Seconded by Mr. Weinberg. On roll call, the motion arried unanimously. (Mr. Heeke was out of the room). Var. 3-90

14. Flood Insurance Variance No. 4-90 - Mr. & Mrs. Michael Civitella, 272 Country Club Rd.; permission to renovate a small portion of an existing residence while retaining the existing floor elevation of 5.7' in lieu of 7.5' as required. R-B District. Michael Civitella addressed the Council indicating this is a very small addition. Mr. Moore stated staff has no objection. Mrs. Douthit moved Flood INsurance 4-90 be granted with the execution of the standard Hold Harmless Agreement. Seconded by Mr. Weinberg. Motion carried unanimously on roll call. (Mr. Heeke was out of the room). Var. 4-90

D. Other

1. Proposed Modification to Plat for Graham-Eckes Subdivision - Request for Town Manager to Execute Plat, Agreement to Construct Improvements in Subdivision and any Related Actions. Mr. Moore stated a memorandum has been sent to the Mayor and Town Council and staff has reviewed this and with the four conditions as stated in the memorandum, they would recommend final approval to the Subdivision. The conditions are:

1. Receipt of irrevocable letter of credit in the amount of 135% of the estimated construction cost, which will be verified by Mr. Bowser.
2. Receipt of the Subdivision fee as required under the Town Code - Section 20 - 8.
3. Execution of an agreement to construct required improvements in a timely manner.
4. Final review and approval of the language on the first page of the Plat and approval of agreement to construct improvements by the Town Attorney.

Mrs. Douthit moved the Graham Eckes Plat be approved with the conditions as read by Mr. Moore. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously. (Mr. Heeke was out of the room).

Mayor Marix asked whether or not the people who expressed their concerns about the removal of the trees along Cherry Lane had an opportunity to view the landscaping plans. Mr. Moore indicated he had a discussion which one of the complaintants on this. Mayor Marix knew there was another person and she thought it a matter of courtesy to keep them advised.

XII. C-6 - Var. No. 29-90 - Edwards Beauty Salon, 215 Sunset Avenue. President Heeke returned to the meeting and assumed the chair. Attorney Paul Prosperi representing Edwards Beauty Salon who utilize all of the second floor of the building at 215 Sunset and it has access from County Road and the only entrance off Sunset is 175' back from the property line, behind a parking lot and the entrance to the space is hidden. He stated a sign has been put out on a hinge and puts it out in the moring and brings it in at night. Mr. Prosperi felt it was a directional sign and not an advertising kind of sign and is barely visible from the street. He stated the hardship is the confusion and since it is so far back from the street, it shouldn't be a problem, and it is temporary and not permanently affixed. Var. 29-90

Mayor Marix felt it shouldn't be called a temporary sign as it really isn't that. Mr. Moore stated the difference here with regards to it being an access sign as it is across a parking lot and it is portable and it identifies when the shop is open and is not used as a means of advertising, but more of an identification sign. He felt in this particular case, it would be difficult to duplicate the conditions that exist for this application and staff has no objeciton as it does not defeat the intent of the Ordinance.

Mr. Heeke indicated the Town has been in litigation over a similar issue. Mayor Marix wondered if the parking lot would make any difference? Mr. Moore stated the attorney and the plaintiff in that litigation are the very same people who brought this sign to their attention. Mr. Randolph felt since that is the case, it potentially could be used in that case and they would have to be able to argue there are valid distinctions between this one and their case.

Mr. Heeke asked what the hardship was? Mr. Prosperi felt there was authority in the Ordinance for directional signs and there is a distinct difference here. Mr. Randolph did not believe this was a directional sign. Mrs. Wiener believed all the spaces in that parking lot were assigned spaces and it is not an open public area and this is the back of the building and everything that is there has a back entrance.

Mr. Prosperi stated it is a problem and people do wander around looking for the beauty salon. Mayor Marix asked if there was anyone else at these back stairs that were entrances for any other business. Mr. Prosperi explained there is a back entrance to Worrell's. Mayor Marix suggested a directory be placed there with Edwards on it and Worrell's on it, and then it would be a directory. Mrs. Wiener noted staff has no problem with this and she moved that Var. No. 29-90 be granted. Seconded by Mr. Ilyinsky.

