TOWN COUNCIL MINUTES OF MEETING HELD ON JUNE 9, 1992

Roll Call

I. CALL TO ORDER AND ROLL CALL - President Heeke called the June 9, 1992 Town Council meeting to order at 9:30 AM in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Weinberg, Councilwoman Douthit, Councilman Ilyinsky, and Councilwoman Wiener. Also attending for all or portions of the meeting were: Town Manager Doney, Town Attorney Randolph, Mr. Elwell, Mr. Jakubiak, Mrs. Peters, Chief Terlizzese, Chief Elmore, Mr. Dusey, Mr. Boggs, Mr. Bowser, Mr. Bitzer, Mrs. Crozier, Mr. Moore, Mr. Zimmerman and Mr. Frank.

Invocation

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

Presentations

III. PRESENTATIONS

A. Retirement of Hazel Huggins, Equipment Operator I - Public Works Department - Mr. Huggins was presented a plaque in recognition of his 32 years 5 months service to the Town of Palm Beach.

B. Retirement of Craig Olson, Fire Inspector - Fire-Rescue Department - Mr. Olson was presented a plaque in recognition of his 23 years and 5 months of service to the Town of Palm Beach.

IV. COMMENTS OF THE MAYOR - Mayor Marix indicated she would not be making comments at the beginning of the meeting.

Approval of Agenda

V. APPROVAL OF AGENDA - Motion was made by Mrs. Douthit to approve the Regular Agenda as printed with the removal of XIII.C.2; XIV.B.1, Special Exception No. 5-92, Salvatore Ferragamo has been withdrawn; XIV.B.2, Special Exception No. 10-92, Linda Gary Real Estate postponed to July 14, 1992 Town Council Meeting; XIV.B.7, Variance No. 33-92, Robert Redkay, postponed to July 14, 1992 Town Council Meeting; XIV.B.15, Special Exception 15-92, 375 South County Road Associates, postponed to July 14, 1992 Town Council Meeting; XIV.C.1 - Consideration of request for waiver to Sec. 12.51, Hours of Construction at the Hilton has been withdrawn; addition of a study item for this year's Zoning Calendar which will be heard under XIV.C.4. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit to approve the "Approved Agenda" with the removal of Item IX, Approval of Warrant List and Fund Expenditures for May, 1992. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Approval of Warrant List

IX. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR MAY, 1992. Mrs. Wiener moved for approval. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Approved Agenda

APPROVED AGENDA (ITEMS VI THROUGH IX)

VI. APPROVAL OF MINUTES - None

Licenses & Permits

VII. LICENSES AND PERMITS

A. Charitable Solicitations

1. The Animal Rescue League of the Palm Beaches, Inc.; No. 7-93
2. The International Society of Palm Beach; No. 232-93
3. Comprehensive Aids Program; No. 337-92

New Business

VIII. NEW BUSINESS

A. Bid Awards

Sealed Bid No. 019-91/92

1. Sealed Bid No. 019-91/92 - Street Sweeping - Recommend Approval of Memorandum Dated June 3, 1992 from Al Dusey to Robert J. Doney.

B. Other

1. Consideration of Proposed Agreement Between Palm Beach County and Florida Department of Environmental Regulation - Recommend Town Council President Heeke be Authorized to Send Letter to County Strongly Opposing Delegation of Permitting Authority from State to County

IX. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR MAY 1992

Regular Agenda

REGULAR AGENDA

Public Hearing

X. PUBLIC HEARING

A. Landmark Designation for 150A Australian Avenue - Consideration of Resolution No. 28-92.

Res. 28-92

Mrs. Peters confirmed the Proof of Publication on this Public Hearing has been received. Mrs. Peters gave the oath to all witnesses.

Mr. Randolph read Resolution No. 28-92 by caption:

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 LANDMARK PRESERVATION COMMISSION THAT THE PROPERTY HEREINAFTER DESCRIBED MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER XVI, ARTICLE III OF THE TOWN OF PALM BEACH, AND DOES HEREBY DESIGNATE THAT PROPERTY AS A TOWN OF PALM BEACH LANDMARK, PURSUANT TO ORDINANCE NO. 2-84 ALSO KNOWN AS CHAPTER XVI, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

Res. 28-92 (cont'd)

Mr. Frank advised this property meets Criteria B as it is identified with history personages or important events in national, state or local history; and Criteria C that it embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship. He stated this is a modest bungalow and is associated with Harvey G. Geer who in the 1920's, he was responsible for the construction of the bungalow and called for the erection of a protecto super-ventilated bungalow, which has survived to this day. He indicated Harvey Geer was the developer of the island community and was responsible for much of the development in Palm Beach, West Palm Beach and the local port and it is believed he helped to erect the Royal Park Bridge over Lake Worth and assisted Cpt. Dimmick in the development of the Royal Park Subdivision in 1912. He stated Mr. Geer helped in the development of Lake Worth Inlet and the Port of Palm Beach and served as Chairman of the First Lake Worth Inlet Commission. He reported Mr. Geer owned a mercantile store on Clematis Street and was a member of Lake Worth Pioneer Association, Inc. and was a long time member of the Town Council of the Town of Palm Beach. Mr. Frank advised bungalows and shingle construction were advanced by the Preservation Foundation Private Citizens organization and an article in Palm Beach Life shows the Preservation people did study this issue as 30 to 40 of these types of structures were advanced to the Commission for consideration and only eight survived the scrutiny of the staff who recommended these buildings.

Mrs. Wiener moved that designation report concerning 150A Australian Avenue be made a part of the record. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

President Heeke asked how many of these bungalow types have been landmarked to which Mr. Frank responded this particular type is quite unique and is of the same type of frame construction in the five bungalows they have already landmarked. Mrs. Wiener recalled a total of eight of these bungalows have been before the Council and two have been turned down.

Mrs. Douthit moved the landmark designation be given to 150A Australian Avenue on the grounds that it meets Criterion B and C of the Landmark Ordinance and Res. 28-92 be adopted. Seconded by Mr. Ilyinsky. Mr. Heeke believed they shouldn't go overboard on this type of bungalow as a few specimens to preserve should be quite enough and they have already have that with the designations made previously. On roll call, the motion carried 3-2 with Mrs. Wiener and Mr. Weinberg voting against the landmark.

XI. COMMITTEE REPORTS

Committee Reports

A. Public Safety Committee Meeting of June 2, 1992

Public Safety

I. CALL TO ORDER AND ROLL CALL. Meeting called to order at 9:04 AM by the Chairman of the Public Safety Committee, Paul R. Ilyinsky. Committee member Bernard A. Heeke was in attendance. Also attending were Mayor Marix, Councilwomen Douthit and Wiener, Councilman Weinberg, Town Manager Doney, Mr. Dusey, Mr. Bowser, Mrs. Peters, Chief Elmore and Architect, Larry Schneider of Currie Schneider Associates, AIA, PA.

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

III. CONSIDERATION OF SOUTH FIRE-RESCUE ALTERNATIVE SITE PLANS BY CURRIE SCHNEIDER ASSOCIATES, AIA, PA. After considering the three Preliminary Plans submitted by Currie Schneider Associates and receiving input from all in attendance, it is THE COMMITTEE'S RECOMMENDATION that the architect prepare alternate plans with the following items to be taken into consideration in the preparation of the modified plans:

A. Study the possibility of having two phases of construction with the first Phase being the construction of the Apparatus Bay in order to have the proper protection for the storage of the three emergency vehicles which would have to remain on site during the construction.

B. Ensure that if it is necessary, the new building would have the potential to have additions constructed to accommodate the needs of the community in future years.

C. Provide elevation sketches of the proposed Fire-Rescue facility without the landscaping details as shown on the renderings provided. Also provide photographs of Fire-Rescue buildings which the architect has completed in the Keys, Delray Beach and other locations.

D. Submit modifications as to the proposed architectural style of the building to blend into the neighborhood, keeping in mind that this is a governmental facility.

E. Re-submit a proposed Site Plan which would include information as to the total number of square feet of the two-story building, and the paved area ground cover (in square feet) associated with the new facility.

F. The A-2 Plan would be used with the relocation of the proposed building southward and eastward which would require the removal of the existing Fire-Rescue Station. The relocation of the building to the east would allow the vehicles to be backed into the bays from the paved areas in the front of the building, rather than stopping traffic and having the vehicles backing into the bays from the State Road A-1-A. This would also minimize the amount of landscaping which would have to be removed as well as minimize encroachment into the Play lot located to the rear of the proposed structure.

G. Spaces in the adjoining parking lot to the South will be allocated for employee parking and visitor parking to conserve green space.

H. Since the existing Fire-Rescue building will need to be demolished to accommodate the new construction, there will be two trailers needed to house the six Fire-Rescue personnel; temporary covers for vehicles and other advance planning on this matter; Chief Elmore was requested to identify the details of these issues, including site location, a detailed cost estimate and any related issues which Chief Elmore and Mr. Dusey believe should be addressed.

When the revised modified plans and other information requested by the Committee are available, another Public Safety Committee meeting will be scheduled.

IV. ANY OTHER MATTERS: None

Adjournment

V. ADJOURNMENT. Meeting was adjourned at 10:18 AM.

SIGNED Paul R. Ilyinsky, Chairman and Bernard A. Heeke

Mr. Ilyinsky reported a letter has been received by Mr. D. E. Darwin of 2100 Condominium Association who has a concern about the design. Mr. Heeke recalled there are further design alternatives coming forward.

Mr. Weinberg noted there was a reference in the letter to the Ritz Carlton Hotel and he wanted everyone to know there was a town between the Town of Palm Beach and the Ritz Carlton Hotel and he moved for acceptance of the Public Safety Committee Report. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

B. Finance and Taxation Committee Meetings of June 3 and 4, 1992

Report of Finance & Taxation Committee

REPORT OF THE FINANCE & TAXATION COMMITTEE OF MEETINGS HELD ON JUNE 3 AND 4, 1992

JUNE 3, 1992:

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 June 3, 1992 at 9:10 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, Councilmen Ilyinsky and Weinberg. Staff members attending were Town Manager Doney, Finance Administrator Crozier, Town Clerk Peters and for portions of the meetings Messrs. Jakubiak, Elwell and Department Heads with their staff members.

II. APPROVAL OF AGENDA: Agenda was approved with a deferral of the Marina Fund to the June 4, 1992 Finance & Taxation Committee meeting.

III. FY93 PROPOSED BUDGET: - Mr. Heeke recalled at the April 14, 1992 Town Council Meeting he made some comments and he wished to expound on them. He would like to see the Staff seriously look at where they are going, visualizing a Town Government which renders the same high quality of services five years down the road and how it would be structured, with the goals and objectives of today and a determination can made as to whether or not the personnel force is adequate or should be reduced. He advised none of this should be thought of as a reduction in the work force or a threat to any employment and not a reduction of services, but as an exercise to see if functions within the government can be improved, at a savings.

Mayor Marix commented there should be real objectives established for the future with an effort made to keep the expenditures at the same or lower level, while maintaining the quality of services and each Department should be reviewed to offset expenditures over which there are no controls. She agreed with Mr. Heeke's remarks and believed the issue of privatization should also be studied and implemented.

A. Overview - Comments by Town Manager and Finance Administrator: Mr. Doney reviewed his memorandum dated June 1, 1992 and the noted attachments as a general overview of the materials which are before the Committee for review. In addition, a three page summary exhibit (with budget and personnel complement information) by Department and program which was prepared by Mrs. Crozier was distributed and discussed. Town Manager Doney noted that there has been some reductions in personnel in the Police Department, Fire-Rescue, Public Works and the Finance Departments, so there has been some introspective, self-analysis that the Mayor and Town Council are requesting.

Mr. Doney reported the recommendations on the Capital Improvement Program are major decisions to be considered as to maintain future funding for oceanfront roadway protective seawalls and beach protection from previously appropriated funds and maintaining reserve dollar amounts for same.

Mr. Doney believed there was a conscientious and concerted effort on the part of each Department Head and staff to recognize the need to be prudent and as cost justifiable as possible in the budget which is before the Committee and many items of equipment have been eliminated and deferred, however there are recommendations for some new equipment.

Mr. Doney advised for 1992, the estimate of the taxable value as of June 1, 1992 from the Property Appraiser's Office is $4,170,263,782, which is an increase of two-tenths of one per cent. He reminded the per cent of taxes that are used to fund the General Fund Budget of the Town of Palm Beach is 21 cents of every ad valorem dollar which a Town taxpayer pays.

Mr. Doney reported that at the current time, there are some unknowns in the current proposed budget and one of those areas are the costs for treatment charges for the sanitary sewerage which are proposed to increase by approximately $110,000 but more information from the City of West Palm Beach and City of Lake Worth is forthcoming on this subject. He stated there has been no funding provided in the Capital Improvement Fund for the proposed Aquifer Storage and Recovery project, or for a proposed water conservation program which is mandated to be prepared per the State's Comprehensive Plan requirements.

Mr. Doney indicated there are a number of line items which are personnel-related and are in all Departments' budgets. Mr. Doney noted that there are increases primarily on the line items relating to insurances, utilities and retirement. On these line items, Mr. Doney advised of the budget standards for FY93 that were used to prepare these line items.

Mr. Doney noted the proposed budget does not include any potential general pay increase for Town personnel, as this figure always comes after the salary and general pay increase surveys made by the Personnel Director in July and August. He advised the budget does include funds for the current programs of incentive and longevity pay.

Mr. Doney advised that on the revenue issues, the Town needs to carefully review the non-ad valorem revenues to maximize the existing charges and to implement additional charges, as may be deemed appropriate by the Committee and the Town Council.

Report of Fin. & Tax Comm.(cont'd)

Fire-Rescue

B. FIRE-RESCUE DEPARTMENT - At the meeting, Chief Elmore presented his ten page supplemental FY93 Proposed Budget Report. Chief Elmore advised his proposed budget for FY93 is in the amount of $4,990,481 which is less than FY92 by $81,483. They propose to use $45,900 in donated funds to fund capital equipment items for FY93. After discussion and review of the Fire-Rescue Department's budget, it is THE COMMITTEE'S RECOMMENDATION that the budget as presented by Chief Elmore for the Fire-Rescue be approved.

Bldg.Dept.

