attempt to provide a benefit for a limited body of applicatns, as sub-paragraph F renders a crucial blow to the whole concept of increasing non-conformities. He stated in the event a variance is granted to the sections relative to non-conformities, they seem to be saying they won't do that but they could under special circumstances. He felt there was no reason for this to be opened up this way. He recalled the Chesterfield Hotel came in with an application which involved demolition of a garage and then it was discovered that would not be possible since a recent change to the Ordinance requires every single family residence to have a garage. He felt either there is a prohibition of expansion of non-conforming structures or they don't, and he felt this provision seems to suggest the requirements for a variance are going to be disregarded.

He suggested they look very carefully at the direction the Zoning Ordinance seems to be taking and where certain suggestions are coming from.

On roll call, the motion carried unanimously to approve Ordinance No. 1-91 on first reading.

Any Other Matters

VI. ANY OTHER MATTERS. There were none

Adjournment

VII. ADJOURNMENT. Motion was made by Mrs. Wiener, seconded by Mr. Weinberg to adjourn the meeting at 5:45 PM. On roll call, the motion carried unanimously.

Grace T. Peters
Town Clerk

SPECIAL TOWN COUNCIL MEETING
OF APRIL 23, 1991 5:01 PM

Roll Call

I. CALL TO ORDER AND ROLL CALL: The Special Town Council meeting of the Town of Palm Beach-Town Council was called to order by President Heeke at 5:01 PM in the Town Hall Council Chambers on April 23, 1991. On roll call, the following were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Weinberg and Councilwoman Wiener. (Absent were Council woman Douthit and Councilman Ilyinsky). Also attending were Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Mr. Moore, and Mr. Frank.

Invocation

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

Approval of Agenda

III. APPROVAL OF AGENDA: Agenda was approved on motion of Weinberg/Wiener. Mr. Doney indicated the staff is recommending consideration of an item relative to funding for the Mid-Town Beach Nourishment project and the need for this matter to be considered today is the timing. Mr. Heeke indicated this will be handled under Any Other Matters.

On roll call, the motion carried unanimously.

Proof of Publication

IV. PROOF OF PUBLICATION: Mrs. Peters advised proof has not been received, however, she knows it was advertised.

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V. SECOND READING OF ZONING ORDINANCE NO. 1-91.

