Company. Mr. Ilyinsky made a motion to make the designation report a part of the record. Seconded by Mrs. Douthit, motion carried.

Mr. Weinberg asked Mr. Sved what was the historical criteria used in determining the designation of property in Palm Beach? Mr. Sved said that outside of the architectural realm they took into consideration the people who occupy the homes. Mr. Weinberg wanted to know what made some people historical. Mr. Sved said he believed that people who were of interest to the public were considered to be of historical interest. Mr. Weinberg then asked if King Hussein, the President of General Motors and a person who owns a paper company would be of historical value. Mr. Sved said he did believe all those people would be of historical interest. Mr. Weinberg said he was concerned as to what made some people historical and others not historical. Mr. Sved said he believed that if the public had an interest in something that it then becomes an historical item.

Mrs. Wiener said she felt that they were getting to the point of determining with people the same fine line which defines the difference between collectibles and antiques. She said that in her opinion every president of every organization was not a historical figure.

Mr. Sved said that when they list owners of the houses they are not necessarity saying that each owner of the house is significant in their own right, but he did feel that the owners of the houses do reflect the history of the ups and downs of the property.

Mr. Randolph read Resolution No. 22-91 by title.

Res. 22-91

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS 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 DESIGNATE SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THECODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Mrs. Douthit made a motion, based on the criteria of "C" and "D" that the landmarking of 134 El Vedado be approved. Seconded by Mr. Ilyinsky, motion carried.

Res. 27-91

B. Landmark Designation for 91 Middle Road - Consideration of Resolution No. 27-91. Mr. Frank said this property was designed by Addison Mizner and was originally known as "Audita" and they felt that the property at 91 Middle Road met the criteria C and D for designation by the Town. Mr. Frank explained the criteria for 91 Middle Road is:

C. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period and style, method of construction, or use of indigenous materials or craftsmanship.

D. Is representative of the notable works of one or more master builders, designers or architects, whose individual ability has been recognized to have influenced their age.

Mr. Frank asked Mr. Sved to describe the property at 91 Middle Road.

Mr. Sved said the house was designed in 1921 by Addison Mizner and is of the Mediterranean Revival style. He said the house was designed for Alfred G. Kay. The house originally had a South Ocean Address but this was changed in 1954 when the entrance was moved to Middle Road, but the Ocean front side of the house had remained virtually unchanged. He said that in some cases other architects have come in and continued the Mizner line by adding Italian renaissance to the property, and Marion Sims Wyeth had done this at 91 Middle Road. Mr. Sved said that originally they had submitted the property from Middle Road to South Ocean Blvd. to be landmarked, however, they were submitting approximately half the property which contains the house for landmarking.

Mrs. Douthit said that only the roof of the house is visible from Ocean Blvd. and there was no public view from Middle Road. She said that Mrs. Hanley was vehemently against landmarking the property. Mrs. Douthit moved that 91 Middle Road not be landmarked. Seconded by Mrs. Wiener.

Mr. Heeke said he felt there should be some discussion on the matter of landmarking 91 Middle Road.

Mr. Lynch of Baugher, Mettler and Shelton who represents Mrs. Hanley in this matter said she is indeed vehemently opposed to the designation of 91 Middle Road. He asked what was it that made that property so significant as a Mizner property, or Wyeth property or a combination of the two? He said that the Winn house is also a combination of the two architects and is not worthy of designation, and he did not see the value in landmarking this property. He said there were at least three references to the interior of the house indicating that it was not suitable for landmarking. Mr. Lynch said that Mrs. Hanley is interested in selling the property and they were concerned about being able to market the property effectively. He also felt that the invisibility of the property is very significant, and the visibility of the property from Ocean Blvd. was very important.

Mr. Lynch said he had received a publication from the Preservation Foundation and in connection with the subdivision of Mar-A-Lago one of the concerns was the view lines from the main house and there was virtually no view line to the main house either from Ocean Blvd. or Middle Road.

Mr. Lynch said they had Professor Susan Tate from the University of Florida review the alterations which were made in 1954 and whe deemed that the alterations detracted from the original house. He said there was obviously a conflict between the experts, but he felt that the Town had not addressed how the alterations affect the property. Mr. Lynch said that the criteria for landmarking were that it embodies the distinguishing characteristic of an architectural type. Mr. Lynch said he had heard none. He said that another criteria is that the property is a specimen and inherently valuable for study, and that had not been presented. Mr. Lynch said that they had a problem with the part of the criteria which states that the property is representative of a notable work of a master architect whose individual ability has recognized or influenced his age. Mr. Lynch said they did not have that criteria here because there were two individual architects involved, in this matter, and they considered the moving of the entrance to the house from Ocean Blvd. to Middle Road to be significant. Mr. Lynch said that neither he or Mrs. Hanley would dispute that this was a beautiful ocean front lot but that alone is not enough to make the property worthy of landmarking.

Mr. Heeke called for other comments and Mrs. Volk was administered the oath by Attorney Randolph. She addressed the Council, stating that when Professor Tate addressed the Landmark Preservation Commission they found out that Professor Tate knew very little about the building which has been going on in Palm Beach in the past 60 years. She said there were very few houses houses in the Town which had not been changed in some manner, and part of the understanding of historical preservation in this area is the kinds of changes which have been done. Mrs. Volk said that if they were done by architects who knew what they were doing then there was no question as to the beauty of the change and Mr. Wyeth certainly knew what he was doing, and some day someone might want to restore the house and open the original entrance to the ocean. She said that the Mizner facade was still there and was still beautiful.

Mr. Heeke said he would like to comment on two of the points made by Mr. Lynch, and these were strictly personal observations. He said that one was whether landmarking enhances or detracts from the value of the property. He said studies have indicated that landmarking does enhance the value of the property, but these are opinions. Mr. Heeke said that if landmarking is denied now it would because it does not merit landmarking and not because the owner objects to the landmarking. Mr. Heeke said that whatever decision is reached today is irrevocable.

Mayor Marix asked how many homes could be built on the property at 91 Middle Road? Mr. Heeke said he was not sure that was germane to whether or not the property should be landmarked.

Mr. Ilyinsky said they are a Council who serves the individual person and he felt the Mayor's question was germane, and if Mrs. Hanley is contemplating tearing down the house then it beocmes an entirely different situation. He said if the house is landmarked then the house belongs to Palm Beach.

Mr. Lynch said at most they could only put one more house on the property. He said Mrs. Hanley had no intentions of tearing down the house but since the house is up for sale they wished to keep open as many options as possible.

Mrs. Wiener said that just because the owner of a property is against landmarking is not a reason to deny the landmarking. She said there had been many residents who were dead set against landmarking their property, but after sitting down with the Landmarks Preservation Commission and talking with them, they understand what the landmarking of their property means. Mrs. Wiener said she felt there were a number of problems with what they were doing and that the photo which Mrs. Douthit objected to was one example. She said that when they do something they have to do it correctly, honorably and straight out, and pertaining to Mr. Weinberg's discussion, she felt there should be a fine tuning of what constitutes a historical personage. Mrs. Wiener said that Mr. Heeke's concern that if the property at 91 Middle Road is not landmarked today it would not be landmarked sometime in the future is not necessarily true. She said Mrs. Volk's statement to the fact that if someone purchased the house in the future and retrieved some of the features which have disappeared that perhaps it could be landmarked sometime in the future.

Mr. Lynch said that they did not base their objection to the landmarking entirely on the fact that Mrs. Hanley is opposed to the landmarking. He said that there were a number of points set out in the memorandum on which the Council could base their denial.

Mrs. Wiener wondered if landmarking increased the value of a home and that home was on the market, why would anyone object to the house becoming a landmark.

Mr. Heeke said he thought that the original owners Mr. & Mrs. Kay had brought the first seeing eye dogs from Switzerland. Mr. Lynch said the Town staff did not consider the historical nature of Mr. & Mrs. Kayto be of significant value.

Mr. Heeke said there had not been a motion to accept the designation report on 91 Middle Road into the record, and asked if Mrs. Douthit and Mrs. Wiener would temporarily withdraw their motion to deny landmarking so they could vote on the acceptance of the designation report. Motion was withdrawn.

Mr. Randolph read Resolution No. 27-91 by title.

> A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND DOES HEREBY DESIGNATE SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Mrs. Wiener made a motion to make the designation report part of the record. Seconded by Mrs. Douthit. Motion carried on roll call.

Mrs. Douthit made a motion to deny the Landmarks request for designation of the property at 91 Middle Road. Seconded by Mrs. Wiener. On roll call the motion failed by a 3 to 2 vote with negative votes cast by Mr. Heeke, Mr. Ilyinsky and Mr. Weinberg.

Mr. Ilyinsky said he hoped that Mrs. Hanley understood that the Council did not wish to devaluate her property but he said the mention of developer frightened him and brought to mind very negative images. Mr. Lynch said no one had made an offer on the property as yet.

Mr. Heeke said he was impressed with Mrs. Volk's comment regarding the fact that Dr. Tate did not really have a first hand experience in South Florida building and what takes place here. He said he realized that Dr. Tate was an expert in her own area, but when judging reports and opinions these facts should be taken into consideration.

Mr. Weinberg said when he read the report on the property at 91 Middle Road he made some notes, one of which was that the property was not pure Mizner design, it has been subjected to much architectural surgery and reconstructions including many redesigns and changes. He said he felt very strongly about those changes but after hearing the comments of Mrs. Volk he had changed his mind and that left him in a sort of plus and minus circumstance, and for that reason he voted against denying the landmarking of 91 Middle Road.

Mr. Heeke passed the gavel to Mr. Weinberg, and made a motion that the property at 91 Middle Road be landmarked meeting criteria C and D, and that Resolution No. 27-91 be adopted. Seconded by Mr. Ilyinsky, motion carried on roll call, by a 3 to 2 vote with Mrs. Wiener and Mrs. Douthit casting negative votes.

C. Landmark Designation for 25 Middle Road - Consideration of Resolution No. 28-91. Mr. Moore said he had contacted Mr. Mason and he has asked that consideration of this matter be postponed until the July 9th 1991 Council meeting. Res. 28-91 postponed

Mrs. Wiener made a motion that the landmark designation for 25 Middle Road be postponed to the July 9th Town Council meeting if a letter is received from the owner by 5:00PM on June 11, 1991. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Mr. Heeke declared a conflict of interest on the designation of 150 Bradley Place.

D. Landmark Designation for 150 Bradley Place - Consideration of Resolution No. 29-91. Mr. Frank Res.29-91 said the property at 150 Bradley is known as the Biltmore Hotel and meets the criteria for landmarking. He said the owner of the Biltmore requested that only the exterior of the building be considered for designation and the Board of Directors of the Condominium Association is in agreement with the landmarking of the Biltmore Hotel and this is a voluntary landmarking.

Res. 29-91

Mr. Frank explained the criteria for 150 Bradley Place.

A. Exemplifies and reflects the broad cultural, political, economic or social history of the nation, state, county or Town.

C. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period and style, method of construction, or use of indigenous materials or craftsmanship. Mr. Frank asked Mr. Sved to describe the property at 150 Bradley Place.

Mr. Sved said the Biltmore was built in 1925 and was originally known as the Alba Hotel and was designed by Allen DeYoung of New York City and Pedro Nuguruza who was from Madrid. He said the Biltmore was a very traditional design known as the Villa Medici form which consists of two towers with a long expanse in the center which is a very popular style for hotels.

Mr. Sved said that in 1943 architect John Volk and his organization converted the hotel into a Women's Coast Guard Auxiliary structure. In 2977 Gene Lawrence's Architectural Firm was commissioned to convert the hotel into condominiums. He said that most of the building has been restored virtually to its original form.

Mr. Randolph read Resolution No. 29-91 by title.

A RESOLUTION OF THEMAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LAND MARKS PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS 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 DESIGNATE SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Motion was made by Mrs. Wiener to make theDesignation Report dated 3-15-91 for 150 Bradley Place a part of the record. Second by Mr. Weinberg. On roll call, the motion carried.

Motion was made by Mrs. Wiener to accept the recommendation of the Landmarks Preservation Commission and adopt Resolution No. 29-91 which creates a Landmark Designation of 150 Bradley Place under criteria A and C. Seconded by Mr. Weinberg. On roll call, the motion carried.

Abandonments
Res. 35-91

Abandonments

E. Request for Abandonment and Re-Dedication of Storm Drainage Easement by Edith W. Sharples at 185 Woodbridge Road - Consideration of Resolution No. 35-91.

Attorney Robert Graham of the Gunster Yoakley & Stewart firm spoke on behalf of the estate of Edith Sharples. He said the petition is for an easement which is located under the house. Attorney Graham said they wished to upgrade the easement and move it to the north of the house and it will be entirely underground.

Mr. Doney reported that the petition for easement had been advertised in the newspaper and the proof of publication has been submitted for the record.

Mr. Randolph read Resolution NO. 35-91 by title.

A RESOLUTION OF THE TOWN COUNCIL OF THETOWN OF PALM BEACH PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING A THREE FOOT SEWER EASEMENT, A FIVE FOOT PUBLIC UTILITY EASEMENT, AND AN UNRECORDED EASEMENT FOR DRAINAGE ON PROPERTY LOCATED AT 185 WOODBRIDGE ROAD, PALM BEACH, FLORIDA; AND DEDICATING A NEW FIVE FOOT DRAINAGE EASEMENT ON PROPERTY LOCATED AT 185 WOODBRIDGE ROAD, PALM BEACH, FLORIDA.

Mr. Ilyinsky made a motion that Resolution NO. 35-91 be adopted. Seconded by Mrs. Douthit, motion carried unanimously.

F. Request for Abandonment and Re-Dedication of Storm Drainage Easement by William E. and Clementina S. Flaherty at 315 Chapel Hill Road - Consideration of Resolution No. 36-91.

Res.36-91

Mr. Randolph read Resolution No. 36-91 by title.

A RESOLTUION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA VACATING AND ABANDONING A TEN FOOT DRAINAGE EASEMENT ON PROPERTY LOCATED AT 315 CHAPEL HILL ROAD, PALM BEACH, FLORIDA, AND DEDICATING A NEW DRAINAGE EASEMENT ON PROPERTY LOCATED AT 315 CHAPEL HILL ROAD, PALM BEACH FLORIDA.

Mr. Ilyinsky made a motion that Resolution No. 36-91 be adopted. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

VII. LICENSES AND PERMITS

A. Charitable Solicitations

Licenses &
Permits

1. American Cancer Society - No. 19-92
2. The Arthritis Foundation - No. 87-92
3. International Society of Palm Beach - No. 232-92
4. International Game Fish Assocaition, Inc. No. 235-92.
5. Hope House of the Palm Beaches, Inc. - No. 297-91.

Ms. Reedy said that staff recommended approval of the Charitable Solicitation applications.

Mrs. Douthit made a motion to approve the Charitable Solicitation applications. Seconded by Mrs. Wiener. On roll call, the motion carried.

Mr. Heeke said there was one comment he wished to make to members of the Council. He said he had been told by a local realtor of being approached by a Catering Service inquiring if there were any homes which could be rented on weekends for parties, meaning fund raisers. He said he just wanted to pass that information on to the members of the Council.

Mayor Marix said she believed there were restrictions as to how frequently a private home can be rented, and asked if it was every six months? Mr. Heeke said that was correct that one event per year could be held in any one private home.

