Call to order and roll call

I. CALL TO ORDER AND ROLL CALL: The May Town Council meeting was called to order by President Heeke at 9:30 AM on May 8, 1990 in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwomen Douthit and Wiener and Councilman Weinberg. Also attending for all or part of the meeting were Town Manager Doney, Town Attorney Randolph. Town Clerk Peters, Administrative Assistants Jakubiak and Elwell, Chief Terlizzese and Chief Elmore, Mr. Crouse, Mr. McPhail, Mr. Bitzer, Mr. Dusey, Mr. Bowser, Mr. Moore, Mr. Bowser and Mr. Zimmerman.

Invocation & pledge

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Dr. Kirkman. Pledge of Allegiance was led by Mr. Doney.

Approve minutes

III. APPROVAL OF MINUTES OF APRIL 19, 1990. On motion of Mr. Ilyinsky, seconded by Mrs. Douthit, the minutes of April 19, 1990 were approved. On roll call, the motion carried unanimously.

Approve agenda

IV. APPROVAL OF AGENDA. Motion was made by Mr. Ilyinsky, seconded by Mrs. Wiener to approve the agenda with Item X-C-1, Variance No. 18-90 Herbert S. Pheeney withdrawn and X-C-2, Variance No. 21-90 Mrs. James Wood deferred to the June 12, 1990 Town Council Meeting Motion carried unanimously on roll call.

V. PRESENTATION:

Presentation

A. Recognition of Martin E. Murphy - Retirement Board - Deferred from April Meeting. Mayor Marix presented Mr. Murphy with a plaque recognizing his four year service on the Town of Palm Beach Employees' Retirement Board.

Comments of Mayor

VI. COMMENTS OF THE MAYOR: Mayor Marix gave her comments on hurricane evacuation: "I want to take a moment this morning to expand upon my comments regarding hurricane evacuation at the March 13th Council Meeting. The last two decades have been relatively quiet with regard to hurricanes and serious tropical storms. But, Professor Gray at Colorado State University and other experts warn that we are entering a more active and destructive period (including an estimate of six "strong" hurricanes during the upcoming 1990 hurricane season). Professor Gray has a record of marking very accurate predictions. Local landfall of a hurricane will cause devastating damage to buildings, roads, landscaping, and other property. (I have here an article about the Hurricane Hugo devastation that I believe will change your mind if you believe you will be safe in your home during a storm). Please plan to evacuate so that you do not risk the great tragedy of a serious injury or loss of life. We are extremely vulnerable in Palm Beach, because of the extremely eroded condition of our beaches. We currently have very, very little storm protection and, in the event of a serious hurricane, waves may actually overwash portions of the island. Hurricane Hugo's wind speeds exceeded 140 miles per hour; Hurricane Gilbert's in 1988 reached 200 miles per hour. Even with our strict building codes, structures in the Town of Palm Beach are only required to withstand winds of 110 miles per hour."

"Please plan NOW for how to secure your property and leave the Island if a hurricane is headed for Palm Beach. Plan to stay with relatives or friends on the mainland, or plan to fly out of Town; but whatever your specific plans, definitely plan to leave."

Mayor Marix referred to another article printed in the Palm Beach Post and asked for the local newspaper to give this matter extensive coverage as it is important.

Mayor Marix suggested there be some ways sought that the municipalities could have their municipal courts reinstated so that the smaller items with regards to the Town's Code could be expedited. President Heeke asked this matter be considered under "Any Other Matters."

Mayor Marix asked if another item could be added also to "any Other Matters" and that would be the transport of patients to area hospitals.

Licenses & permits

VII. LICENSES AND PERMITS:

A. Charitable Solicitations:

1. Big Brothers/Big Sisters of Palm Beach County, No. 142-90.
2. Arthritis Foundation, No. 87-91
3. Gilbert & Sullivan Society, No. 222-90
4. American ASsociation of Kidney Patients, Inc., (All Star Productions), No. 301-90.

Mrs. Peters reported all of the charitable solicitation applications submitted have been recommended by staff for approval. On motion of Mrs. Douthit, seconded by Mr. Weinberg, the applications for charitable solicitations were approved. On roll call, the motion carried unanimously.

Beverage license

B. New Beverage License.

Request by Marc Roger Van Laer/Italian Fine Foods Corp. d/b/a The Palm Beach Club, 322-B Royal Poinciana Way - 4 COP-SRX. Mr. Doney reported the application has been reviewed by all Departments and found to be in order and approval is recommended. Motion was made by Mr. Ilyinsky to approve the request for the new beverage license. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

VIII. NEW BUSINESS:

A. ORDINANCES - FIRST READING:

Ordinance 9-90

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

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE X, OF THE TOWN CODE OF ORDINANCES RELATING TO THE CODE ENFORCEMENT BOARD RELATING TO THE CODE ENFORCEMENT BOARD SO AS TO BRING SAID ORDINANCE FULLY IN ACCORD WITH CHAPTER 162 FLORIDA STATUTES; PROVIDING AN AMENDMENT TO DEFINITIONS: PROVIDING AMENDMENTS TO ENFORCEMENT PROCEDURE; PROVIDING AMENDMENTS TO FINES AND LIENS; PROVIDING AMENDMENTS TO APPEALS; PROVIDING AMENDMENTS TO NOTICES; PROVIDING FOR CITATIONS REQUIREMENTS; PROVIDING FOR A FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Douthit to approve Ordinance No. 9-90 on first reading. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Ordinance 10-90

2. Ordinance No. 10-90 - Amendments to Commercial Motion-Picture Making Ordinance Regarding

Revised Application Fee. Mr. Randolph read the Ordinance by title: Ordinance 10-90

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

Motion was made by Mrs. Douthit to approve Ordinance No. 10-90 on first reading. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

B. Resolutions:

1. Resolution No. 52-90 - State FY91 Beach Erosion Control Project Application for Department of Natural Resources - Proposed Mid-Town Beach Nourishment Project. Mr. Randolph read Resolution No. 52-90 by title:

Resol. 52-90

A RESOLUITON OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN TO PROCEED WITH THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER PROVISIONS OF CHAPTER 161.091 FLORIDA STATUTES TO THE FLORIDA DEPARTMENT OF NATURAL RESOURCES, DIVISIONS OF BEACHES AND SHORES, FOR THE EROSION CONTROL PROGRAM BUDGET FOR FISCAL YEAR 1991/92 FOR THE PROPOSED MID-TOWN BEACH NOURISHMENT PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID APPLICATION AND OTHER REQUIRED DOCUMENTATION; AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO INITIATE ANY RELATED ACTIONS INCIDENTAL THERETO.

Mrs. Wiener moved for adoption of Resolution No. 52-90. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

B. Resolution No. 46-90 - Request for Abandonment or Portion of Lake Drive by the Society of the Four Arts, Including Transfer of Land to Town of Palm Beach for Sanitary Pumping Station. Mr. Randolph read the Resolution No. 46-90: Resol. 46-90

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING CERTAIN ROAD RIGHT-OF-WAY AND SUBSITUATING ANOTHER THEREFORE IN BLOCK A OF THE ROYAL PALM SUBDIVISION OF THE TOWN OF PALM BEACH, FLORIDA.

President Heeke explained this was a negotiation with the Four Arts concerning the modification of their existing right-of-way and called for public comments. Attorney Doyle Rogers advised he had Susan Lownsbury from Edward Durrell Ston's office to show the plans of what was proposed. There were no further public comments.

Councilwoman Wiener moved Resolution No. 46-90 be adopted. Seconded by Councilwoman Douthit. On roll call, the motion carried unanimously for approval.

C. Bid Awards: Bid awards

1. Sealed Bid No. 010-89/90 - Trimming of Palm Trees. Mr. Heeke noted the low bidder is Willie Starling Tree Trimming at the low price of $7.50 per tree, not to exceed a total of $14,575. Mrs. Douthit moved for approval of Bid No. 010-89/90 to the low bidder, Willie Starling. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mayor Marix asked if there was a distinction made of the trees the Town has lost to the cold weather last year and the lethal yellowing to which Mr. Dusey responded affirmatively.

2. Sealed Bid No. 014-89/90 - Underground Street Light Wiring and Conduit - Consideration of Res. No. 47-90. Mr. Randolph read Res. 47-90 by title: Resol 47-90

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO DESIGN TRAFFIC INSTALLATION, INC., FOR UNDERGROUND STREET LIGHTING, WIRING AND CONDUITS.

Mr. Heeke noted the amount of the bid was $67,978.90. Mr. Doney stated it is in the current budget. On motion of Mr. Ilyinsky, Res. 47-90 was adopted with the award of the bid to Designed Traffic Installation, Inc. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

3. Sealed Bid No. 015-89/90 - Town Hall Fire Alarm System. Mr. Heeke noted the low bidder is Bradford Electric in the amount of $31,954 which includes a payment and performance bond and the low bid is by Bradford Electric. Mr. Bowser addressed the Council indicating they believe this is a good bid, however, due to a change in the State Law regarding licensing requirements, Bradford Electric cannot obtain a Town Building Permit and it is their recommendation that all bids be rejected and this project be readvertised. Mr. Weinberg moved that all bids be rejected on this matter and the bids be readvertised. Mr. Ilyinsky seconded the motion. On roll call, the motion carried unanimously.

4. Sealed Bid No. 016-89/90 - Seaview Park Auditorium Flooring. Consideration of Resolution No. 49-90. Mr. RAndolph read the Resolution by caption: Resol. 49-90

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO CAMAIO SURFACE, INC. FOR THE SEAVIEW PARK AUDITORIUM FLOOR.