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING AMENDMENTS TO ARTICLE 2, SECTION 2.10 ENTITLED "DEFINITIONS", BY REVISING DEFINITION, (6) "BASEMENT"; ADDING NEW DEFINITION (22.1) "FLOOR AREA RATIO (FAR)"; TO PROVIDE AMENDMENTS TO ARTICLE 4 ENTITLED, SCHEDULE OF LOT YARD AND BULK REGULATIONS, TO INCLUDE A COMPREHENSIVE SET OF DESIGN GUIDELINES WITH CORRESPONDING CHANGES AND/OR ADDITIONS TO SETBACK, HEIGHT, COVERAGE, LANDSCAPE, DENSITY AND USE REGULATIONS IN THE C-WA DISTRICT: AMEND ANGLE OF VISION REGULATIONS TO INCLUDE ACCESSORY BUILDINGS; REDUCE DENSITY FROM 8 UNITS PER ACRE TO 6 UNITS PER ACRE FOR TWO FAMILY DWELLINGS IN R-C DISTRICT AND CHANGE THE MINIMUM LOT AREA FOR SUCH USE FROM 10,000 SQUARE FEET TO 13,333 SQUARE FEET, WITH AN EXCEPTION FOR NOW VACANT 10,000 SQUARE FOOT LOTS FOR ONE YEAR; REDUCE BUILDING HEIGHT BY ELIMINATION OF BASEMENT CREDIT AS RELATED TO NUMBER OF STORIES IN R-B DISTRICT; INSTITUTE A FLOOR AREA RATIO (FAR) REGULATION OF 0.45 IN THE R-B DISTRICT; PROVIDE FOR A MINIMUM FRONT YARD SETBACK IN THE R-B DISTRICT WHICH SHALL BE THE AVERAGE FRONT SETBACKS OF THE SAME BLOCK; REDUCE ALLOWABLE OVERALL BUILDING HEIGHT IN R-B DISTRICT; INCREASE LANDSCAPE OPEN SPACE PERCENTAGES FROM 40% TO 50% IN R-AA DISTRICT AND FROM 40% TO 45 % IN THE R-A DISTRICT; TO PROVIDE AMENDMENTS TO SECTION 4.10, SCHEDULE B, "SCHEDULE OF USE REGULATIONS"; BY ADDING PROVISION ALLOWING THREE STORIES AS SPECIAL EXCEPTIONS IN C-WA DISTRICT; TO PROVIDE THAT IN THE EVENT ANY PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION AFTER MARCH 31, 1980 IS REQUIRED TO OBTAIN A NEW OCCUPATIONAL LICENSE, SUCH NEW BUSINESS SHALL ALSO BE SUBJECT TO APPROVAL B TOWN COUNCIL; TO PROVIDE AMENDMENTS TO ARTICLE 5 ENTITLED, "SUPPLEMENTARY LOT REGULATIONS", BY AMENDING SECTION 5.10, "LOT REGULATIONS", BY LIMITING ALTERATION OF NATURAL GRADE IN RESIDENTIAL DISTRICTS; AMEND SECTION SECTION 5.14, "STREET LOT LINES" BY ELIMINATING PARAGRAPHS (a) (b) AND (d); AMEND SECTION 5.30 "YARD REGULATIONS", TO ALLOW ARCADES OR COLONNADES AS SPECIAL EXCEPTIONS; AMEND SECTION 5.47, "BEACH AREA", BY REDUCING ALLOWABLE BUILDING SIZE AND HEIGHT FOR PROPERTIES WITHIN THE BEACH AREA DISTRICT ADJACENT TO PROPERTIES IN THE R-B DISTRICT; TO PROVIDE AMENDMENTS TO ARTICLE 6 ENTITLED "SUPPLEMENTARY USE REGULATIONS", BY AMENDING SECTION 6.32, "SIGNS IN RESIDENTIAL DISTRICTS' TO ALLOW NAME OF PERSONS AFFECTING THE SALE OR RENTAL OF PROPERTY TO BE INCLUDED ON PERMITTED SIGNAGE; AMEND SECTION 6.33, "SIGNS IN COMMERCIAL DISTRICTS", TO ALLOW BUSINESS IDENTIFICATION SIGNS FOR UPPER STORY TENANTS; AMEND SECTION 6.40, "SPECIAL EXCEPTION USES" TO PROVIDE THAT ANY NEW SPECIAL EXCEPTION USE BEING CONSIDERED WILL NOT PLACE AN INCREASED BURDEN ON MUNICIPAL POLICE AND FIRE PROTECTION SERVICES; TO PROVIDE AMENDMENTS TO ARTICLE 8 ENTITLED, "NONCONFORMITIES", BY AMENDING SECTION 8.11, "EXTENSION OR EXPANSION OF NONCONFORMING USES", BY INCLUDING PROVISIONS ALLOWING FOR THE GRANTING OF VARIANCES FOR NONCONFORMING USES; AMEND SECTION 10.13, "VARIANCES", BY INCLUDING SPECIFIC CRITERIA THAT MUST BE CONSIDERED IN GRANTING VARIANCES TO NONCONFORMING USES; TO PROVIDE AMENDMENTS TO ARTICLE 13 ENTITLED, "VIOLATIONS AND PENALTIES", BY AMENDING SECTION 13.20, "VIOLATIONS AND PENALTIES", BY INCLUDING ADDITIONAL CLARIFYING LANGUAGE RELATING TO ABATEMENT OF ZONING ORDINANCE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH/ PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion was made by Weinberg/Wiener to approve on second reading Ordinance No. 1-91.