VIII. COMMITTEE REPORTS

A. REPORT OF THE FINANCE & TAXATION COMMITTEE OR THEIR MEETINS HELD ON MAY 30, & MAY 31, 1991.

Report of Finance & Taxation Committee

I. CALL TO ORDER AND ROLL CALL: A meeting of the Finance & Taxation Committee was called to order by the Chairman Bernard A. Heeke on May 30, 1991 at 9:30 AM in the Town Hall Council Chambers. On roll call, Mr. Heeke and Mrs. Douthit, Committee members were found to be in attendance. Also attending were Mayor Marix, Councilwoman Wiener and Councilman Weinberg. Staff members attending were: Town Manager Doney and Director of Finance McPhail, and for portions of the meetings, Messrs. Jakubiak and Elwell and Department Heads with their staff members.

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

III. FY-92 PROPOSED BUDGET

A. Overview - Comments by Town Manager and Finance Director: Comments were received from Mr. Doney and Mr. McPhail, who explained there is no general pay increase provided at this time in the salary figures before the Committee.

Mr. McPhail explained due to a State Law change, all equipment under $500 is not shown as a Capital Outlay. He indicated the "revised" preliminary General Fund budget is approximately 4.7% higher than the current year's adjusted budget, (includes encumbrances) approximately 7.9% higher than the current year's adopted budget. He stated the preliminary General Fund budget is $28,444,598 and some of the major items of increase are:

Regular salaries..........................	$348,448 (3.1%)
Retirement increase	$986,070 (65%)
Sewage Treatment Fee......................	$ 60,000 (7%)
External Vehicle Maintenance..............	$102,000 (126%)
Add multi-family units to recycling program................................	$100,000

The reported decreases are:

Telephone Base Charges....................	$ 48,000

B. FIRE-RESCUE DEPARTMENT: Chief Elmore presented his Department's budget and was requested to reduce it by $90,000 the amount requested to enclose the pumper cabs to meet NFPA standards. Chief Elmore explained he is contemplating receiving some donation monies from an estate. Chief Elmore explained sues, subscriptions, and office supplies for the total Department have not been increased at all, but they have adjusted from one program to to another. He indicated approximately 89% is made up of personnel costs and the remainder is to keep the stations and the equipment running efficiently and his budget for this year has increased by approximately 3.2%. Mr. Doney noted there will probably be a request next year for the replacement of the twenty year old aerial platform fire equipment. THE COMMITTEE RECOMMENDS the donation monies be used to offset the line items which are contemplated as increases.

C. FINANCE DEPARTMENT: Mr. McPhail presented his Department's Budget, noting his Department is composed of four areas: Financial Management; Auditing; Budgeting; and Purchasing. He indicated the main increase in his budget is due to the increase in insurance costs.

D. TOWN CLERK'S OFFICE: Mrs. Peters presented her Department's budget, noting the main increases are in the insurance line items.

E. TOWN MANAGER'S OFFICE: Mr. Doney presented his budget addressing the Annual Report, which is by Town Charter to be submitted to the Mayor and Council and made available to the public. Mayor Marix stated her dissatisfaction with the Annual Report which was done last year and she would like to see it done more conservatively and less costly. THE COMMITTEE RECOMMENDED the cost be pared back on this item, perhaps by reducing the number of pages, but it be left in the budget and continue with the Annual Report as an insert in the local newspaper.

Mr. Doney discussed the Donations Guide line item and it is the COMMITTEE'S RECOMMENDATION $3500 be eliminated from the budget for this particular line item.

Mr. Doney discussed the Town Manager's Office noting it is up eight per cent for his department, mainly due to the insurance line items.

DATA PROCESSING: Mr. Robert Myers advised this is the last year of the three (3) year program to acquire the computer system. He explained his budget is down one per cent over last year.

F. PERSONNEL DEPARTMENT:

Comments were received from Mr. Louis Pryor on the pay-for-performance program.

Mr. Crouse reported on the large increase requested to fund the health insurance costs for the Town. He indicated his Department is looking at several methods of reducing this cost, one being the possibility of having a PPO (Preferred Provider Organization) which could be a successful program to reduce health costs. He explained his Department's budget noting the increases are due to adding additional hours for the Town's physician; also the Employee Event category has been increased by $2800; and there is a request for an Audio meter for the Town Clinic. Mr. Crouse explained the Employee Training has been increased noting they haven't done any training this year due to time constraints. THE COMMITTEE RECOMMENDS LINE ITEM 34-15, EMPLOYEE TRAINING BE REDUCED TO $3200.

Mayor Marix asked if the idea she had to share a Risk Manager with another municipality had ever been explored? Mr. McPhail responded it was looked into, however, it was not pursued, as the workload and the duties and responsibilities of the Risk Manager warrant a full-time position.

G. PLANNING, BUILDING & ZONING DEPARTMENT: Mr. Moore gave his budget overview, noting his Department's total budget is lower than last year's budget. He noted the funding source is primarily through user's fees. He advised before submitting his budget to Mr. Doney, he had postponed or cut out expenditures of approximately $58,000.

Mayor Marix asked if the services of the consultants, Adley, Brisson and Engman could be reduced somewhat in any way, to which Mr. Moore responded there are always new items which need to be studied as far as the zoning and planning are concerned; and additionally, they are involved in the implementation of the Comprehensive Plan. He noted over the next five years, there are various time schedules to be met on the Comprehensive Plan and it is a costly process.

Report of Finance & Taxation C[redacted]ittee

H. RECREATION DEPARTMENT: Mr. Bitzer gave an overview of his department's budget, noting that his proposed budget has increased by one per cent. He said that if it were not for insurance increases his FY-92 budget would be three per cent less than his FY-91 budget.

PAR 3 GOLF COURSE: Mr. Bitzner noted the proposal is a seven per cent increase due to the insurance increases and there will be an increase of approximately $47,000 in revenue.

Mr. Bitzer requested a part-time clerk be hired for the tennis courts, which would be paid for through collecting additional revenue.

Comments of Mr. Broberg were received who requested the Council's reconsideration of the lighting of the additional two tennis courts. He suggested the annual family fee for tennis should not be raised.

Mr. Bitzer indicated the staff recommends a five per cent increase in all annual and semi-annual fees, however, he would withdraw his recommendation to increase the resident family permit fee and leave it at $395.00, to which the COMMITTEE AGREED.

Mr. Bitzer reocmmended the following increases for the Recreation Department Fee schedules:

	Existing	Proposed
Tennis:		
Annual Res. Adult	$160	$170
Annual Res. Junior	$ 80	$ 85
Annual Non-Res. Adult	$315	$330
Annual Non-Res. Junior	$160	$165
Semi-Annual Res. Adult	$ 80	$ 85
Semi-Annual Res. Family	$197	$207
Semi-Annual Non-Res. Adult	None	$165
Semi-Annual Non-Res. Junior	None	$ 82
Recreation Department:		
Non-Resident first to fifth grade after school program per month	$ 50	$ 60
Resident - sixth to ninth grade after school program.	None	$ 15
Non-resident - Sixth to ninth grade after school program	None	$ 30
Facility Rentals (per hour - $40.00 minimum)		
Meeting Room	$ 20	$ 25
Auditorium	$ 35	$ 40
Gameroom	$ 20	$ 25

PAR 3 GOLF COURSE:

The Golf Commission and Mr. Dytrych recommended:

	Existing	Proposed
Winter Rates (November 1, 1991 to April 30, 1992):		
Annual Single Permit	$500	$700
Annual Double Permit	$750	$1000
Resident Green Fee	$12.50	$13.50
NON Resident Green Fee	$14.50	$15.50
Riding Cart	$14.50	$15.50
Resident 12 play ticket	$125	$135
Nonresident 12 play ticket	$145	$155
Range	$ 3.50	$ 3.75
One Half Hour Lesson	$ 25	$28.75

Mr. Dytrych explained the Town Council usually approves the rates for the Par 3 Golf Course at their meeting in September. Mr. Weinberg questioned the proposed increases in the annual categories.

THE COMMITTEE RECOMMENDS THE PROPOSED INCREASES AS AMENDED TODAY BE APPROVED for the Tennis and Recreation Center. The Golf Course rates should be further review, these fees should be considered at a later date.

I. POLICE DEPARTMENT: Chief Terlizzese advised there was a 4.3% decrease in crimes against persons, but the overall crime rate increased by 16.3%, attributed mainly to larcenies. The Police Department recovered approximately three quarters of a million dollars. Arrests were up 53%.

Chief Terlizzese explained his budget has increased by approximately 10% and 7.79% can be attributed to personnel related expenses, with the major item being the insurance line items. He indicated $93,397 was already cut from the budget before it was presented to the the Town Manager.

Chief Terlizzese gave an overview of the divisions of his Department. He indicated he has made a proposal to increase revenues, associated with the Crime Scene Evidence Unit, as follows:

Report of Finance & Taxation Committee

	Existing	Proposed
Bank Cards	$4.00	$5.00
ID Cards for Florida Public Utilities	$2.00	$5.00
Fingerprint Cards	$2.00	$5.00
Photographs - 8 x 10 - color	$5.00	$6.00
5 x 7 - color	$2.50	$3.00
8 x 10 - B & W	$5.00	$6.00
5 x 7 - B & W	$2.50	$3.00
Color Selective Prints 8 x 10	None	$11.00
5 x 7	None	$8.00
Cassette Tapes - Audio Micro	$7.00	$10.00

THE COMMITTEE RECOMMENDS the previously noted proposed fee increases for the Police Department be approved.

Chief TErlizzese indicated the Lifeguard Tower which is presently exising at the Mid-Town Beach was built by the lifeguards and they are requesting a new tower be installed and the cost is $16,500. It is THE COMMITTEE'S RECOMMENDATION that alternatives for the Lifeguard Tower be investigated by Chief Terlizzese, which would be more cost effective, and that he report on same.

J. OTHER FUNDS: This agenda item was considered at the Finance and Taxation Committee meeting held on May 31, 1991.

IV. ANY OTHER MATTERS: THE COMMITTEE REQUESTED:

A. The Finance Director prepare a Donations Report of all donations made to the Town and same should be made available to the Mayor and Town Council on a quarterly basis.

B. Program Changes be evaluated which will result in cost savings by restructuring the Health Insurance Program. The Committee also requested that an independent health insurance consultant look at the Town's insurance program to evaluate same and advise on the proposed changes. It should be taken into consideration that the Town should be competitive from the point of view of what other employers are also offering.

C. The Finance Director prepare a summary report of totals of each Department's budget (which have miltiple programs), with the donation figures and associated non ad valorem revenue line items indicated for comparison to the budget figures.

D. The Personnel Director prepare a summary of Comp Ratio Report on salaries showing comparisons from October, 1990 to date.

E. The Finance Director report on major items purchased by the Purchasing Department and whether or not "creative purchasing" methods are in use to control costs.

V. ADJOURNMENT: Meeting was adjourned at 6:40 PM.

MAY 31, 1991

Minutes of meeting of May 31, 1991 - Town Council

I. CALL TO ORDER AND ROLL CALL: Chairman Heeke called the Finance & Taxation Committee meeting to order at 9:30 AM in the Town Hall Council Chambers on May 31, 1991. On roll call, Mr. Heeke and Mrs. Douthit, Committee members were found to be in attendance. Also attending were Mayor Marix, Councilwoman Wiener, Councilman Weinberg Mr. Doney, Mr. McPhail, Mrs. Peters, Mr. Dusey, Mr. Bitzer, Chief Elmore, Mr. Jakubiak and Mr. Elwell.

II. APPROVAL OF AGENDA: Agenda was approved with the addition of the consideration of Item J. On yesterday's agenda, Other Funds, and the deletion of IV. Discussion of Future Financial Policies.

III. FY-92 Proposed Budget

J. OTHER FUNDS:

Marina Fund

1. Marina Fund - This is an Enterprise Fund and Mr. Dusey noted the personnel costs are up slightly and the capital expenditures have increased, since they are planning a dredging project for next year. He indicated they will be investigating the possibility of requesting funding from FIND on this project. Mr. Dusey recommended there be no increase in fees for dockage this fiscal year.

Parking Fund

2. Parking Fund - Mr. McPhail reported this is an Enterprise Fund and there are no new proposals for increase in fees. He stated $225,000 will be transferred to the General Fund from this Fund.

Debt Service Fund

3. Debt Service Fund - Mr. McPhail reported this Fund is established for the repayment of the principal and interest on the Town's four general obligation bond issues which are outstanding.

Self-Ins. Fund

4. Self Insurance Fund - Mr. McPhail advised this is the fund which contains the insurance premiums and the group health insurance program cost has increased approximately 65%. He noted there is a 10% increase for the General Liability and Worker's Compensation programs to help build up the Reserve Fund.

Retirement Fund

5. Retirement Fund - Mr. McPhail stated this Fund has the expenses for the retirees who have retired and the monies are in trust. Also, a refund is given to an employee if they leave the Town's employ before retirement based upon contributions made by the employee.

Bond Fund

6. 1985 Bond Fund - Mr. McPhail stated there is a small amount of funds remaining to complete on-going projects.

Endowment Fund

7. Endowment Fund - Mr. McPhail reported the only change to this fund is the interest applied each year.

Advice & Litigation

ADIVCE AND LITIGATION - Mr. Doney advised they had not discussed this program yesterday and he has budgeted the same amount as last year based upon the existing lawsuits and legal expenses for general advice, and it would depend on the number of lawsuits and appeals and also the need for general legal advice, as to whether or not this figure will be accurate.

A. Public Works Department: Mr. Dusey gave an extensive overview of the divisions of his Public Works

Department, noting the main increases are personnel costs due to the line items relating to insurance.

He reported he has 26 programs and thirteen have been decreased from the previous year. He is eliminating one Parks Labor position and is proposing a recycling expansion with in house personnel. He noted the increases, with exception of insurance costs, represent a 2.8% increase overall and many of the expenses are beyond his control, such as sanitary sewage treatment costs.

Capital Improvement Fund

B. CAPITAL IMPROVEMENT FUND: Mr. Dusey indicated the Recreation Department has a request for a maintenance building. Mr. Bitzer advised the Maintenance Building to store equipment (which is now outside) is proposed at $60,000. Also the resurfacing of two hard tennis courts, six clay tennis courts and the basketball court is proposed for $20,500 and the lighting of two tennis courts is proposed in the amount of $30,000. He stated that the two hard tennis courts and the basketball court require resurfacing approximately every five years and that the clay tennis courts require resurfacing every two to three years. He also advised that the proposed maintenance building has been in the Capital Improvement budget for the past five years. Mayor Marix thought this was a very high figure. Mrs. Douthit believed the nonessential items should be deferred. Mr. Bitzer noted there are renovations scheduled on the tennis courts for 1993 and he concurred with the Seaview Park Commission that the $45,000 scheduled for 1993 be moved up to FY-92 Fiscal Year. After discussion, THE COMMITTEE RECOMMENDS THE RENOVATION OF THE TENNIS COURTS BE SCHEDULED FOR FY-92, BE IN THE AMOUNT OF $65,500 bringing forward the FY-93 ($45,000) renovation to FY-92 and the maintenance building in the amount of $60,000 be rescheduled for FY-93. Mr. Bitzer advised the recent sealed bid for the lighting of the courts 3 and 4 was in error, however, the contractor had previously indicated that he would honor same. Mr. Dusey indicated he was not sure this option was available as the bid has been awarded at the May 14, 1991 Council Meeting. Mr. Dusey was requested to see if the bid was still available and to advise on same at the June 11, 1991 Town Council meeting.

Mr. Bitzer advised the last request he has under Capital Improvements is $90,000 to upgrade the irrigation system at Par 3 Golf Course, which is an enterprise fund.

Mr. Dusey advised $200,000 has been budgeted for the underground wiring replacement program for street lights.

Mr. Dusey advised they are proposing to replace and repair some wooden planks, pilings and performing maintenance dredging at the Town Docks which totals $327,000, and this is in the Marina Fund.