C. PLANNING, ZONING AND BUILDING DEPARTMENT - Mr. Moore reported his budget for FY93 shows a slight increase of $10,000 over what it was last year. He advised in personal services, those line items have increased by $27,000. He advised the contractual services figure is down by $13,000. He indicated on total commodities, that figure is down by $7,500, however the Capital Outlay has increased slightly. After further discussion and review of the Planning, Zoning and Building Department's budget, it is THE COMMITTEE'S RECOMMENDATION that the budget as presented by Mr. Moore be approved with the funding for line item on Landmarks Promotional Activities (No. 48-02) in the amount of $2,600 be deleted and private donated funds be obtained for same.

Town Clerk

D. TOWN CLERK'S OFFICE - Mrs. Peters reported her budget for FY93 is up slightly due to the increase in insurance and retirement line items. She indicated she has made a request for a replacement printer. After further review, the COMMITTEE RECOMMENDS the Town Clerk's budget be approved as presented.

Town Manager

E. TOWN MANAGER'S OFFICE - Mr. Doney presented the options available for the Annual Report and after discussion, it is the COMMITTEE'S RECOMMENDATION that the Annual Report be prepared in-house at the least possible cost and copies of the Report be made available at Town Offices and offices of the Palm Beach Civic Association and the Citizens Association South of Sloan's Curve, with the request made by Mayor Marix that the staff does not spend a lot of time on this project. Further, the COMMITTEE RECOMMENDS that the program budget for the Town Manager be approved as presented with the request by the Town Manager to purchase a replacement printer be done as soon as possible; and based upon the Town Manager's request for FY93 and to construct a wall in the Town Manager's office to create an additional meeting room area.

Data Processing

1. OFFICE OF DATA PROCESSING - Mr. Myers advised the budget for Data Processing for FY93 is less than FY92 due to the funding for the AS-400 computer will be paid off after three payments in FY93. After further discussion, IT IS THE RECOMMENDATION OF THE FINANCE & TAXATION COMMITTEE that the Office of Data Processing's budget be approved.

Personnel Dept.

F. PERSONNEL DEPARTMENT: Mr. Crouse advised it is his recommendation to increase the Town Physician's time by 32 hours per year or $3200 and this is line item 34-10; secondly $2000 for line item 34-18 which would be an expansion of the Employee Assistance Program to provide for management referral counselling for employees as needed; third, line item 52-09 Hep B Vaccination in the amount of $11,200 for Police Department employees which would be on a volunteer basis. After further discussion, IT IS THE FINANCE & TAXATION COMMITTEE'S RECOMMENDATION that the budget for the Personnel Department be approved.

Finance Dept.

G. FINANCE DEPARTMENT: Mrs. Crozier advised she will present her budget without the Purchasing Division, as that will be presented by Mr. Boggs. She advised funding personnel services has decreased by $44,000; contractual services have increased approximately $13,000 due to increases in the auditor's fee and the banking service fees. She explained the requests for equipment are the replacement of a personal computer, $2630; and a scanner in the amount of $1800, which will save money on printing, which is reflected in her budget. She advised this scanner can be used by all departments of the Town. She reported there will be an overall reduction of $25,450 in her budget for FY93. After further discussion, THE COMMITTEE RECOMMENDS the budget for the Finance Department be approved, with the request that the auditor's fee continue to be negotiated to attempt to attain a lower fee.

Purchasing

1. PURCHASING DIVISION: Mr. Boggs, Purchasing Agent, reported his Division's budget has increased due to the fact his Division has absorbed the Central Stores Warehouse from the Public Works Department and most of that expense is personnel related as one person has been transferred to his Division from the Public Works Department and the related increase in insurance and retirement costs. After further discussion, the COMMITTEE RECOMMENDS the approval of the Purchasing Division's budget as submitted.

Non Ad-Valorem Revenues

2. NON AD-VALOREM REVENUES: Mr. Doney explained the proposed revenues from non ad valorem areas which are proposed for FY 93. After discussion, the COMMITTEE RECOMMENDS the approval of the non ad-valorem revenue proposed budgets for FY93 as presented.

Police Dept.

H. POLICE DEPARTMENT: At this meeting, Chief Terlizzese presented his supplemental Police Budget Bulletin FY93, which consisted of twelve pages. Chief Terlizzese reported the crime rate was down this past year. He advised the FY93 Budget is approximately $61,427 below the FY92 Budget. He indicated there is an estimated overall under expenditure for the FY92 budget and approximately $233,285 will be returned to the General Fund and this is partially due to the reorganization and civilianization program. He commented on a new patrol technique to handle the bicycle trail problems in the north and south ends and that is having a combination motorized bicycle patrol with bicycle racks on three police cars and the police cars will be parked during the shift on a random basis and the officers will ride the bicycle trail; he stated on the night shift, the business districts will be patrolled as well as some residential areas. After further discussion, THE COMMITTEE RECOMMENDS THE budget for the Police Department as presented be approved.

Rec.Dept.

I. RECREATION DEPARTMENT: Mr. Bitzer presented his twenty-two page supplemental report which summarized all of the programs in his Department, Golf, Tennis, Adult & Youth Program as well as Facility Maintenance and showing the expenditures as well as the revenues. He reported his budget has increased one-and-one-half per cent or $10,641 above the FY92 for expenditures, and much of that is fixed costs for insurance, however with the recommended fee increases, revenue is increased by four per cent or $11,000, which will offset the fixed cost increases. He advised the Golf Course is estimated to pay for all operating expenses, new equipment and the FY93 Capital Improvements and still return an estimated $7000 to their revenue account. He reported on the Recreational Facility Maintenance, there is an increase of $1000; on the Tennis Program, there is a $7000 increase due to an evening registration clerk to monitor evening tennis court play, which will be offset by evening court fees; on the Adult Program the budget is increased by $465, as a result of fixed increases in personnel insurance line items; Youth Program has an increase of $2200 again due to the insurance line items. He advised there are no new equipment requests nor new personnel requests for FY93. After further examination and discussion, the COMMITTEE RECOMMENDS the budget for the Recreational Department programs be approved.

J. OTHER FUNDS.

Parking Fund

2. PARKING FUND: Mr. Doney reported this is an Enterprise Fund and overall, the personnel are individuals from the Public Works and Police Departments. He advised the revenues for the Parking Fund itemized individually.

Debt Service Fund

3. DEBT SERVICE FUND: Mr. Doney identified the Town Council previously authorized the 1992 Refunding Bond Issue and there are two outstanding bond issues, one for 1973 which was for the Par 3 Golf Course and 1985 which was for the Police, North Fire Station, and B-1 Compressor Station projects. He advised there is also a debt service fund for the 1986 Bond Refunding of the 1985 Bond Issue. He stated the estimated tax revenue to pay the principal and interest on all of the noted outstanding Town bond issues is approximately $55,000 less than last year.

Self Ins. Fund

4. SELF INSURANCE FUND: Mr. Doney stated this is an internal service fund and includes all insurances of the Town. He advised the total amount is budgeted for and included within not only the General Fund, but all the other funds which have personnel and related expenses.

Retirement Fund

5. RETIREMENT FUND: Mr. Doney explained this is an internal service fund and there is an increase of 8.08% for FY93 as recommended by the Town's Actuary.

Endowment Fund

6. ENDOWMENT FUND: Mr. Doney advised this Fund has a balance of $25.00.

IT IS THE RECOMMENDATION OF THE FINANCE AND TAXATION COMMITTEE THE "OTHER FUNDS" AS EXPLAINED BY MR. DONEY BE APPROVED.

Any Other Matters

IV. ANY OTHER MATTERS: The Finance & Taxation Committee also made the following requests of the staff:

1. Based upon the request by Mayor Marix, information be provided as to how much insurance is carried and on what; what amounts are paid to Gallagher-Bassett; what amounts are contributed by the employees for all health insurances; and the amount of claims which are paid out for all insurance claims by individual departments and for the retirees.

2. Based upon the request by Mayor Marix, provide information on the use of the Beaumont Lot showing the total number of parking spaces that are used by Town employees; the total number of parking spaces which are leased; the revenue received for the leased spaces; and any other pertinent information.

3. Based upon the request by Mayor Marix, request was made for Mr. Crouse to obtain and report on further information on the State of Florida's study to offer alternative health insurance programs to the Town's retirees on Medicare for their supplemental insurance. Suggestion was made that when this information is gathered, a letter be sent to those retirees on Medicare with an incentive offered of no rate increase for three years, if an alternative plan for supplemental insurance is chosen.

4. Based upon Mrs. Wiener's request, information be provided to show the dollar impact to a Town taxpayer of how much a taxpayer's tax bill would be impacted for each $100,000 of evaluation.

5. Consider increase for the fee for nonresidents in the Recreation Budget Program 314 with regards to the after school program for all ages, to be the same ratio to that approved for the resident increase.

6. Mr. Bitzer was requested to contact the person to which Mayor Marix referred regarding the tennis fees and invite him to a Seaview Park Commission meeting.

7. Mr. Bitzer was asked to investigate the fees charged($64) for the recreational activity program offered by the Palm City School in Martin County, which includes before-school and after-school care, as well as all activities.

Adjournment

V. ADJOURNMENT. Meeting was adjourned at 4:55 PM.

June 4, 1992 Meeting of Fin. & Tax Comm.

<u>JUNE 4, 1992</u>

Roll Call

I. CALL TO ORDER AND ROLL CALL. Meeting called to order by the Chairman Bernard A. Heeke. Committee member Nancy S. Douthit in attendance. Other elected officials attending for all or portions of the meeting were Mayor Marix, Councilman Weinberg, Councilwoman Wiener and Council man Ilyinsky. Also in attendance were Town Manager Doney, Mrs. Crozier, Mrs. Peters and for portions of the meeting, Mr. Elwell, Mr. Jakubiak, Mr. Dusey, Chief Terlizzese, Chief Elmore, Mr. Bitzer and other staff members.

Approval of Agenda

II. APPROVAL OF AGENDA. Agenda was approved with the Capital Improvement Fund matter being heard before the Public Works Department budget.

FY93 proposed budget

III. FY93 PROPOSED BUDGET:

B. PROPOSED CAPITAL IMPROVEMENT FUND DATED 6/3/92:

Rec. Dept.

1. Recreation Department. For the FY93 Proposed Capital Improvement Budget, Mr. Dusey and Mr. Bitzer presented the Capital Improvements for the Recreation Department, $60,000 for Maintenance Building and $39,000 for landscaped architecture and other design and related costs for Par 3 Reconstruction of the front nine greens and tees. Mr. Bitzer explained the Par 3 work will be funded through the Golf Course Enterprise Fund and the maintenance building had been put over to this year's budget from last year and is needed to protect the equipment which is stored inside and outside the Recreation facility building, and this precludes necessary storage space for various recreational program items. After discussion, it was the COMMITTEE'S RECOMMENDATION that the authorization be granted to fund the Capital Improvement projects for the Recreation Department.

Underground Wiring Replacement

2. UNDERGROUND WIRING REPLACEMENT - STREET LIGHTS. Mr. Dusey explained this $200,000 item is a continuing program and is necessary to replace and repair this necessary infrastructure.

Town Marina Improvements

3. TOWN MARINA IMPROVEMENTS - Mr. Dusey explained these projects will be funded from the Marina Enterprise Fund.

Police Station Modification

4. POLICE STATION MODIFICATION: Chief Terlizzese and Mr. Dusey requested authorization for $25,000 for design fees and related costs for necessary modifications for the Communication Center and Records Section in the Police Department.

South Fire-Rescue Station

5. SOUTH FIRE-RESCUE STATION: Chief Elmore and Mr. Dusey advised the amount recommended for FY93 is for a new South Fire-Rescue Station and this is the second year of this funding as there is $725,000 in the FY92 Budget and the request today is for $275,000.

Town Hall Elevator Renovation

6. TOWN HALL ELEVATOR RENOVATION: Mr. Dusey advised this is a $60,000 item and some of the major elements in the existing elevator are not replaceable due to age, and this renovation needs also to be done to meet the requirements of the Americans with Disabilities Act.

Town Hall Roof Replacement

7. TOWN HALL ROOF REPLACEMENT: Mr. Dusey explained this is an ongoing project and there will be four more years of budgeting to keep this roof properly maintained.

PEP Reef Monitoring

8. PEP REEF MONITORING: Mr. Dusey advised this is an estimation for the monitoring of the PEP REEF and estimated administrative fees for American Coastal Engineering over the next five years. He advised this is an experimental project and he believed $50,000 was a reasonable figure and the State of Florida should reimburse up to 75% for this monitoring. THE COMMITTEE RECOMMENDED this expense be authorized.

Oceanfront Roadway Protective Seawalls

9. OCEANFRONT ROADWAY PROTECTIVE SEAWALLS: Mr. Dusey advised there has been funding provided for the seawalls in the past and the request is for $500,000 to fund additional necessary work in the Mid-Town area. He stated there is a need for some rehabilitation work in the Mid-Town area, as the last repair was done in 1975/6.

Storm Sewers

10. STORM SEWERS. PIPE REPLACEMENT. Mr. Dusey advised this is an ongoing project and these pipes are quite old and need to be properly maintained or replaced.

Sanitary Sewers

11. SANITARY SEWERS: E3 AND E-5 PUMPING STATIONS - Mr. Dusey reported the amount requested is $50,000 to accomplish necessary structural repairs. TELEMETRY REPLACEMENT: Mr. Dusey requested $60,000 for telemetry replacement equipment to monitor the operation of the pumps which are monitored by Public Works staff 24 hours per day seven days a week and this system needs to be replaced.

Clarendon Ave.

12. D-17 - CLARENDON AVENUE: The Committee heard the comments of Mr. Orator Woodward and Mr. Lawrence Woodward with regards to the flooding at their property. Request was made by Mr. Woodward that the work scheduled for FY96 in the amount of $700,000 be brought forward to FY93, which the COMMITTEE DECLINED TO RECOMMEND. Mr. Heeke offered to get in touch with the attorney on record whose client recently purchased the property to the south and to put him in touch with Mr. Woodward and try to formulate a plan to eliminate the flooding in this area.

Mr. Dusey called to the attention of the Committee that there are two very sizeable projects which already have designated reserves and it is his recommendation that these designated reserves remain in the Capital Improvement Fund.

1. Oceanfront Roadway Protective Seawalls in the amount of $2,454,904.

2. Beach Protection - previously appropriated funds for the Mid-Town Beach Nourishment Project in the amount of $1,365,606.