Mr. Heeke explained the amount of the contract is $24,850.00. Mr. Doney reported this was in litigation and it was handled through the Self-insurance fund and the amount reimbursed to the Town was $40,000 and is adequate to cover the work covered. Mayor Marix reminded all the amount recovered did not completely cover all of the expenses involved, such as the legal expenses. Mr. Randolph believed it was a very good settlement. On motion of Mrs. Wiener, seconded by Mr. Ilyinsky, the Resolution was adopted. On roll call, the motion carried unanimously.

5. Sealed Bid No. 018-89/90 - Interior Painting of Ejector Stations. Mr. Heeke noted the recommendation is that all bids be rejected and this be readvertised and Mr. Weinberg so moved. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

6. Sealed Bid No. 013-89/90 - Fire-Rescue Mobile Intensive Care Units (Two Replacement Vehicles). Mrs. Douthit noted the recommendation is to reject the bids. Mayor Marix asked why the specifications were inadequate? Chief Elmore indicated in their original specifications, there were some errors made as was learned as the five bids received were reviewed. He indicated the units are required to meet Federal ambulance

Sealed Bids

specifications and the units they are looking at, are untried in the industry as they have only been developed for under a year's time. He stated this was one of the reasons they are going through the process as the type of chassis that has been used by the industry for the past ten years has proven to not be adequate and there aren't many manufacturers who have built one of these units and have tested it. He stated of the five bidders, only one had built this unit and had it tested and that was a Chevrolet chassis and what they were asking for was an International chassis. He stated the reason for this is because it is a lower chassis which they need because of the limited height restriction at the South Fire Station, as any unit must be geared to the South Fire Station, as there is only 107' clearance.

President Heeke asked if the selection process would be increased if the bays at the South Fire station were modified? Chief Elmore responded there were six manufacturers that they originally felt would submit bids and one failed to submit on time and he believed they would get the same number of bidders plus a few more and he doesn't see any additional costs, as the bids are not being rejected because of the cost factor but they want to be sure the bid specs are correct and the manufacturer can do what they are requesting.

Fire-Rescue Mobile Intensive Care Units (two)

Mayor Marix thought if the equipment could be secured at a lesser price, it may be well to think about enlarging the bays. Chief Elmore believed it would cost more to have a lower vehicle, perhaps five or six thousand dollars on each unit. Mayor Marix stated she was troubled to select a vendor who had never made one of these pieces of equipment before to which Chief Elmore agreed. Mayor Marix believed they should raise the bays and the plans should be compatible with what they wanted to do at the South Fire Station later. Chief Elmore stated that was his basic problem as he is looking for a new Fire Station there in the future and he would hate to spend the money now knowing that that may be a possibility in a few years.

President Heeke felt they were asking for a new product because of one station and he thought if there was equipment available which had some experience, they should go with that type of equipment and he believed they would be willing to spend these monies to make sure the piece of equipment has been tested and used by other communities.

Chief Elmore stated the older buildings just do not accommodate the modern equipment. Mrs. Wiener noted there are certain standards which must be met according to the Federal Ambulance specifications and asked why they were not included in the specs? Chief Elmore responded they were part of the specs, that was not left out, but his concern was some of the manufacturers are certifying they meet the specifications, and in actuality, they have not been tested. He stated they do have plans in another year to completely rebuild the South Fire Station and he hesitates to make modifications to the bay with that in mind. Mayor Marix suggested the new equipment be bought and the plans made to house it within what they expect to do, that is make some modifications now. Chief Elmore indicated that may be difficult to do. Mr. Weinberg asked if all the specifications were met except with respect to the height? Chief Elmore responded they were, except they were having difficulty clarifying that the units will be tested and certified in Atlanta, by a testing authority.

Mr. Doney explained they would perhaps provide a written statement that it meets all Federal ambulance requirements, but neverthless, after the Chief and his staff looks over the units, there is no comfort there that while they are making that representation, that that is indeed the case, and it could be a legal issue.

Mr. Heeke indicated he believes it is the Council's feeling that they would prefer an adjustment be made to the South Fire Station to accommodate the larger vehicles. Mrs. Wiener had difficulty in believing this was unique as there are many fire stations that have been built years ago. Chief Elmore stated the only thing that is unique is the South Fire Station as it was a caretaker's home with a normal garage and that was turned into a Fire Station. Mrs. Douthit wondered if the floor could be dropped if the ceiling cannot be raised.

Chief Elmore stated they did investigate that, and there is a problem with flooding and the best way to handle the problem would be to raise the roof.

Mrs. Harwitz suggested they not be shortsighted on this problem as they are going to need a higher building and they should think about building a higher building. Mrs. Wiener recalled in a future capital improvement plan, there is a new building on the drawing board. Chief Elmore felt if they needed to, they could construct the modifications to the roof while the new equipment is being ordered.

Mrs. Douthit moved that all bids be rejected on the Fire Rescue Mobile Intensive Car Units. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Mrs. Wiener moved that the roof be raised on the South Fire Station to the extent that is necessary to accommodate the vehicles which have the Federal ambulance specifications. Seconded by Mr. Ilyinsky.

Mayor Marix wondered if the motion should state the roof be raised if it needed to be but the bids should be clarified as to how high the units really are.

On roll call, the motion carried unanimously.

Mr. Jim dePeyster addressed the Council and thought it was interesting to note that if the Fire Station was demolished by a tornado, the equipment would have to stand outside. Mayor Marix believed the urgency of the roof is not as great as it might be in view of the fact that the equipment is going to have to be outside while the building is being built. Mr. Heeke believed it would be sheltered in some form. Mr. dePeyster stated that if the building is being built, he was one citizen who would be willing to donate funds to get it started and the equipment can be left outside.

D. Other

Water Supply Feasibility Study

1. Consideration of Proposed Future Water Supply Feasibility Study.

(a) Request for Authorization for Town Manager to execute Engineering Agreement with James M. Montgomery Consulting Engineers, Inc.

Mr. Heeke indicated there has been a selection team made up of Mr. Weinberg, Mr. Dusey, Mr. Bowser, Mr. Doney as ex-officio and Mr. Sundstrom. Mr. Dusey gave an overview on the scope of work and the contract which is before the Council is contained in the packet and contains four pages, which include the consultant identifying the Ton's water needs through a twenty year planning period. They will identify quantity and quality issues and make recommendations. They will investigate up to six sites for possible siting of the water plant, both in-town and out-of-town sites. They will identify the possible well locations. He stated they will address water treatment which deals with the Florida aquifer, which is the preferred source of water for a reverse osmosis plant. He stated they will address distribution of storing and also address what needs to be done with the current distribution system which is currently owned by the City of West Palm Beach to make it work and this would depend on the location of the water plant. He stated they will address the permitting issues, with review of a concentrate disposal, which is something that needs to be identified, as well as other permitting questions. He stated they will look at the alternatives which evolve out of the studies and come up with other alternatives with costing; they look at construction and the ownership of the plant and the distribution system and the operation of same.

Mrs. Wiener asked if the scope of work could be distributed to anyone in the audience who might wish to have it, which was done.

Water supply Feasibility Study

Mayor Marix wondered if there was a possibility of real desalinization be studied also as she knows there could be problems having a permanent supply from the aquifer and along with the study, the Council might want to know what effect there may be by using salt water.

Mr. Ed Wetzel from James Montgomery Consulting Engineers, Inc. addressed the Council responding that after the scope was prepared, he received a phone call from staff indicating there was an interest in desalinization and they ould add that to the scope of services. Mayor Marix knew it would be expensive but thought there may be a better supply available. Mr. Wetzel agreed that there would be no differences with regards to storage but there would be an additional treatment and operational cost and also the permitting issue.

Mrs. Douthit asked if there was a permitting issue with regards to the ocean outfall which would be relatively unlimited as opposed to the aquifer.

Mr. Clay Blanton, Project Engineer, indicated the permitting considerations for desalinization of seawater would be similar with one difference being the consideration of a mixing zone where the concentrate is discharged, but as far as supply, there would have to be permits for the wells, even though they would be salt water wells and this is fairly easy to permit.

Mayor Marix asked if on the scope of work, there were some things that could make or break the program, such as how large an area there would have to be and where this would be located and wondered if they would be studying in a certain sequence so that if they got to a point where there would be a complete block, that no further monies are expended on one particular item as if the Town could not secure the pipes, they would completely stop the scope of work until a decision is made as to what the Town would do about it; or if it is found there is no area to store the water, they would stop completely; or will they continue on with their work and then later on find they cannot complete the program.

Mr. Blanton stated the scope of work is going to be taken in order and there are sever meetings designed into the study, so they can excnage information with the staff and at any point, they can alter the direction of the study, depending the wishes of the staff and the Town.

Mayor Marix thought if they would have to have a certain area for a well field and they didn't have that area, would the work be stopped? Mr. Blanton responded the order of the scope of work will be the general order of the study as they will begin with the needs and then and then identify sites, and then treatment methods, permitting issues and then questions of ownership/operation of the plant and possible acquisition. Mr. Blanton stated the work could be stopped or it could be redirected.

Mrs. Douthit asked if well fields would be neededif they were going to straight-out desalinization? Mr. Blanton responded there is a problem with taking water directly out of the ocean as it is loaded with biological life which fouls the membranes and it is expensive operation, so normally the way desalinization of seawater is done, is to drill a well so the sand on the beach can be used to filter the water before it goes to the membrane, and it would act as a pre-filtering process.