Mrs. Wiener stated her reasons for making the motion was this is located at the back of a parking lot and is not on a thoroughfare; and it is a sign which is located there only during business hours; and it is to assist customers to know where the place is; and it is used as a form of directory and points out where the entrance is to the shop as there is an elevator there.

Mr. Prosperi wondered if he could have put a directory sign which could be on the first floor.

Mr. Randolph felt the Council still needed to act on the variance. Mr. Heeke called for the roll call. On roll call, the motion failed to carry with Mr. Heeke, Mrs. Douthit and Mr. Weinberg voting against the motion. (3-2).

Motion was made by Mrs. Wiener that permission for a directory sign be granted to Edwards Beauty Shop placed at the entry to the stairs. There was no second to the motion and it died for lack of seocnd.

Request for Waiver to Sect. 6-34

2. Request for Waiver to Section 6-34 (g) of Town Code Regarding 150' Limitation for Dock at 1480 N. Lake Way - By A. Paul Prosperi, Attorney. Mr. Prosperi addressed the Council for Mr. Leonard Schneider, 1480 N. Lake Way and his client has received permits from the State of Florida, the DNR and DER and the Palm Beach County and from the Town to build a dock and when he applied for the permit, he was granted the permit for a 200' dock and there is a moratorium by the Town Council on waivers firm the 150' dock imitation so his client stopped building the dock at 150'. He stated his problem is that his property is located in a cove and needs to run 50' to get even with the starting point of his neighbor. He stated his client would like a waiver since he is in a cove; and where the dock now ends, there are seagrasses underneath where his boat will be moored and if he could extend it 35 to 50', he could get away from the seagrasses and third, because he is in the code and because the neighboring docks extend further westward into the Lake, it will not be visually obtrusive compared to the other docks and it would be a safer situation as they have to weave in and out because of the other docks.

Mr. Moore stated there is a moratorium on docks at this time as a result of the new restrictions which require three feet at lot tide in order for a boat to pass safely and that puts the Town's residents in an awkward position and puts Council and staff also into an awkward position as we have a 150' restriction. He stated the Town in the Comprehensive Plan has agreed to study the lake bottom by the year 1994, but because of the Dr. Spector situation and the moratorium on the extensions beyond 150, the Town staff moved up that study and will do it next year and come back to the Council with a recommendation to either move the bulkhead line or leave it alone or move it substantially further out. He stated on this request it is staff's recommendation this not be granted as there would be others although he does recognize this application does have a uniqueness to it, and he does not encourage the Council to grant this waiver.

Mrs. Douthit moved the moratorium be continued and this waiver by Mr. Prosperi for his client, Mr. Schneider be denied. President Heeke handed the gavel to President Pro Tem Ilyinsky to chair the meeting and seconded the motion.

Mr. Prosperi reminded the Council that when there was a moratorium previously on building permits, there were waivers granted and it did not offend the sense of the purpose of the moratorium; and there was a moratorium on the demolition of houses, there were waivers granted to that also, so the notion of the moratorium was to stop the continuance of an area which has been identified to be a problem while the Town considered it, and not to act as a blanket prohibition. He felt if the neighbors dock on both sides go out further than yours, you are not contributing to any problem, but in fact may be creating a safety hazard by having the dock further landward than theirs, as the docks are close together.

Mrs. Wiener asked Mr. Ilyinsky his opinion on this, and he stated it was his understanding that there would be an opportunity for waiver and they would talk about the docks on an individual basis. He recalled the Council granted Dr. Spector his waiver, since he was in a Catch 22 situation, so there is a difference here. Mr. Moore asked what was DNR's reason to go to 200 feet? Mr. Prosperi responded it was because of the seagrasses. Mr. Moore stated that was the problem that Dr. Spector had since he couldn't get the three feet. Mr. Moore stated DNR is requiring them to go further because of the seagrasses so it is similar. Mrs. Douthit stated he does have the mandatory three feet already at the 150 feet Mr. Prosperi stated the hardship would come from the cove and the fact that it is a navigational hazard due to the other docks being further extended.

On roll call, the motion carried 4-1 with Mr. Ilyinsky voting against the motion.

XIII. COMMUNICATIONS FROM CITIZENS -

Communications from Citizens

A. Mr. Winterfield addressed the Council on State Contracts noting that this was cited as a reason for selecting a new copy machine, and he wished to point out they don't always do the best with a state contract, particularly in the field of consumer electronics as there is enormous competition.