Mr. Dusey reported under Coastal Management, they are requesting $120,000 for the proposed Mid-Town Beach Nourishment Project.

Mr. Dusey advised of various storm sewer drainage projects and indicated that the total requested if $1,430.00. THE COMMITTEE RECOMMENDS the storm sewers projects for the Royal Poinciana and Royal Palm Way sewers be rescheduled for later years and the DOT be requested to participate in the funding since both of the streets are State Roads; and also that the Clarendon Avenue and El Vedado/Jungle Road projects be considered to be postponed, as these projects are also proposed to be on a special assessment basis.

Mr. Dusey advised the storm drainage pipe replacement project is in the amount of $175,000 and this is an ongoing project.

Mr. Dusey indicated Regents Park has had some flooding and this complaint came in after the budget season last year. THE COMMITTEE RECOMMENDS the Regents Park storm sewer project be deferred and the $55,000 removed from the FY-92 Capital Improvement program.

Mr. Dusey advised the capital improvements on the Sanitary Sewers at E-6 and S-2 sanitary sewerage pumping stations need to be done.

IV. DISCUSSION ON FUTURE FINANCIAL POLICIES.

Removed from the Agenda.

V. ANY OTHER MATTERS:

A. Next meeting of the Finance & Taxation Committee will be at 9:30 AM on June 14th and the Town Council meeting to consider the setting of the tentative mileage rate will be at 9:30 AM on August 1, 1991.

B. The COMMITTEE REQUESTS that non ad valorem revenue estimates be made available at the June 14th Committee meeting and also that proposed modifications to the health insurance program and related matters be considered at the June 14, meeting.

C. SEAWALL AT MID TOWN BEACH. Mr. Dusey was requested to submit a proposal and cost estimates to the Mayor and Town Council for the top of the wall, but not obscure the view of the ocean.

D. MAYOR Marix requested an item on the agenda for the June 14th Finance & Taxation Committee be the Future Financial Policies.

Adjourn. VI. ADJOURNMENT: Meeting was adjourned at 12:35PM.

signed: Bernard A. Heeke, Chairman and Nancy S. Douthit, Committee member.

Mrs. Wiener made a motion to approve the Minutes of the Finance and Taxation Committee of May 30 and 31st, 1991. Seconded by Mrs. Douthit. ON roll call, the motion carried unanimously.

Mr. Doney said at the May 31st Finance & Taxation Committee meeting it had been determined that there was a tentative meeting of the Finance & Taxation Committee scheduled for June 14th, 1991, at 9:30 AM. Mr. Doney said that after assembling information from Gallagher Bassett relative to the Health Insurance program, however, they find they would not have all the data and he recommended that the meeting scheduled for June 14, 1991 be deferred until a later date when all the data has been assembled. The Finance & Taxation meeting scheduled for June 14, 1991 was postponed.

Mayor Marix asked if Gallagher Bassett has given the Town any idea of how much time they are talking about? Mr. Doney said he believed they would have the data by the end of the month, possibly June 26th or 27th and then they could reschedule the meeting.

IX. OLD BUSINESS

A. Ordinances - Second Reading

Ord. 5-91 1. Ordinance No. 5-91 - Proposed Amendments to Retirement System Ordinance.

Mrs. Wiener said she noticed that the Southeast Bank is the named bank in the Ordinance and she was concerned because there are a number of problems at the Southeast Bank. She said it probably was alright because they were Federally Insured but she wanted some assurance that any investments with the Southeast Bank would be secure.

Mayor Marix asked Mrs. Wiener if she was referring to the Palm Fund? She said the Palm Fund had been discussed at two or three Retirement Board meetings. Mrs. Wiener asked if the fund was OK? Mayor Marix said that was what she was told by the Administration and asked Mr. Doney to comment.

Mr. Doney said that Mr. Monaghan, from Mr. Randolph's office had researched the Palm Fund investment and found it was an appropriate investment and was properly collateralized and was legal.

Mayor Marix said the question she had was why were they going to the Palm Fund when the State funds are immediately liquid? She said she couln't understand why they didn't stay with the liquid State Fund.

Mr. Doney said as a precaution they had changed the Town's checking account because of the concerns at Southeast Bank.

Mayor Marix said that was not her question. She asked why does the Town wish to be in the Palm Fund?

Mr. McPhail said the First National Bank is the custodian for the Town's retirement funds. He said part of their agreement is to maintain a vehicle, which is the Palm Fund for short term investments until the money is needed.

Mayor Marix said she realized that but she said that some time ago they had a problem with Federated Fund from Pittsburgh which turned out to be illegal, and the Town's funds had to be transferred into a State Fund. Mr. McPhail said that the pension fund money did not go to the State Board of Administration at that time.

Mayor Marix asked why it couldn't go to the State Board of Administration?

Mr. McPhail said there was no reason why it couldn't, however, he said that the Palm Fund was the vehicle which the First National Bank Trust Dept. had chosen. He said we probably get a better rate of interest from the Palm Fund than we would get from the State Board of Administration, because the State Board of Administration has other items in the fund besides Treasury instruments.

Mrs. Wiener asked if something should happen at First National Bank i.e. Southeast Bank, are we fully insured so we don't lose one penny. She said she didn't care what fund was used, she wanted to be sure the Town's funds were safe.

Mr. McPhail said the Trust Department is separate from the Commercial operation at the Southeast Bank, and the Town's funds are safe.

Mr. Randolph read Ordinance 5-91 by title.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES AT SECTION 15-11 SO AS TO EXCLUDE CERTAIN PART TIME EMPLOYEES FORM PARTICIPATION IN THE TOWN'S RETIREMENT SYSTEM; AMENDING SECTION 15-18 AND 15-19 SO AS TO CLARIFY THE DESIGNATION OF THE STANDARD PENSION BENEFIT; AMENDING SECTION 15-23 SO AS TO INCREASE THE MINIMUM DUTY DISABILITY BENEFIT; AMENDING SECTION 15-43 SO AS TO AUTHORIZE THE BOARD OF TRUSTEES FOR THE TOWN OF PALM BEACH RETIREMENT SYSTEM TO MAKE CERTAIN INVESTMENTS IN U.S. GOVERNMENT OBLIGATIONS AND IN REPURCHASE AGREEMENTS COLLATERALIZED BY U.S. GOVERNMENT OBLIGATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Ilyinsky to adopt Ordinance 5-91 on second reading. Seconded by Mrs. Douthit.

Mrs. Wiener asked Mr. Randolph if he was totally satisfied with the legalities involved and that the Town's funds are in very safe hands and nothing will happen.

Mr. Randolph said he was satisfied with the legalities, and he was satisfied with the advice received from Staff with regards to the investments, and the fact that it is legal to make such investments. Mr. Randolph said he could not give Mrs. Wiener an opinion as to the safety of the funds and said he had to rely on the people in the Finance Department and others who have looked into the matter. He said he could only state that the investments such as the Palm Fund have been legalized and the Retirement Board has looked at that fund and with the advice of their consultants they have made a determination that the investments are safe, because they are collateralized by U. S. Government Funds.

Mrs. Wiener said that in her mind those investments were safe, but she wasn't well versed in what would happen in the worst case scenario.

On roll call motion carried 3-1 with a negative vote cast by Mrs. Wiener. Mr. Heeke declared a conflict of interest and did not vote.

2. Ordinance No. 6-91 - Proposed Amendments to the Charitable Solicitation Ordinance. Ord. 6-91

Mr. Randolph read Ordinance NO. 6-91 by title.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE V, OF THE TOWN CODE OF ORDINANCES RELATING TO CHARITABLE SOLICITATIONS SO AS TO DELETE THEREFROM REGULATIONS RELATING TO TELEPHONE SOLICITATIONS AND TO DELETE THEREFROM THE REQUIREMENT OF A STATE SOLICITATION PERMIT; PROVIDING FOR SEVERABILITY/ PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Douthit to adopt ORIDNANCE NO. 6-91 on second reading. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

B. Other

1. Consideration of Future Water Supply Study by James M. Montgomery, Consulting Engineers, Inc. - Progress Report on Negotiations with the City of West Palm Beach and Related Matters by Messrs. William Sundstrom and Howard Osterman. Future Water Supply Study

Future Water Supply Study

Mr. Sundstrom said that in December an all day workshop meeting was held to discuss issues related to the expiration of the Franchise Agreement between the Twon of Palm Beach and the City of West Palm Beach, and the options available to the Town relative to the long term water supply needs of the residents of the Town of Palm Beach. Mr. Sundstrom said in January the Town Council votedto authorize a consulting team led by Mr. Ostermann and Mr. Sundstrom to try to determine if a joint venture arrangement between the Town of Palm Beach and the City of West Palm Beach could be reached which would make both economics and engineering sense for both Municipalities.

Mr. Sundstrom siad there was good reason to pursue such a plan because this would secure a better quality of water for the Town and would relieve some of the restrictions which have been implemented in the past few years. He said it also made sense for the City of West Palm Beach because the United States Environmental Protection Agency has promulgated some relatively harsh drinking water rules which would become incumbent upon the City to meet. He said in order to comply with the EPA criteria, they would have to implement a system of blending water which is a combination of reverse osmosis produced water and conventionally produced water.

Mr. Sundstrom said the City of West Palm Beach was involved in a Capital Expenditure program for the benefit of the City of West Palm Beach and will also benefit the Town of Palm Beach indirectly. He said the City has questioned whether or not to proceed with the Capital Program because, if the Town of Palm Beach elected to declare water independence, some of the expenditure would not be prudent. Mr. Sundstrom said they had been asked by the City of West Palm Beach to give them somesense of whether or not it would be prudent to recommend renewal of the franchise. Mr. Sundstrom said they were not far enough along with their research in order to enable them to make that sort of recommendation.

Mr. Sundstrom said he would like to discuss briefly with the Council the Capital Improvement items which are ongoing in the City of West Palm Beach. He said those improvements include a 12" line on Windsor Avenue at a cost of $118,000 which has been completed. The program also includes a 2 million gallon per day ground storage tank and repump facility near St. Mary's Hospital at a cost of $1,300,000, and the design is complete and is complete and is about to go to bid. Mr. Sundstrom said the repump facility would provide additional water pressure to the north end of the Island. He said the third item was a 30" line on El Campeon Blvd. and they are ready to proceed with that project. There is also a 36" line on Lake Avenue which will cost approximately $1,000,000 and is about one year away. Mr. Sundstrom said there was a Flagler Drive inter coastal crossing improvement at a cost or $50,000 and is presently on hold pending the outcome of the discussions between the City of West Palm Beach and the Town of Palm Beach. Mr. Sundstrom said there was a repump facility and tank system on the Island which is currently ongoing and the cost of that project is $50,000, and an installation of a check valve near Sloan's Curve which should be in place near the end of the summer.

Mr. Sundstrom said the James M. Montgomery Engineering Report has bow been analyzed by the City of West Palm Beach and they have determined that it is an excellent report and the idea of coupling reverse osmosis with existing City facilities is a plan worth pursuing. He said if such a capital improvement is undertaken, that two new crossings of the intercoastal waterway would be appropriate to enable the moving of blended water to the Town of Palm Beach. He said there probably would be an additional underground storage tank installed on the Island.

Mr. Sundstrom said the process over the next few months will be for the two groups to get together and develop an appropriate plan of finance and sharing arrangements for the capital improvement project, if there is to be one. He said sometime within the next two months they would be preparing a memo which would be shared with the Town of Palm Beach, highlighting the points between all the parties involved, and detailing any interlocal agreement pursuant to the Interlocal Cooperation Act of 1963. He said this was basically a contract which would replace the existing agreement between the two municipalities. He said they also had to proceed with the South Florida Water Management District to insure that they receive reuse credit on the basis of the program selected. Mr. Sundstrom said they were only at the staff level at this time, and no recommendations had been presented to the City Council of West Palm Beach. He felt they probably were 60 days away from that step.

Mr. Ostermann said that Tony Elia would be responsible for evaluating the consultant's worth, and the Town's owrth as a customer of the City of West Palm Beach. He said this was an important part of the discussions because of how any Capital costs are shared by the combined project. He said a point has been established with the City of West Palm Beach in which they will be looking for consideration, converted into an investment by the City of West Palm Beach relative to the consultants worth as a customer. Mr. Ostermann said that the costs which they incur for their engineering services are to be considered capital contributions in any final arrangement which may be reached between the Town of Palm Beach and the City of West Palm Beach. Mr. Ostermann said that the City of West Palm Beach would like very much to receive some sort of signal from the Consultants, and they are very interested in concluding arrangements which will lead to an extension of their franchise, or a contract in lieu of a franchise.

Mayor Marix said she understood this was a long drawn out process and that Mr. Ostermann and Mr. Sundstrom were hoping that some sort of agreement can be reached between the Town of Palm Beach and the City of West Palm Beach. However, she said it would be impossible for them to make even a general commitment until they have some idea of what is involved money wise. She said when some figures are presented to them money wise then obviously then could say it sounds good or it needs more planning. Mayor Marix asked if they were looking at other alternatives if the contract isn't satisfactory? She asked what if we go for the better part of a year, and find that the plan submitted isn't going to work, do we start all over again?

Mr. Ostermann said that at the moment they were following only one course, but the Montgomery report did indicate other courses. He said they had to be very much aware of the overall time constraints. He said they probably would continue on a single purpose path through the summer unless there is agreement between the two municipalities. He said that if no agreement is reached by the fall, they might begin to look at some of the other alternatives that the Montgomery report pointed out.

Mrs. Wiener said that her concerns have been both time and money. She said she was delighted with the arrangement they have agreed upon with the City of West Palm Beach where, if the Town of Palm Beach does come to fruition, that indeed it will be part of the Town's financial contribution. Mrs. Wiener said she was more than pleased with the progress that Mr. Sundstrom and Mr. Ostermann had made.

Mr. Weinberg asked Mr. Sundstrom if he understood that there was a plan for additional water reserve on the Island? Mr. Sundstrom said that was correct. Mr. Weinberg asked where this reserve was going to be located on the Island? Mr. Sundstrom said he thought it was going to be adjacent to the existing reservoir.

Mr. Dusey said he was not aware of a specific location. He said he thought that West Palm Beach had expressed a need for another location in Town.

Mrs. Wiener said that in reading the report, she did not find a location mentioned.

Mr. Weinberg wanted to know if it was proper to ask the question about the location of an additional storage tank at this time?

Mr. Sundstrom said it was proper. He said the matter of location was largely out of their jurisdiction and was more a matter of engineering.

Mayor Marix asked Mr. Sundstrom if he had some mental idea of where the water reserve might be located. She thought the location was a very important part of the negotiations and she felt that someone from their firm or from the City of West Palm Beach must know where the reserve would be located.

Mr. Sundstrom said that the repump and storage facility at St. Mary's Hospital and the 30" and 36" lines which were discussed earlier actually amount to stoarge facilities. He said that lines that large are capable of holding a lot of water. Mr. Sundstrom said that at this point they have been able to reach an agreement for discussion purposes on the major conceptual points - the major points being - yes, a blended system makes sense; yes, a system involving both conventional water and lime softening makes sense; yes, the location of that facility on the existing City of West Palm Beach plant site makes sense. He said it was those kind of questions; yes there is a fair value and an important value to the City of West Palm Beach in maintaining the Town of Palm Beach as a customer.

Mr. Winterfield addressed the Council, asking if in consideration of a blended system, had any decision, even for discussion purposes been made as to the capacity of any reverse osmosis plan, or at this point is it merely a question of discussing the abstract principle?

Mr. Heeke said that the concepts are being discussed first, with probably some very loose overall perimeters.

Mr. Ostermann said that was correctand in the general order of magnitude, a combined system would probably be 16 million gallons of reverse osmosis to be blended with the existing system.