Mr. Adrian Winterfield addressed the Council stating he found the document they are about to vote on a very distressing document as in the application of a Zoning Ordinance, there are bound to be accusations of arbitrariness but when one finds the arbitrariness imbedded in the document itself, he thought they needed to take a closer look at it. He wished to have on the record on the elimination of the basement credit for the R-B District without reference to the substance is clumsy draftsmanship as he believes they are attempting to deal with a problem which may exist in five per cent or less of the properties in that zoning district by taking ameasure relating to every property in the Zoning District and he respectfully submitted that notwithstanding the opinion given by a member of ARCOM and the antecedent of this was for the disapproval of the structure against which this change was drafted. He stated if it is proper for ARCOM to say to an applicant that they can't have a garage facing the street, it was not equally applicable for them to say that one can't tower above the neighbor, as there already is language which states it cannot be too similar or too different and language could be developed relating to the height of the building to a height at a specified distance on the intersecting street. He felt there was no problem if there was a difference in height between two houses on the same street, as this happens all the time. He recalled there is now construction going on where there is substantial difference between the houses facing Ocean Boulevard and those on the side streets.

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He noted that Item 7 refers to hotels in C-OPI District and he believed the hotels were a Special Exception Use in C-PC and if that is the case, all they need to do is strike the word C-OPI so the density is thirty in whatever commercial district in which the hotel may be permitted.

Mr. Winterfield referred to the issue of the new occupational license and he viewed this as raising several problems as the older properties which have more than 2000 square feet before the ordinance was changed and they are receiving an undue, undeserved benefit under the guise of a grandfather clause. He believed the question arises as what is grandfathering and how much does one deserve. He felt this matter could be handled by suspending application of this provision either for a fixed period of time or after the next transfer of the occupational license. He felt in any event whatever action is taken, it is unclear as to what the new applicant must do as the language in the Ordinance does not point that out.

Mr. Heeke advised the practice of the Council of granting Special Exceptions in the last five years has been to require a new Special Exception be obtained in the event the ownership is changed or this particular section does not go as far as they had intended butis on the agenda for the next Zoning Commission Hearings.

Mr. Winterfield stated the problem of theperson who received a Special Exception six years ago, however, is still there.

Mrs. Ellen Pettie, 235 Chilean Avenue addressed the Council indicating she is in the process of selling her property and introduced Mr. Allison who addressed the Council asking if there is a year window with regards to density and lot coverage? Mr. Moore explained the exemption is for vacant property, however, Mrs. Pettie's case is very similar to the case brought to the Council at the last meeting from Mr. Deziel who represented the Bustanis. He stated the property that Mrs. Pettie owns is short a very small percentage and that would be the subject of a variance request in order to be able to consider whether or not the shortage is unique enough to consider the two units on the property. He indicated Mr. Bustani will be filing a variance and Mrs. Pettie will also have that right. Mr. Heeke pointed out there is a mechanism for this and this is not irrevocable and if the variance is minimal in nature, they could get relief.

Mayor Marix wondered if the contract purchaser could have the agreement, contingent upon a variance being granted, and they could apply for the variance, not lose their buyer and yet they wouldn't get stuck with the contract if the variance was not granted. Mayor Marix askedif that was a workable arrangement? Attorney Randolph believed that was some advice that should not be coming from this source, as that was up to the property owners. Mr. Allison asked if the buyer was the one who had to go to the expense of developing plans to present for a variance, as that could take several months. Mr. Heeke responded the detailed plans do not have to be developed until after the variance is granted.

On roll call, the motion carried unanimously to adopt Ordinance No. 1-91.