Mrs. Wiener noted on Sub-Task 4.2, Well Sampling - it states the Town will be responsible for well-head operation and wondered if the expense was included in the cost of the study? Mr. Blanton responded the expense is fairly minimal as there is an old well which will be abandoned by the South Florida Water Management District as soon as sampling is done and logging of the well is done, however, because it is an old well and they don't know the condition, the liability for operating that well needs to be taken by the Town. Mr. Dusey stated there really is no cost, but if one is operating a valve and it breaks, that would be the Towns responsibility.

Mrs. Wiener noted on Sub-Task 6.3, it states South Palm Beach will be included in the analysis and asked if that cost was also included in their study to which Mr. Blanton responded affirmatively.

Mrs. Wiener stated on Sub-Task 10.1 - Deliverables - the second sentence states copies of this memorandum will be provided to Town staff and she asked if the Council would be included in that also to which Mr. Blanton agreed.

Mr. Ilyinsky asked if this was the least number of hoops they have to go through in order to conform with the State's requirements? Mr. Doney responded as far as the scope of work is concerned, what has been presented is the scope of work and are necessary items of work to do a proper feasibility study. He stated the prior hoops that the Town has already gone through are the legal hoops which the Town has to go through with regards to the competitive negotiations act on selecting a consultant.

Mr. Doney stated Task 9 addressed the ownership options and privatization is one that will be analyzed.

Mr. Heeke asked if this also contemplates a turnkey operation whereby the Town would after construction, give consideration to the payment for a facility. Mr. Dusey responded it does not include a design/build cost. He indicated they did debate that as part of the scope of work and found there was no advantage to the Town to pursue that as an option. Mr. Heeke recalled the DuPont proposal was very broad-brushed and one of the options was for the Town to take over the ownership of the plant, after construction, and he felt this was an important issue as to whether or not the Town would ultimately own the plant and asked if that would be addressed in some form? Mr. Heeke indicated the DuPont proposal will be included and studied as part of the overall study. Mr. Heeke recalled they were flexible and it could be they could continue to operate the plant.

Mr. Blanton noted in Task 9, there were two issues, one being how does one construct such facilities and the second is that of operations as there are a multitude of options with regards to operations, including constructing it by the Town and then turn it over to a private firm to operate it on the Town's behalf.

Mayor Marix asked if the engineers would be performing the scope of work and will report back to the Town as to what they are doing or will the Committee remain in existence to explain to the Council in less technical terms what is being done? Mr. Ilyinsky felt it was important that the Committee would continue on to which Mr. Heeke agreed stating the Committee at least with Mr. Dusey, Mr. Weinberg and Mr. Sundstrom should continue on and they could call on Mr. Bowser when there was a necessity to do so.

Mr. Heeke indicated that during the biddingprocess, the Council was kept informed by Mr. Weinberg, and he congratulated him, as he has spent a lot of time on this subject, studied the reports in great depth and researched the sub-contractors.

Mayor Marix agreed that some of the reports may be quite technical and she agreed the Committee should continue on to answer any questions the Council may have. Mrs. Wiener asked if a short report could be given each month by the Committee rather than one presentation to the Council to discuss the results of the scope of work, to which the

Mayor and Council agreed.

Water Feasibility Study

Mrs. Betty Metcalf Jenkins addressed the Council indicating she was the founder of the Coral Reef Society International and had some information which she wished to study further and relate at a later date to the Council as if the salt is poured directly back into the ocean, that could destroy the coral reef and there will be no habitat for the fish. She recalled there were solar salt ponds which have been installed in other places and could be a boon to the community as the salt ponds will contain the salt and the overflow is contained in the briny water and it breeds brine shrimp which attracts many seabirds, and it is a relatively simple and inexpensive process. Mr. Heeke asked her to pass on any information she might have on this subject to the staff.

Mrs. Rose Harwitz noted the Council has an engineering concern to do a feasibility study and if they were going to stop the study in the middle because they were at a "stopping" point, she wondered how that would work, as she believed a total study would be necessary in order to have all the details as she assumed the complete study would be the basis on which they would be making a determination as to which way they wished to go. Mr. Heeke believed they shouldn't be spending man-hours if they run into a total brick wall in one area that they shouldn't continue simply because the contract states they should. Mayor Marix explained they would stop it for one particular problem but wouldn't halt the entire feasibility study.

Mr. Eric Gilbertson recalled reading there was an inner crust of earth which ran along I-95 and the water is better west of that crust than east of that crust and he wondered if they had a ballpark figure as to the operating costs? Mr. Heeke stated they were not prepared to answer that until the study is complete.

Mr. Doney clarified the point raised by Mrs. Wiener as when the scope of work refers to South Palm Beach, it is referred to the Town of Palm Beach south end; and secondly, the question about investigating the City of West Palm Beach meter reading and billing collection. Mr. Heeke stated it is a study of flexibility and what the Town's options are.

Mrs. Wiener believed the scope of work prepared is an outstanding piece of work. Mayor Marix noted the possibility of using salt water is not in the scope and wondered if that was a part of the written package. Mr. Heeke asked Mr. Sundstrom if the scope of work could be easily modified to include the inquiry of the salt water desalinization ? Mr. Sundstrom recalled the engineers have indicated they would include that as part of the scope of work. Mr. Heeke asked the minutes to reflect that.

Mrs. A. Parker Bryant asked what the study cost would be? Mr. Heeke indicated it would be on an hourly basis with a maximum cost of approximately $118,850.

Mrs. Anthony asked what the hourly rates were? Mr. Wetzel responded their schedule is a standard set of fees and the rates range from $29.00 to $120.00 per hour, depending upon the levels of the individual. Mrs. Wiener asked if these costs were approximately the same as other companies who bid this? Mr. Weinberg responded they were.

Mayor Marix noted this firm has done a report for the Town of Highland Beach and came with very high references. Mr. Weinberg reported they do have a staff of 1200 engineers and have done work around the world.

Mr. Ilyinsky moved the Town Manager be aughorized to execute the professional services agreement as presented and modified during this meeting. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

(B) Request for Funding from Undesignated General Fund Balance:

Mr. Heeke called for a motion to appoint Councilman Weinberg, Mr. Sundstrom and Mr. Dusey to continue as the Committee to supervise the implementation and reporting to the Mayor and Town Council. Mr. Ilyinsky suggested the Committee and their delegates. Mrs. Wiener so moved. Seconded by Mr. Ilyinsky.

Mr. Heeke asked Mr. Sundstrom if he would continue with the hourly rate he charged in the past, plus the out of pocket expenses to which Mr. Sundstrom agreed.

On roll call, the motion carried unanimously.

Mrs. Douthit moved the funds for this expense come from the Undesignated General Fund Balance in an amount of $118,850 plus the cost of operating the Committee. Mrs. Wiener seconded with the proviso the motion would state the amount is not to exceed the $118,850 to which Mrs. Douthit agreed. On roll call, the motion carried unanimously.

Mr. Heeke introduced Mr. Sundstrom indicating he comes very highly recommended.

FY90 Mid-Year Compensation Survey

2. Consideration of FY90 Mid-Year Compensation Survey. Mr. Heeke noted there was a memorandum in the Council's back-up material from Mr. Doney which the Mayor and Council has reviewed. He stated this has been an effort in which several people have joined in, not merely the staff but also Mr. Pryor who has been of great assistance.

Mr. Heeke noted there was a comment in paragraph B, which stated: "We expect the gradual increase in compensation ratio to be more than offset by reduced induction training cost and greater efficiency" and asked for an explanation of that comment. Mr. Doney explained the overall comp ratio, which is about at 101% is felt to be too low after the survey was completed and it is anticipated that over the next four to five years, the comp ratio will increase by one per cent per year. He indicated it will be a goal of himself as Town Manager and of the Department Heads, to look for and identify ways in which the increase which is anticipated after the fourth year will be handled. He stated it is hoped that increase will be able to be addressed by the staff looking at ways whereby other costs can be cut related to the budget, either by way of personnel costs or other items. Mr. Heeke commented they are not talking about discharging people but by attrition, there could be a reduction in personnel costs and he wished to emphasize that.

Mayor Marix noted by 1995, the cop ratio will go up and she believed she was told by that time that would cost an additional $100,000 and she was sure that along the way, these percentages will be built up over the next five years, and she asked what the figures would be along the way for the next five years. Mr. Doney stated the overall goal is attracting and retaining qualified employees.

He stated in the fifth year, the comp ratio level should level at about 105% and it is believed there will be a long-term cost, but to address that, they would continue good management practices of meeting the work load with the positions that are available.

Mr. Heeke called for a motion approving the recommendations in paragraphs A, B, and C of Mr. Doney's memorandum of May 2, 1990. Mrs. Wiener so moved. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

The recommendationsas stated in the memorandum of May 2, 1990 from Mr. Doney to the Mayor and Town Council were:

A. That the mid-points of salary ranges for all Town classifications continue to be maintained at favorably competitive levelsand certainly never below 50% of those agencies surveyed. To assure continuity and accuracy of the compensation plan, the Personnel Department will, in timely fashion before each budget, annually survey a minimum of 20 to 30 common benchmark positions using area (within a 50 mile radius) municipal and/or comparable employers. (A more detailed compensation study involving at least 50 benchmark positions, such as that just completed, will be repeated no less than every 3 to 5 years). Should total annual mid-point adjustments to salaries by the Town Manager exceed a weighted average change of one half of one per cent of the total compensation, plan, said adjustments will be taken to the Town Council for approval. Any annual adjustments which average less than one-half of one per cent may be approved and implemented by the Town Manager. Town Salary Ranges

B. That current salary range spread of 85 per cent to 115 per cent be increased to 82 per cent to 118 per cent or a 43.9 per cent spread. The current 85 to 115 range puts the Town's spread as the smallest of all employers surveyed. This increase in spread, along with a policy whereby 50% of employees can reach the two upper levels of job performance classification, will gradually increase the average compensation ratio and will thus enhance the credibility and future success of the Town's performance pay system. This recommendation is strongly supported by Mr. Louis Pryor as well as by all Department Heads. We expect the gradual increase in compensation ratio to be more than offset by reduced induction training cost and greater efficiency. Salary Spread

C. That the implementation of the above policy directives and the mid-point salary range adjustments resulting from the current study be made effective October 1, 1990. It should be understood that these will be in addition to any general pay increase (if warranted) that may be approved by the Town Council effective October 1, 1990 for Fiscal Year 1991.