Mr. Dusey advised the Funding for these projects is

$ 289,000 from the Marina Fund and Par 3
$ 125,000 from interest in the CIP fund
$1,390,000 from General Fund Revenue (transfer to the Capital Improvement Fund for FY93).

$1,804,000 Total

IT IS THE FINANCE & TAXATION COMMITTEE'S RECOMMENDATION THAT THE TOWN COUNCIL CONSIDER THE PROPOSALS OF THE CAPITAL IMPROVEMENT FUND AS SUGGESTED BY MR. DUSEY IN THE AMOUNT OF $1,804,000.

Public Works

A. PUBLIC WORKS DEPARTMENT: Mr. Dusey gave an overview of his budget, indicating the Purchasing Division of the Finance Department is absorbing the Central Stores Warehouse and one employee has been transferred to that Division. He has eliminated two other positions and one position will be employed on a contractural basis by a streetsweeping private contractor. He does have a request to expand the half time position for his Data Processing to a full time position. He advised the sanitary sewage fees have increased and the amount of the increase is $110,000 as of this time. He reported other increases in personal services are due to the insurance fixed costs and the retirement percentage increase.

Mr. Dusey reminded the Committee that the Water Conservation study has been received by staff from the consultant with a proposed schedule of costs and he wished the Committee to know that and they may wish to budget some amount for FY93 to establish a program. The consultant has suggested it may be necessary to hire a part-time employee to oversee the overall conservation and develop an educational program to try and reduce usage to be in compliance with the Comprehensive Plan. Mr. Doney reported a Mayor and Town Council Workshop Meeting will be requested by the consultants but the Committee needs to be aware that there are certain compliance standards which will have associated costs.

AFTER FURTHER DISCUSSION AND REVIEW, IT IS THE COMMITTEE'S RECOMMENDATION THAT THE BUDGET FOR THE PUBLIC WORKS DEPARTMENT BE APPROVED, AS IDENTIFIED BY MR. DUSEY.

MARINA ENTERPRISE FUND: Mr. Dusey announced their Capital expenditures will be reduced in this Fund for next year and the basic program will be maintained. The increase in personnel complement has been authorized by the Town Council to allow expansion of the service to the weekends. THE COMMITTEE RECOMMENDED THIS PROPOSED BUDGET FOR THIS FY93 BE APPROVED.

Any Other Matters

IV. ANY OTHER MATTERS.

A. The Finance & Taxation Committee made the following requests of staff:

(1) Mr. Dusey was asked to request the State of Florida Department of Transportation to participate in the oceanfront roadway seawall program expense in the areas along the oceanfront where the roadway is State-owned.

(2) Separate new line item be created in the 551 program to show the expenditure amount for funding for the Christmas trees previously authorized by the Town Council as well as a separate revenue line item, as donations may be forthcoming.

(B) THE COMMITTEE RECOMMENDS THE request from the Society of the Four Arts for an increase from $75,000 to $80,000 be approved per the letter request dated April 13, 1992 from Mr. Dixon, President, The Society of the Four Arts.

(C) Mr. Doney requested the Committee and the Mayor and other Council members note their personal calendars for upcoming meetings related to the FY93 Proposed Budget, based upon the FY93 Approved Budget Calendar which the Town Council approved at its March 12, 1992 Meeting.

Adjournment

V. ADJOURNMENT: Meeting adjourned at 11:50 AM.

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

Mr. Ilyinsky commended the Committee on their report. Mrs. Wiener recalled she had requested for each one hundred thousand dollars of evaluation of a residence, the tax rate be known and that was a correction on Page 7, Item 4. Mr. Doney recommended the Town Council approve the report and be aware the proposed FY93 proposed budget which would be subject to change, and this would give staff the direction they need. Mr. Ilyinsky moved the report of the Finance & Taxation Committee meetings held on June 3 and June 4, 1992 be approved, as corrected.

Mayor Marix recalled there were some requests made on the insurance matter and wondered if there was any time frame on the letter that will be sent to the retirees. Mr. Heeke did not believe there was a time frame on it. Mayor Marix thought it should have a time frame and then come back to the Town Council for their review. Mr. Heeke and Mrs. Douthit agreed and Mr. Heeke requested Mr. Doney to ensure that Mr Crouse gets this request.

On roll call, the motion carried unanimously.

Old Business

XII. OLD BUSINESS

A. Ordinances - Second Reading

Ord. 4-92

1. Ordinance No. 4-92 - Amendments to Noise Ordinance. Attorney Randolph read the Ordinance No. 4-92 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE IV OF THE TOW CODE OF ORDINANCES RELATING TO NOISE; PROVIDING AN AMENDMENT TO SECTION 12-47 (e) TO PROVIDE THAT THE USE OF LAWN MAINTENANCE EQUIPMENT SHALL NOT BE PROHIBITED ON SUNDAYS OR LEGAL HOLIDAYS; FURTHER PROVIDING AN EXEMPTION FOR GOLD COURSE MAINTENANCE EQUIPMENT; PROVIDING AN EXCEPTION FOR LAWN MAINTENANCE EQUIPMENT USED ON PROPERTIES OF MORE THAN THREE ACRES IN SIZE: PROVIDING AN AMENDMENT TO SECTION 12-50 SO AS TO PROHIBIT DURING CERTAIN TIMES AND DAYS OF THE YEAR HAMMER DRIVEN PILE DRIVING AND TO PROHIBIT DURING CERTAIN TIMES AND DAYS OF THE YEAR DRY SANDBLASTING MACHINES AND JACKHAMMERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Douthit felt there should be limits put on golf course maintenance and there should be a compromise and suggested they not allow nothing before 8 AM and then they can cut after 5:30 PM but not within 300' of any residence prior to 8 AM or after 5:30 PM. Mr. Heeke believed this was a practical problem and the suggestion has been made to strip the Ordinance a little more so the operation would take place no earlier than 8 AM within 300' of a residence and no later than 5:30 PM within three hundred feet.

Mrs. Wiener recalled the cutting of the grass at the golf courses in the Town has been going on for the last fifty years and she recalled in all these years there have been no complaints until about two years ago, so she would be hesitant to have a change over what has been done for years and years. Mrs. Douthit commented the actual usage was to have golf course maintenance abide by all of the rest of the noise regulations and it had hours mentioned in it and the old one was perfectly fine as it was the construction hours and she didn't believe those hours were being changed. Mr. Randolph explained it is his understanding that there was difficulty in enforcing it and because of the necessity to use the equipment prior to the time the people would play on the golf course, it was not enforced and this change was suggested in order to accommodate what actually existed.

Mayor Marix believed there was a misunderstanding here as she believed what Mrs. Wiener was saying is that the golf courses have been doing this all these years, so let's legalize it and Mrs. Douthit felt that they were good rules to begin with. Mayor Marix stated she had been called from both sides about this matter and she thought if it were legalized, it may get worse than it is now. Mr. Heeke stated it has come to the attention of the Council that it is not possible to comply with the ordinance as the golf course maintenance machinery doesn't meet the decibel requirement. He knew golf courses must be maintained and there is a certain standard schedule. He stated having this matter called to their attention, an attempt was being made to enact an ordinance which addressed this particular problem. He understood that the 8 AM time did not present a problem to the golf courses in the Town as there are many interior areas which can be cut earlier. Mrs. Wiener indicated she would like to hear from Mr. Dytrych from the Par 3, as there are lot of neighbors adjoining that golf course.

Mr. Dytrych was asked if he could successfully maintain the Par 3 greens with an 8 AM restriction within three hundred feet of the residential areas. Mr. Dytrych responded they have had that procedure in practice at this time. He recalled there was one complaint from the condominium to the south of the Par 3 and they requested they not go into their area before 7:45 AM. He advised there have been times when they do have to go into this area before eight o'clock, however, when this does happen they do call the manager of the apartment house who can in turn get in touch with the apartment owners abutting the golf course to warn the apartment owners of this inconvenience. ORD. 4-92 (cont'd)

Mr. Heeke called for comments from the audience asking if there was anyone in the room from the Breakers Hotel? Mr. Lou Oxen, Director of Golf and Grounds at the Breakers Hotel stated this would be no problem except for the times they have earlier tournaments. Mr. Heeke asked if that time would allow the golf course to have the proper maintenance to which Mr. Oxen responded affirmatively.

Mr. Paul Crawford of the Palm Beach Country Club addressed the Council indicating they can live with this restriction on the mowing, although it may be a problem when they apply chemicals that have to be watered in before the golfers use the course and this is a mandate by Federal Law. He advised when they have their tournaments, they may have to mow earlier in order to have the course ready for play, however, on a day-to-day basis they will be able to stay out of those areas. Mrs. Wiener asked how often would this occur. Mr. Crawford responded tournament are probably three times a year and the chemicals are applied approximately six times a year. Mr. Oxen stated it would be about six times a year for his course also. He advised he has been in this business over forty years and most of the golf courses were there first and the houses were built around them. He believed there has to be a give and take.

Mr. Crawford reported it sometimes depends on nature as to when they have to apply the chemicals, so he can't give an exact number.

Mr. Heeke called for the representative from the Everglades Club and there was no response. Mr. Heeke believed that the representatives here today all have agreed they could live with the suggestion made about the three hundred feet, except for rare occasions when they will be using chemicals and that is according to Federal Law.

Mrs. Etonella Christleib, 300 Bahama Road, addressed the Council, indicating her home backs up to the golf course. She heard the comments that for fifty years there have been golf courses in the Town and she agreed they were the most beautiful in the country. She believed communication has been quite open between the residents and the golf course people and there never seemed to be any problem as people did work together. She believed in the last few years, it was quite evident that people do not communicate with each other and that is where the problems start to arise. She knows they are wishing to start early so the golfers can start at 9 AM but she wondered how many golfers there were in the Town who would start at 9 AM. She believed it was about 30 people and for those 30 people they could start earlier. She advised the equipment is being run at 7 AM every morning but it doesn't stop there, as they work until 4 PM constantly, as then it is the lawn mowers, then five lawn mowers behind a tractor, the grass turner, then the leaf picker up, then edging and it goes on and on so there is always machinery running. She believed what they were saying at this time is that golf courses can make as much noise as they want seven days a week, 365 days a year and she thought this was very dangerous. She thought if they let this happen, they will have requests from others to do the same thing, and she requested they vote against this and preserve the peace and calm of Palm Beach and let the golf courses and their neighbors work out the problem.

Gerry Goldsmith, addressed the Council, indicating he was a member of the Palm Beach Country Club and is on their Greens Committee, advising there is a regular schedule for maintaining golf courses and the work generally has to be done early in the morning as that is when grass grows and the time when greens are being maintained and the time that bugs can be controlled and keeping the heavy machinery out of the way of the golfers because there is a danger factor. He did not believe the entire schedule should be changed because of one or two complaints. He is sympathetic about the noise factor for the people who live near the golf courses, but they did buy the houses because they wanted to enjoy the beauty of the acres around them. He thought they could adhere to the times as stated and comply with these general rules on how all golf courses are maintained throughout this Town and this country.

Edward Baker, resident on Bahama Lane, addressed the Council stating he had no problem of any kind for several years from the Palm Beach Country Club although prior to that time, it was severe about five or ten years ago and he called the police to stop the nuisance. He stated the directors of the Cub then became aware of the concerns of the residents and invited them to the Club House and apologized for anything that might have occurred and stated it would never occur again as they wanted to be good neighbors and he suggested the Ordinance as presented is wrong, as it gives the golf courses the right to do anything they want to do as far as the noise is concerned and the proposal as presented today suits him and he is sure it would suit his neighbors.

John Chiles of Bahama Lane addressed the Council and he believed his neighbors have presented the case quite well. He wished to add that when the Town Council members run for election, they always commit themselves to preserve the quality of life in Palm Beach and he asked them to remember that commitment today.

Mrs. Douthit restated her motion to amend the ordinance to include the restriction so that the hours would be to now mow within three hundred feet of the residences adjoining the golf courses prior to 8 AM or after 5:30 PM on a daily basis. Seconded by Mr. Ilyinsky. Mayor Marix asked about the special tournaments and spraying days. Mr. Heeke recalled there was discussion on this and the golf courses would make sure the neighbors knew in advance about when they were going to be doing this.

Mr. Randolph felt from a legal standpoint he would have a problem in adopting an ordinance which did not provide for exceptions and knowing how to enforce it when someone needed the exceptions. He advised if there is going to be an exception, they needed to incorporate it into the Ordinance.

Mr. Oxon addressed the Council advising there are times when there is a certain bug infestation, they need to spray on an emergency basis. Mayor Marix believed they could come to the Town Manager and explain exactly what it is. Mr. Oxon stated time would be a priority in this type of situation as when the seven year locusts arrive, they have to work fast. Mrs. Douthit believed an emergency situation should be able to be handled and she didn't believe that needed to be put into the Ordinance. Mr. Randolph stated this Ordinance will have to be on first reading today and they can add a provision which would state "however, said equipment shall not be used before 8AM or after 5:30PM on any day at locations within three hundred feet of residential property. He believed these exceptions needed to be built into the Ordinance and he thought it should be done deliberately and he could put in wording something like: "however, in emergency situations, or one time per month." He suggested it be built in. Mr. Heeke suggested it be redrafted today for first reading saying "except for maintenance and emergency one-time a month for spraying."

Ord. 4-92 (cont'd)

Mayor Marix asked about the once-a-month problem. Mr. Oxen responded if the problem is isolated to a certain green, they would have to respond earlier and treat the green first thing in the morning. He believed the problem they were having is what they tried to address and start at 7 in the morning and continue to be good neighbors with the neighbors. Mayor Marix understood the emergency problem but she was talking about the once-a-month problem. Mrs. Christlieb stated there is no daily complaint as they do start everyday at seven o clock. She advised they pay their employees from 7 AM to 4 PM. She felt communication was the most important thing. She had no problem with the spraying or the special tournaments as long as they called up and told them as she thought they had to communicate with them. She didn't believe they should be receiving a carte blanche to do whatever they wanted whenever they wanted as she didn't think that was right. She had no problem with them dealing with emergencies as long as they communicated.