B. Mr. Winterfield addressed the question of Town-serving, noting there were a number of statements made today on this subject with the Alex Brown Special Exception, he wished to point out the community to the south also shares the 33480 zip code; therefore, it is not careful thinking to say 33480, but is conceivable that none of the residents with that zip code could be residents of this municipality. He believed the concept of "home-base" was first discussed today and he believed it made no sense since if one person who lives in Seattle stays at the Breakers for one night, he is by definition a Town-person and if he owns a house and spends time here and still deals primarily with the Seattle office but occasionally deals with the Palm Beach office when he is in Town, he is in the Town, he is a Town-person and should be counted as such.

C. Mrs. Betty Bryant asked if Mr. Dusey came back with the figures on the trees for North County Road. Mr. Heeke advised this was considered right after lunch and they authorized up to $35,000 to purchase trees and come back with a further study on the trimming. Mrs. Bryant wondered if it might not be better to remove all ov the trees and trimming them properly right from the beginning as they haven't looked right for the last 12 or 15 years. Mayor Marix stated she would like to have a tree expert come and look at them and tell us whether or not if they were properly trimmed, could they ever regain their beauty.

D. Mrs. Betty Bryant recalled earlier in the meeting there was a remark made that they needed to be considerate of their constituents and she knows there are many elderly people in this Town who are confused and nervous about what to do about a hurricane. She knew many have weathered previous hurricanes well and feel very stubborn about leaving their homes if there was a hurricane. She suggested they get someone who is trustworthy who could give the proper answers to these questions and then the citizens would know how mandatory it is for them to leave and what preparations they should take. Mayor Marix felt a question and answer session should be had and there should be had and there should be lots of public information available. Mrs. Wiener suggested it be a workshop session and it could make everyone fully available of the complications that have arisen since the previous hurricanes and other factors which now come into play. Mayor Marix felt they needed to pick a date and get publicity out so people are aware of the fact there will be such a meeting. Mr. Heeke believed there were materials available and perhaps some of those people who went through Hugo might be able to be in attendance. Mr. Heeke suggested staff look into a workable time frame in which this can be put together and it should be reasonably soon, so the need for evacuation can be discussed very thoroughly.

E. COPIES OF INFORMATIONAL ITEMS. President Heeke suggested that they all receive packets of material all through the month and especially at meeting gime, and he wondered if one packet could be prepared and left on the desk, and a sheet of paper placed in their bin, indicating the back-up is on the desk. Mrs. Wiener stated she was not in favor of that idea as she liked to take the information home and read it. Mayor Marix felt there was an inordinate amount of paper copied. She recalled there used to be a Reading File which they could peruse and perhaps they could get rid of some of it but the things that need to be studied, perhaps they could have their own copies.

F. EXHIBITS. Mayor Marix stated she knew she has addressed this matter many times, but she wished there would be some way that they could require those making presentations to have exhibits which are clear renderings. She stated a lot of the material presented is unreadable for her and the Council and impossible for the audience to see on the screen. She thought they should make it a strict requirement that material must be produced that can be seen clearly by all. Mr. Heeke asked Mr. Moore to check into whether or not this is a reasonable request and whether there were any due process problems and he should coordinate this with the Town attorney. Mr. Moore stated another problem would be what is minor and what is major as they all have to be treated the same. Mayor Marix felt on the other hand, they could probably get into trouble if the public doesn't have a clear picture on what they are basing their decisions on in these matters.

G. SPECIAL TOWN COUNCIL MEETING: Motion was made by Mr. Weinberg, seconded by Mr. Ilyinsky to set the time for the Special Town Council Meeting to set the tentative millage rate at 9 AM on August 3, 1990. On roll call the motion carried unanimously.