Mr. Heeke thanked Mr. Sundstrom and Mr. Ostermann for their presentation.

2. Consideration of Request by Southern Bell for Telephone Services Easement at the Recreation Center.

Southern Bell Easement at Rec. Center

Mr. Passmore who is the Palm Beach County manager for Southern Bell said that in 1987 they put in a new piece of cable at a cost of nearly $500,000 which feeds Town Hall, the Police Station, the Fire Station and several surrounding businesses. He said that last year the School Board built a building on top of that cable and in doing so they damaged the cable. At that time they rehabilitated the cable as best they could but now the cable is starting to deteriorate thus resulting in the necessity of requesting an easement to allow them to go around the building and abandon the old cable and install new cable. Mr. Passmore said the new cable will be fiber optic and will cost Southern Bell approximately $137,000 but he said it was something they needed to do to maintain the present quality of service they now provide.

Mr. Passmore said in consideration for any easement they pay a fee which is called a franchise fee. He said they had negotiated a contract with the Town in 1987 which gives them permission to a nonexclusive right to erect construct, maintain and operate lines or telephone and telegraph equipment equipment, including the necessary poles, conduits, cables, electrical conductors, fiber optics and digital technology fixtures upon, along, under and over the public roads, streets, alley ways, bridges, highways and rights - of-ways in the Town of Palm Beach.

Mr. Passmore said that in consideration for the rights and privileges granted the Company shall pay to the Town annually a sum equal to 1% of the gross receipts of the Company's recurring telephone charges. Mr. Passmore said the last check issued for that consideration was approximately $39,000 so Southern Bell does pay for easements, and they feel its very important that they replace the cable at the Seaview Park Recreation Center.

Mrs. Wiener referred to a memo from Mr. Dusey in which he states he does not see a connection with the Seaview Park location since it is not a right-of-way, public road, street, alley way, etc., and she asked Mr. Passmore to comment.

Mr. Passmore said that if the Town grants Southern Bell Telephone the right-of-way to install the cable, they it does become a right-of-way and then comes under the auspices of the contract agreement.

Mrs. Douthit asked exactly where the cable is to be located, and if it would interfere with any of the playing fields?

Mr. Passmore said if they replaced the cable in its existing orute now ehre the building has been placed over it, then they would have to tear up the school yard and go through the building which has been constructed over the cable, and go around a couple of other buildings. He said where they propose to install the new cable is only about 250' along the edge of the parking lot.

Mrs. Wiener asked Mr. Randolph his opinion of the contract.

Mr. Randolph said he did not have the same reading of the Franchise Agreement as Mr. Passmore. He said it was his feeling that the Franchise Agreement allows Southern Bell to use the streets of the Town for purposes of laying cable and the Town receives a 1% fee in return. However, he said he did not believe that the agreement requires that the Town give up its own land for those purposes, upon request. He said that he did agree that once the land is given that the 1% fee is given in return for that service, but he did not agree that it is an obligation of the Town to give up the land, upon request without a fee. Mr. Randolph said it was his opinion that it was a policy decision as to whether or not the Town wished to grant the easement.

Mr. Passmore said that he and Mr. Randolph did have a difference of opinion in that regard, but he said he wanted to assure the Town that Southern Bell would replace the cable because it is necessary to replace the worn cable in order to maintain service. He said that if they have to pay for the easement then that would be something they would have to look at, but it is necessary to replace the old cable and they would do whatever is necessary to maintain service.

Mayor Marix asked why the school built a building over the existing cable? Mr. Passmore said he wasn't sure just how that happened. He said no building should be built over an easement.

Mayor Marix wondered if the school board would have some financial responsibility. She said that obviously they should not have built the building over the cable.

Mr. Passmore said he thought that possibly the Town or Southern Bell or both, may have made some agfeement with the school board to allow them to put the building over the cable to save them money because at the time they erected the building, the school board didn't have the money to move the cable.

Mayor Marix said she felt they should find out what kind of agreement was made and by whom. She said she felt it was important to determine what arrangement was made, and if there had not been an agreement the school board would have had to spend the money and go around the cable.

Mr. Passmore said that was correct, and Southern Bell was somewhat at fault because they allowed it to happen, he felt that going back now would be too little too late, because they needed to replace the cable as soon as possible to maintain the quality of service.

Mrs. Wiener said the whole conversation related back to the last Council meeting when the conversation suggested that the Town would like to see something in return for granting the easement. Mrs. Wiener said that perhaps an agreement could be made on a one time fee. She said it was obvious this problem is outside the original agreement and a quick solution to the problem is in order.

Mr. Passmore said they were abandoning a piece of cable which is only four years old and is normally expected to last thirty years, and cost $500,000 to install. He said they will be spending another $140,000 for the new cable. He said this was for the telephone company but would also benefit the Town because the quality of service will be maintained and he felt that Southern Bell was doing its share as far as the Town is concerned.

Mrs. Douthit asked if the cable will be underground? Mr. Passmore said it was totally underground and was the latest technology fiber optic cable which will never have to be replaced. Also, he said there would be three additional conduits and they would never have to tear up the area again.

Mr. Ilyinsky made a motion that the easement be granted to Southern Bell Telephone Company.

Mrs. Wiener said she felt that a one time fee was proper. She said that Southern Bell was semi-commercial and she felt that to give them something for nothing was inappropriate.

Southern Bell easement

Mrs. Douthit asked Mr. Passmore if he could come back to the Council meeting next month with more answers. She suggested that he might wish to speak to the school board about the problem.

Mr. Passmore said he would return as often as the Council would like. Mrs. Wiener asked if he could present the Council with a proposal when he returns in July?

Mr. Passmore said they had asked for easements from the Breakers Hotel, Palm Beach Country Club and the Everglades Club among others and all of them had granted Southern Bell the easements at no charge. He said any proposal he would submit to the Town Council would be that their franchise enables them to do this and that would be their proposal.

Mrs. Wiener asked if the cables Mr. Passmore had just mentioned were on private property? Mr. Passmore said they were on the city right-of-way. Mrs. Wiener asked if the Everglades Club was on city right-of-way? She said the cables at Seaview Park was entirely on Town land.

Motion died for lack of second, and Mr. Passmore was asked to return to the Town Council meeting on July 9, 1991 with a proposal for an easement at Seaview Park.

Maxwell donation of steps to Anthony house

Mr. Heeke said at this point the Town would like to recognize Mrs. Gertrude Maxwell for her donation of a set of replacement steps to the Anthony house. Mr. Heeke said they had received a letter from Mrs. Maxwell and he would like that letter to become part of the minutes of the meeting of hte Town Council on June 11, 1991. Mr. Heeke said that the date of Mrs. Maxwell's birthday coincides with the date of the incorporation of the Town of Palm Beach which is April 17, 1911.

Mayor Marix said this was a surprise for Mrs. Maxwell, but the Town wished to present her with a plaque which read "The Town of Palm Beach acknoledges with appreciation Gertrude Maxwell for her generosity in donating the historically important replacement steps to the former Anthony house at 6 South Lake Trail which was the site where the original Charter of the Town of Palm Beach was signed on April 17, 1911." Mayor Marix said the plaque was dated June 11, 1991 and she was going to personally present the plaque to Mrs. Maxwell.

Additional Lighting Tennis Courts

3. Consideration of Request for Additional Lighting for Tennis Courts #3 and #4 at Seaview Park - Refers to Seal Bid No. 012-90/91, which was Awarded at May 14, 1991 Town Council meeting.

Mr. Doney said he would comment on the request for lighting tennis courts #3 and #4. Mr. Doney referred to a memo from Mr. Dusey which addresses the reconsideration of the potential lighting of courts #3 and #4. He said the Finance and Taxation Committee had discussed the matter at its May 31st meeting. The contractor had made an error in the initial bid, but was willing to honor the bid which was to light 4 Tennis courts, however, since the contract had been awarded for courts #1 and #2, the contractor was not willing to honor his initial bid of $7,210. Mr. Doney said the contractor submitted a bid in the amount of $19,210 and that quote was almost identical to the other two contractors who had bid on the lighting of courts #1 through #4.

Mr. Doney said that in the FY-92 proposed budget the Recreation Department had requested lighting courts #3 & #4 at an estimated cost of approximately $30,000 if done as a separate project.

Mr. Heeke said his question to the Finance & Taxation Committee was whether or not the original bid would stick, and obviously the answer is "no".

Mrs. Douthit asked if $30,000 would light all 4 courts? Mr. Heeke said no, it would be an additional $19,200 to light courts #3 and #4. They already have a contract to light courts #1 and #2.

Mrs. Douthit made a motion to postpone the lighting of courts #3 and #4.

Mr. Peter Broberg addressed the Council and urged them to approve the lgithing of tennis courts #3 and #4. He asked the Council to approve the $19,200. Mr. Broberg said that even though the numbers have adjusted the theory remains the same. It will cost the Town much more money to light courts #3 and #4 at a later date, whereas, if they light all 4 courts now the Town will realize an $11,000 savings. Mr. Broberg said he would like to remind the Council that the lights which are to be installed are the low density lights, and there is a big demand for use of the tennis courts after hours.

Mr. Heeke said there was a motion on the floor to delay lighting tennis courts #3 and #4. There was no second and Mr. Heeke passed the gavel to Mr. Weinberg and seconded the motion.

Mr. Winterfield said that Article 6.15 of the Zoning Code prohibited the lighting of tennis courts, and he asked if a Variance application would be submitted before the tennis courts #1 and #2 are lighted?

Mr. Randolph said he had looked into the prohibition of the lighting of the tennis courts, and made a determination that a Variance could be applied for from that prohibition. He said the question is if the Town goes ahead with the lighting of the tennis courts, will it apply to its self for a variance? Mr. Randolph said as a matter of law the Town was not required to apply for a variance.

Mr. Ilyinsky asked if the Town wasn't being "penny wise and pound foolish?" He said he felt that lighting all four courts probably would bring in added revenue.

Mr. Heeke said it might bring in more revenue, but the fact was that the Recreation Center was located in a residential area and by lighting the tennis courts they would be increasing the usage in the evening hours. He felt they should preserve the residential nature of the neighborhood.

Mr. Ilyinsky asked if they had received a lot of objection from citizens who oppose the installation of the lights? Mrs. Douthit said she didn't think the citizens were aware that the subject was under discussion.

Mrs. Wiener felt the question of the tennis courts lights was part of the budget procedure and the only reason they were revisiting the subject was the difference in the cost of lighting four courts as opposed to two. She said that since the cost is different she felt the discussion was null and void and the matter should be referred back to the Finance and Taxation Committee.

Mr. Heeke said he agreed with Mrs. Wiener and withdrew his second.

Mr. Weinberg made a motion that the tennis court lighting be referred back to the Finance & Taxation Committee. Seconded by Mrs. Wiener, motion carried.

X. NEW BUSINESS

A. Resolutions

1. Resolution No. 30-91 - Request for Authorization for Town Manager to Execute Agreement for National Pollutant Discharge Elimination System (NPDES) Program Regarding Town's Storm Drainage System and Related Matters. Res. 30-91

Mr. Randolph read Resolution No. 30-91 by caption.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTHERN PALM BEACH COUNTY WATER CONTROL DISTRICT FOR PREPARATION OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT APPLICATION.

Mrs. Wiener made a motion to adopt Resolution No. 30-91. Seconded by Mrs. Douthit. Motion carried unanimously on roll call.

2. Resolution No. 37-91 - FY-92 Proposed Recreation Department Amended Fee Schedule Classifications and Rates. Res. 37-91

Mr. Randolph read Resolution No. 37-91 by caption.

A RESOLUTION OF THE TOWN COUNCILOF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE RECREATION DEPARTMENT FEE SCHEDULE CLASSIFICATIONS AND INCREASING USER FEE RATES.

Mr. Doney said the recommended fees are the ones considered by the Finance and Taxation Committee meeting of May 30, 1991.

Mrs. Douthit made a motion to adopt Resolution No. 37-91. Seconded by Mrs. Wiener. Motion carried unanimously.

3. Resolution No. 38-91 - Proposed Fees for Crime Scene Evidence Unit of Police Department.

Res. 38-91

Mr. Randolph read Resolution No. 38-91 by caption.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA INCREASING CRIME SCENT/EVIDENCE UNIT SERVICE FEES TO BECOME EFFECTIVE OCTOBER 1, 1991.

Mr. Heeke said these fees were approved by the Finance and Taxation Committee and recommended to the Town Council. He said the Resolution increases some of the fees for coping.

Mr. Weinberg made a motion to addpt Resolution No. 38-91. Seconded by Mrs. Douthit. Motion carried unanimously on roll call.

B. Bid Awards

1. Sealed Bid No. 023-90/91 - D-8 Stormwater Pumping Station - Consideration of Resolution No. 31-91. Sealed Bid 023-90/91

Mr. Randolph read Resolution No. 31-91 by caption:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO AKERBLOM CONTRACTING, INC. FOR THE D-8 STORMWATER PUMPING STATION REHABILITATION.

Res. 31-91

Mr. Heeke asked if funds had been budgeted for the Pumping Station? Mr. Doney said that was correct.

Mayor Marix asked what was the amount which has been budgeted? Mr. Doney said the total budget for the entire project, including engineering and contingency fee is $410,000, and the low bidder is qualified to do the work.

Motion was made by Mr. Ilyinsky to adopt Resolution No. 31-91 and award contract to Akerblom Contracting, Inc. Seconded by Mrs. Wiener. Motion carried unanimously on roll call.

2. Sealed Bid No. 020-90-91. - Painting of Expelsor Stations - Consideration of Resolution No. 33-91. Sealed Bid 020-90/91

Mr. Randolph read Resolution No. 33-91 by caption.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO PAT PAULIN AND SON FOR THE PAINTING OF EXPELSOR STATIONS. Res. 33-91

Mrs. Douthit made a motion to adopt Resolution No. 33-91. Seconded by Mrs. Wiener.

Mayor Marix asked if this was the Resolution to which there was an objection? Mr. Randolph answered affirmatively. Mayor Marix asked if they were valid objections?

Mr. Doney said that Mr. Boggs, the Purchasing Agent had spoken to Mr. Randolph about the objection. He said the individual who has written a letter of protest was not one of the bidders.

Mr. Randolph said the protest was that not enough time was given the individual to submit a bid. Mr. Randolph said they had discussed the matter internally and they felt that enough time had been given and others were able to respond with bids.

Mrs. Wiener asked if the individual was given the same amount of time as every one else? Mr. Randolph said that was correct.

On roll call, motion carried unanimously.

Sealed Bid 021-90/91

3. Sealed Bid No. 021-90/91 - Proposed Automated Parking Ticket System.

Mr. Heeke asked if the cost of this system is to be recovered in six months?

Mr. Doney said he was not sure about the six months but the cost will be recovered. He said in addition to the ability to issue parkin g tickets this system would provide a direct method of inputting data into the AS400 system.

Mr. Heeke stated this had been very successful in other communities.

Mr. Doney said that was correct and the Police Department, the Finance Department and the Purchasing Agent have reviewed the system to be sure the system is compatible with the Town's computer system.

Motion was made by Mr. Weinberg to accept Sealed Bid No. 021-90/91. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Mr. Doney said it would be appropriate to have a motion from the Council to authorize the funding for the system to come from the Parking Fund.

Motion was made by Mr. Weinberg to appropriate funds from the Parking Fund for the Automated Parking Ticket System. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Appointments

C. Appointments

1. Building Board of Adjustments and Appeals - Two Three-Year Terms.

Bldg.Board

Mr. Heeke said Mr. John Nora's term will expire July 1, 1991, and he has expressed a desire to return for another term on the Board. Mr. Ames Bennett whose term also expires July 1, 1991 has also expressed a willingness to continue on the Building Board of Adjustments and Appeals.