Mr. Doney thanked Mr. Pryor for his input into this matter.

3. Audit Proposal for Fiscal Year Ending September 30, 1990 (FY90) from Coopers and Lybrand. Mr. McPhail advised the proposal is for $56,500 and in 1983, the cost was $75,000 but over that time period the Finance Department has absorbed quite a bit of the work and the cost has been reduced. Mr. Ilyinsky moved for acceptance of the proposal as submitted in Mr. McPhail's memorandum and the recommendation contained therein. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously with Mrs. Wiener stating she would be voting for the motion but had a question as to what the procedure was on the choosing of an auditor. Mr. McPhail stated when this is put out to bid, they accept the proposals and choose from the top three submittals and a recommendation is then made to the Council. Mrs. Wiener recalled Mr. McPhail stated last year, it is a lot of work to change from one auditor to another and they were in some type of a cycle and sometime in the future, they would be going out to bid on this. Mr. McPhail reported this is the seventh year that Coopers and Lybrand have done the audit. Mrs. Wiener requested when the bidding process is developed that Rampell & Rampbell be given an opportunity to bid. Audit Proposal

4. Property Tax Study Report from "Committee for Good Government". President Heeke stated Mr. Pryor is heading up this Political Action Committee, which normally the Council does not give a forum to groups of that nature, but the exception is made in this case, because the PAC has come up with rather interesting statistics. Mr. Pryor distributed a hand-out and reported it refers to increases in taxable values for a homesteaded homeowner who owned a home in 1985 and that home remained unaltered in 1990 and emphasizes the increases in taxable value and property wide property taxes do not include any growth. He thought if growth was included, the increase in revenues would have been considerably greater. He stated the bad news shows that in the five year period, a typical homesteaded residence in the Town of Palm Beach has gone up just under 50% in taxable value. He stated when the increase in millage is then applied, it showsit has gone up fom 11.78 to 16.11 mills and that added to the taxable value shows a resultant increase in taxes of about a 100% increase or have doubled, which is nearly six times the rate of inflation. He stated the weighted average of increase in County wide taxes for the typical homeowner in communities such as Boca Raton, Boynton Beach, Lake Worth, Delray Beach, Jupiter, North Palm Beach and Palm Beach Gardens, Palm Beach, Riviera Beach and West Palm Beach in those ten large municipal areas which represent 81% of the incorporated area of of Palm Beach County have gone up 93%, just over the rate of inflation. Property Tax Study Report

IX. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR APRIL 1990. Mr. Ilyinsky moved for acceptance of the Warrant List and Fund Expenditures for April, 1990. Seconded by Mrs. Weinberg. On roll call, the motion carried unanimously. Appr. of Warrant List

Luncheon break was taken.

President Heeke called the meeting back to order at 1:30 PM.

X. DEVELOPMENT REVIEWS:

A. Major Matters Previously Considered by the Architectural Commission at their meeting of April 25, 1990 -Motion was made by Mr. Ilyinsky, seconded by Mrs. Douthit that the major matters previously considered by the Architectural Commission at their meeting of April 25, 1990 be approved. Motion carried unanimously on roll call.

The Major Matters Were: Major Matters:

B6-90 - Addition and Remodeling for Mr. & Mrs. Holden Luntz, 234 Seminole Avenue. Deferred.

B10-90 New residence for Mr. & Mrs. Lopata, 234 Eden Road. Deferred landscape plan and driveway material samples until the May meeting. Arch. Comm.

B13-90 - Remodeling of residence for Mr. & Mrs. John Alban, 422 Australian Ave. Approved the revised drawings with redesigned entry ways and the roof pitch on the pediment is now the same as the existing roof.

B15-90 - Addition to residence of Zachary Shipley, 1498 N. Ocean Way. Withdrawn.

B16-90 - Addition to residence of Michael J. Civitella, 272 Country Club Rd. Approved.

B20-90 - Addition and remodeling to 1616 South Ocean Blvd. Deferred.

B22-90 - Commercial building for Dr. Steve Spector 242 Sunset Ave. Deferred.

B24-90 - Renovation for residence of Stefan Richter, 245 Worth Avenue - Approved conditionally.

B25-90 - Renovation for residence of Mrs. Ruth Morrow, 593 Island Dr. Approved conditionally.

B26-90 - New residence for Leonard and Pat Sousa, 1300 N. Ocean Blvd. Conceptually improved with conditions.

B27-90 - Second story addition to home of John Raimondi, 1420 N. Ocean Blvd. Deferred.

B28-90 - Demolition and new construction for the Wells Road Land Co. (two residences) at 133 Wells Rd. Approve demolition of structures and pool with the condition the front hedges remain and construction start within 90 days or the property be landscaped and irrigated. Deferred the approval of the residences.

B29-90 - New residence for Mr. & Mrs. John Cunningham, 353 El Brillo Way. Approved conditionally.

B30-90 - New residence for Lowery Bell, 240 Banyan Road. Approved conditionally.

B31-90 New residence for Bertram I. and Lucille Cohen, North Lake Way and Cherry Lane. Deferred for further study.

B32-90 - New residence for Mr. Ralph Hibbard, 115 Oceanview Rd. Deferred.

B35-90 - Addition to home of Elizabeth H. Hower, 432 Seabreeze Avenue Deferred.

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

B37-90 - Awning for residence of Norman E. Murphy, 325 Ridgeview Dr. Approved.

Appeal - Admin. Decision 185 Woodridge Rd.

B. Appeal of Administrative Decision Regarding 185 Woodridge Rd. by Francis X. J. Lunch, Attorney Concerning Subdivision Ordinance. Attorney Lynch advised he was before the Council a few months ago when he requested a dividing of the two lots and subsequent to that meeting, the Plan has been revised and it is believed they have a sufficient front footage setback. He has been advised by the Building Department that he needs a subdivision plan, and his position is this is not a technical subdivision in accordance with the Zoning Code, which requires a Subdivision Plan in the event they divide into three lots or more, and that is the issue, because they are only going to two lots.

Mrs. Douthit believed they do need to come before the Council as they wish to extend a public street, which makes it a matter of public safety. Mr. Ilyinsky stated he was distrubed by this since there were some objections to the last proposal from the neighbors and he feels uncomfortable without the neighbors being informed. Mr. Lynch indicated he does not dispute that or the road way matter, but his issue is coming before them with a full blown subdivision plan.

Mrs. Douthit felt perhaps this needed to be considered by ORDINANCE, & STANDARDS COMMITTEE.

Mr. Moore advised Mr. Lynch would like the Building Department to acknowledge the extension of the street in a nonconforming manner, both the width of the street and the T turn around are not permitted under the Town's Subdivision Ordinance for the creation of new street, whereby the Subdivision Ordinance would have the input of all the departments and the Town Attorney and Town Manager's office. He didn't believe he had the aurhority to unilaterally accept the sub-standard street extension for the purpose of creating a frontage on a piece of property which could not have received a variance or received a variance without Council approval. Mr. Moore did not believe the two lots were the triggering matter here, but it is the extension of the Town street and it has not had proper review staff. Mr. Lynch was not sure that under the Code if you had less than three lots, that you reached Mr. Moore's point and he felt he didn't get to the point where they are considered a Subdivision as far as the Town Code is concerned and it is a condition preceding the review of the Council.

Mrs. Wiener did not believe when there are just two homes, they get involved in the addition to a public street and she felt he needed to go through the necessary requirements since it is a public road, and she believed the Building Official made the right decision.

Mr. Moore felt that the pure intent of the Ordinance is to be on a street that is already existing, it would need a subdivision and the point of fact here is without the extension of the public street, there cannot be the second lot and in order to create the second lot, the street has to come about and the only vehicle which he thinks is appropriate for this to come about is the Subdivision Ordinance which spells out the dimension the street shall be. He felt if Mr. Lynch had to go that route, he would have to ask for a waiver of the Subdivision Ordinance as he does not wish to construct the street to Town standards and it would be a substandard width which would serve only those two lots and he does not wish to put in the cul de sac but install a T turnaround and each member of the Town staff has the right to review that and offer their comments on the request.

Mr. Lynch advised he had no objection to the Town reviewing his plan, but contended if they want the Zoning Ordinance to say something, it should do so and it doesn't say that. He stated he does understand legislative intent, however, there is none in relation to this matter as it states "three or more lots" requires the subdivision process and he has only two lots.

Mr. Moore stated it does state along a public or private street. Mr. Lynch stated he can create the public or private street. Mr. Ilyinsky asked why he doesn't want to go the route that Mr. Moore has suggested to which Mr. Lynch responded he has no problem with the procedure, although it is a time consuming process and he would rather not go through it. Mr. Ilyinsky asked if he wouldn't be setting a precedent, as he knew of no other place where the Council has allowed the extension of a public street without some review? Mr. Lynch responded there has been a precedent set as there was another property that this same situation existed.