Mr. Randolph commented that if it is being suggested by the property owners that there are times they would have no objections, perhaps it could be incorporated into the Ordinance, in addition to the emergency situation, that in the event there is written approval from the property owners. He explained his problem in drafting it is there has to be something specific as to the exceptions, or it will not be able to be enforced. Mr. Heeke asked if there was a blanket one time per month exception, would that suffice? Mr. Randolph responded the wording he has drafted reads: "further, lawn maintenance equipment used for golf course maintenance within the Town is not restricted during the hours outlined for construction work in Section 12.51, however, that equipment shall not be used before 8 AM or after 5:30 PM at any location within three hundred feet of the residential properties, except in the event of valid emergencies, and once per month for purposes of chemical spray."

Mrs. Wiener commented this has been going on for months and the reason it is before the Council is to make something legal that has been going on for years.

Mr. Heeke believed it was workable for the golf courses and this will allow everyone to continue to cooperate as they have in the past. Mrs. Wiener stated she was concerned about the extra time they needed. Mr. Heeke recalled that was the once-a-month situation and he was trying not to put the golf courses in a situation where they are in an open violation of an Ordinance. Mr. Randolph asked if the motion included the additional exception language to which Mr. Heeke responded affirmatively.

On roll call, the motion carried unanimously.

Mr. Randolph read the amended Ordinance No. 4-92 on first reading:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE IV OF THE TOWN CODE OF ORDINANCES RELATING TO NOISE; PROVIDING AN AMENDMENT TO SECTION 12-47 (e) TO PROVIDE THAT THE USE OF LAWN MAINTENANCE EQUIPMENT SHALL NOT BE PROHIBITED ON SUNDAYS OR LEGAL HOLIDAYS; FURTHER PROVIDING AN EXCEPTION FOR GOLD COURSE MAINTENANCE EQUIPMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EXCEPTION FOR LAWN MAINTENANCE EQUIPMENT USED ON PROPERTIES OF MORE THAN THREE ACRES IN SIZE; PROVIDING AN AMENDMENT TO SECTION 12-50 SO AS TO PROHIBIT DURING CERTAIN TIMES AND DAYS OF THE YEAR HAMMER DRIVEN PILE DRIVING AND TO PROHIBIT DURING CERTAIN TIMES AND DAYS OF THE YEAR DRY SANDBLASTING MACHINES AND JACKHAMMERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Douthit to approve on first reading Ordinance No. 4-92 as read by the Town attorney. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Short break was taken. President Heeke called the meeting back to order.

Ord. 5-92

2. Ordinance No. 5-92 - Amendment to Code Enforcement Board Ordinance to Provide for Two Additional Alternate Appointees. Attorney Randolph read Ordinance No. 5-92 by caption:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN AT ARTICLE X, RELATING TO CODE ENFORCEMENT BOARD AT SECTION 2-177 THEREFORE, RELATING TO ORGANIZATION SO AS TO PROVIDE FOR THE APPOINTMENT OF TWO ALTERNATE MEMBERS OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener moved for adoption of Ordinance No. 5-92. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Ord. 6-92

3. Ordinance No. 6-92 - Amendments to Historic and Specimen Tree Ordinance. Mr. Randolph read the Ordinance No. 6-92 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 OF ARTICLE II OF THE TOWN CODE OF ORDINANCES AT SECTION 23-16 SO AS TO PROHIBIT THE UNAUTHORIZED TRIMMING OF ANY HISTORIC OR SPECIMEN TREE WITHOUT FIRST RECEIVING THE PERMISSION OF THE TOWN MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Douthit moved that Ordinance No. 6-92 be approved on second reading. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

B. Bid Award

1. Sealed Bid No. 012-91/92 - Palm Beach Golf Course Irrigation Pumping Station - Consideration of Resolution No. 30-92 - Recommend all Bids be Rejected Per Memorandum Dated June 2, 1992 from Al Dusey. Sealed Bid No. 012-91/92

Mr. Dusey stated he is recommending the bids be rejected and this be rebid. Attorney Randolph read Res. No. 30-92 by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING RESOLUTION No. 22-92 REJECTING ALL BIDS FOR THE IRRIGATION PUMPING STATION AT THE PAR 3 GOLF COURSE AND DIRECTING THAT THE PROJECT BE READVERTISED.

Mr. Weinberg moved that Res. No. 30-92 be adopted. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously. Res.30-92

C. Other

1. Consideration of Request by Beach Renourishment Council for Financial Participation in Proposed Feasibility Study - Postponed from May Meeting - Beach Renourishment Council - Proposed Feasibility Study

Mr. Ilyinsky reported he strongly believed that the Town should join this group as he has been assured that there would be no further demands made upon the Town under any conditions and the Town would have no fiduciary reason in the event they wished to proceed and spend great amounts of money. He thought the sister cities were looking to the Town for a certain amount of leadership and he believed this would be a good public relations move and a great help for the other cities who have already ordered this study, with the hope the Town would donate $900 toward this study. Mr. Heeke suggested that Mr. Ilyinsky recommend to them in their study to look at the underwater breakwater system in conjunction with the sand. Mr. Ilyinsky stated he had not made that recommendation, but as this was reported in the paper the Town was a little gun shy about getting involved in sand transfer systems and the information on our PEP Reef would of course, be available. Mr. Heeke knew there were other suppliers Mrs. Douthit thought the history of what had happened to the Town over the years could save them a great deal of money.

Mrs. Wiener stated her concern about having them come back and ask us for more money, and it should be made very clear if we approve the expenditure of $900, that we are not going to be open about any further request.

Mr. Doney believed the motion was to have the $900 appropriated from Undesignated General Fund Balance conditionally and staff recommends that the Council authorize the Mayor be authorized to execute the interlocal agreement, and further the President of the Town Council be authorized to transmit these funds with the conditions set forth in the memorandum sent by Mr. Ilyinsky. He advised they should also make mention of the Reef issue. Mr. Heeke asked if the motion was acceptable with these conditions? Mrs. Wiener did not feel we should be telling them what to do.

Mayor Marix asked what they were talking about in dollars with regards to three miles of sand? Mr. Heeke interrupted stating they should stay on the motion. Mrs. Wiener stated she did not want to mention in the letter anything about the reef as this has been a three to two vote as there are two members of the Council who feel it is an experiment and she felt governmental funds of small communities should not be spent on experiments and she didn't think they should be in the business of promoting it. Mr. Heeke stated they should be made aware of breakwater devices which were done on the west coast with concrete. Mr. Weinberg pointed out they are talking about taxing themselves, if necessary. Mr. Doney advised from a practical perspective through the County-wide Beaches & Shores Council, each of these communities, South Palm Beach, Manalapan, and Lantana are all very much aware of the alternatives.

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

2. Consideration of Proposed Cost Apportionment Formula Between the Flagler System and Town of Palm Beach Regarding Storm Drainage Improvements - Postponed from May Meeting. Storm Drainage Improvements

Attorney Brindell addressed the Council for the Flagler System and the Breakers Hotel indicating they have met with staff to discuss the apportionment formulae. He referred to the schedule adopted as part of Ord. 6-92 which dealt with regards to the long-term drainage plan and they will note the development of the scope for the long-term project, is to commence in the last quarter of this year. He advised the design of the basic system is scheduled to start at the end of the first quarter in 1994 finishing at the end of the first quarter in 1995. He stated the design of the basic system has to be completed and that is when they will know the cost of the long-term projects. He stated meanwhile, they do have the interim improvements underway.

He indicated they have met with the Town's staff and believed the basic proportions come out this way:

92% to the Breakers
5% to South County Road
3% to the Waste Transfer area

He advised there is a scheduled meeting for June 23rd with DOT and they wish to seek out the possibility of their picking up the tab for South County Road. He did not believe an answer could be received from the DOT at the scheduled meeting, and requested this matter be put off until the September Town Council meeting, when they will be able to come back to the Council and tell them where they stand with the DOT and meanwhile the interim improvements would continue on and would probably be completed by September. Mr. Heeke and the Council agreed to postpone this matter until September.

3. Mid-Town PEP Reef Project - Status Report and Potential Actions on Pending Issues - Mid-Town PEP Reef Project

Beth Mitchell addressed the Council on the status of the PEP Reef project reporting they are on schedule with the fabrication of the units, with 142 units completed and by the end of this week, they will be at the halfway mark. She recalled last month she reported to the Council that the State might pick up 75% of the cost of the pre-installation baseline survey estimated at $20,000. She advised the survey needs to be done prior to the installation of the units and the

Mid-Town PEP Reef Project (cont'd)

time estimated for the survey is approximately three weeks. She reported on May 27, 1992 there was a meeting with the Town's staff, DNR representatives and American Coastal Engineers and one of the items discussed was the survey and the DNR now advises they will not pick up the 75% to reimburse for this survey unless the job is put out to bid. She stated the bidding process would take about six to eight weeks and the survey an additional three weeks and because time is of the essence, and they have a tight timing schedule with regards to the installation of the units, American Coastal will pick up the 75% of the survey costs which amounts to approximately $16,000. She stated the urgency is to have the survey completed and they are on schedule time-wise. She believed the Town's part of the cost would be approximately $5000.00.

Mr. Doney advised there is an agreement which needs to be entered into between the Town, the DNR, and the University of Florida to identify the scope of work and other details relative to the monitoring and test plan and this agreement will provide for 75% or $500,000 for the State share and 25% or $166,700 for the Town share and the related details for implementation of the test plan and monitoring. Mr. Doney reported the draft agreement has been received and after review, there are some changes required and they are asking Council approval to have President Heeke execute the Agreement, subject to approval by the Town staff and Town Attorney. Motion was made by Mrs. Douthit that authorization be given to President Heeke to execute the Agreement, after review by the Town Staff and the Town Attorney. Seconded by Mr. Ilyinsky. On roll call, the motion carried 3-2 with Mrs. Wiener and Mr. Weinberg voting against the motion.

Mr. Doney stated the Town staff recommends a letter be written to Mr. Green of the Department of Natural Resources to emphasize the timing difficulties that currently exist, and the Town's concerns about the delays recently occurring and the request that the review of this project at the DNR level and the University of Florida level as the pre-installation survey specs need to be approved and a commitment made to meeting the July deadline, so the final agreement can be pursued. Mrs. Douthit moved that President Heeke be authorized to send a letter to Mr. Kirby Green of the Department of Natural Resources emphasizing the timing difficulties and suggested a copy of the letter be sent to the Legislative Delegation. Seconded by Mr. Ilyinsky. On roll call, the motion carried 4-1 with Mrs. Wiener voting against the motion.

Mr. Hans Rauch of American Coastal Engineering addressed the Mayor and Council inviting them to come to the construction site to see the units before they go into the water.

New Business

XIII. NEW BUSINESS

A. Ordinances - First Reading

Ord. 7-92

1. Ordinance No. 7-92 - Amendment to Taxicab Ordinance - Attorney Randolph read the Ordinance No. 7-92 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE XIV, TAXICABS, AT SECTION X, 3.26 SO AS TO REQUIRE PROOF THAT THE APPLICANT HOLDS A VALID COMMERCIAL DRIVER'S LICENSE, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Ilyinsky to adopt Ordinance No. 7-92 on first reading. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Ord. 8-92

2. Ordinance No. 8-92 - Proposed Amendment Regarding Vacancy in Candidacy - Attorney Randolph read the Ordinance No. 8-92 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF SAID TOWN A PROPOSED AMENDMENT TO THE TOWN CHARTER, SUCH AMENDMENT TO AMEND ARTICLE V OF THE TOWN CHARTER RELATING TO QUALIFICATIONS AND ELECTION SO AS TO CREATE A PROCEDURE FOR FILLING A VACANCY IN CANDIDACY CAUSED BY DEATH, WITHDRAWAL OR REMOVAL FROM THE BALLOT OF A QUALIFIED CANDIDATE, FOLLOWING THE END OF THE QUALIFYING PERIOD WHICH LEAVES FEWER THAN TWO CANDIDATES FOR AN OFFICE, PROVIDING AN EFFECTIVE DATE SHOULD THE AMENDMENT TO THE CHARTER BE APPROVED AT A REFERENDUM ELECTION, SETTING THE FORM OF THE QUESTION TO BE VOTED UPON AT SAID REFERENDUM ELECTION AND FOR ALL PURPOSES, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener moved for adoption of Ordinance No.8-92. Seconded by Mrs. Douthit.

Attorney Randolph pointed out there could be a problem with this as this would require the Council, in the event a candidate withdraws his candidacy after the qualifying period and there is only one candidate remaining to call a Caucus and to have another election. He advised in the event a person did qualify for office and decided to withdraw and one candidate was left, they would be forced to go to an election. Mrs. Wiener thought this was to be addressing the problem, in the event a candidate died. Mr. Randolph responded that was not the case, as this would happen in the event someone withdraws and this could be done intentionally that a candidate gets himself nominated at the Caucus and then decides later not to run, they would be forced to call another caucus and have an election, even if an incumbent's name was the one remaining on the ballot.

Mrs. Wiener recalled the reason this was called for in the first place was there was State Statute and it had to do with a candidate dying. Mr. Randolph responded that is not the case as the Statute states: "withdrawal or removal from office for any reason". He believed the way this is drafted it could be a problem for the Council in the future. Mrs. Wiener asked if it could be modified to include death or incapacitation? Mr. Heeke asked if it could be limited to the first situation and thereafter, the remaining candidate would be declared elected. Mr. Randolph explained all the State is concerned with is there is a system within which to address it and he didn't believe they cared about how it is addressed and if the Council wanted him to look at a distinction between a situation where someone dies in office and if someone withdraws from office, he will take a look at it. He thought another way to deal with it, keeping in mind the State simply wants the municipalities to deal with it, and he thought they could, in the event someone withdraws from office, the Council could at its discretion, without having a Caucus, appoint the candidate.

Mr. Heeke commented that perhaps they ought to allow one withdrawal by a candidate so it couldn't be an habitual thing year after year.