Motion was made by Mr. Ilyinsky to reappoint Mr. Nora and Mr. Bennett to serve another three year term on the Building Board of Adjustments and Appeals. Seconded by Mrs. Wiener. Motion carried unanimously on roll call.

D. Other

1. Royal Poinciana Theatre - Request for additional one (1) year extension of Lease Agreement to continue Wednesday Matinee Program from December 1991 to April 1992.

Royal Poin. Theatre request for extension of lease

Mr. O'Connell said he was representing PTG Florida, Inc. who is the lessee of the theatre at the Royal Poinciana Plaza. He said they are requesting an extension of their parking agreement with the Town.

Mr. O'Connell said in his discussions with Mr. Moore, there was a question regarding a handicapped rest room on the first floor. He said they had discussed this with the landlord, and he has stated his agreement to work with the theatre and the Town to install the washroom which would be a unisex washroom.

Mr. O'Connell said they had also discussed with Mr. Moore the possibility of a two (2) year lease extension instead of a one (1) year extension. He said that Mr. Moore had no problem so they were requesting a two (2) year extension of the agreement.

Mr. Moore said he agreed with Mr. O'Connell's statements up to the point of granting a two (2) year extension. He said the Building Department had no problem with a two year extension, and Chief Terlizzese agrees also that they are in compliance. Mr. Moore said the decision was not his to make, but the Building Department has no objections to a two year extension of the theatre's agreement.

Mr. Heeke said that businesses sometimes change ownership and things can happen in a very short period of time. Mr. Heeke said he could see no inconvenience in the theatre returning annually to request extension of their agreement.

Mrs. Wiener asked if this could be handled administratively? She said she had no problem with a two year extension if everything was in order and running smoothly.

Mr. Doney said according to the seventh amendment to the agreement dated the 5th day of November 1990, he believed the matter needed to come back before the Town Council because that was a condition of Town Variance No. 39-78. He said any action which is taken on that variance would need to be acted on by the Town Council.

Mrs. Wiener asked if anyone had changed from a one year agreement to a two year agreement in the past? She said she believed that an agreement extension was granted to a restaurant on Worth Avenue, and she wondered why it was granted for one party and not the other.

Mrs. Douthit said she had received complaints from the banks and other businesses about what a manace it is on Wednesday. She said she preferred they return on an annual basis because the business people are not happy about the matinee arrangement.

Mr. Weinberg made a motion to extend the Royal Poinciana theatre parking agreement for one year, with the condition that the handicapped washroom be installed prior to the theatre season, and the ongoing conditions. Seconded by Mr. Ilyinsky. Motion carried unanimously on roll call.

2. Consideration of Voting Delegate for the Florida League of Cities 65th Annual Convention in Tampa - August 22-24, 1991.

Fl.League ofC ities

Mr. Heeke said that Mr. Ilyinsky and Mr. Weinberg plan to attend the Convention, and he recommended that one of these gentlemen be designated the voting delegate and the other designated an alternate.

Mrs. Douthit made a motion to designate Mr. Weinberg as voting delegate and Mr. Ilyinsky to be the alternate delegate to the Florida League of Cities Annual Convention in August, 1991. Seconded by Mr. Ilyinsky, motion carried.

3. Consideration of Peanut Island Issues.

Peanut Island Issues

Mr. Heeke asked Mr. George Hoff, Chairman of the Port of Palm Beach Commission to report on the effort to preserve Peanut Island as a recreation area. Mr. Heeke said that he and Mr. Doney had recently attended a meeting with Mr. Hoff and members of other communities about what is happening to Peanut Island, and he asked Mr. Hoff to address the Council on that issue.

Mr. Hoff said his purpose was to show that they share the concern of the public for the future of Peanut Island. He said they have a State Charter which refrains them from giving the Island away, and they are determined to keep the Island in a passive state.

Mr. Hoff said there has been a proposal by Florida Inland Navigation District (FIND) to buy a part of the Island to provide an additional site for dredge material management. They proposed to use about 30 to 40 acres of the property's interior for dredge material management, but they turned them down. Mr. Hoff said they then proposed a concept of putting a park all around the Island, install a wharf and run a launch to ferry people onto the Island for a fee to help defray the cost of the maintenance.

Mr. Hoff said there are Australian Pines all around the Island, but they are falling down and they are not a good tree. He said what FIND will do is they will bulkhead inside where it can't be seen to hold the sand they will cull the Australian pines, and by that he said they would take out some of the pines, and plant some other trees around the perimeter of the Island. Then as the other trees grow, they will remove the pines and eventually there will be no Australian Pines left on the Island.

Mr. Hoff said that if there is a fire on Peanut Island, a crown fire will burn the top of the Australian Pines, and there would be nothing to look at but a blackened Island, and if we have a storm, a lot of trees will fall.

Mr. Hoff said he wasn't urging anyone to contact FIND. He said that was up to the individual.

Mr. Hoff said he had given Mr. Doney a Resolution which was passed by the Port of Palm Beach in the spring, resolving not to sell Peanut Island to anyone for any reason other than for recreation, and he advised the Council to endorse the plan to preserve the Island.

Mr. Heeke said the Port of Palm Beach wanted to impose deed restrictions at the time of the sale, so that Peanut Island must be used for passive recreational purposes only. He said he had mentioned at the Port meeting that this was a long term dream of Gleason Stanbaugh, Sr. Mr. Heeke said that Mr. Stanbaugh was chairman of FIND for over twenty years, was chairman of the Port of Palm Beach, was on the Port Commission for eighteen years, the 48th street Coast Guard base and Captain of the Port of Palm Beach during World War II.

Mr. Heeke said that Mr. Stanbaugh had long hoped that Peanut Island would be used only for recreational purposes. He said Mr. Stanbaugh had been referred to as "the father of the inland waterways" because he was responsible for the deepening of the intracoastal waterway from Jacksonville to Key West. He complimented Mr. Hoff for his efforts to preserve Peanut Island, and said they would lend any suggestions which might be beneficial to them.

Mr. Hoff said he would keep them informed on any proceedings regarding Peanut Island.

Mayor Marix said that the Island is obviously mostly sand and all of the pine trees will be removed. She asked what kind of trees will they plant, and she noted there were very few trees which will grow in the sand.

Mr. Hoff said they would be indigenous to the area. He said that would be the Parks Department's job, but he said there was an area for mangroves and hammock, etc. He said he was sure the Parks Department would know what to plant. Mr. Hoff said that State Law states that the Island can only be bought for the purpose of the park and the material, so FIND can't proceed right now, but things do change.

Mr. Hoff said that the Coast Guard Station will become a museum. He said this is not a done deal, and he suggested that anyone interested in information regarding Peanut Island should contact John Sansbury. He said Mr. Sansbury had been very helpful to their board.

Mr. Heeke said that they had a discussion about a reversionary clause that if the Island ever ceased to be used for recreational and material purposes the agreement would be reversed.

Mr. Heeke asked that the Port's resolution which Mr. Hoff has presented to the Town Council be a part of the minutes of this meeting.

RESOLUTION

WHEREAS, the Port of Palm Beach District, hereinafter referred to as "District", is empowered by Article VIII, Section 3 of its CHarter to acquire and dispose of real and personal property on such terms and subject to such conditions as the Board of Commissioners of the District shall determine to be in the best interest of the District; and

WHEREAS, the Board of Commissioners of the District may in the future wish to dispose of Peanut Island; and

WHEREAS, the Florida Inlet Navigational District ("FIND") has expressed a desire to acquire peanut Island; and

WHEREAS, the District wishes to set forth certain terms and conditions to be included in any Contract for Sale and Purchase and deed of conveyance of Peanut Island; and

WHEREAS, the people of Palm Beach County have expressed their concern for preserving Peanut Island and for using it for recreational purposes.

NOW, THEREFORE, in consideration of the premises contained herein, BE IT RESOLVED by the Board of Commissioners of the Port of Palm Beach District that in the event find wishes to acquire Peanut Island, that:

1. The Contract for Sale and Purchase, as well as the Deed of Conveyance contain a restriction that no commercial activities are to take place upon Peanut Island; and

2. Peanut Island shall be used only for recreational and other compatible passive uses; and

3. The District reserves an easement for the disposal upon Peanut Island of any and all dredge material dredged by the District,

the Corps of Army Engineers, or any other appropriate governmental agency from the channel, slips, or uplands.

4. FIND shall be allowed to remove and/or deposit fill and dredge material from Peanut Island, as well as allow commercial transportation to and from the mainland to Peanut Island, so that its recreational and other compatible passive uses can be utilized by the public.

ADOPTED BY VOTE OF THE BOARD OF COMMISSIONERS OF THE PORT OF PALM BEACH DISTRICT THIS 27th DAY OF MARCH, 1991.

Blair J. Ciklin

Jesse E. Ferguson

George Hoff

J. H. Montgomery

John Sansbury

4. Consideration of Proposal to Establish a Mediation and Dispute Resolution Board.

Mr. Doney said he asked that this item be added to today's agenda, and what he proposes is that the Town Council authorize the Town Attorney and the Town Manager to prepare a draft ordinance for consideration by the Mayor and Town Council to outline the particulars of the proposed new board, whose purpose would be for mediation and dispute resolution activities. He said there had been concerns expressed to the Town Manager's office and the Personnel Department regarding the current grievance procedures. Mr. Doney said this was an attempt to improve that procedure by having an independent board with individuals who have expertise in employee relations and employment law. Mr. Doney recommended that the Town Council authorize the Town Attorney to prepare a draft ordinance for their subsequent consideration.

Motion was made by Mrs. Douthit to authorize the Town Attorney to draft an Ordinance to establish a Mediation and Dispute Board. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

XI. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR MAY 1991.

Mr. Ilyinsky made a motion to approve the warrant list and fund expenditures for May 1991. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Development Reviews

XII. DEVELOPMENT REVIEWS.

Major Matters Arch.Comm.

A. Major matters previously considered by the Architectural Commission at their meeting of May 22, 1991 - Excerpt available in Town Manager's Office.

Mr. Ilyinsky made a motion to accept the Architectural Commission's report on their meeting held on May 22, 1991. Seconded by Mrs. Douthit. Motion carried unanimously.

The major matter were: B112-90 Boat House Renovation of Mr. & Mrs. Stephen Levin, 446 North Lake Way. Removed from Agenda.

B-3-91(a) Facade renovation for Tiffany's, 259 Worth AVe., Approved original plan with regards to windows and frieze and medallions and spheres. Deferred the signs and awnings.

B31-88 - Landscape Plan for Villa Plati, deferred.

B38-88 - Pool Pavilion - Gates - Trust Estate, 601 N. County Road. Approved.

B22-91 - New Residence for Robert Eigelberger, 240 N. Ocean Blvd. Deferred.

B12-91 - Landscape Plan for Mr. & Mrs. Eugene Applebaum, 325 Via Linda - Deferred.

B92-89 - Landscape Plan for Estate of Paul L. Maddock, 1160 N. Ocean Blvd. Approved.

B4-90 - New Residence for Leonard Sessa, 6 South Lake Trail - Approved conditionally.

B23-90 - Landscape Plan for Sailfish Club, 1350 N. Lake Way. Approved conditionally.

B6-91 - New residence for Palm Beach Tamarin, 165 Atlantic Avenue - Approved.

B25-91 - Renovation for Guest House of America, Inc., 2880 S. Ocean Blvd. Approved.

B26-91 - New residence for Robert Eigelberger, 109 Atlantic AVenue. Deferred.

B27-91 - New Residence for Mr. & Mrs. Martin Cannon-Mochorowski, 177 Lake Trail Circle. Approved conditionally.

B28-91 - Remodeling of Rubell Gallery and Phillips Galleries, 238-240 Worth Avenue. Deferred.

B29-91 - Remodeling for Ms. Zonnie Sheik, 311 Worth Avenue. Approved.

B30-91 - Addition to residence of Mr. & Mrs. Harry Williams, 115 Via Palma - Deferred.

B31-91 - Renovation for Healey and Baker for Allied Dunbar Properties, Inc., d/b/a Bottega Veneta, 239 Worth Ave. Approved.

B32-91 - Renovation for Ms. Kathleen White and Mr. Mario Mudano, 420 Brazilina Ave. Deferred.

B33-91 - New residence for Mr. Gregory E. Holloway, 214 Dunbar Rd. Deferred.

B34-91 - Addition to residence of H. Stokes Lott, 1342 N. Lake Way. Approved.

B. Appeals

Appeal - App.No. A45-91

1. Consideration of appeal of Architectural Commission decision by A. Paul Prosperi Application No. A45=91 concerning the color of canvas awnings to be installed at 1237 North Lake Way.

Mr. Prosperi said he had asked to be allowed to install striped awnings at his home located at 1237 North Lake Way. He said he had requested a terra cotta stripe but the ocmmission would only approve a solid off-white awning. Mr. Prosperi said there are several striped awnings in Town, one of which is on the Preservation Foundation building. He said the colors he would like to use are eggshell and terra cotta.

Mrs. Douthit asked if the awnings were for the upstairs windows? Mr. Prosperi said the awnings were for all the windows on the east and west exposures of the house but the north and south exposures would not have awnings.

Mrs. Douthit asked what was the Architectural Commissions suggestion? Mr. Prosperi said the commissions recommendation was for a solid color of eggshell.

Mr. Heeke said there seemed to be a lot of precedence for stripes in Town. Mr. Prosperi said he had made an informal survey of striped awnings in Town but he stopped counting after seventy awnings.

Mr. Weinberg made a motion to allow Mr. Prosperi to install striped awnings on his home at 1237 North Lake Way. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

2. Consideration of appeal of Landmarks Preservation Commission decision to defer consideration of Certificate of Appropriateness regarding subdivision at Mar-A Lago (Note: See Items XII. C.6. and XII. D.1. which relate to Mar-A-Lago property)

Mar-a-Lago Cert. of Appropriateness

Mr. Heeke asked Mr. Moore if the other two items should be handled separately?

Mr. Moore said the zoning variance request would only be appropriate if the Council took action supporting the appeal. He said that if the Council ruled against the appeal then the zoning variance probably should be deferred.

Attorney Peter Broberg advised there were actually three matters on the agenda, and he felt they should all be considered together. One would be the Preservation Foundation's request for a joint workshop, the variance, which they feel is not necessary, but since they haven't had a ruling from staff if it is or isn't necessary, then he assumed that by their silence they are saying that a variance is necessary, and the third item is the appeal. He said he would prefer that all three items be considered together since all the parties involved are here now.

Mr. Heeke said he felt that procedurally they should consider the issue of the deferral.

Mr. Broberg said at the May 17, 1991 Landmarks Commission meeting, they made a presentation to subdivide Mar-A-Lago which is a landmark in the Town of Palm Beach and is also on the National Register for Historic places.

Mr. P. Broberg said it was their position that they came forward with sufficient data and engineering to be granted an approval of subdivision had Mar-A-Lago not been a landmark. He said the reason the data was presented to the Landmarks Preservation Commission was because of staff's recommendation that the matter should go to committee, and then go before the Town Council which is the way it should be, but Landmarks chose to defer any decision at that time because of other issues presented to the commission.

Mr. P. Broberg said that Chapter 16, Article III, Sections 16-42D and 16-42E of the Landmarks Preservation Commission ordinance requires the Landmarks Commission to come to a decision. Subparagraph "D" says "Landmarks Commission is to review applications proposing erection, alteration, restoration or moving of any building which it has so designated as a building located in a district which it has so designated, and to issue or deny a certificate of appropriateness accordingly." He said there was nothing in Article III about deferring a decision, and Section D Says "to review applications for demolition permits" and they applied for a demolition permit, proposing a demolition of all or part of the landmark of any building located in a Historical District, and to issue a certificate of appropriateness or deny the application for one year and it doesn't say anything about deferment.