Mayor Marix asked how time consuming was it? Mr. Lynch stated he believed it would take about 12 months. Mr. Moore did not agree believing it could be done in a month or two. Mrs. Douthit did not believe time was a hardship.

Mrs. Wiener moved that the Council uphold the administrative decision regarding 185 Woodbridge Road. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions and Site Plan Reviews:

Old Business

OLD BUSINESS:

Var. 18-90

1. Var. No. 18-90 - Herbert S. Pheeney, 101 Banyan Rd., to allow construction of a swimming pool providing a 3'8" side yard setback in lieu of 10' required. R-A District. Deferred from April meeting. Withdrawn.

New Business

NEW BUSINESS:

Var. 21-90

2. Var. No. 21-90 - Mrs. James Wood, 726 Hi-Mount Rd.; to allow installation of gates at three driveway entrances at the front property line, in lieu of the 15' setback required. R-B District. Deferred to June meeting.

Var. 22-90

3. Var. No. 22-90 - Leonard and Lillian Schneider, 1089 S. Ocean Blvd.; to allow construction of a second story to this existing one-story residence, thereby amending Variance Approval 27-80 in which said dwelling was limited to one-story. R-A District. Attorney Lynch stated the applicant is requesting relief from a restriction put on this and two northerly properties in which the height of the building was restricted to 14' above the

crown of the road and one story. He recalled in 1984, there was a change as the neighboring property to the north was allowed to build 25' from the crown of the road and two stories. He advised his client does not wish to make any exterior changes, other than put a few windows in the structure on the second story and install a second floor in the configuration, which would include two bedrooms and two baths. Mr. Moore explained the construction would take placewithin the existing roof structure and the height of the structure would not be increased.

Mr. Heeke believed this was a modification to a previous variance.

Mrs. Wiener read a letter of objection from Mr. Barry J. Carol, who felt this was a second phase to create a two story structure on the property, which was totally contrary to the original deed restriction. Mr. Lynch stated this was not a phase two situation. Mr. Heeke felt if this had been presented to the Town Council initially showing a habitable second story, it probably would not have been approved. Mr. Lynch advised this is a different owner and informed the Mayor and Council the neighboring property was allowed to have the second story.

Mr. Moore stated the Council took into consideration the height concern which was a concern of the people across the street and it will be a huge cost to the owner to convert this area to bedrooms and baths as it is all trussed and it was not a hidden agenda as Mr. Carol suspects. He stated the previous Council restricted this to one story and the intent was that there would be a view for the people across the street and it was slightly impacted because of the mansard roof, but it was permitted under the Ordinances at that time, which subsequently has been changed.

Mrs. Douthit asked if they had to remove the present roof to which Mr. Moore responded negatively stating it will be within the present configuration. Mrs. Douthit noted another letter talks about the construction traffic parking on the street. Mr. Lynch stated they would be parking on the property in the motor court and would not be blocking the roadways.

Mr. Heeke wondered if the previous Council's intention was to limit this to a one story house and although the present owner has a very good reason to want to change this, this does not give great comfort to the neighbors for future variances we might grant with similar restrictions and then five or ten years down the road, the request is made for a change because the ownership of the property has changed.

Mrs. Wiener stated she was concerned there was a hidden agenda here but that doesn't seem to be the case. Mr. Heeke stated it was also to be a one story house. Mr. Lynch stated the restriction on the middle parcel was released and now there is a height of 25' above the crown of the road instead of 14' which is substantial and this is immediately adjacent.

Mr. Ilyinsky moved this be approved with the condition that the roof line will remain exactly as it is today and that construction vehicles are not parked onthe highway but off street. Seconded by Mrs. Wiener. On roll call, the motion carried 3-2 with Mrs. Douthit and Mr. Heeke voting against the motion.

4. Variance No. 23-90 - Marvin Rosenberg, 210 Tangier Ave.; to allow construction of a single family dwelling provinding lot width of 90' in lieu of 100' required, and providing a 5' east side yard setback in lieu of 12'6" required. R-B District. Attorney James Cooney representing the fee simple owner of the property, Claudia Rossi and Dr. Rosenberg addressed the Council. He indicated this was right next to the Town's park in that area and request a 5' setback of the east side. He noted there were seven other properties on the street which had setbacks of six feet or less and respectfully requested the variance. Var.23-90

Mr. Moore reported the staff has no objection to the variance for the ninety feet, however, do object to the east five foot setback requested and would like to know what the hardship is. Dr. Rosenberg addressed the Council indicating he would like to buy this property on Tangier Avenue and remove the house that is there, which is in poor condition, and build a house and the problem is the lot is non-conforming, which he viewed as a Town-imposed hardship, as it is the only ninety foot lot on this street where the other lots there are one hundred feet. He wishes to spend a lot of money on the purchase of this lot and does not wish to be restricted to a sixty foot foot print on the lot for the proposed house. He has checked with several of the neighbors who live in the area, who are very willing to have the eyesore house that is there now removed and a new house constructed. He stated the Town owns the park next to this particular lot, which is not in great shape and you can look through the hedge and see the house presently there and he feels what he is proposing would be an asset to the Town and to the neighborhood.

He has met with Mr. Zimmerman and reviewed other alternatives, but none of these would be compatible to his lifestyle. Mr. Moore stated the issue raised by Dr. Rosenberg of the Town platting the 90' lot, he wished to point out the lot widths required at the time this area was platted, was 75', so the ninety feet allowed was a substantially larger area than was required at that time.

Mrs. Wiener wondered if there was any way the variance could be reduced as the Council likes to have them as minimal as possible. Dr. Rosenberg indicated the rooms would have to be reduced and that kind of space doesn't work when they are spending a lot of money on the site. He could go back and analyze it further with his architect, but he has looked at several alternatives already, which have not worked.

Mayor Marix reminded the applicant if this gets denied by the Council, he won't be able to come back for a twelve month period and asked if this should be deferred until they have an opportunity to study this further with their architect? Dr. Rosenberg stated the lot is 172' in length and the only amount of footage they are asking to encroach upon is 64' feet, and is not the entire length of the house and everything else is in full conformity. Mayor Marix stated they are always concerned about precedent setting. President Heeke felt the 90' was something that could be approved, however, on the setback, he would like to see it come back with something closer to what the Code does require.

Mr. Weinberg asked Mr. Moore if there were any potential plans pending for the use of the park? Mr. Moore stated the Comprehensive Plan does not show anything other than recreational area and he knows of no capital improvements planned for this area.

Mr. Weinberg suggested a high hedge be installed on the property line? Mayor Marix thought there would be a problem with watering it as that is why the park is now in the condition it is. President Heeke suggested the 90' variance should be voted on and a deferral on the east setback to the June meeting, to see if there is anything that could be worked out with the applicant and his architect. Dr. Rsenberg asked if the Council was willing to consider something between the 12.5' which is required and the five foot requested by him? Mr. Moore responded the variance request is a ten per cent variance request and the request for the side yard is a sixty plus percentage and if they would draw a parrallel, something around ten feet might change the staff's opinion on this.

Motion was made by Mrs. Wiener to approve the portion of Variance 23-90 which pertains to the ninety foot width of the lot, in lieu of one hundred feet as now required. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Mr. Ilyinsky then moved to defer the portion of the Variance No. 23-90 which applies to the east setback. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Var. 24-90

5. Variance No. 24-90 - Janet Tigges, 1560 S. Ocean Blvd.; to allow construction of a pool and cabana in the street side yard providing a pool setback of 10' and a cabana setback of 15' in lieu of 35' as required. R-A District. Mrs. Tigges addressed the Council indicating she is requesting the approval of the Council to construct a swimming pool. She stated the house is a Mizner house, seventy years old and they are trying to rehabilitate it including some modern amenities. She stated there is a reflecting pond and they wish to make that into the pool, and has her architect here to show the proposed plan.

Michael Johnson, Architect, addressed the Council showing the proposed plan which is on a double frontage lot, on South Ocean and on Lagomar. He stated the applicants wish to rehabilitate the home and the entire property, including the grounds and terraces. He stated the wall that surrounds the property is approximately 9.5' tall and separates the court at the garage from the actual court yard where they wish to put the pool. He stated the road descends from east to west and the wall gets higher as the road descends. He stated there is over an acre of property and the only common sense approach of where to place the pool is in the courtyard. He reported there is another courtyard behind the home but it is surrounded by older trees and would be more easily seen from the neighborhood, so the owner has opted for the court yard at the garage. He stated they will plant a ficus hedge to screen the pool and the street scape that presntly exists will be continued. He stated the hardship is because the property fronts on Lagomar Road, the setback is 35' and they are reeuesting the setback be ten feet. They wish to put in the pool and a cabana against the wall which is existing and is nine feet tall. The whole courtyard is terraced down, approximately five to six feet, so it is secluded and the pool would not be prominent.

Mr. Moore advised the hardship identified as the double frontage lot is a hardship which has been considered before, but the staff feels the application could be lessened in that the pool could be relocated and turned in the opposite direction. Mr. Johnson stated he has considered that possibility, but the existing residence is relatively large and the pool is 25 x 30 and is in proportion of a residence of that nature and to turn the pool, it would be obvious that the pool has been shoved in place there and the intent of the terraces is to keep the architecture in place and they are trying to maintain the existing details. He stated his clients do want to preserve the estate and they could go in and tear out the terraces, which they don't feel is appropriate as right now the proportions, the scene and the terraces work together make it flow quite nicely and it is a well designed area. He stated the lot doesn't have any other place for the pool adn it would be in a private location which would not hamper the neighbors and to turn it sideways, there will be a large area behind it and it would have no balance.