H. COMMITTEE MEETING TIMES: Mr. Weinberg suggested an experiment be tried with meetings and they try breakfast meetings.

XV. ADJOURNMENT. Meeting was adjourned at 6:20 PM. — Adjournment

Grace T. Peters, Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING HELD ON
JULY 10, 1990

I. CALL TO ORDER AND ROLL CALL; The monthly meeting of the Town Council was called to order by President Heeke at 9:30 AM on July 10, 1990 in the Town Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, Councilwoman Douthit, Councilwoman Wiener and Councilman Weinberg. (Mr. Ilyinsky was not in attendance.) Also attending for all or portions of the meeting were Town Manager Doney, Town Attorney Randolph, Administrative Assistant to the Town Manager Jakubiak, Town Clerk Peters, Mr. McPhail, Mr. Dusey, Mr. Zimmerman, Chief Frazier, Chief Terlizzese, Mr. Bowser, Mr. Crouse and Mr. Wandell. — Roll Call

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by President Heeke. Pledge of Allegiance was led by the Town Manager. — Invocation

III. APPROVAL OF MINUTES OF MAY 8, AND JUNE 25, 1990. Mrs. Wiener moved the minutes of May 8, 1990 be approved with a correction on page 10, where Mr. Dusey responded to Mr. Heeke in the fifth paragraph and on page 32, the last sentence in the first paragraph should read: "... this was a problem that was not unique to government...". Seconded by Mr. Weinberg. On roll call, the motion carried unanimously. — Appr. of Minutes

Motion was made by Mr. Weinberg to approve the minutes of June 25, 1990. Mr. Heeke turned the chairing of the meeting over to Mrs. Wiener and seconded the motion. On roll call, the motion carried unanimously.

IV. APPROVAL OF AGENDA. On motion of Mrs. Douthit, seconded by Mr. Weinberg, the agenda was approved with Item X B-9, Variance No. 37-90, the Town of Palm Beach, deferred until the August Town Council Meeting. On roll call, the motion carried (3-1) with Mrs. Wiener voting against the motion, stating she felt since there was no other police facility in the Town, she didn't think this would set a precedent and she would have liked to see this discussed. — Appr. of Agenda

Mr. Doney reported there was a letter from Mr. Broberg asking for deferral for one month on X B 3, Special Exception No. 6-90. He indicated this matter was deferred from June to July and this is a second request. Mr. Heeke called for public comments and there were none. Mrs. Douthit thought it should be deferred until we have some answers to the questions we have. Mr. Zimmerman suggested they wait until later in the meeting as Mr. Broberg will be here on another matter. Mayor Marix recalled the attorneys who wish to have an item deferred should be here for this part of the meeting when the agenda is approved. Mr. Heeke indicated this will be left on the agenda until we can raise the issue with Mr. Broberg later and we could put further conditions on the deferral. Mrs. Douthit moved the agenda be approved as amended. Seconded by Mr. Wiener. On roll call, the motion carried unanimously.

V. COMMENTS OF THE MAYOR: Mayor Marix asked if there could be another matter discussed under "Any Other Matters" as she has received a request from an organization called "The Silver Platter" which she needed to discuss. Mr. Heeke agreed to hear this under "Any Other Matters". — Comments of the Mayor

Mayor Marix stated how pleased she was with the turnout at the Hurricane Informational meeting and she has written a Letter to the Editor as there were many items which were not brought up at that meeting which she felt the public needed to know about.

Mayor Marix stated she hoped the Council would be in receipt of an update from Chief Elmore on the matter of charging for medical emergency transports. She felt the people were paying for this twice, once through their insurance premiums and secondly, through their taxes and she was hopeful some of these monies could be recouped.

Mayor Marix reported the raccoon problem is back in the north end of Town and Mr. Jakubiak is doing some research on this and will have a report on whether they can be trapped and by whom, as there are now some rabid ones. Mr. Jakubiak indicated he has been in contact with trappers and trying to get their figures as to what they would charge. He stated if one is trapped, it must be put to sleep at the location and they must be disposed of properly according to the State Statutes.

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

LAST NAME—FIRST NAME—MIDDLE NAME HEEKE BERNARD A	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council
MAILING ADDRESS 124 Seabreeze Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY Palm Beach Fl PB	NAME OF POLITICAL SUBDIVISION: Town of Palm BEACH
DATE ON WHICH VOTE OCCURRED 6-12-90	MY POSITION IS: X ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Bernard C. Heale, hereby disclose that on 6-12, 1990:

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

____ inured to my special private gain; or

X inured to the special gain of Wilmer Thomas, by whom I am retained.

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

Mr Thomas is represented by my law firm on certain matters.

6-12-90
Date Filed

Bernard C. Heale
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $5,000.