Mr. P. Broberg said it was his opinion that a deferral was not proper at the time and he asked the Town Council to hear his presentation and if there isn't time now, they would be happy to remain and make their presentation after the meeting concludes.

Mr. Randolph said that he agreed with Mr. Broberg that it is the obligation of the Landmarks Preservation Commission to either approve or deny an application which comes before them. However, he said that Mr. Broberg, in his letter of appeal seems to rely entirely on certain provisions which indicate that they should either issue or deny a certificate of appropriateness. Mr. Randolph said that would be the ultimate decision which would be required to be made by the commission, the appeal ignores a provision within the Landmarks Preservation ordinance which indicates: "within not more than thirty (30) days after the hearing on an application the commission shall act upon it either approving, denying or deferring action until the next meeting of the commission giving consideration to the factors set forth in Section 16-41 hereof." Mr. Randolph said it was his opinion that the Landmarks Commission acted appropriately, and it is his opinion that they had the right to defer this matter to the next meeting based upon their Ordinance.

Mr. Heeke said they have the opinion of the Town Attorney, and he was in the practice of following the the advice which they had paid for, and he asked Mr. Broberg if he had any comments concerning Section 16-40?

Mr. P. Broberg said he did not, but said he felt it was a matter of interpretation.

Mrs. Douthit said she did not see any overwhelming rush over this application, and she would like to make a motion that the matter be referred back to Landmarks so their unanswered questions can be addressed, and then come back before the Town Council.

Mrs. Wiener said she would like to avoid going through this action again, and suggested that they put a reasonable time limit on the amount of deferral time. Mrs. Wiener said she realized that at some point in time they would have to come to a decision in the Mar-A-Lago matter.

Mrs. Douthit said there was no question of that, but she felt there were just too many unanswered questions at this time. Mrs. Wiener said she just wanted to put a reasonable time limit on the delay.

Mayor Marix said this is a completely unique property of immense importance, and as far as she was concerned a 30 day delay is proper.

Mr. Heeke said he didn't want to dictate what the commission is supposed to do. He said they should trust the commission to proceed with reasonable dispatch and if, at a future date they seem to be delaying or avoiding a decision then the Council could step in. He felt the Commissions process should be completed without too much hands on or instruction from the Town Council because the Council will ultimately be the ones reviewing the commission's work.

Mrs. Wiener said the Landmarks Preservation Commission will have their meeting in July and the pressure will be on them again, and the process will be repeated over and over. She said that perhaps if they gave the commission thirty (30) or (90) days to make a decision, and if they needed more theme that would be another situation.

Mayor Marix said that some of the information needed is caused by the connection of Mar-Lago to other historical organizations, and we don't know how long it will take to gather all the information in order to make a decision.

Mr. Heeke asked if there was a second to the earlier motion?

Mr. Ilyinsky said he would second for discussion. Mr. Weinberg asked if the motion included the time limit? Mrs. Wiener said the time limit was a separate issue.

Mr. Heeke said there was a letter dated May 27th, from the Preservation Foundation with a list of ten itmes which they recommend that the Landmarks Commission consider, and he suggested to Mr. Broberg that he answer those ten questions before returning to the Town Council.

Mr. P. Broberg said he had not been provided that letter, or a copy of the red alert.

On roll call the earlier motion by Mrs. Douthit to refer the subdivision of Mar-A-Lago back to the Landmarks Preservation Commission, and seconded by Mr. Ilyinsky, carried unanimously.

Mr. Moore said the second matter which is before the Council and Mr. Broberg had asked that the two issues be considered together is the Variance request for the setbacks on the building, if the subdivision is granted.

Mar-a-Lago

Mrs. Douthit said that should be deferred as the decision on the subdivision should be decided first, and to consider the setbacks at this time would be putting the cart before the horse.

Mr. Moore asked if the variance would be deferred, to a date certain which would be the July 11, 1991, Town Council meeting?

Mrs. Wiener said that's what she was trying to avoid in her recommendation. She said now they are going to talk "date certain" on the variance when they don't have a date of any kind, and this is going to be returning month after month.

Mr. Heeke asked Mr. Randolph if they could defer the issue of the setbacks until they receive the site plan?

Mr. Randolph said the only purpose of deferring the variance to a time certain is that it doesn't have to be advertised again. He said that either they defer it without a time certin, and it would be advertised again or if you wish to defer it to say 60 days, if the Council thinks 30 days is not enough time. Mr. Randolph said it was very difficult in this instance to defer the variance to a time certain because there is no way of knowing when it will come back before the Council again. He said they might just want to advertise it again.

Mr. Moore said he would suggest that if the Council wished to reassess, they should defer the variance and readvertise in the appropriate time frame, when it will come before the Council again.

Mrs. Douthit made a motion to defer Variance 38-91 and readvertise when it will come before the Council again. Seconded by Mr. Ilyinsky. Motion carried unanimously on roll call.

Mrs. Rose Harwitz addressed the Council, saying that even though there was a provision to defer the decision on Mar-A-Lago, and all the information presented to the Town Council was very comprehensive, she asked if it wasn't proper to ascertain the reasons for deferment before going ahead automatically with deferral. She said the Council should determine whether they are prepared to discuss zoning rather than architectural and landmarks.

Mr. Heeke said the motion had been made, seconded and passed unanimously that the Landmarks was correct in their decision to defer. He said the issue which they were discussing now was Variance No. 38-91 and the issue is whether or not the variance will be deferred.

Mrs. Harwitz said her question was whether or not the decision to defer should be considered?

Mr. Heeke asked Mrs. Harwitz if she was referring to the issue of the variance? He said the issue of the subdivision had already been decided.

Mrs. Harwitz said the question she had was whether the decision to defer was purely zoning rather than landmarks. Mrs. Harwitz said if the decision was strictly zoning, then the question she has is whether a decision should be made by the Landmarks Commission or by the Town Council?

Mr. Randolph said the matter has been concluded and a vote taken on another subject was now being discussed.

Mr. Heeke said motion had been made to defer the variance request only, had been made and seconded. He called for the roll call. On roll call, motion carried with negative votes cast by Mrs. Wiener and Mr. Weinberg.

Mr. Moore said Item D-1 is a request by the Landmarks Preservation Commission for a joint workshop with the Mayor and Town Council regarding the proposed Mar-A-Lago subdivision.

Mrs. Douthit said she didn't think that was possible. Mr. Heeke said he felt that would usurp the function of the Town Council and the committee system. He said the Committee should serve its function, and then the Town Council should review any actions taken by the committee system.

Mrs. Wiener made a motion to deny the request for a joint session meeting of the Landmarks Preservation Commission and the Town Council. Seconded by Mrs. Douthit. Motion carried unanimously on roll call.

Mr. Broberg said they had been sent back to the Landmarks Commission meeting which is scheduled for July 21 st. He said he did not see any purpose of going back to the Landmarks because there is nothing to discuss. He said there was no agenda and nothing to discuss but if they wanted to have a workshop, he asked if a date could be set today for a workshop meeting? Mr. Heeke said that was not a function of the Town Council, it is up to the Landmarks Commission to set their agenda.

Mr. Broberg said if they have to go back to the Landmarks on June 21st to get a workshop date, that date could possibly be 6 months in the future? He asked if they could split their request and have the request for subdivision heard at the July 9th Council meeting and let the Landmarks Commission decide the variance request, and have the subdivision approval subject to Landmarks Commission approval or vice versa.

Mr. Randolph said he felt the two issues were related and he felt the first action needs to be taken by the Landmarks Commission. He said a determination needed to be made as to the effect the subdivision will have on the landmark. Mr. Randolph said that if the Council wished to hear the applications simultaneously they probably could do so, but that is not normally the way these applications are handled. He said that normally the commission hears these applications first and make recommendations to the Town Council.

Mr. Ilyinsky said they needed the recommendations of the Landmarks Commission.

Mr. Winterfield addressed the Council, advising the term "subdivision" does not appear anywhere in the Landmark Preservation ordinance. He said different procedures are required for designation of landmarks and landmarks districts than is admitted for certificates of appropriateness. Mr. Winterfield said he felt that serious consideration of whether or not the certificate of appropriateness device is appropriate for a subdivision application should be had. He said the procedure has not been questioned and has been assumed that a certificate of appropriateness is the appropriate procedure. Mr. Winterfield said that certificates of appropriateness are usually granted for things such as color of awnings. He said the impact upon the owner and the Town is far greater than would be the impact of any simple designation let alone a certificate of appropriateness. Mr. Winterfield said that which ever procedure is followed on the application for Mar-A-Lago serious consideration should be given to amending the Landmark Preservation Ordinance so that any future subdivision of landmarks would have to be treated as if they were an application for designation or designation of a historic district.

Mr. Heeke suggested to Mr. Moore that this was something they might want to consider at the next Zoning Commission meetng.

C. Variances, Special Exceptions and Site Plan Reviews

Old Business

1. Variance No. 32-91 - Peter Stanley, 1332 N. Ocean Boulevard; to allow construction of a basement as prohibited in Definition No. 6, "Basement", and to allow construction of a swimming pool at a street side yard set back of 15' in lieu of 30' required. R-B District. Deferred from May meeting. Var. 32-91

WAVER REQUESTED:

Waiver to story height limitation permitting the construction of a two-story single family dwelling now prohibited under Town Council enacted zoning in progress.

Waiver - 2-story single fam. dwelling - Mr.Peter Stanley

Attorney Paul Prosperi addressed the Council, representing Mr. Peter Stanley, who wishes to build a single family residence. Mr. Prosperi said that Mr. Stanley had been trying for ten months to obtain permission from the Town to build this single family house.

Mr. Prosperi said they were asking for a waver from the zoning in progress provision concerning the overlay zone which would run from Queens Lane north along North Ocean Blvd. He said Mr. Stanley began his process several months before the zoning was put in progress. He said that in January 1991 Mr. Stanley was put in a position of suing the Town within twenty days or coming back with what technically is a new proposal. Mr. Prosperi said that if the Town Council doesn't grant the waver then Mr. Stanley will have to wait eighteen to twenty months before he can proceed to build his house.

Mr. Prosperi said the original design for the house was for a house which is 48' at the top of the ridge, the top of the ridge of the new design is 40'. It will be 24' from the finished floor level which is under the 25' required. It will have approximately 3,194 sq. feet which is 24% lot coverage and under the Town requirement. Mr. Prosperi said the proposed house also met the requirements for federal flood control, and would be 70' from its neighbor to the south.

Mr. Prosperi said the house that Mr. Stanley would bring back to the Architectural Review Commission would have a cubic area of approximately 5,500 sq. feet as compared with 7,300 of the previous application. He said there would be a basement area of 439 sq. feet, a first floor area of 3,150 sq. feet, a second floor area of 1,979 sq. feet, and the seocnd floor area has been reduced from 2,894 sq. feet. They have reduced size of the glass, he has reduced the height by 9', he has reduced the all over area of the building by 25' which amounts to approximately a 1/3 reduction of the cubical area of the house.

Mr. Prosperi said he would urge the Council to grant a waiver and to refer the matter back to the Architectural Review Commission so they can insure that Mr. Stanley's plans comport with the preliminary studies which have been completed concerning the overlay district. Mr. Prosperi put the question to the Town Council of whether or not they felt that this process is going forward in a fair manner? He said the plan has been examined by the appropriate Town Boards and he would very much like the Council to send the application to ARCOM to enable Mr. Stanley to go forward with the process, and allow him to build this single family house.

Mr. Heeke said that was a very impassionate plea, but he would like to point out to Mr. Psosperi that when the matter initially came to the Council they were unanimous in their support of ARCOM's decision. He said if Mr. Stanley had proceeded with litigation which is his right, there is no guarantee that he would be allowed to build that house. He said that sometimes the review courts support as well as overruly the lower tribunals.

Mr. Prosperi said he wouldn't speculate as to what the result would be in a case of litigation. He said that Mr. Stanley had a choice of either suing the Town or coming back before the Town with a new proposal, but he chose to come back before the Town Council and to him, this bespeaks cooperation on the part of Mr. Stanley.

Mr. Prosperi said that had Mr. Stanley chosen to go to court, paid his $37.50, by Florida law the zoning in effect on the day he appeared at the court house with his check was frozen in time. Now that the Town has enacted the zoning in progress provision, Mr. Stanley has been put in a worse situation than he would have been had he elected to sue the Town.

Mr. Prosperi said that Mr. Stanley had gone a long way to meet the concerns of the Town, and he wondered if equity doesn't say that the Council should allow Mr. Stanley a chance to proceed without waiting for the zoning in progress period to expire.

Mr. Moore said they had completed the initial overlay study of the plan, but they do not have anything in final form at this time, however, he said that the concept of a full banning of a seocnd story in the area from Queen's Lane to Onondaga would be appropriate.

Mr. Heeke said the first question before them is the waiver and if the waiver is not granted then the other matters are immaterial.

Mr. Moore said the actual item which should be discussed is the waiver. He said that when they enacted zoning in progress they did provide for an applicant to apply for waver. He said it was his understanding that the waiver request would eventually look to either an overlay zone or special exception for homes being built from Queen's Lane to Onondaga. He said in the case of Mr. Stanley's application it has increased the rear yard by 5%, he has lowered the building to 26' but is willing to lower it to 25' where 30' is permitted. Mr. Moore indicated that the lot coverage has been reduced from 25% to 24%. Mr. Moore said it was their opinion that the applicant has not used the maximums which are currently in place in the zoning ordinance and a waiver consideration is properly presented to the Town Council.

Waiver - Stanley dwelling

Mrs. Wiener asked if the lower level is so much less than it was before, how is it that there is less green space than they had before? She said if they are reducing the size of the house why is there more lot coverage?

Mr. Moore said they were reducing the size of the second floor not the first floor.

Mr. Prosperi said they had also reduced the size of the first floor by 150 sq. feet.

Mrs. Wiener said that's what she doesn't understand, and maybe its the other way.

Mr. Prosperi said the new design being submitted is very similar to a house which just went up on Palmo Way. He said their proposed house compares with the one on Palmo Way.

Mayor Marix said she had a bit of a problem with the zoning in progress right now with a waiver possibility. She said there was the feeling that there is a problem in that area which should be looked at to determine if there is a problem and if so, what can be done about it. She said the waiver was put in there in case there was a very clear cut situation which would allow for a waiver.

Mayor Marix said this was a big house, a two story house right on the ocean. She said she was concerned that it isn't flying a little bit in the face of the decision that the Council made when they put in zoning in progress to study a problem. She said the new house which has just been finished on the corner of Merrain is massive. She said it was hard to tell from the picture of hte Stanley house just how massive it really is.

Mr. Prosperi said he agreed and he suggested that the Council refer this back to ARCOM until the Town decides what it wants to do.

Mayor Marix asked if this went back to ARCOM without a waiver simply to show them what Mr. Stanley is trying to do, couldn't it come back to the Council later? She said she realized that zoning wouldn't be asked to grant a waiver. Mr. Heeke said it was his understanding that the Council must approve the waiver before the variance can be approved.

Mr. Prosperi said they would drop their request for the pool variance in order to speed things up. He asked the members of the Council to consider how unhappy they would personally be with such a lengthy process.

Mr. Heeke asked about the floor area ratio. Mr. Prosperi said the floor area ratio compared favorably with the neighbors.

Mrs. Wiener said she would like to hear what Mr. Moore has to say about the entire application. She said she has heard from Mr. Prosperi, she has heard the figures a dozen times and she wanted to know what the Building Department has to say about this and then move along.