Mayor Marix stated her concern was that anyone could be nominated and then could withdraw. She stated they all wish to have good people running but the cure offered is not going to work. She knows they are not trying to make two or three people run for office nor are they trying to stop the incumbents from running again; but are trying to have someone end up as a council member by default. She suggested that possibly a solution may be to have a section on the ballot which would have a section "none of the above". She suggested another way may be to have a space for a write in candidate's name. Ord. 8-92 (cont'd)

Mrs. Wiener thought perhaps they could find out what other municipalities are doing. Mr. Randolph did not believe there were that many municipalities which have addressed this matter. Mr. Heeke believed it could be possible to get this on the ballot for November. Mr. Randolph explained the Council fills a vacancy on the Council by majority vote, and keeping in mind that the State wants a procedure to fill a vacancy and perhaps it could be that the Town Council could, by majority vote, fill the vacancy in candidacy if the Charter is amended to allow that. Mr. Randolph did not know whether that would be considered fair as it wouldn't be coming from the electorate.

Mayor Marix believed they were trying to find a solution to a potential problem where there would be two candidates, with one qualified and the others really not qualified but the qualified candidate gets off the ballot and the electorate is stuck with the other candidate. She wanted to know why they couldn't add another sentence on the ballot which would state "none of the above" and in that way, they could call another Caucus.

Mrs. Douthit recalled another thing that has been talked about from time to time is to raise the number of signatures on the affidavit which a candidate has to file.

Mr. Randolph believed if they wanted to change the charter, that could be another change. He stated he will work on the change and come back to the Council with some updated language.

Mrs. Wiener withdrew her motion to adopt Ord. 8-92. Seconder, Mrs. Douthit withdrew her second to the motion.

B. Bid Awards

1. Sealed Bid No. 018-91/92 - 1992 Underground Street Light Wiring and Conduit - Phases A & B - Consideration of Resolution No. 29-92 - Sealed Bid. 018-91/92

Mr. Randolph read the Resolution No. 29-92 by caption:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A BID TO D & L COMMUNICATIONS, INC., FOR THE 1992 UNDERGROUND STREET LIGHT WIRING AND CONDUIT, PHASE A & B. Res. 29-92

Mr. Bowser stated this has been put in two phases and the work should be completed within ninety days. Motion was made by Mr. Ilyinsky to approve Res. 29-92 to award the contract to D & L Communications, Inc. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

C. Other

1. Royal Poinciana Theatre - Request for Additional One (1) Year Extension of Lease Agreement to Continue Wednesday Matinee Program from December 1992 to April 1993 Royal Poin. Theatre request for lease extension

Attorney Phil O'Connell, Jr. representing PTT, Florida, Inc., requested a continuance of the agreement to continue Wednesday matinees, however, they will be utilizing the Kravis Center in the Fall and will not need to have the twelve matinees, and will probably only hold six however since it has not definitely been firmed up as yet, they would like permission for them to be allowed to have the twelve performances and they would choose which six they would like to have and they would also like to have the agreement be for a two year period, rather than one. Mrs. Douthit made a motion that the Royal Poinciana Theatre be approved for up to twelve matinees, however, she did not agree to the multi-year agreement. Mrs. Wiener believed they have performed quite well and she would like to see them get the two year agreement. Mayor Marix did not agree. Mr. Doney noted the Chief of Police would like to have traffic control officers at the expense of the Theatre. The motion was seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

2. Consideration of Request by Mrs. Henry P. Hoffstot, Preservation Foundation of Palm Beach, Regarding the Historic Town Hall Square Committee. This item was postponed until the Fall.

3. Consideration of Proposed Donation by the Citizens' Association South of Sloan's Curve - Benches to be Placed Along the Pedestrian/ Bicycle Pathway South of Sloan's Curve -

Mrs. Ann Herman on behalf of the Civic Association South of Sloan's Curve advised the Association wishes to donate benches to be placed along the pedestrian pathway and will start with six and if the need is there, they could provide more. Mr. Weinberg advised they have to install concrete pads for the benches and permission must be received from the Department of Transportation and some of the condominium buildings along that area. He wished to have a plaque placed on each of the benches similar to the plaques on the benches at the Mid-Town Beach, indicating the bench has been donated to the Town by the Civic Association South of Sloan's Curve.

Mr. Dusey addressed the Council, indicating they will be similar to the benches placed at Mid-Town, but would like to keep an option open and that is the recycled pressed plastic which looks like wood, is very attractive and durable, to which the Council had no objection. Mr. Weinberg moved that the Council accept the donation of the benches with gratitude from the Civic Association South of Sloan's Curve. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Lunch break was taken.

Meeting reconvened at 1:30 PM by President Heeke.

4. Consideration of Proposed Revisions to Coastal Construction Control Line - DNR Public Hearing on May 27, 1992 at 7:00 p.m. in Town Council Chambers.

Coastal Construction DNR Revisions

Attorney Randolph explained he made a presentation before the Board established by DNR to hear complaints in regard to the placement of the Coastal Construction Control Line on behalf of the Town. He indicated at that meeting, he told the representatives of DNR, that the Town would like to provide them with information they have, in fact, handed them information which stated the position of the Town and the State indicated they would provide information to the Town setting forth the facts their decision was based upon. He advised they have 21 days within which to respond and that letter doesn't necessarily have to include all of the technical objections. He recalled there were property owners represented there as well as representatives from other governmental groups, who objected to the placement of the Coastal Construction Control Line. He understood there also is a group that is meeting to discuss what other objections would be made in the future.

Mr. Heeke advised there is a combined effort being made by other municipalities to help defray the cost of engineering studies and an economist, and others. He advised he has written a letter to the Governor on this subject. Mr. Doney stated this letter requested the meeting be held in Palm Beach County and in addition, he has written a letter to Mr. Bean and this letter requests a copy of the environmental impact statements required under Chapter 120 and as soon as it is available, they will have that for a technical review and potential comments or objection. He stated a transcript of the hearing has been requested which will be available for review prior to the hearing of the Government and the Cabinet.

Mr. Heeke pointed out a related issue, which is the thirty year erosion line and he wrote a letter to both U. S. Senators on this subject , as it does have important concerns, as by the terms of the proposed Bill, they would be in a Flood Zone and they would be required to have Federal Mortgage Insurance and by the terms of the proposed bill, they would be in a Catch 22 situation. He stated Connie Mack wrote back a great letter, and obviously someone took a lot of time to understand the issue, and he responded promptly and thanked him for the personal attention that went into that.

Mr. Moore stated one of the concerns that should be identified is not the idea of the relocation of the Line which is under the jurisdiction of the Department of Natural Resources, but once the line is established, there are other governmental agencies which may or may not decide to tag onto the restrictions. He believed if the Department of Community Affairs, which doesn't have to go through the public hearing process, is stating what they will or will not do, or they could create wind-loading requirements of 140 or 150 miles per hour, and it will be found that, for example to replace windows - will be three or four times more expensive to comply with the requirements, so he believed the Town should pay close attention to this and oppose it.

FL. League of Cities

5. Consideration of Voting Delegate for the Florida League of Cities 66th Annual Convention in Miami - August 20-22, 1992

Mr. Heeke noted Mr. Ilyinsky and Mr. Weinberg are both going to attend this meeting. Mr. Weinberg was then nominated as the voting delegate and Mr. Ilyinsky was nominated as the alternate to the Florida League of Cities 66th Annual Convention by Mrs. Wiener. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

6. Consideration of Request by Palm Beach County Property Appraiser for Early Certification of the 1992 Assessment Roll -

Mr. Doney advised the County is trying to accelerate approval of the 1992 Assessment Roll. After discussion, a motion was made by Mrs. Wiener that the Town continue on the same current time schedule as far as the assessments, taxes and budget are concerned. Seconded by Mr. Weinberg. On roll all, the motion carried unanimously.

XIV. DEVELOPMENT REVIEWS

Major Matters Architectural Commission

A. Major Matters Previously Considered by the Architectural Commission at Their Meeting of May 27, 1992

Motion was made by Mr. Ilyinsky to approve the Major Matters considered by the Architectural Commission at their meeting of May 27, 1992. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

The major matters considered were:

B5-92 - Addition to the residence of David Mack, 958 North Lake Way. Removed from the agenda.
B16-92 - Entrance addition to residence of Luis and Lillian Fernandez, 246 Eden Road. Deferred to the June meeting.
B73-90 - Landscape Plan for Mr. & Mrs. David Mahoney, 1296 S. Ocean Blvd. Approved conditionally.
B17-92 - Drs. John and Daisy Merey, 295 Bahama Lane - Removed from the agenda.
B18-92 - Demolition of and new two story residence for Agnes Rosenthal, 272 Fairview Ave. Approved conditionally.
B20-92 - New residence for Martin Cannon-Mochorowski, 240 El Vedado Rd. - Deferred
B25-92 - Alice Meerwarth, 243 Merrain Rd. - Deferred.
B22-92 - Revisions to approved plans for Mr. & Mrs Francis Guyott, 4 LaCosta Way. Approved.
B1-92 - Revisions to plans for John L. Hanson, 975 N. Lake Way. - Approved.
B18-91 - Revisions to landscape plan for Jack Schleifer, 131 Wells Rd. Approved.
B25-91 - Revisions to plans for dining room area and parapet wall for Murray's Palm Beach, Guest House of America, 2880 S. Ocean Blvd. Approved.
B38-88 - Revisions to Slat House and Orchid House for Martin Trust, 601 N. County Rd. Approved.
B62-91 - Revisions to plans for Jacques Hava and Agi Rosos, 101 El Bravo Way. Approved.
B22-91 and B26-91 - Landscape Plans for two residences under construction for Robert Eigelberger, 109 Atlantic Avenue. Deferred.
B26-92 - Addition to residence of Elizabth and James Howe, III, 432 Seabreeze Avenue. - Approved.
B27-92 - Remodeling of existing two story commercial building and second floor apartment for Palm V Associates at 238-240 Worth Avenue. Approved conditionally.

B28-92 - Addition to home of Susan Pincourt, 232 Bahama Lane. - Approved.
B29-92 - Addition and alterations to home of Mr. & Mrs. James B. Bertles, 226 Eden Rd. Approved conditionally.
B30-92 - Addition to residence of Mr. & Mrs. Charles W. Pepper, 333 Seaspray Ave. - Approved.
B31-92 - Demolition and new residence and accessory structures for Ocean Bay Development, 910 S. Ocean Blvd. - Deferred.
B32-91 - New Bungalow for Mr. & Mrs. Ronald Perelman, 641 N. County Road. Deferred
B33-92 - Renovations for Dr. & Mrs. A. DePaola, 124 Onondaga. Approved with conditions.
B34-92 - Demolition and new residence for Mr. & Mrs. Wilbur Boutell, 240 Tangier Ave - Approved with conditions.
B35-92 - New Cabanas for Parc Regent Condo, 184 Bradley Place. Approved.
B36-92 - Teller Stations at Island National Bank, 293 S. County Rd. - Approved with conditions.
B37-92 = Satellite Dish and Sign for Testa's Hotel and Restaurant, 231 Royal Poinciana Way. = Deferred.
B38-92 - Remodeling of residence of Joel Martino, 109 Ocean Terrace - Approved.

B. Variances, Special Exceptions and Site Plan Reviews

<u>Old Business</u> — Old Business

1. Special Exception No. 5-92 - Salvatore Ferragamo, 200 and 202 Worth Avenue; to allow applicant to exceed the 2,000 square foot limitation on retail space permitting Salvatore Ferragamo Men's and Women's Shops to occupy 5,645 square feet. Total space of 5,645 square feet is obtained by joining the men's and women's shop by interior passage way. C-WA District. Postponed from May Meeting. Letter Dated May 29, 1992 from Mr. Doyle Rogers Requesting Withdrawal. This matter was withdrawn. — Spec.Excep. 5-92

2. Special Exception No. 10-92 With Variance - Linda A. Gary Real Estate, 201 Worth Avenue; to allow Brokerage, office and professional use, to occupy 2,200 square feet, and a variance to locate Brokerage office on the first floor. C-WA District. Postponed from May Meeting. Letter Dated June 1, 1992 from Mr. Robert E. Deziel Requesting Postponement to July 14, 1992 Meeting. This matter was postponed to the July 14, 1992 Town Council Meeting. — Spec.Excep. 10-92

3. Special Exception No. 13-92 With Variance - Palm Beach National Bank, 125 Worth Avenue; to allow an expansion of a Special Exception use, the banking facility, from 1,665 square feet to 8,192 square feet. To allow a Special Exception per Section 6.25 of a drive-in facility. To allow a variance to the off-street parking regulations which would require 5 additional spaces. C-WA District - Postponed from May Meeting. — Spec.Excep. 13-92

Mrs. Wiener advised she would have to excuse herself as she is a stockholder and a member of the Board of Directors of the Palm Beach National Bank and Trust Co.

Mr. H. Loy Anderson of the Palm Beach National Bank & Trust Co. addressed the Council on behalf of the Bank requesting permission to expand the facilities. He stated two years ago they took a small space at 125 Worth Avenue, with the view of growing if the need would prove itself. He had with him today the Chairman of their Board, George Slaton, Gerry Goldsmith, a board member and Nancy Mizelle of the Bank. He indicated when they opened in June of 1990, the Bank was known as Colonial Trust and since that time their trust business has grown from one hundred million to almost three hundred million and their deposits have grown to over sixty-five million dollars and their office in the Town is almost exclusively for Palm Beach residents with seventy-five per cent being clientele, and they now wish to increase the space they now occupy.

Eugene Lawrence, Architect, addressed the Council, noting there are three requests before the Council:

1. to increase the space in excess of 2000 square feet; (Town-serving); (Spec. Ex.)
2. a drive-in facility; (Spec. Ex.)
3. a Variance is required for the difference required for parking for a financial institution compared to office use.

He stated the Code has the same requirement for parking for banking as it does for retail. He reported the second floor of this facility is currently used for office space although it was previously financial, so there is a difference of five cars required for the parking. He explained what the uses will be and the functions of the spaces will be. He stated his client proposes to take over an additional 1600 square feet and what is there now is a conference room on the banking floor and what they propose to do is install two private offices, a vault and coupon clipping rooms. They also wish to have a drive-in facility.

He stated the criteria for a drive-in facility is that is more than 30' away from the intersection and not extend to any required yard space, side, rear or front. He exhibited plans which showed the driveway along the north side of the building which will be under the cover of the building and they will install the drive-in window with plenty of stacking space and will comply with all of the requirements. He stated it will exit to the west.

He advised on the second floor, they will have service facilities and support facilities for the first floor banking floor. He stated there will be a Board room, a lunch room for the employees, with the rest of the floor being offices and support facilities. He stated they have filed a letter which is an audit of the accounts within the bank which indicate that well over half of the customers of the Bank are Town-persons. He believed the application complies with the requirements for a Special Exception for over the 2000 square foot usage.