Mayor Marix asked if they turned it but centered it, how many feet would they gain? Mr. Johnson responded they would have to destroy some of the steps and planters which are now existing. Mrs. Tigges commented they wished to keep it looking as authentic as it was without too much modernization. Mr. Johnson stated there is a reflecting pool and there is a definite axis that exists and to turn it counter to that would destroy that feeling.

Mr. Ilyinsky asked Mrs. Tigges if she would be willing to have this property landmarked? Mrs. Tigges responded affirmatively. Mr. Ilyinsky felt there was a hardship with the double frontage lot and since the applicant was willing to upgrade this property, he moved that Variance NO. 24-90 be approved as submitted. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Spec. Excep. 3-90

6. Special Exception No. 3-90 - Palm Beach Day School, 241 Seaview Ave.; to amend Special Exception Approval 3-82 which limited enrollment to 310 students by allowing a gradual enrollment growth of 8 to 10 percent. Further to amend Special Exception Approval 6-83 which granted temporary approval to use the Cushmen House at 246 Seaview Ave. as school office space by allowing permanent occupancy of the Cushman House as a School Facility. RB District.

Mr. Thomas Keresey, President of the Board of Trustees for the Palm Beach Day School addressed the Council, noting in 1982, the school made major renovations to accommodate additional facilities for teaching, the school purchased the building known as the Cushman home for the purpose of using it as a faculty facility during the renovation period and somewhat to the surprise of the Town and the administration of the Day School, it was discovered in 1990, they were still on a temporary basis, and they now are before the Council to use this building on a permanent basis for the faculty of the school for informal meetings among the faculty. Mr. Thompson, the present headmaster of the School, requests that one of the former bedrooms in the home might be used by a teacher with one or two students who have learning difficulties.

Mr. Moore stated the use granted in 1982 was not for school purposes but for the temporary use of the facility during renovations of the school. He indicated the Town staff has no objection to the continued use for the use of the faculty and for storage but any expansion for their educational purposes would not be appropriate. He stated in the past eight years, he has received no complaints about the use of the Cushman house for faculty purposes.

Mrs. Douthit was in accord with the building to be used for faculty use and storage but was not in agreement, it should be used for a classroom.

Mrs. Jane Volk, President of the Phipps Plaza Association addressed the Council, indicating a letter has been sent by the Shoumate family which registers several complaints which have not been registered before. Mrs. Volk read the letter from the Shoumates who opposed the granting of the Special Exception for classroom or teaching facilities of the Cushman house, and felt the temporary status of the use of the home should be suspended as it was supposed to be in effect only during the renovation of the main building. The letter stated they have been awakened at 3 AM with school groups loading into busses to go on a field trip. The letter also complained about the busses which are parked in the lot to the west of the Cushman house on a permanent basis and the sideyard is being used to park cars. The letter did not believe there should be an increase in the enrollment of the school.

Mrs. stated they have 23 property owners in their association and she contacted three-fourths of them and everyone held the same opinion that they do support the school, but there should be no increase in enrollment and the temporary status of the home should be revoked.

Mr. Moore stated he too was in receipt of many letters of complaint. He stated the staff's position on the use of the building was that there were no complaints on the use of that building by the school since 1983 as it was used by the faculty adn for storage and they have no objection to the continuing use of it as a faculty site and for storage. He did not authorize or validate the parking of the busses on the west as that is another issue.

Mr. Keresey stated the 3AM incident was a field trip to the Space Shuttle, which required the children to leave by bus at 3:30 AM and that was not a normal event. He stated the purpose of them suggesting to the Council that a few children be considered to be taught in the Cushman home was not to expand the educational facility across the street, but rather to put the children in a place where privacy and attention they would receive could be accomished. He recognized the problem of the neighborhood in trying to accommodate everyone as the school also has that problem. He stated they have been offered several residential homes in the neighborhood, which have been rejected, but would potentially give the school facility an opportunity to expand its limited facilities. He stated the parking lot to the west of the building is used not only by the school, but by the residents.

Mr. Heeke asked how the temporary facility become so permanent in the past seven years? Mr. Moore responded the Day School did not cease operation as they had made an agreement to do so on the original Special Exception and over the years, there were no complaints, therefore, they assumed they had ceased the use of the premises when in fact they had not. Mrs. Wiener asked if the Day School purchased the building at the time it requested the temporary use? Mr. Keresey stated it was a simultaneous operation. Mrs. Wiener asked if they had planned to use it temporarily and after the construction was completed, how would it continue to be used? Mr. Keresey stated he could not answer the question but there was construction going on concurrent with the acquisition and temporary use of the building and he doesn't know what the word "temporary" suggested after the construction was completed as he didn't believe they would have acquired the property if they didn't feel they had an ongoing permissible use. He did not believe it was the understanding of the Board of Trustees that once the construction was completed, they would offer the property for resale or not utilize it for storage and the faculty.

Mayor Marix was concerned about the Rec Center using the lot for parking as the school should not be providing parking for others. Mr. Keresey stated they have spent several thousand dollars on reseeding the field and have offered their busses for the use in the sujmer program of the Recreation Department. Mayor Marix thought people parked there also to play tennis when they should be feeding the meters. Mr. Keresey did not believe there were enough meters on the street to accommodate all the people who were using the tennis courts. Mr. Heeke stated he would be in favor of granting the permanent occupancy for the use of the informal meetings of the faculty and for storage, but not for student/faculty use.

Mr. Trent Steel, a resident of Phipps Plaza, addressed the Council stating his concern about the statement there were no complaints and also to the extent the building is used for a storage facility, there are no efforts to keep the storage in a neat and orderly manner, as those in the Plaza see the rear of the building enclosed by a glass porch and the storage is not done in an orderly manner and there is no vegetation around the building to landscape it. He stated they don't want to be difficult about this as they do have needs and they recognize that and he doesn't have a problem with them using it as a faculty center, as they are quiet, but the way they maintain the storage facility should be cleaned up a bit as well as adding some landscaping.

Mr. Sanford Oxenhorn, 215 Phipps Plaza, addressed the Council for himself and the other four condominium owners in his building to express their views. He stated their buidling is at the northwest corner and one side of the building has windows directly onto the Cushman house and the other side faces the school. He stated they are awakened early each morning when school is in session by the teachers arriving in the parking lot and when the parking lot is full, they line up on the street. He stated then the students arrive, over 300 of them, mostly by private car and some by bus and a small number walk to school. He stated because of the parking of the teacher's cars on one side of the street, the street becomes totally clogged with traffic with much noise and confusion. He stated this scene is repeated at the end of the school day and while they fully understand the desires of the parents to educate their children, they feel the current situation is unhealthy, distrubing and the traffic obstruction is potentially hazardous. He did not agree with the request to increase the enrollment as it would increase the traffic congestion, have more exhaust fumes (and they are already at the saturation point). He felt to grant the request to continue to use the Cushman house, which is 20 feet from his building, into an educational facility with even just a few students, would further chip away at their peace and privacy and requested no further encroachment on the quality of life in Phipps Plaza.

Mr. Thompson, Headmaster of Palm Beach Day School addressed the Council and he too could not explain the "permanent-temporary" status of the faculty center as when he came on board, it was already in use for faculty meetings and was surprised to learn a few months ago about its' temporary status. He hoped it would be able to continue to be used for the faculty purposes and for storage. He stated one item he is willing to consider with the Town is devise some more reasonable and safer traffic patterns on the street and he has discussed this with Sgt. Marchman. He was willing to go to any extent possible to be a good neighbor. He stated for a number of years they had stored the items for their annual auction in the rear room of the Cushman House but he didn't believe that was the case today and they would be willing to do some landscaping in the back yard to make it more attractive.

President Heeke suggested they could also invest in some blinds or drapes for the rear room, so what is stored there would not be so visible. Mrs. Douthit moved that the school facility known as the "Cushman House" be granted permanent status for use by the Palm Beach Day School and it be limited to faculty use and storage area, contingent upon proper sight screening. Seconded by Mr. Ilyinsky.

Mayor Marix noted one of the letters received indicated a concern about fire hazards and she thought that depending on what is being stored there, they may wantto discuss this with the Fire Department, to make sure there is nothing stored there that could be a problem. Mr. Thompson responded they have already had their annual inspection by the Fire Department and nothing was found to be out of line.

Mrs. Wiener asked if busses were allowed to be parked on the property? Mr. Moore indicated on the west side that area is part of the school's green space and would not be permitted. Mayor Marix suggested they talk to the Society of Four Arts as some of the teacher's vehicles are parked there except for the days they are holding their events. Mr. Thompson indicated he is not aware of any agreement on the parking but by the implied use of the parking over the years, that may be something. Mrs. Douthit believed the Town would have to give a little bit on this as Seaview Avenue is a heavily traveled street, with the Public School, the Day School and the Recreation Center and the parking is totally inadequate for the three establishments.

On roll call, the motion carried unanimously. Mrs. Wiener commented something should be done about the parking as it is a bad situation. President Heeke hoped that the unusual circumstance of children boarding busses at 3 AM was a one time event and he hoped if that is done in the future, they would have another meeting place other than in the residential area.