Mr. Moore said that the waiver is properly before the Council, and the area has been reduced which was the biggest concern that has been expressed during the discussions in this zoning season. He said they object to the pool on the variance request and Mr. Prosperi said he would be willing to withdraw that request. They would recommend retaining the garage but it is to be used only for garage and mechanical room and not to exceed a three car garage. Mr. Prosperi said they would agree to those conditions.

Mrs. Douthit said she didn't feel that Mr. Stanley should object to returning before the Council time after time, because she felt he just hadn't gotten the message.

Mr. Prosperi said he reduced the seocnd floor by a 1,000 sq. feet, he dropped the roof by 9' and he felt those actions indicated that Mr. Stanley had gotten the message.

Mrs. Douthit said that if they put zoning in progress and then grant waivers, what's the point? She said she felt this would be setting a very questionable precedent.

Mr. Heeke said he felt the real problem is that they saw a trend developing which they tried to arrest, and in that process it has taken some time, and in fact they had called the Zoning Commission back into session. He said they were trying to come up with solutions which will give applicants and their immediately affected neighbors solutions which everyone can live with. He said the purpose of the waiver is to give the Council time to go through the process including second stories and set backs.

Mr. Prosperi asked Mr. Moore how high the house could be if it was one story? Mr. Moore said that would be 25'. Mr. Prosperi said they were under the height the house could be if it were a one story structure.

Mayor Marix asked if the lot coverage was that of a two story house or a one story house? Mr. Moore said the lot coverage is 25% which are the figures they now have, but they haven't had time to verify Mr. Prosperi's new figure of 24%. He said the coverage for a two story house is 25% and 30% would be permitted for a one story building.

Dr. Lilja addressed the Council, stating the only thing he agreed with Mr. Prosperi was that this application had taken a lot of time. He said he had submitted a sheet of facts to Mr. Heeke and he asked if they had been given to the members of the Council? Mr. Heeke answered affirmatively. Dr. Lilja said that basically every fact which Mr. Prosperi has presented is incorrect, but he believed he was acting in good faith.

Dr. Lilja said it was only one month ago that the Council denied a waiver request for a property in the same neighborhood which was much less dominant than the Stanley house would be. He said Mr. Stanley has supposedly reduced the second floor to reduce the bulk of the house, but that is incorrect. He said the bulk of the house is identical to what it was before when it came before the Council and when it was presented to the ARCOM the last time. Dr. LIlja said it was itentical except that the property is larger now by approximately 5% in volume and about 6' in the south elevation which means an increase in that elevation of about 16%.

Dr. Lilja said the claim that the second floor is now smaller only applies to the inside of the house. He said he also takes exception to the claim that the footage and lot coverage was less because the drawings which were submitted before specifically says the coverage will be 25% while the previous drawing says 23.4% so the lot coverage is now larger.

Dr. Lilja said he would use the applicant's formal application to contradict the information which has been presented to the Council. The applicant says the height is now 28' above the ground when in fact the height is 26.6". Dr. Lilja said that except for the roof cone which has been eliminated, the building height of 26'6" is exactly the same as it was in the drawings which were submitted to the Town on December 11, 1990, which means that the builidng has not been decreased in height at all. They say that all requirements, landscaping, building heights, etc., have been complied with, but he disagrees. The gross FAR comes to approximately .615 vs. a maximum of .45 which is allowed by Town ordinance. Another detail which has not been brought out is the alteration of the grade in the rear, the grade is listed as 13.95 which is the elevation above mean high water. He said that elevation is about 3' higher than the present natural grade in that location, and the zoning ordinance only allows a 12" increase. This means the proposed elevation is approximately 2' too high, and would require a Variance.

Dr. Lilja said that according to plans submitted by the applicant in December of 1990 and in May of 1991, the footprint has been increased from 3,050 sq. feet to 3,270 sq. feet which is an increase of 7.2%. The volume has been increased by approximately 5%. The applicant claims the south elevation has been reduced by 25%, but it actually has been increased by approximately 16% and this is because the bay on the southeaset corner has been lengthened by approximately 6'. He said that under those circumstances the proposed building would require two additional variances. The bulk of the proposed is larger than the bulk of building which was previously denied by both the ARCOM and the Town Council.

Dr. Lilja said he would like to compare the proposed building to other homes in the area. He said one comment was that the property to the west is only 2' lower than the proposed building, but the top of that building is 5 1/4' lower and there's no comparison between the buildings because one has a flat roof and the other one has a peaked roof. He said that if the comparison was between two flat roofs then there is an 11 1/4' difference in height between Mr. Martino's house and is 9 1/2' higher than his house.

Waiver - Stanley dwelling

Dr. Lilja said there were two letters on file and he requested that those letters be read into the record.

Mr. Ilyinsky asked Mr. Moore if he could solve the dilemma of foot print once and for all.

Mr. Moore said he had just received the letter to Mr. Heeke, dated June 10th today, and they haven't had time to check Dr. Lilja's figures, but Mr. Zimmerman and Mr. Frank have researched the documents which they now have. He said the gross floor area of FAR is a new concept which was initiated this year and its understandable that someone could misuse it. Mr. Moore said the definition of FAR is; Gross Floor Area, a measurement of land use intensity expressing the mathematical relationship between the floor area of the building and the unit of land. It is arrived at by dividing the gross floor area of all the buildings exterior dimensions on the lot by the gross of that lot which means floor area. If one portion of the home is one story that rises up to a very large cathedral type ceiling, the area is not assumed to have a seocnd floor over it is gross floor area. That is the concept used in FAR and it is acceptable in any zoning practice, although it has not been used in Town before this year. Mr. Moore said he believed that Dr. Lilja's assumption of 61% gross floor area was incorrect. By definition 1.45% is the required or the maximum that can be used. He said previously you could have a 5,000 sq. foot floor area ratio on a 10,000 sq. foot lot which represents a 500 sq. foot reduction. If Mr. Stanley had maximized his gross floor area use under the old ordinance, and the home is larger, then the lot would be larger than the 10,000 sq. feet, and would represent a significant reduction just by floor area ratio requirements alone. Mr. Moore said the plan which Dr. Lilja referred to which was in December, he believed that Mr. Prosperi's statements referred to Mr. Stanley's first submission and how far he had come from the first submission to his subission today. He said he believed what is being compared in December is not the same plan that Mr. Prosperi was referring to, and there may be some confusion on that part.

Mr. Prosperi said what they were asking for today is less than what they had asked for at the beginning of the application. He said he wished to refer to Mr. Sved's report which is the Town's report made by the Town's paid Architectural Consultant, and the Architectural Review Commission incorporated in their findings are the figures which he is using.

Mr. Moore said they had this problem where the neighbors did not accept Mr. Drago's figures who was then the architect. As a result of that rejection, the Town was forced to rush out and do their calculations, so if those are the figures they are suing then everyone should use the same figures in their comparison.

Mrs. Wiener said that after awhile everything is all over the lot and they are forgetting where they really are. She said her question was, and based on the conversation in the normal monthly meetings, going over all the variances, she said that Mr. Moore indicated to her that the last drawings submitted for the Stanley house indicated that the house was considerably smaller. She asked Mr. Moore; yes or no is this house smaller or larger, is the roof 25' or less, is it the height of a one story home or is it not?

Mr. Moore said he had not verified Mr. Prosperi's figures.

Mrs. Wiener asked what figures did he have? Mr. Moore said he had 26 1/2'. Mr. Prosperi said they were cutting that height down by 2'.

Mrs. Wiener asked where the extra 9' came from that they just heard about from Dr. Lilja? Mr. Moore said he was not sure how Dr. Lilja made his determination. Mrs. Wiener asked Mr. Moore if he had the figures anywhere? Mr. Moore said he had only the figures which they had compiled.

Mrs. Wiener said that if there is an argument between attorneys and residents or between two attorneys or whatever, she said the Building Department was supposed to have the facts and those facts were the ones she was going to go with.

Mr. Moore said he wished to caution the Council that the issue of bulk is in the waiver process, and he felt they could consider that in the waiver process but not in the variance process.

Dr. Lilja said the answer to Mrs. Wiener's question is on the drawing which is presented to the Council today. He said the answer is in the lower right hand corner of the first page, and he said he would be happy to submit the corresponding drawing which shows the increase in footprint.

Mr. Prosperi said the one thing which might be confusing to Dr. Lilja is what they did was, so they could reduce the imposition on the neighbor, they flipped the plan so what he is thinking about as being a longer side of the house is what used to be the north side flipped. He said they would be happy to have the waiver conditioned upon absolute figures corresponding to the representations which have been made today and those are - that the height of the house above the finished floor level be no more than 24'6", the square footage on the ground floor level be no more than 3,150 sq. feet and 1,979 sq. feet on the second floor.

Dr. Lilja said all the second floor balconies are covered and are counted as floor area. Mr. Moore said porches are not counted as a floor area ratio.

Dr. Illja suggested that the Council compare the new drawing to the old one. Mr. Weinberg said he wasn't concerned with old or new, he's only concerned about what is before the Council now as that is what they propose to build and the old presentation is inconsequential. Mr. Weinberg said that no one on the Council is a building expert, they have two gentlemen presenting conflicting statistics, and even though they aren't experts, they do have experts who they pay, Mr. Moore and Mr. Zimmerman. Mr. Weinberg said he would like to hear a report from Mr. Moore and Mr. Zimmerman before they make any decision on this matter. He said they are all writing down numbers, the floors are getting smaller and larger and it's a little confusing to say the least.

Mrs. Douthit said she would like to make a motion to defer this matter until the July 9th Council meeting when the final plans are in the Building Department and every one has had a chance to review it. She said Mr. Prosperi says they are going to drop the roof which would be lovely, but she said they don't have the final plans so they don't know what they are doing and she didn't want them to grant a waiver because she was afraid that it might be precedent setting.

Waiver - Stanley dwelling

Mr. Heeke said he thought they should consider the present request. He said if they are meeting lot size coverage and height requirements he felt those were important issues and they should consider the present set of plans.

Mr. Prosperi said if they would grant the waiver with the conditions that the roof be no more than 24', and the first floor area squre footage be what he has represented to the Council. He said the Architectural Review Commission and the Building Department would be a more appropriate forum to consider the math and the double checking.

Mayor Marix said she agreed with Mr. Prosperi on that point, but between the Building Department and the ARCOM that particular area of geography has given them enough problems that they did put in zoning in progress. She said they also put in a waiver procedure which is very straightforward and simple. She said the fact is that 15' from another neighbor and nearly three stories is not a very big difference, and she said she would hate to do anything which would set a precedent for a zoning problem which they are trying to solve. Mayor Marix said they know they have a problem and if they go ahead adn do exactly the same thing, then by the time they solve the problem it will be too late.

Mr. Prosperi said they could live with a waiver which would allow them the height that is permitted for a single story house.

Mayor Marix said the house on the corner of Merrain was legal height but it was massive.

Mrs. Wiener said what she would like to preclude is, sitting here next month and getting a lot of figures which have been created and are not part of the Building Department which the Town has accepted as definitions and going through this all over again. Mrs. Wiener asked Mr. Moore if the President of the Council gave them a 10 minute break, could they come up with the proper figures. She said she would assume they did have those figures.

Mr. Moore said he believed that Mr. Prosperi had amended the figures on the floor which were submitted to them.

Mrs. Wiener said she wasn't concerned with what Mr. Prosperi has done. According to what Dr. Lilja has presented today the figures that have been given as corresponding to the present set of blue prints are totally wrong. She asked Mr. Moore are they right or are they wrong, are they correct or are they incorrect?

Mr. Moore said they could give them some of the figures in 10 minutes but the rest they would have to verify. In fact they would have to shoot elevations with a transit to verify whether or not the figures are right or wrong.

Mrs. Wiener said that it seemed to her there is almost a vendetta against Mr. Stanley. She said she had never seen such goings on over a house. She said she has never seen anyone return month after month adn tell her that our Building Department is totally incorrect in the figures they are giving to members of Council, and if indeed Dr. Lilja is correct, she said she wanted something done about it.

Dr. Lilja said he was sorry if there was a misunderstanding between himself and Mr. Moore. He said he had tried to contact Mr. Moore on Jun 10th, but Mr. Moore was in a meeting but he did have a long meeting with Mr. Zimmerman and he specifically asked Mr. Zimmerman to inform Mr. Moore of the exact items which were discussed and he hoped that Mr. Zimmerman would confirm this.

Mr. Zimmerman said they had discussed two things on the 10th, and those two things were lot coverage and the elevation of the pool deck. Mr. Zimmerman said that the elevation of the pool dick was an insignificant matter as far as the Building Department was concerned because if it was too high, it could be lowered. Mr. Zimmerman said the other matter was floor area ratio. He said they did touch on that matter and Dr. Lilja's method of calculation did not agree with his method of calculation and that's why there's a difference.

Dr. Lilja said he had brought out at the beginning of his presentation that his calculations were gross and that is different from what FAR is normally used for and he has acknowledged that difference. Mr. Zimmerman said he felt that was the difference between their calculations.

Mr. Ilyinsky seocnded the motion by Mrs. Douthit to defer the request of Mr. Stanley for 30 days or until the next Council meeting.

Mr. Prosperi said he would characterize the behavior which Mr. Stanley has encountered as ambush. He said there are new figures and issues being presented for the first time on the day of the Council meeting, and was unfair to the applicant.

Mr. Heeke said there was a motion by Mrs. Douthit to defer, seconded by Mr. Ilyinsky. He asked if it was possible to have some unanimity by the next meeting?

Mr. Moore said not only would they have unanimity, but it will be verified by an independent source other then Mr. Sved, it will be verified as to the figures and there will be no question about them one way or the other. He said obviously there was a difference of opinion in the interpretation of the Ordinance and he will meet with Dr. Lilja and personally go over every item in the letter which is addressed to Mr. Heeke and all figures will be verified by an independent source at no extra charge to the Town.

Mrs. Wiener asked what was to preclude this happening again next month? She said they could get up and say anything. Mr. Prosperi said that's exactly what has happened and that's why this has gone on as long as it has.

Mr. Randolph said that since all the interested parties are present now, perhaps if they set a deadline, say 10 days prior to the next Council meeting for anyone who wishes to sumbit or question figures concerning this matter then everyone would be dealing with the same figures.

Mrs. Douthit said she would be happy to add that requirement to her motion that questions concerning the Stanley application must be submitted 10 working days prior to the next Council meeting which will be July 9, 1991.

Mayor Marix said she understood Mr. Prosperi's problem, but they also must consider Town residents who have gone away and are not aware of the zoning in progress and if they knew about it they would like to be here. Mr. Prosperi said it did not seem to him that the opposition is under represented.

Mr. Heeke said he would call the motion which is to defer the Stanley application and require any information concerning that application to be submitted to the Building Department 10 working days prior to the Council meeting on June 9, 1991. Motion was made by Mrs. Douthit, seconded by Mr. Ilyinsky. Motion carried unanimously on roll call.

NEW BUSINESS

New Bus.