He indicated on the variance application, this space was occupied by E. F. Hutton,which is considered to be a financial institution, it has not been used as a financial institution for over two years, so that has expired. He cited there are no additional parking spaces available in the district to pick up the five spaces, but the second floor will be support and trust functions and in terms of practical usage, there will be less traffic for a Trust Department in a Bank. He believed the hardship would be that there is no space available in this area and in the actual need for the parking spaces will be less than the use they propose and for the use that was previously there.

Mr. Lawrence pointed out for the amount of space they are suggesting does not cramp the people that the facility will have in it, so he thought the application indicates they have complied with the conditions for the Special Exception Use and they have a legitimate hardship and this is in fact, a Town-serving use and location.

Mr. Moore reported the staff comments - the Police Department would like to see the additional five spaces supplied. He stated the Building Department comments that the Town-serving Use must be demonstrated as to be consistent with other applications, an audit should be supplied. He stated they have no objection to the drive-in teller.

Mrs. Douthit believed it was a great increase, although she realizes there are more staff people required, but this increase is almost eight times what they had. Mr. Anderson pointed out they are going from 2000 to 8000 square feet. He advised that during the past two years, they have grown from zero deposits to over thirty-five million dollars in deposits in Palm Beach and in the Trust Department, they have grown to three hundred million dollars. He presently does not have an office and there is no lunch room, nor is there a Board Room or a vault, so there are a lot of things that a full service bank should have and they don't have because they wished to start off small and much of the space additional space and much of that space is not where their customers will ever be.

Mrs. Douthit asked about the staff and Mr. Anderson responded they had a staff of 19 in the beginning and now they are at 45 for the total bank but in Palm Beach, there will be an additional four people. He advised most of the space will be back-room space, and clerical and they have tried to create a less dense environment rather than the cramped environment.

Spec.Excep. 13-92 (cont'd)

Mr. Heeke asked how many offices would be on the second floor to which Mr. Lawrence responded there will be eight offices and it will accommodate their entire Trust Department.

Mayor Marix believed they would be adding a lot of expense and wondered where they would be getting the necessary business to support this facility. Mr. Anderson responded their growth has been almost entirely in the Town and they wish to take care of the people on the Island. Mayor Marix knew that and believed they have taken some of their business from those institutions who haven't performed very well, but there are only a certain amount of people here and to increase their space to accommodate four times more people, she believed they would have to have a huge increase in business to warrant the expenditures. She stated in a non-growth Town, which is what this Town is, she wondered how they would get this extra business. Mr. Anderson responded they have done very well and they are looking ahead to increase their space needs but as far as the Palm Beach National Bank is concerned, they have the people coming to them and it is probably by word-of-mouth, as they have spent little on advertising, so he believed people were coming to them from the other banks for more personalized attention.

Mayor Marix pointed out one of the banks in Town is leasing out their space. Mr. Anderson agreed, noting one of the banks has nine facilities. Mayor Marix stated that is why she wondered what kind of ramifications this will have in the banking world. Mr. Anderson felt the people in this Town will go where they are appreciated and wanted and from the reception they have received, he believed his bank is offering the type of service that people are appreciating and that was their goal initially when they opened up this bank.

Mr. Weinberg did not feel the competition should be a factor as if they wanted to expand and if they could meet the requirements of the Code, he wouldn't worry about that.

Mr. Anderson stated they don't want to be the biggest, just the best and recently have been rated as one of the top Banks in the County as far as safety of assets were concerned and all they wish to provide is good service and so far they have been well received.

Mr. Heeke asked if the five parking spaces could be provided on the Hibiscus lot. Mr. Lawrence believed they could get the additional spaces there and the Bank is willing to do so.

Mr. Heeke asked about the safety of pedestrians walking along Worth Avenue at the drive-in window? Mr. Anderson responded they do have a full time guard. Mr. Heeke asked if it would have an ATM window to which Mr. Anderson responded negatively, indicating the drive-in window would only be open during business hours.

Mr. Moore noted the second floor as proposed is for office and internal use and not for the public. He recalled the prior user was classified as a financial institution, and did have some public use, but it had lost its grandfather status as it had not been used within the last two years. Mr. Heeke did not believe the Trust business had a large number of people at any given time to which Mr. Anderson agreed.

Mr. Ilyinsky moved that as long as an annual audit is provided to substantiate the Town-serving aspect, and verification of same, this Special Exception application No. 13-92 be granted. Mr. Heeke asked if there could be an amendment to the motion that there would be no ATM's and the required parking will be provided at the Hibiscus Lot, to which Mr. Ilyinsky agreed. Seconded by Mr. Weinberg. On roll call, the motion carried with Mrs. Wiener abstaining.

New Business

Var. 30-92

<u>New Business</u>

4. Variance No. 30-92 - Mark and Beverly Kessenich, 404 Seaspray Avenue; to allow construction of a one-story garage addition to an existing nonconforming structure providing a west side yard setback of 4.7' in lieu of 12.5' required. R-B District.Attorney Robert Deziel addressed the Council on behalf of Mr. & Mrs. Kessenich requested the variance for a one-story garage addition to an existing nonconforming structure with a side yard setback of 4.7' in lieu of 12.5 which is required. He pointed out the hardship is because of an undersized lot and the location requested is the only place on the property where the garage can be placed. He advised the house presently does not have a garage and his client will agree that the garage will never be converted from a garage to additional living space.

Mr. Moore gave the staff comments, noting the Public Works Department indicates the driveway must be a minimum of 6' from the property line at the street; Building has no objection and Mr. Doney concurs with the condition of the Public Works Department. Mrs. Wiener noted there is a letter of objection from a neighbor and another letter advising that the Council had declined a similar request. Mr. Heeke recalled this was for a home that had a garage and enclosed it in and then wanted another. Mrs. Wiener moved Variance 30-92 be granted, with the recommendation of the Public Works being carried out. Seconded by Mr. Ilyinsky, who stated this will take cars off the street. Motion carried unanimously on roll call. Var. 30-92 (cont'd)

5. Variance No. 31-92 - Cathleen McFarlane, 456 Worth Avenue; to allow construction of an addition increasing the lot coverage from 30% to 32% in lieu of 25% maximum permitted. R-B District. - Var. 31-92

Attorney Robert Deziel addressed the Council on behalf of Mrs. McFarlane. Mrs. Douthit stated she had looked at this property and there is no way to improve this property without a variance and she moved for approval of the Variance No. 31-92, due to the lot configurations. Mr. Heeke noted this property has been subdivided several times. Motion was seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

6. Variance No. 32-92 - Estate of Paul L. Maddock, corner of La Costa Way and North Lake Way; to allow construction of two 8' high masonry columns with light fixtures on either side of La Costa Way within the 5' easement and in lieu of the maximum 6' height permitted. R-B District. Var. 32-92

Mr. Paul L. Maddock, Jr. addressed the Council, stated two lots have been sold and they now want to get on with the completion of the amenities and they wish to build two attractive gate posts at the entryway with lights on the top and the reason he has requested the eight feet is he has gone around the Town and looked at these and they are others larger, perhaps up to ten feet, and he is requesting the eight feet. He advised there would be a six foot hedge and the gateposts would be located in a landscape easement which they have provided in this subdivision and would be of cast stone. Mr. Moore stated they have no objection as long as it is not in the utility easement. Motion was made by Mr. Ilyinsky to approve the Variance No. 32-92 with the condition that the gateposts will not be placed in the right-of-way. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

7. Variance No. 33-92 - Robert Radkay, 220 Seminole Avenue; to allow construction of a swimming pool providing a side yard setback of 7' in lieu of 10' required. R-C District. Letter Dated June 3, 1992 from Mr. Robert R. Radkay Requesting Postponement to July 14, 1992 meeting. - This variance was postponed until the July meeting. Var. 33-92

8. Variance No. 34-92 - One Royal Palm Way Condominium Inc., 100 Royal Palm Way; to allow a front yard building identification sign with a 4' setback in lieu of 10' a required; to allow 9' high masonry columns with lattice screen wall and a decorative archway at 17' high in lieu of 6' maximum permitted. R-D(2) District. Var. 34-92

Mr. Heeke announced he had a conflict as Mr. Keir, who is presenting the application is a Councilman at Lake Clarke Shores, where Mr. Heeke serves as the attorney. Mr. David Keir, Planner and Architect with Seminole Bay Land Co. addressed the Council on behalf of the One Royal Palm Way Condominium. He advised they wish to install a sign, which will be more attractive than what now exists, with a 4' setback. He advised the lighting for the sign will be behind the wall.

He stated the second request is they wish to install columns. He stated they wish to put in a fountain wall in the pool area. He stated this is a massive building with limited green space. He stated on the fountain wall, they wish to have a tiled background and utilize an antique marble fountain. He advised the column detail will match the other columns which exist presently on the building.

He reported the third variance request is the erection of a proposed lattice fence or screen wall on the deck area, which is on the second floor and which already has existing brick planters on it. He stated this wall will cut down on the wind and dust which makes this area virtually unuseable during certain times of the year. He advised they wish to have an arched aluminum "window". He stated this area is the primary recreational area of the building and this view of the ocean is the only one from a public area and this archway will provide a view of the ocean. He indicated all of the neighbors in the area of his client's building have been presented with a copy of these plans and they are supportive of the project requested.

Mr. Moore advised the staff has reviewed the application and there is no objection to the identification sign, nor the wall and the fountain, but there is an objection to the archway which is 17' in height and is an eleven foot variance to a six foot requirement to which the Town Manager's office concurs.

Mr. Ilyinsky suggested they deal with each item individually to which President Pro Tem Weinberg agreed. Mayor Marix asked what the size of the sign would be. Mr. Moore responded it will be in compliance with regards to size, but the actual location is the reason for the variance request. Mayor Marix did not recall signs on the other condominiums in this area. Mr. Moore pointed out there is a sign at the Winthrop House and most of the houses just have the numbers on them.

Mr. Ilyinsky moved the sign be approved. Seconded by Mrs. Wiener. On roll call, it carried with four votes and Mr. Heeke abstaining.

Mrs. Douthit asked if the proposed lattice screen wall would be visible from the street? Mr. Kier responded it would be set back 250' from the Ocean Blvd. and could be seen for a short distance along Ocean Blvd. and will be able to withstand the wind loads and corrosion. Mrs. Douthit moved it be approved as there is no real viewing of the public of this wall and the neighbors are in agreement with it. Seconded by Mr. Ilyinsky. On roll call, the motion carried with four votes and Mr. Heeke abstaining.

Mr. Moore stated the next variance is the archway. Mayor Marix believed variances have to have a hardship. Mr. Kier responded he cannot prove a hardship which runs with the property. Mrs. Wiener moved the archway at One Royal Palm Waybe denied. Seconded by Mrs. Douthit. On roll call, the motion carried with four votes with Mr. Heeke abstaining.

Var. 35-92

9. Variance No. 35-92 - Lydia Mann, 1440 South Ocean Boulevard; to allow construction of gazebo providing a front yard setback of 15' in lieu of 35' required. R-AA District.

Mr. Phil Maddox, Landscape Architect, addressed the Council on behalf of the applicant, indicating the agenda states this is for a gazebo but it is a mistake to call it a gazebo, as it is a folly, or a trellis or an arbor but it is not a gazebo. He stated this would be a area for a display of an urn or a statute and is part of a garden development. He stated behind it there is a 5' high masonry wall with a ten foot high dense ficus hedge. He advised the folly is basically a trellis and there will be vines established on it.

Mrs. Douthit recalled there was a garage located right on the property line and with a twelve foot hedge, it could not be seen. Mr. Maddox responded it can be seen from the pool deck and the walk leading into the garden.

Mayor Marix believed that a folly was a great asset to a garden and wondered if the Zoning Commission should look at whether or not things of this kind should be considered as structures from a variance point of view. Mr. Moore responded the principal involved in this is it is an accessory structure, and he thought this was to prevent accessory structures from being placed in the front yard as that would be the predominant focus of attention. He stated the staff comment is there is no hardship in this particular case. Mayor Marix thought if something was being built strictly for aesthetic purposes, perhaps it should be looked at differently.

Mr. Ilyinsky moved for approval of the Variance 35-92. Seconded by Mrs. Douthit on the grounds that it is strictly decorative, with no bench for seating. On roll call, the motion carried unanimously.

Var. 36-92

10. Variance No. 36-92 - Pamela Dunston, 248 Bahama Lane; to allow construction of two single family dwellings, one each on a lot 90' deep in lieu of 100' minimum required. R-B District. -

Mrs. Dunston addressed the Council indicating she was the contract purchaser along with Sander Weinstock from the Estate of Robert Englander. She indicated the personal representative for the Estate has agreed to this application for variance and they are requesting that Lots 16 and 17 which have been taxed separately be treated as two separate lots to construct two single family residences.

Mrs. Douthit asked if they would be demolishing the existing house? Mrs. Dunston stated that is what is proposed. She advised both of these lots look onto the Golf Course and a water lake with many birds. Mr. Moore indicated the staff has no objection to the application, provided the caveat which is that the size of the lot would not be used for any future variance.

Mrs. Douthit asked if the pool use would have to be abandoned until a new structure is erected, to which Mr. Moore responded it would not be able to be used and would have to be covered so it would not become a mosquito harbor. Mrs. Douthit asked if there was a Unity of Title for these two lots to which Mrs. Dunston responded she has made a title search and there is no Unity of Title on these properties. Mrs. Douthit moved for approval of the Variance No. 36-92, with the provision that the pool would not be used until there is a dwelling there. Mrs. Dunston advised there has been some discussion on removing the pool as it is in bad shape. Seconded by Mr. Ilyinsky.

Mayor Marix asked if there should be some provision that if this is not completely demolished, the Town will finish the job and level the lot. Mr. Moore stated the Council can grant reasonable conditions on the granting of the variance and perhaps they may want to request a bond, however, he noted this is a complete demolition and the Stanley house on North Ocean Blvd. was for a partial demolition. Mr. Randolph advised he didn't see a reasonable relationship on the variance applied for and the requirement for a bond for demolition as he thought that would be singling out this particular property and if they wished to do so, they could address it by way of an Ordinance.