President Heeke indicated the next item is the gradual increase of the enrollment from eight to ten per cent. Mr. Thompson reported he has kept records for the two years he has been with the Day School and in going back over the records kept previously, there is a history that the enrollment stayed between 290 and 300 for about nine years and about two-thirds of that prior to nine years ago, came from Palm Beach itself. He noted for the nine consecutive years until two years ago, the enrollment of students in Palm Beach dropped each year by as few as three and as many as 15, but that trend reversed itself and enrollment did increase slightly in 1987. He stated last year they did enroll 310 students and most of the additional growth was from Palm Beach.

He stated historically, they have been a Palm Beach school and they wish to continue with that and would like to be able to accommodate those families for those children who meet their criteria. He stated the growth from eight to ten per cent would not be in one year as they have been at 310 students or less for the last decade and what they are talking about is one to three students in any given year and realistically, the growth from eight to ten per cent would be for over a period of five or six years.

Mr. Thompson indicated they are refusing students at the present time because of the 310 cap, not because of the fact they have reached their capacity at a particular grade level. He stated they are willing to try and work out a better arrangement for the control of traffic, such as timing and other parking arrangements which might lessen the congestion on the street during the day and the peak morning the afternoon periods. He stated last year the Public School changed their time which meant their faculty came in later and made spaces available earlier. He cautioned that if his faculty's cars get off the street, it would be filled with someone else and it wouldn't really solve the problem of cars on the street.

Attorney Paul Prosperi of 218 Phipps Plaza, addressed the Council, stating he shares a common property line with the Cushman house. He has never registered a complaint about the Day School, even though he was concerned about the busses parking in the lot. He indicated he doesn't park his car in the rear of his property where he has an easement because it is not possible to get out of that driveway in the morning. He has tried to be a good neighbor. He felt the people in Phipps Plaza are used to accommodating the peace and quiet of their neighbors, therefore that is why no formal complaints have been lodged, but he did not approve of the request for the increase in enrollment, as he believed the facility is maxed out from the point of view of what the public facilities in the neighborhood would allow. He stated all of them in Phipps Plaza make concessions to the special nature of this school. He recalled the people who were property owners in 1981 agreed to a rezoning where they lost all of their commercial zoning and gave up certain things, in order to preserve the nature of Phipps Plaza and they are willing to live with the Day School as it is now but do make an objection to the enrollment request for increase.

Mr. Keresey pointed out that the enrollment of the Day School in 1981 and 1982 was in excess of 300 students and the statistical evidence of 300 to 310 does not vary with who walks, who drives or bicycles there or is bussed to school, so if in fact they were trying to accommodate ten per cent more children, there may be an addition of perhaps two or three cars and have one more on the bus and one more walk and one more ride a bike. Mrs. Volk wondered if the enrollment was enlarged, if this would not press them for space as the premises now seem to be stretched to the limit. Mr. Keresey stated if they increased their enrollment from 310 to 320, the variance of maximum children per class, divided into the two sections, whether it would be for kindergarten or the eighth grade, it would work out to 34 children and those children in either of those grades could be adequately taught without additional faculty or facilities. He didn't believe there was anything in the request today showing that additional facilities were needed, although throughout the United States, there are greater and greater specialization and some day that may impact the Day School.

Mr. Keresey reminded the Mayor and Council the Palm Beach Academy has closed adn that has increased their requests for enrollment and also partly because the youth of the Town has increased versus a decade or two ago and the migration of corporate interests. Mrs. Volk stated she is sympathetic to the Day School, but from the point of view of a resident who lives on Seaview Avenue, children are driven to school and very few walk or ride a bicycle and the traffic problem is there, and she objects to the enlargement of the enrollment.

Mrs. Douthit asked what percentage of their students ride the busses? Mr. Thompson responded approximately forty-five to fifty per cent, and another ten per cent on foot or on bicycles.

Mr. Thompson advised the school has much more demand for enrollment than they have space just now, but it is not their intention to meet all of the demand.

Mayor Marix wondered if they could give priority to those people who live in Palm Beach? Mr. Thompson stated they give priority to siblings of their alumni and many are Palm Beach families and if all things are equal, they would take a Palm Beach student. Mayor Marix asked if the busses could be made a part of the tuition package, as that might relieve some of the traffic problem. Mr. Thompson stated there is a strong tradition in the school of parents delivering their children to the classes and they drive more for that reason than the cost of the bus. Mayor Marix asked if there could be some arrangements made whereby the teachers would meet the students at the corner.

Mr. Keresey felt this would not be a viable solution as that would mean cars would be backed up on South County Road. Mrs. Douthit noted there is not that much traffic on that road at that time as that is prior to the time the stores are open.

Mr. Steel addressed the Council stating the problems we now have with traffic will still be there five years from now and if the Council allowed the increase in enrollment, a dangerous precedent would be set. He did not believe the school had tried to work with the neighbors in the area to decrease the problems and he felt perhaps they needed to try to institute the plan, such as having more students ride busses, and then come to the Council.

Mrs. Wiener felt the problem is the Council does understand there are many young families coming to Town and all of us have dealt with schools and children. She commented on a previous Council's granting of the temporary use of the Cushman resident, while construction was in progress and a second condition was a cap of 310 students. She knows they now have the right to use the house on a permanent basis, with conditions and she believes that perhaps the school may find itself in a position where they will have to move to another location. Mrs. Wiener made a motion that the cap of 310 at the Day School be continued and the request to have an increase in enrollment be denied. Seconded by Mr. Ilyinsky. Mrs. Douthit wondered if they would be allowed to come back next year when they may have a more positive approach to the parking and traffic problems. Mrs. Wiener believed they could come back next year in any event. On roll call, the motion carried 3-2 with Mrs. Douthit and Mr. Weinberg voting against the motion to deny.

Five minute break was taken.

President Heeke called the meeting back to order.

D. Other.

Spec. Excep. 5-89

1. Special Exception No. 5-89 with Variance - Renato Desiderio, 87 Via Mizner - Request for one year extension to permit outdoor dining at Renato's Restaurant for 24 additional seats, subject to parking conditions imposed. C-TS District. Letter dated April 24, 1990 from Michael J. Pucillo. Mr. Desiderio requested the one year extension and Mr. Ilyinsky so moved. Seconded by Mrs. Douthit. Mr. Moore indicated there have been no complaints about the operation and recommend it be extended. On roll call, the motion carried unanimously for the one year extension.

Var. 23-90

C. 4. Reconsideration of Variance No. 23-90 - Marvin Rosenberg, 210 Tangier Ave. Dr. Rosenberg addressed the Council on the east side yard setback considered earlier in the meeting, stating he wished to modify the footage from five feet to ten feet and requested the hedge be placed on the east boundary in the park and he will maintain it.

Mr. Heeke noted he is asking for a variance of 2.5' and he thought it was reasonable. Mayor Marix was concerned about it being Dr. Rosenberg's hedge on Town property. Mr. Weinberg noted it is a hedge on Town property but Dr. Rosenberg will pay for it.

Mayor Marix asked if Dr. Rosenberg could also maintain the hedge? Mr. Heeke did not think that was a very good idea and felt if he installed it, the Town could maintain it.

Mrs. Douthit asked what type of hedge it would be as she was concerned if it was the type that needed a lot of trimming. Mrs. Wiener believed the hedge should be on the Rosenberg side of the property and he maintain it. Mayor Marix believed they should take the offer the applicant made and let the hedge be paid for by him and maintained by the Town on the Town property as it will keep the variance to a minimum.

Attorney Randolph stated there will be no obligation on the part of the Town to maintain the hedge and in the event the Town wishes to remove it, that would be appropriate and if the applicant wants that assurance, he should place the hedge on his own property. Dr. Rosenberg asked if the setback could be approved and then the hedge problem could be worked out later as to what type and where it would be placed. Mrs. Wiener wondered if there was some reason the Town did not want the hedge planted on its property, then the applicant may not be very pleased at that prospect. Mr. Heeke stated there has been no input from the staff as to the park and he believed the donation of the hedge should be considered by staff and see if there are any problems.

A motion was made by Mrs. Douthit to grant Dr. Rosenberg a 2.5' setback on the east side of his property on Tangier Avenue. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

2. Request for Approval of 1990/91 Zoning Draft Calendar and Tentative Study Items to Date. Mr. Moore noted a memorandum has been sent to the Mayor and Town Council listing the study items for the Zoning Season as well as the tentative calendar. Motion was made by Mrs. Douthit that the Council accept the recommendations of the staff on the Zoning Calendar and items for study. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

3. Discussion of Special Exceptions, Variances and Site Plan Reviews for the Month of August 1990. On motion of Mrs. Douthit, seconded by Mr. Ilyinsky, it was decided to hear Special Exceptions, Variances and Site Plan Reviews in the month of August, 1990. Motion carried. (Mrs. Wiener was out of the room).

Mr. Heeke noted that if there is not a full Council in attendance, an announcement will be made at the August meeting that the applicant may defer his application, as a unanimous vote will have to be had for approval.

XI. COMMUNICATIONS FROM CITIZENS: None.

XII. ANY OTHER MATTERS:

Municipal Courts

A. MUNICIPAL COURTS: Mayor Marix requested staff to try and find some system to re-establish municipal courts. Mr. Heeke suggested this may be discussed with the Chief Judge of the Circuit Court and see as a practical matter how this could be best approached and whether this is workable. Mayor Marix believed one of the reasons the municipal courts were done away with is because some of the judges in small communities were inept and were rendering decisions which were not very qualified. Attorney Radnolph indicated anything that would have to be done would have to be done legislatively and recalled the Florida League of Cities has tried to get amendments in that regard. He stated the Code Enforcement Ordinance has come about by these similar types of efforts and there are other avenues that can be approached legislatively to pursue this.