2. Variance No. 34-91 - Ellen Pettie, 235 Chilian Avenue; to allow construction of a two family dwelling on a 12,500 sq foot lot, in lieu of 13,333 sq feet required. R-C District. Mr. Moore said this is one of the properties who had registered their concerns when the Town was going through the rezoning process. The minimum size lot requirement in the R-C District previously was 10,000 sq. feet but has now been raised to 13,333. Mrs. Pettie's property is 12,500 which is 833 sq. feet short of the requirement. Mr. Heeke noted that the square footage was exactly the same footage as Bustani which had just been granted a variance. Mrs. Douthit asked if Mrs. Pettie was going to build anything of the nature of the Bustani in the imminent future? Mrs. Pettie said she planned to erect two buildings. Mr. Moore said any new construction would have to meet today's ordinance and the same stipulation which was included in Mr. Bustani's variance would apply here. Mayor Marix asked if the apartment next door was remodeled from an existing garage? Mr. Moore said that was possible some years ago. Mrs. Pettie said it was an apartment when she purchased the property. Mrs. Douthit moved for approval of variance No. 34-91. Seconded by Mr. Ilyinsky. Var.34-91

Mr. Bennett said he was representing Mrs. Lind of 231 Chilian Avenue who opposed the variance. Mr. Bennett said he was in a dilemma because personally and professionally he was in favor of the Variance, but he is appearing before the Town Council to voice Mrs. Lind's objection. Mr. Heeke said the objection was noted.

Mr. Moore asked if the motion included the same stipulation which was put on Mr. Bustani, which was that they could not use the under sized property for further variances for new construction? Mrs. Douthit responded affirmatively, no further variances. On roll call motion carried unanimously.

3. Variance No. 35-91 - Francis Pflugfelder, 325 Crescent Drive; to allow construction of a 7.5' high wall in lieu of 4' maximum allowable. R-B District. Var. 35-91

Mr. Hinkle said he is representing Mrs. Pflugfelder in this matter. He said the house was somewhat like being in Grand Central Station. It is bound on three sides by County Road, Wells Road, Crescent Drive and the Fire Station. Mrs. Pflugfelder wishes to replace a 4' wall with a 7.5' wall which corresponds with the height of the wall on the other side of the street.

Mrs. Douthit asked if there would be a hedge on the outside of the wall so the wall will not be noticeable? Mr. Hinkle said there would be a hedge installed.

Mr. Moore said this was a unique piece of property in that it has a double frontage street front on Crescent and a rear street yard on North County. He said the property to the west does have a 7.5' wall but the properties to the north do not have walls. Mr. Moore said he recommended, if a Variance is considered that it be for a 6' wall.

Mayor Marix said the situation was bad in that area, and she said a 7.5' wall seemed appropriate. Mr. Heeke said they were only talking about County Road. He said there were no other houses on that side of the street which have walls of more than 6' in height.

Mr. Hinkley said that Mrs. Pflugfelder's property was a particularly bad situation because it was a pie shaped lot and she was really out in the open.

Mr. Heeke said he recalled a noise and light problem on Via Bethesda, and they did not permit a wall any higher than zoning allowed.

Mrs. Wiener moved that Variance No. 35-91 be granted. Seconded by Mr. Ilyinsky.

Mr. Weinberg asked how was the 7.5' determined, why not 6' or 6 3/4? Mr. Hinkley said it was an arbitrary decision on the height and they wished to match the other wall. Mr. Heeke said he felt the Council should be prepared for future applications for 7.5' walls. Mrs. Wiener said she had no problem with that.

On roll call, motion to approve Variance No. 35-91 did not carry with negative votes cast by Mr. Heeke, Mr. Weinberg and Mrs. Douthit. 2-3.

Mrs. Wiener made a motion that Variance 35-91 be approved for a 6' wall. Seconded by Mr. Weinberg. Motion carried, Variance No. 35-91 was granted conditionally.

4. Variance No. 36-91 - Wynne S. Ballinger, 235 Banyan Road, to allow construction of a greenhouse providing a rear yard setback of 3' in lieu of 15' as required. R-A District. Var.36-91

Mr. Moore said that the applicant was not present at this time, and suggested they postpone hearing Variance No. 36-91 until the end of the meeting. The Council agreed.

5. Variance No. 37-91 - John McKinley, 1260 North Lake Way; to allow construction of a 150 square foot pool cabana, increasing the lot coverage to 30.75%; maximum permitted is 30%. R-B District. Letter dated June 10, 1991 from John McKinley, President, M.J. Construction, Inc. Withdrawn. Var. 37-91

6. Variance No. 38-91 - Donald Trump, Mar-A-Lago, 1100 South Ocean Boulevard; to consider expansion of nonconformities as per Section 8.23 of the Town Zoning Ordinance and allow the existing property manager's cottage to front a new street at a setback of 18' in lieu of 35' as required; and allow the garage to the property manager's cottage to setback 8' when 35' is required, and allow the garage, staff and service quarters to the main structure to be setback 12' from the means of ingress and egress when 35' is required. R-AA District. Variance No. 38-91 was deferred. Var. 38-91

7. Variance No. 39-91 - Anthony DiNorcia, 210 Colonial Lane; to allow construction of a new residence on a lot 82' wide in lieu of 100' required and further to provede a 20' front yard setback in lieu of 25' required. R-B District. Letter dated Jun 10, 1991 from Anthony DiNorcia requesting withdrawal. Withdrawn. Var.39-91

8. Special Exception No. 4-91 - Howard Johnson's Restaurant, 2880 South Ocean Boulevard; to allow expansion of a nonconforming building by installing an awning over a proposed outdoor seating area thereby increasing the builidng area from 3,885 square feet to 4,237 square feet; a maximum of 2,000 square feet is permitted. To allow 17 outdoor dining seats in conjunction with the existing restaurant pursuant to Section 6.61 of the Town Zoning Ordinance. C-TS District. Spec. Excep. 4-91

Mr. Heeke asked if this meant there was to be no additional seating of the restaurant?

Mr. Moore said that was correct. The seating would be moved from indoors to outdoors from the existing 125 seats and would be on the lake side southwest corner. To the south is the Lake Worth Municipal parking lot, to the west is the Restaurant and Motor Lodge parking lot.

Mr. Richard Sun of Team Architecture who represents Murray's Restaurant which was formally Howard Johnson's

Spec. Excep. 4-91

restaurant who is asking permission to erect a covered seating area which will expand the existing 3,885 sq. ft. by 352 sq. feet. They propose to install an awning at the southwest corner at the rear of the restaurant. He said the building has been Town serving since its establishment and will continue to be so. He stated they are able to meet the zoning requirements for parking and do not exceed lot coverage or building area coverage and request permission to move 17 existing seats from inside the restaurant which currently has a 125 seat capacity and no additional seatig will be added, as the outdoor seats will function in the same manner as the remainder of the indoor seats which is a full service sit down seating. They will provide landscape buffers, there is a guard rail around the proposed deck so patrons will enter through the interior of the restaurant. Mr. Sun said the purpose of the awning is to provide outside dining in any type of weather.

Mrs. Douthit said that with an awning she could foresee all kinds of enclosures within another year. She is in agreement with the patio arrangement but would recommend umbrella tables.

Mr. Sun said the awnings are 20' in depth from east to west, and 21' north to south so there is ample shelter from the awning.

Mrs. Wiener asked if they anticipated the purchase of additional chairs? Mr. Sun said they would purchase out door type seating, but they are removing seventeen interior booths and tables.

Mr. Moore said the restaurant is remodeling inside and the seating must remain at no more than 125 seats.

John Metz, owner of the Restaurant addressed the Council, stating they would not exceed the 125 seating capacity, and they would also request that they be allowed to install side curtains so they could use the patio in all types of weather. Mrs. Douthit said that next week it would be concrete block. Mr. Metz said that as long as they owned the restaurant, there was no intention of enclosing the outdoor area. In fact the whole purpose is to utilize the view of the water and to get away from the Howard Johnson's image. They only have a beer and wine license and they close at 11:00PM. He said they basically cater to breakfast customers.

Mr. Moore said the applicant has requested a special exception and variance to expand a nonconforming building, so there are several things which the applicant must address. He said he believed the applicant had satisfied the Town serving issue, but one other issue is, do they plan to have a bank and would the Council approve a band if the owners chose to have one. Mr. Moore said they are asking for an expansion of a nonconforming structure and over 2,000 square feet. He said there were several restaurants in town which have awnings or umbrellas over the tables and they have no objection to that. Mr. Moore suggested that they be restricted for the first year to the same restrictions which were imposed upon Renato's and BJ's which is the outside tables with umbrellas.

Mr. Weinberg said they hadn't accepted umbrellas, they are still talking awnings. Mr. Moore said that portion would either have to be accepted or denied.

Mr. Heeke said they had ll had discussions with the Building Department concerning over 2,000 square being Town serving. Mr. Heeke asked Mr. Moore if he would please relate additional information concerning Town serving.

Mr. Moore said Howard Johnson's had submitted a survey which showed that 80% of their patrons could be classified to be Town serving which are either residents, their guests or employees which work in the Town.

Mr. Heeke called for a motion which would include the immediate revocation of the special exception in the event the total seating exceeds 125 at any time, and be limited for one year to umbrella type seating.

Mr. Moore said the ordinance requires them to come back before the Council on an annual basis.

Mrs. Wiener said the request is for an awning, and before they took away the awning they would have to take a vote. She asked Mr. Sun if they would be happy with the umbrellas?

Mr. Sun said they had a problem with exposure of wind from the water, which is one of the reasons they had requested a more permanent structure. He said there would be a problem with the umbrellas. Mr. Sun said the awnings which they have requested would be similar to the new awnings on the front of the restaurant.

Mr. Weinberg said he thought they would have less problems with an awning than with umbrellas.

Mrs. Wiener moved that special exception No. 4-91 be approved with the sudden death clause which means that anytime there are more than 125 seats in use the Special Exception will be revoked immediately; they are to return before the Town Council in one year, and no band is permitted in the outside area. Seconded by Mr. Ilyinsky. Motion carried 3-2, with negative votes cast by Mrs. Douthit and Mr. Heeke.

Spec. Excep. 5-91

9. Special Exception No. 5-91 - Town of Palm Beach, Town Municipal Dock property lying west of South Lake Drive between Brazilian Avenue and Royal Palm Way; to permit temporary location of a mobile home to provide fire-rescue services while Central Fire-Rescue Station is renovated, pursuant to Special Exception Use Regulations, Section 4.20 of the Town Zoning Ordinance. R-B District.

Mrs. Douthit moved that Special Exception No. 5-91 be approved. Seconded by Mrs. Wiener.

Mayor Marix asked what precautions will be taken in case of a storm? Mrs. Douthit said it was only going to be there 6 weeks or so.

Mr. Moore said the installation would be required to meet the Town;s Building Code which will require tie downs and must withstand 125 mile wind loads.

On roll call motion carried unanimously.

Mr. Heeke asked if Mrs. Ballanger had been contacted regarding Variance No. 36-91? Mr. Moore said apparently Mrs. Ballanger is out of Town and asked if this might be deferred to the July 9th Council meeting.

Motion was made by Mr. Ilyinsky to defer Variance No. 36-91 to the July 9th Council meeting. Seconded by Mrs. Wiener, motion carried.

D. Other

1. Request by Landmarks Preservation Commission to have a Joint Workshop with the Mayor and Town Council and the Landmarks Preservation Commission Regarding Proposed Mar-A-Lago Subdivision. Deferred earlier in meeting.

2. Request of the Flagler System by James R. Brindell, Attorney, for discussion regarding extension of time for Breakers PUD Improvements.

Mr. Brindell said they were not here seeking formal action but because we are approaching the zoning season they wanted to get some direction form the Council so they could approach the zoning season properly. Mr. Brindell said there are several items which are important to both the Town and the Flagler System. He said one of those items relates to relocation of some of the pods. The Town occupies one of the pods where the waste transfer plant is located, also some road modifications and some drainage issues which probable will lead to some golf course modifications. Mr. Brindell said they are seeking a delay in time in order to better deal with teh issues at the Flagler System and with the Town's staff.

Mrs. Douthit made a motion to grant an extension of time to the Breakers PUD improvements. Mr. Heeke asked for what period of time. Mrs. Douthit said that could be left open.

Mr. Randolph said the point of Mr. Brindell being before the Town Council today is to get a conceptual approval of a request to delay. He said he had advised Mr. Moore and Mr. Brindell that because this is a matter which would normally be decided during the Zoning Season, he did not feel the Council could make a final decision on a delay today, and he didn't think it was appropriate to make a motion to grant a delay.

Mrs. Wiener said she had indicated to Mr. Brindell that a courtesy should be responded to with a courtesy, and she asked what the courtesy might be?

Mr. Brindell said he thought that Mrs. Wiener's concern was the drainage problem. He felt they could come up with something on an interim basis whichwould improve the problem and allow them to come up with a long term solution. Mrs. Wiener asked when?

Mr. Brindell asked if they wanted them to come back with a proposal and address the drainage issue. He said that when they come back before the Council in September to file an application for a delay, it would address the problem and give a time frame.

Mrs. Wiener said in case that is a very ling time range, perhaps they could add a few more years to the Pine Walk situation? Mr. Brindell answered affirmatively, and said he totally understood, and felt that was reasonable.

Mr. Brindell said they appreciated the Council's input.

XIII. COMMUNICATIONS FROM CITIZENS - None.

XIV. ANY OTHER MATTERS

1. Mr. Moore said due to the experts who already have testified regarind Mar-A-Lago and in anticipation of further expert testimony on July 21st. he said the Town Staff did not have the level of expertise to counter testimony on a national level and they may require the services of experts to assist them in interpretation of the other points of view. He said they had $17,500 in their Professional Services account and he would like authorization from the Council to use those funds for experts to counter the experts from the applicant's side regarding the Mar-A-Lago issue.

Mr. Heeke said they had always been willing to seek outside assistance. He asked Mr. Randolph if this required a motion?

Mr. Randolph said that was not necessary.

Town Docks

2. TOWN DOCKS. Mr. Ilyinsky said his problem had to do with the Town docks. He said that a great many more people were coming into the docks on weekends, and a lot of the Town residents were using their boats on weekends, but there wasn't any one on the docks during the day on the weekends. He said there was a night watchman but no one during the day. Mr. Ilyinsky said that as far as he could determine we were the only municipality in the area which does not have a dockmaster or some sort of dockkeeper during the daylight hours on weekends.

Mrs. Douthit said she had no objection as long as the funds came from the Marina Fund.

Mr. Ilyisnky said he thought it would cost somewhere around $2,200 for the balance of the summer until the regular dock people return. He said he would like someone to make a motion to authorize the Town Manager through the Dockmaster to determine the exact cost.

Mr. Doney said the funds from the Undesignated Fund Balance in the Marina Fund would be available to provide for the part time Dockmaster. He said Mr. Dusey recommended the funds not to exceed $3,000, but it probably will be less than that. He said they had part time dockmaster during the season and the intent is to use the same part time dockmaster.

Mr. Ilyinsky made a motion that the Town provide a part time dockmaster on the weekends during the Summer not to exceed $3,000 with the funds to come from the Marina Fund. Seconded by Mrs. Wiener, motion carried.

3. Mary Ratliff from the Civic Association said she would like to invite the Mayor and Town Council to join in their 4th of July celebration from noon to four on the Seaview Park Recreation grounds. Also, they would like the Mayor to cut the ribbon to start the Parade, and request that Council President and Mayor Marix recognize the veterans who reside in the Town. Mayor Marix said she thought it was possible that she may be out of Town.

Municipal League

4. Mr. Doney said there was a deadline for the Municipal League and if the Mayor or Town Council has any comments on the By-Laws issue, if they will furnish them to him, Mr. Doney said he would be happy to pass them along to the Municipal League.

Mrs. Wiener said there was one item which she is happy about, and that is that the dues have been returned to the number of residents rather than the budget, thereby saving a considerable amount of money.

Mr. Heeke said he had submitted his suggestions which were only a few minor ones. Mr. Doney said he just wanted to be sure that they definitely do support the dues structure.

Adjournment

XV. ADJOURNMENT

There being no further business, meeting was adjourned at 5:20 PM.

Jacquelyn Reedy