Mayor Marix advised Mrs. Dunston this requirement is being looked at because of some of the disasters we have experienced around the Town. Mrs. Wiener asked if there would be no further variances granted on this property for the building of the two dwellings to which Mrs. Dunston agreed.

On roll call, the motion carried unanimously.

Var. 37-92

11. Variance No. 37-92 - Barbara Rogers, 1435 South Ocean Boulevard; to allow construction of a pool cabana providing a 20' south side yard setback in lieu of 30' required. R-AA District.

Attorney Robert Deziel addressed the Council on behalf of the applicant. He advised there already is an existing one story accessory structure on this property and the location of the pool cabana is on the south boundary of the property. He stated the existing structure currently is 30' north of the property line and they are requesting a ten foot variance to allow construction of a structure that is useable space. He advised the existing structure has limited space and provides very little use to the property owner. He advised the hardship is the irregular shape of the lot which has the minimum width required in the R-AA District. He advised the main home was built north and south to give it an east/west orientation and is from property line to property line and to allow views of the Intracoastal and the Ocean. He indicated on the south side of the property line is the pool cabana which was placed there so it would not inhibit the ocean view of the home. He advised their problem is to have a pool cabana that is useable between an existing pool and the required sideyard setback. He advised another hardship would be the relocation of the pool cabana in a location which would observe the setbacks would mean they would have to tear up the pool and it would have to be between the house and the ocean. He proposed the variance requested is not detrimental to the public interest as there is an extremely high hedge and vegetation between this property and the adjoining southern property owner. He did not believe there was any objection from that particular neighbor. He pointed out this is a minimum variance as the proposed structure is only one story. He advised the total lot coverage for this property is well below that which is allowed.

Mr. Deziel said he would like to point out an analogy: in the R-B District, one is allowed to build a one story accessory structure ten feet from the property line which is two-thirds of the required setback on a two story main house, and there is a one-story accessory structure - this is 10' where 15' would normally be required. He advised the order was given to the architect to come up with some rationale that they could comply with to at least make it twenty feet as that would be two-thirds of the required setback in the R-AA zoning district of 30', and that is why they came in with the 14' wide accessory structure, which would allow a 20'setback, or two-thirds of the required thirty feet. Var. 37-92 (cont'd)

He pointed out this property owner did not build the original pool structure but bought the property as is.

Mr. Moore gave the staff comments stating the Building Department does object as they feel the cabana could be located elsewhere on the property and the Town Manager requests an additional explanation on the hardship. Mr. Moore advised the objection the Building Department has is not a major objection, but the rationale he used as a comparison is not in the Ordinance, but it is the basis they proceeded under to attempt to justify the location. He pointed out the only person affected by this cabana would be the neighbor to the south and it cannot be seen from the road. Mr. Deziel stated he was in phone conversation with Mr. Evans in Detroit today and he has no objection.

Mrs. Wiener asked how large is this property to which Mr. Deziel responded it is 150' in width, which is the minimum size allowed in the R-AA District. Mrs. Douthit asked how large was the cabana that is now existing to which Mr. Deziel responded it is ten feet by ten feet and contains a his and her changing room and what they are trying to provide is some grilling facilities. Mr. Deziel stated they would be going from the ten feet to 14.8'.

He stated this is a large piece of property,however, it is long and skinny and that is the hardship as the house was placed to get the ocean views, and while there is all kind of space on which the structure could be built, it just would not look right and placement anywhere else will detract from the architecture of the home and in addition, nobody other than the neighbor to the south would be affected by this addition, as it cannot be seen from the road nor from the property to the south.

Mayor Marix noted there is a storeroom behind the changing room and wondered if they could be altered and made longer and narrower, if that would help any as it would reduce the variance. Mr. Deziel stated these rooms are centered around the room on the other side. Mayor Marix believed they could leave the center and just remove the storage and make an L shape on both sides. Mr. Heeke suggested they could leave the center where it is and they could stretch it in both directions and that may satisfy the architectural desirability and perhaps they would not even have to have a variance.

After further discussion, a motion was made by Mrs. Douthit to defer the variance until Mr. Deziel has an opportunity to study this idea and perhaps come back with a lesser variance. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously for deferral.

A short break was taken. Meeting was then reconvened.

12. Variance No. 38-92 - Richard Gray, 340 South County Road; to allow a variance from Section 6.33 to allow placement of a free standing business sign. C-TS District. Var. 38-92

Mr. Paul Yesvack, Vice-President of Claude Neon Signs addressed the Council requested the variance for a sign for the Mobil Oil Co. Mr. Moore advised they have had extensive discussions on this matter with Mr. Yesvack and Mr. Gray as free standing signs are no longer allowed in this Town, however, this would be a reduction over the sign presently existing and this would have to be approved by the Landmarks Commission as this is in a Historic District. Mayor Marix asked if Landmarks would approve the color of the gasoline pumps to which Mr. Moore responded affirmatively. Motion was made by Mrs. Wiener to approve the sign as submitted. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

13. Variance No. 39-92 - John Wilbur, 108 Mediterranean Road; to allow construction of a second floor addition providing a 10.4' side yard setback in lieu of 15' required. R-B District. Var. 39-92

Mr. Heeke turned over the gavel to Mr. Weinberg to handle the next variance application.

Attorney Wilbur addressed the Council on his own behalf requested the variance which is a second story build on top of the garage now existing. He advised at the time it was built, it was within the zoning dimensions in existence, but since that time the setbacks have changed. He stated the hardship is it is a small house with no storage and a small kitchen. He advised they wish to build a guestroom and bathroom and would allow more storage and expand the kitchen. Mrs. Douthit asked if they would continue to use the garage as a garage to which Mr. Wilbur responded affirmatively. Mrs. Wiener noted the hardship is the lot size and she moved for approval of Variance No. 39-92. Mr. Ilyinsky seconded the motion.

Mr. Moore gave the staff comments that the hardship is the size of the property and they are not going beyond the existing walls and they have no objection.

On roll call, the motion carried with four affirmative votes. (Mr. Heeke was out of the room.)

14. Special Exception No. 14-92 - 375 South County Associates, 375 South County Road; to allow a real estate office to occupy space with no frontage or entrance to a roadway per Section 4.10, C-TS Schedule of Use Regulations. C-TS District. Spec.Excep. 14-92

Attorney Peter Broberg addressed the Council on behalf of the applicant who wishes to put a real estate office at 375 South County Road. He noted the Schedule of Uses and Regulations in the Zoning Ordinance was amended to add an Item 16 - "Offices, professional services and business services located on the first floor provided such use has no frontage on, or entrance directly onto, a sidewalk fronting a roadway." He stated the proposed real estate office will be in the alcove beyond the fountain and does not have direct frontage on the sidewalk and is on the first floor, so it does fit perfectly with the amendment to the Code, however, it has to be Town-serving. He advised the office manager will be Jo DeFina who has been in real estate for many years and over 90% of her listings come from the Town of Palm Beach. He stated the space is under the 2000 square foot limit.

Mr. Moore reported staff has no objection as it does meet the criteria of the new amendment. Mrs. Wiener stated since it does meet the requirements, she moved for approval of Special Exception 14-92. Seconded by Mr. Ilyinsky. Mayor Marix asked about the parking? Attorney Peter Broberg responded the building was built with the appropriate parking provided for the entire building, so there is ample parking.

On roll call, the motion carried unanimously.

Spec. Excep. 15-92

15. Special Exception No. 15-92 - 375 South County Associates, 375 South County Road; to allow a 3,900 square foot, 150-seat restaurant and to allow a portion of required off-street parking to be within 500 feet of premises. C-TS District.

C. Other

Request for Waiver to Sect. 12-51 (Palm Beach Hilton)

1. Consideration of Request for Waiver to Section 12-51, "Hours of Construction Work," of Town Code by Mr. Hohenstein, Vice President and General Manager, Palm Beach Hilton, 2842 South Ocean Boulevard, to Install a Backflow Prevention Device for Water System - Deferred from May Meeting.

Zoning

This item was withdrawn from the agenda and replaced with a Zoning Matter to be added to the upcoming Zoning Commission Hearings for 1992-93. Mrs. Wiener commented there has been considerable concern about the size of residences being built in the Town and as an additional item to be studied should be the size of individual residences built on property larger than two contiguous lots in the R-A, R-AA, and R-B Districts. Mr. Heeke requested Mr. Moore to add this to the agenda.

Mr. Winterfield addressed the Council suggested that the language should be to describe the lots as twice the minimum size, as the way it is now, it is left up in the air and a metes and bounds description would not have a minimum size.

Mr. Winterfield noted the language in the Zoning Ordinance on PUD requesting a referendum is far more stringent than that in the Charter on the Green Space, and he suggested that that language in the Zoning Ordinance be looked at and have the same requirement as for the Charter Amendment referendum and he believed this item should also be studied by the Zoning Commission. Mr. Heeke asked Mr. Randolph if he had any comments on this? Mr. Randolph suggested before this is sent to the Zoning Commission, there should be a report from the Town staff as to the purpose of the language that was put into the Ordinance as a lot of thought went into that when it was initially adopted by the Zoning Commission and the Town Council. He advised PUD is a Special Exception and not a change in zoning and would not be subject to the referendum procedures and he did not believe from a staff standpoint, they intended to have an amendment to the referendum procedures. Mr. Moore recalled this was discussed quite extensively when it was originally adopted by the Zoning Commission and was phrased very carefully.

Mayor Marix asked if Mr. Moore was going to add to the Zoning Commission agenda the matter previously discussed about whether or not a gazebo or a trellis or other decorative garden items should be considered as a structure and would need a variance. Mr. Moore stated it would be.

Request for Waiver to Sect. 12-51 (Gucci)

2. Consideration of Request for Waiver to Section 12-51, "Hours of Construction Work," of Town Code by Joanne Owens Representing Gucci, 256 Worth Avenue to Perform Electrical Service Work.

Debbie Brannon, Assistant General Manager at Gucci addressed the Council indicating the architect, Joanne Owens, has sent a letter requesting the waiver. She stated it has to do with the break-out of the electrical service which they would like to do on a Sunday, as the work will take from 15 to 18 hours. Mr. Moore reported he has had discussions with the architect and advised them that what they wish to do should be done after the Season, because of the prohibition of work on Worth Avenue between Dec. and May. He advised them to come to the Mayor and Town Council to request the waiver as this is "elective" rather than emergency. He did not believe he advised the architect to request there be work done on a Sunday but to extend the hours after 5:30 PM as this is to segregate the electrical services of the building. He stated he cannot recommend the Mayor and Town Council grant the work be done on a Sunday, and authorized the extension of the work hours from Monday to Saturday. Mayor Marix suggested the work be done on the 4th of July which is a Saturday as if they have to have the electricity cut off for 15 hours in a row, it will be hard to do that it in the evenings. Mr. Moore responded there is a prohibition of work being done on a legal holiday. Mayor Marix believed they have a problem as the work cannot be done during the Season and they can't do it on a holiday or a Sunday. when should they do it? Mr. Moore responded they would have the option of doing it Monday through Saturday, by extending the work hours, such as starting at 7 AM until 9 PM or 10 PM. Mrs. Douthit did not agree it should be done on a Sunday. Mr. Moore believed the businesses would have to close down in an effort to get the work accomplished. Mr. Heeke asked if it was a noisy process to which Mr. Moore responded it was not.

Mr. Heeke suggested they work in the evenings. Mrs. Douthit suggested they close their business for a day or two and be allowed to work into the evening Monday through Saturday. Mrs. Wiener thought it should be Monday through Friday with the extended hours. Motion was made by Mrs. Wiener that they be allowed to work the extended hours Monday through Friday. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Proposed Intergovernmental Procedure

3. Consideration of Proposed Intergovernmental Procedure to be Established in Lieu of the Abolished Palm Beach Countywide Planning Council.

Mr. Frank advised the League of Cities has asked the Planning Directors of all municipalities to come up with suggestions on how the Palm Beach Countywide Planning Council's function would be replaced. He stated the goals of the municipal planners is to keep the process as simple as possible, keeping in mind there are requirements which must be furnished under the Comprehensive Planning Act for intergovernmental coordination and the proposal would be a two-phased type of establishment, to have a Countywide Plan Amendment Review which would include problems between intergovernments, such as the dispute that the Town had with the Steinhardt proposal and the Town went to the Countywide Planning Forum to put the dispute on the table. He indicated that function would be handled by Planning Technicians and it would be fact-finding only as it would be finally arbitrated by DCA and the purpose of the panel would be to gather the information on the dispute.

Proposed Inter governmental procedure (cont'd)

Mr. Frank stated the second portion would be a County-wide Issues Coordination Forum which would be comprised of Elected Officials from various municipalities set up in a similar fashion as the old Countywide Planning Council, and what they would do is to have a forum and at that time the recommendation is to have minimal staff, which would be anywhere from a half person to a person and a half and would namely be secretarial.

He advised this will be presented to the Municipal League shortly and those people who have served on the panel were asked to inform their respective Town Councils as to what is going on. He envisioned the municipalities entering into an interlocal agreement which would essentially include the cost of the minimal staff to be borne collectively by all of the municipalities in the County. He stated they felt this would meet the requirements of the law and whereby the local municipalities can share information and do fact finding and they recommend the total dismantling of the entire professional structure and the cost would be the nominal cost of picking up part of the expenses of the staff and perhaps the utilities, etc., and it should be very bare bones and the municipalities should agree collectively to allow their planning directors to spend the time on these issues, recalling there was an incredible amount of time spent when the Countywide Planning Council was operating, as everything had to be reviewed and had to have a response, so he didn't feel there would be a greater burden on that end.

Mrs. Wiener asked if anything had to be done by the Council at this point to which Mr. Heeke responded he didn't think anything needed to be done at this point.

4. Consideration of Appeal of Planning, Zoning and Building Department's Decision Regarding North Boundary Line at 300 El Brillo Way for Proposed Setback of Swimming Pool by James McCartney Wearn, Attorney.

Appeal - 300 El Brillo Way

Mr. Wearn addressed the Council on behalf of Mr. McDonald, the title holder of the property at 300 El Brillo Way, which has been currently developed as one parcel and is a landmarked property and has numerous designated historic trees on the property. He advised it has been undergoing substantial renovation since his client acquired the property about a year ago.