Transport by fire-rescue of critically ill

B. TRANSPORT BY FIRE-RESCUE DEPARTMENT OF THE CRITICALLY ILL. Mayor Marix recalled an article was in the Palm Beach Post about a battle between the County Fire-Rescue transporting of critically ill patients and the private ambulance companies and the article states a substantial portion of the costs can be recovered from the patient's insurance company, which would offset taxes and since about one quarter of the people who are transported are tourists or non-residents, this fee would recoup the cost of a service which has been borne totally by local property owners. Mayor Marix requested this matter be researched once again as she believed this will be a source of funds. Mr. Doney indicated he will have Chief Elmore revisit this subject.

Input from Municipalities on a county ordinance

C. INPUT FROM MUNICIPALITIES ON A COUNTY ORDINANCE PUTTING BUYERS ON NOTICE THAT THEY ARE IN A FLIGHT PATH. Mr. Doney explained the County is looking for comments on this subject. Mr. Heeke asked all members of the Town Council and the Mayor to submit their comments to Mr. Doney.

R.Dick vs. Town of PB

D. ROSE DICK VS. TOWN OF PALM BEACH. Mr. Doney requested Town Council authorization to pay the amount awarded to Mrs. Dick. Mr. Ilyinsky moved the amount awarded by the jury be paid to the plaintiff. ($17,500 reduced by ten per cent on the part of the plaintiff). Seconded by Mrs. Douthit. On roll call, the motion carried unanimously for approval.

Southern Bell

E. ESSX TELEPHONE SYSTEM - SOUTHERN BELL. Mr. Doney explained there have been many problems with the service on the present telephone system and are investigating the Southern Bell Essx system and the cost. Mayor Marix noted the Town has just purchased telephones for the Building Department. Mr. Doney explained all of those instruments can be used. He was concerned about the lines and the problems they are having are related to the unrealiability of the present service, Executive Systems, Inc. Mr. Heeke asked this be coordinated with the Town Attorney to ensure we can get free of our present obligation and his feeling is to go with someone who has been here year in and year out and if it does cost more, at least we will be getting the service that we need. Mr. Doney requested authorization to utilize a Tele-Communications professional on a contract basis for an amount not to exceed $3,600. Mayor Marix asked if AT&T provide this type of service? Mr. Doney believed they did. Mr. Jakubiak addressed the Council indicating over the past few months, there has been a thorough review of the Town's telephone system and a lot of the equipment will not have to be replaced. He reported the maintenance of the present system by Executive Systems if poor and the preliminary indication with the Essx system is the maintenance cost will be eliminated and he believed thousands of dollars could be saved with the maintenance charges eliminated and secondly, there are already in place the off-premises extensions which are Southern Bell lines which we now pay $800 per month and that charge will also be eliminated. He advised that as of May 1, 1990 the charge for these off lines was going to $1500 per month. He reported there will be an initial cost for installation but over the long-term, there will be a savings. Mayor Marix asked why they would need the services of a Tele-communications expert, if Southern Bell is going to provide us with what we want? Mr. Doney responded Southern Bell also has a good marketing department who would sell the equipment and services and what he would like to have the comfort of is to have an independent professional assistance and in developing the written recommendation, he would like to have the authority to spend up to $3500, which is not a budgeted item. Mr. Heeke believed the staff cannot become instant experts on a subject which is as complicated as this one. Mrs. Wiener agreed. Mrs. Wiener moved that the Town Manager be authorized to expend up to $3500 for an independent appraisal by a Tele-communications professional. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Change of date for appt. of town manager

F. CHANGE OF DATE FOR APPOINTMENT OF TOWN MANAGER. Mr. Heeke noted the Code states the Town Manager is appointed in February, and he would like to see that take place at the August meeting or thereafter, and not right after the election. He doesn't have too much concern with the Department Heads being appointed in February but felt strongly that the Council needed to have some time to work with the Town Manager in order to evaluate him. Mrs. Wiener had no problem with the Department Heads being appointed later in the year and suggested it be in September, as that would be six months later, to which the Council agreed. Mr. Heeke suggested the Town Attorney prepare two ordinances, one for the Town Manager to be appointed in September and one for the Department Heads and the Town Manager to be appointed in September.

Performance Evaluation

G. PERFORMANCE EVALUATION OF THE TOWN MANAGER. Mr. Heeke suggested the anniversary date for the Town Manager be in September to coincide with the appointment date, to which the Mayor and Council agreed. Mr. Heeke reported the Mayor and the members of the Council have met on an individual basis with the Town Manager. Mrs. Douthit moved the Town Manager be given a four per cent cost of living increase and a two and one half per cent merit increase and this be retroactive to his present anniversary date. Seconded by Mr. Ilyinsky. Mrs. Wiener asked if this matter would then be addressed at the next anniversary date which would be September? Mr. Heeke agreed. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit, seconded by Mr. Ilyinsky that the funding for the increase be taken from the Undesignated General Fund Balance. Motion carried unanimously.

Assistance from Prof. Brennan

H. ASSISTANCE FROM PROFESSOR BRENNAN. Mr. Heeke stated he had the utmost confidence in the Town Manager and is very pleased with all of his efforts as he deals with the members of the Council in an even handed manner. He suggested that perhaps Professor Brennan, who has helped out the Town in the past, may be available for management seminars and rather than have everyone attending management seminars outside, everyone would be hearing the same recommendations and suggestions at the same time and it would be a lot more efficient to think about that as a program and it would not cost very much money. Mrs. Wiener did not agree as sometimes one needs to be talking with other people and there is a certain amount of exposure that is necessary. Mr. Heeke believed it could be done in addition to and the outside dimension would not be lost, but we could probably pick up something else which might be beneficial to the Town. Mayor Marix knew that he was familiar with the inside operations so it may prove beneficial. Mr. Heeke suggested Mr. Doney check with Professor Brennan and work out some scheduling and if funding is needed, it be presented to the Council for authorization. Mrs. Wiener asked exactly what they were doing? Mr. Heeke recalled Professor Brennan did come down once before and spent a weekend and his fee was for airfare only and he would like to use him on a more regular basis, and if that is done, we need to pay him what he would normally charge on a consulting fee. Mr. Heeke recalled one of the recommendations he made was to meet periodically with the entire staff. Mrs. Wiener stated her concern that this Council as a body is going in certain directions that are not exactly in which the Town Charter directs them, as unless there is a specific reason of them involving themselves in management, she didn't believe that is where they should be. Mayor Marix disagreed believing they were trying not to get involved in administrative items and are looking to get someone who is hightly knowledgeable in those matters and could be of some help. Mrs. Wiener felt that should be up to the discretion of the Town Manager. She felt it the Town Manager asked the Council for some guidance, then that would be a different story and the Council could go out and seek some help. Mayor Marix felt the Town Manager was too polite to make this request so if there is someone out there who can come up as an expert would be a help in keeping the elected officials out of the administration. Mr. Heeke felt this was a problem that was not unique to government and all they were offering was a leg-up and if it was useful, he should use it.

Mrs. Wiener felt if he wants to do it, he would be able to move forward to do it but she believes she is hearing this Council stating that he will do it. Mayor Marix felt it was going to be useful for all of the department heads. Mr. Heeke suggested that it should be left optional and up to the Town Manager and Council would like him to proceed along these lines and as he sees fit, and as discussions develop, the Town Manager may want to take advantage and expand on this. Mayor Marix believed that was what they said to begin with. Mr. Doney indicated he does have respect from Mr. Brennan's knowledge and experience, however, he is holding down a full time job and last time when he was here, he met with him on a Friday night, Saturday and Sunday and from that respect, it makes it difficult, particularly if he was going to involve the Department Heads.

Mr. Heeke stated he would prefer to see this done during working hours, but it would be up to whether or not Professor Brennan would be available.

FL. League of cities annual meeting

I. FLORIDA LEAGUE OF CITIES ANNUAL MEETING will be held in Orlando and the key subject is Amendment 3.

J. TOWN PICNIC WILL BE HELD ON JULY 21.

Adjournment

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

Grace T. Peters
Town Clerk

TOWN COUNCIL MINUTES OF LANDMARK DESIGNATIONS
HELD ON JUNE 11, 1990

Roll Call

I. CALL TO ORDER AND ROLL CALL: A Special Town Council Meeting was called to order by President Heeke on June 11, 1990 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 Ilyinsky, Councilwoman Douthit, Councilman Weinberg and Councilwoman Wiener. Also in attendance were Town Attorney Randolph, Mr. Moore, Mr. Frank Mr. Sved and Mrs. Peters.

Invocation

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

III. PROOF OF PUBLICATION: Mrs. Peters reported the Proof of Publication has been filed.

Appr. of Agenda

IV. APPROVAL OF AGENDA: Mr. Ilyinsky moved for approval of agenda. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Procedures for Public Hearing of Landmarks

V. PROCEDURES FOR PUBLIC HEARING REGARDING LANDMARK DESIGNATIONS: Mr. Moore indicated staff will make its presentation, then comments will be received from those who support the designation and then those who object, followed by discussion of the Mayor and Council and then the action on the designation.

Mr. Randolph explained since this is somewhat of a quasi-judicial proceeding, anyone who wishes shall have the right of cross-examination of any of the witnesses and all those who wish to speak in favor or against the designation should be sworn in.

Mr. Randolph swore in the staff members.

A. Designation Report for 765 Ni-Mount Rd. - Consideration of Res. No. 5-90. Deferred from March 9, 1990