Mr. Wearn advised this is an appeal from a June 5, 1992 decision of the Building Official, concerning the north boundary as the point of measurement for a new pool setback. He exhibited the Plat for the property which is recorded in Plat Book 16, Page 74, and is a Plat made in 1935 and was one of the first Plats approved by the Town of Palm Beach. He stated there is a question concerning the north boundary of that platted property as when the property was platted it was vacant, and then it was acquired by Robert D. Huntington, who constructed the landmarked residence and lived there until 1990, and his client acquired the property out of that estate.

He advised the acquisition of the property which is legally described on the Plat as Lots A, B and C was confirmed on the acquisition by an affidavit from the Estate and of the owner, and he exhibited a copy of this affidavit, stating it reflects in Paragraph Two that the Estate of Robert Huntington is the owner of this property which is platted up to and including its' north boundary line. He commented in the last paragraph on that document it states that at the time of conveyance, there is none other in lawful possession of the premises, or who by reason of possession has any claim thereto. He stated that affidavit was duplicated to his client, Ralph McDonald, in the transfer and following that are the deeds which similarly reflect the very same title and ownership to the property as platted in 1935, with the very same north boundary as having been deeded out of the Estate to Ralph McDonald.

He advised this is the property depicted on the Survey document which shows the line across the top of the page as the north boundary, which is the very same line shown on the Plat dated 1935. He reported from that north boundary there is approximately five feet of wall which is eight feet high and it is an existing wall and is presently there. He showed an overlay on the survey which showed the proposed subject pool which is to be located ten feet from the property line and five feet from the wall inside of the property.

Mr. Wearn commented the renovation and enhancement of this property involves substantial non-disturbance of the original property which includes the patios and stones which were located when the property was originally developed and as it is landmarked. He noted there were a number of designated trees which are sought to be preserved and the way the pool is located, is just about the only location where it can be interwoven with the other recreational uses which has already been approved and that is a tennis court.

Mr. Wearn requested that the Council approve the documentation which was presented, consisting of the Plat, the Affidavit, the Deeds, the Survey as establishing the north boundary line from which one may measure and setback the location of a pool, otherwise fully conforming to the Zoning Ordinance. He stated the question presented is whether the north boundary under the Plat is accurate and he submitted that that was an unproven allegation and one that should not preclude the development of the pool in conformance with the zoning, according to the evidence presented.

Attorney Randolph stated he would like to address this as it was his recommendation to the Building Department which ultimately led to the decision to deny the request. He stated in the event the information presented by Mr. Wearn were the only information available to the Town, he would agree a permit should have been granted for the pool, however, the information presented by Mr. Wearn is not the only information made available to the Town. Mr. Randolph presented information which showed there is a dispute as to the property line. He advised the Building Department could not make a determination on this, having conflicting information that it should declare the north property line in the fashion as presented by Mr. Wearn, because if they did, the Town would be entering into the middle of a property dispute and he did not think the Town was the proper entity to resolve that. He thought for the Town to determine where that north property line is on the basis of what has been submitted by Mr. Wearn, would be making a decision as to where the boundary line is, and he didn't believe the Town was the appropriate party to make that decision.

Mr. Randolph pointed out a variance is not being requested here today, however, he did not think comments such as Mr. Wearn has presented about this location being the only place on the property where this pool can be put were relevant to the consideration by the Council today, and what is relevant is whether or not the Building Department appropriately denied the permit on the basis of the information they had available. He presented to the Council a letter of Nov. 27, 1991 from Jim Bowser to him which explains the situation relating to these properties, and a copy of the original Plat of El Bravo Park, along with a blow-up of the properties at issue. He noted the

Appeal - 300 El Brillo Way

original Plat showed a separate Lot 41, which existed adjacent to Lot 31 and 30, which is the property owned by Mr. Wearn's client.

Mr. Randolph presented the Resubdivision Plat of Lots 30 and 31 and a copy of the Supplementary Plat of El Bravo Park. He wished to include a copy of a letter from Attorney Peter Broberg dated 12-27-91 regarding Lot 41; and a copy of the Warranty Deed to the Lot 41 property to Curt Gowdy and Jerre Gowdy dated 7-13-88; and a copy of a Survey depicting Lot 41 which says in the right corner "Norman Gimpel Survey"; and a survey dated June 23, 1988 prepared by Donald D. Daniels, Inc. He stated that was all the information the Town has with regards to this matter.

Mr. Randolph advised the point of the presentation is not to take a position as to who owns what property but to show the Council what the problem is with regards to the boundary line dispute and why he advised Mr. Moore to take the position that he did. Mrs. Wiener asked what about the title insurance or were the insurance companies insuring the same property? Mr. Randolph responded there may be a problem there. Mr. Heeke stated Mr. Randolph is saying that the Town's facts are there is room for doubt with regards to where the actual property lines are between the two surveys and the replat and this is not something the Town Council would speak to, and that is what the Town Attorney is saying that this is not our forum to make that determination.

Attorney Randolph expounded by stating normally the Building Department, when someone comes in with a survey, they don't look beyond the survey and question its validity and normally would grant a permit if the survey showed certain information. He recalled Mr. Wearn brought in a survey and the Town would have normally granted a permit, however, in this instance, there was more information on hand than what was provided on the survey as the previous information shows there is a dispute as to where this line exists and because that information was on hand, he thought it was improper to grant a permit, not knowing what the resolution would be.

James Bowser, Town Engineer, addressed the Council stating he first became involved in this when the WPCO Division Manager Lutz came to his office and advised a wall was being built over an easement where there was a sanitary sewer and when Mr. Bowser visited the site, he noted they were excavating for a wall over where a sanitary sewer and a storm line were located. Mr. Wearn interrupted stating he had an objection to Mr. Bowser testifying where the excavation was occurring and it is his position that the excavation was occurring precisely on the property that is depicted on the survey and he is surprised by this position as well as the documents which have been introduced. Mr. Randolph responded he did not think for purposes of this discussion to make a determination as to where this was taking place and asked Mr. Bowser to continue.

Mr. Bowser stated when he discovered the excavation, he went back to the Plat and examined it as well as the other documents in the Building Department to make a determination of what was occurring and he believed what has happened is on the original subdivision, there appears to be a scribener's error, which means they made a mistake on one of the dimensions. He recalled there was a resubdivision for Lots 30 and 31 and what he believes has happened is that is when the mistake was made and the ten foot easement was reduced to five feet, and on seeing this the property owner believed this was his property line and was constructing a wall along his property line based on his survey. He informed the owner there could not be a wall constructed on top of an easement. He then wrote a letter to Mr. Randolph explaining the situation. Mr. Randolph stated one of the positions taken by Mr. Wearn is when the Town accepted the resubdivision of the lots showing the property line going down the middle, the Town should be bound by that, however, he disagreed with Mr. Wearn that the Town's acceptance of that changes the boundary line where the owner of Lot 41 did not enter into the Plat, as you can't replat someone else's property, so although there was a resubdivision on Lots 31 and 31 and the Town accepted that, the Town cannot encroach upon another person's property simply by the acceptance of a resubdivision and that is why he cannot go along with the position that because we accepted the resubdivision, we changed the boundary line.

Mr. Heeke left the meeting to take a telephone call from Tallahassee and Mr. Weinberg assumed the chairing of the meeting.

Mr. Wearn believed all of the information he has furnished reflect where the property line is and the pool is about to be built on his client's property ten foot from the owner's property line. Mayor Marix asked if his point was that if we leave the ten feet to get to Lot 41, he was saying the Council should allow him to have the pool there with a slightly smaller setback? Mr. Randolph intervened stating he could not do that without asking for a variance. Mr. Wearn believed the request for a variance would presume that his client did not own the property and his client owns the property. Mr. Randolph clarified that today's decision does not involve the granting of a variance.

Mrs. Wiener told Mr. Wearn if he were to come before the Council for a variance he would be saying that his client does not own the property so it isn't the building of the swimming pool that is the issue, it is the ten feet. She thought if they were to grant this, without a variance, and grant the appeal, the Council is saying his client does own the property and that is not within their power to make a determination as to who owns the property. Mr. Wearn did not believe the Council had to make the adjudication as to where the boundary line is in order to grant the appeal as the appeal is based upon the record documents of what they show as being the basis for the decision as to allow the location of the pool and he is not asking for the Town to make a determination on the boundary line.

Mr. Heeke returned to the meeting and assumed the chairing of the meeting.

Mrs. Wiener felt the very fact that this pool will be sitting on that property would make it seem, in her opinion, that the property was theirs, and she felt they had to stay away from that as that is not a Town Council matter. Mr. Wearn responded they would not be proving it to anyone at this point because they are only demonstrating to the Town the documents that were presented to the Town at this point, show and they are not binding any other property owner. Mr. Randolph did not agree as the Town has conflicting record documents and because of that conflict the final decision of the Building Department was that it could not grant the permit which would assume there was 15' between the north property line and the edge of the pool.

Mr. Heeke felt this was a very good argument for a variance due to the conflict of the public records and asked Mr. Wearn if he had considered that option? Mr. Wearn responded it would presuppose the predicate for that is that his client doesn't own the property. Mrs. Wiener felt the fact of the matter is not the swimming pool but the property line. Mr. Wearn responded the pool is all they care about as if the pool is not being built on any disputed property. Mrs.

Wiener suggested he come back with a variance application. Mr. Heeke asked if he would feel comfortable if there was some way he could phrase this that the variance is in the event one is needed as a result of the boundary dispute, without admitting that it is needed? Mr. Wearn asked if the Town would accept a statement that we don't need a variance but in the event that we do, would they be willing to consider one? Mr. Randolph believed there could be a disclaimer put on the application with the statement, however in the event the Town is of the opinion that this matter is not resolved and he applies for the variance with a disclaimer.

Appeal - 300 El Brillo Way (cont'd)

Mayor Marix asked if this would be satisfactory to Mr. Wearn's client, and the fact that this is a landmarked property - perhaps this is something that the Council can do as normally, disclaimers are not put on variances. Mr. Ilyinsky asked if it would be possible for them to work this out? Mr. Heeke responded he didn't have any difficulty with him applying for a variance approving the pool being built within five feet of the wall.

Mrs. Douthit suggested another reason could be that this is a landmarked house and there is a designated tree so moving the pool would be dangerous to the specimen tree. Mr. Randolph reminded the Mayor and Council there is not a variance application before them today and if one is applied for, at that time they should consider it, rather than prejudge what they would do at a future time.

Mayor Marix asked what other alternatives would there be? Mr. Randolph responded the alternative would be for the property owners come to some sort of an agreement in regard to the boundary line dispute, or else it could be resolved in a court of law, or apply for some sort of a variance. Mr. Wearn commented that in order to entertain what has been placed before him for consideration, there may be a reasonable solution which he might like to explore and perhaps this should be postponed until next month in order for him to explore these options.

Mr. Ilyinsky moved this matter on the property at 300 El Bravo be deferred until next month's meeting. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Motion was made to accept the documents presented by Mr. Randolph as a part of the record by Mr. Weinberg, seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

XV. COMMUNICATIONS FROM CITIZENS:

Communications from Citizens

Mr. Adrian Winterfield addressed the Council, pointing out on the Major Matters considered by the Architectural Commission, he noted the enormity of the new project at 910 South Ocean Blvd. and he asked why that project did not first come to the Town Council for a Special Exception and/or Variance as at the very least, one does have the problem of determining whether certain structures are to be included normally with the single family residence, as he viewed that as a policy question and normally should be considered first by the Town Council.

XVI. ANY OTHER MATTERS:

Any Other Matters

A. UPCOMING MEETINGS: Mr. Doney reminded the Mayor and Council of the upcoming meetings, including the Workshop meeting which is scheduled for June 15, 1992 on the Aquifer Storage and Recovery Technical Feasibility Study.

B. BRIDGE OPENINGS: Mr. Heeke recalled at previous meetings there has been discussion that perhaps the bridges should not be opened during peak traffic periods and if the Mayor and Council agree, he would like to send a letter to Mayor Graham of the City of West Palm Beach and enlist her aid in making this request of the Corps of Engineers and perhaps the Department of Transportation to which the Mayor and Council agreed. Mayor Marix brought out the point if the new marina is built as proposed, this will be far worse with the larger boats which will be docked there. Mr. Weinberg recalled they had also been in touch with the Coast Guard on the opening of the Lake Worth Bridge.

C. LETTER TO MAYOR MARIX REGARDING SUPPORT OF CLARENCE ANTHONY AS A CANDIDATE FOR THE OFFICE OF SECOND VICE-PRESIDENT OF THE FLORIDA LEAGUE OF CITIES. Mr. Heeke felt they shouldn't get involved in matters of this type unless there was a nomination for one of the members of the Town Council in Palm Beach.

XVII. ADJOURNMENT. Meeting adjourned at 5:14 PM.

Adjournment

Grace T. Peters
Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME HEEKE BERNARD ALLEN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL OF PALM BEACH
MAILING ADDRESS 124 SEABREEZE AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY PALM BEACH COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION: TOWN of Palm BEACH
DATE ON WHICH VOTE OCCURRED JUNE 9, 1992	MY POSITION IS: X ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

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

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

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, BERNARD A HEEKE, hereby disclose that on June 9, 1992:

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

____ inured to my special private gain; or

✓ inured to the special gain of DAVID KEIR, by whom I am retained.

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

Mr. Keir represents an applicant for a variance request before the Palm Beach Town Council. I am Town attorney, Town of Lake Clarke Shores, and Mr. Keir is one of the Town Councilmen of the Town of Lake Clarke Shores who vote on retaining me as their Town Attorney

June 9, 1992
Date Filed

Bernard A Heeke
Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME WIENER, HERMINE L.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL
MAILING ADDRESS 215 NIGHTINGALE TR. P.B.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY COUNTY OTHER LOCAL AGENCY
CITY COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED JUNE 9, 1992	MY POSITION IS: ELECTIVE APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

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

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

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, HERMINE L. WIENER, hereby disclose that on June 9, 1992:

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

✓ inured to my special private gain; or

___ inured to the special gain of ______________________, by whom I am retained.

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

A VARIANCE REQUEST FOR PALM BEACH NATIONAL BANK + TRUST COMPANY. I AM A MEMBER OF ITS BOARD OF DIRECTORS + STOCKHOLDER.

6/ /92
Date Filed

Hermine L. Wiener
Signature

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