VI. ANY OTHER MATTERS:

Any Other Matters

A. Mr. Doney summarized a memorandum he wrote to the Mayor and Town Council dated 4-22-91 on the issue of the funding request for Federal Funds for the Mid-Town Beach Nourishment Project. He explained the reason to bring this before the Council now is the tight time frame which is now undergoing for the Federal Funding cycle. He recalled on April 5, 1991, Mr. Heeke, as President of the Council signed a letter to the Federal Congressmen which related the action of the Town Council at the 3-12-91 meeting to shorten the project, due to optimizing the economic benefits to the project and also reducing the environmental concerns. He stated at that March 12, 1991 Meeting, the Town Council authroized the General Design Memorandum for the project, which is a Federal prerequisite, be revised accordingly to be a 1 1/2 mile project, which is in progress and will be completed within the next 60 days. He indicated this matter is being brought before the Council now, as this is a long distance matter and similarly to what the Town had done, when they were able to secure the State Funding assistance, was hiring Mr. LaFace, as a representative in Tallahassee. He stated since the March 12, 1991 meeting, Mr. Elwell and to a limited degree, himself, have made contact with four potential firms who they believe have the proper qualifications to represent the Town's requested appropriationof 4.6 million dollars. He noted the results of the investigation by staff reveals the most qualified firm to represent the Town is Holland & Knight, in attempting to secure this Federal Funding appropriation and that is whom they recommend. He stated an agrmement should be entered into, based on the details - they would represent the Town on an as-needed basis during the preparation of the Federal Budget for total hourly fees and expenses not to exceed $20,000 and to provide monthly progress reports. He felt the Town could then evaluate the progress and terminate the contract at any time, if the prospects for obtaining the proposed funding appears remote.

Beach Nourishment Project

Mr. Doney advised the Sub Committee Hearings are occurring from mid-April to mid-May in the Senate and in the House have already been held and from late May to early June is when there will be a Sub-Committee mark-up in both the House and the Senate and this is where the real preparation of the budget begins. He noted the appropriation is not included within the President's budget at this time, so he felt an attempt should be made at success to get this appropriation and the staff believes the best way to do that, is to sucure the professional services of a firm in Washington to have direct appearances and presentations on the Town's behalf.

Mayor Marix asked if there was a request of this type in the past? Mr. Doney responded there was not, but they have written on numerous occasions to the Congressment. Mayor Marix recalled there was an appropriation made to the Town. Mr. Doney responded there was 1.6 million formerly appropriated but it was withdrawn and diverted to the City of Boca Raton. Mayor Marix indicated she had a serious problem with this as two members of the Council are not in attendance today, asking where these names came from for consideration? Mr. Doney responded the names came from several sources, through Mr. LaFace in Tallahassee; Mr. Mack's aide - Brian Riley; and the Town Attorney's office. Mr. Doney reported there are many firms in Washington who are qualified to do this. Mayor Marix asked when it was decided to seek a lobbyist? Mr. Doney stated this was discussed at the March 12th Town Council meeting and also again at the April meeting. Mayor Marix asked if Delray Beach had received Federal monies? Mr. Doney responded Boca Raton is the municipality who got Federal monies and they did have a Federal lobbyist.

Mayor Marix stated her concern about the way this has come to the Council, under these circumstances, with no notice and it not listed on the agenda. She didn't mean to say it wasn't a great idea, but was unhappy with the way it was sprung on the Council for $20,000 to be expended.

Mr. Doney recalled it was in a memorandum of March 6, 1991 of Mr. Dusey and Town Council Meeting that we

Beach Nourishment Project

work through the Federal Congressmen, but also we would need to investigate a potential source in Washington. He felt the expense of having the Mayor or Council member or staff go to Washington to appear at these hearings would be substantially more than what has been requested. Mayor Marix pointed out this was not done last time when the money was appropriated, and was later taken away. Mr. Doney responded they did not but that was 1.6 million requested out of seven million and that was only through the letter writing that was done and at this point, if there is any potential to gain success for FY 92 in the Federal Budget, based upon the revised 1.5 mile project, in order to attempt to maximize the Town's ability to have success and getting through in the Budget they felt staff wise they needed to have direct Washington representative who knows the system. Mayor Marix felt there were excellent elected contacts in Washington and asked if any of them have given any indication the Federal Government is about to part with four million dollars after all the other things that are going on, such as Desert Storm, as it is a known fact the Federal Budget is in a financial crunch. Mr. Doney responded negatively stating through their contacts with Rep. Johnston and the Senators Macks and Graham, the contacts have been made and they believe the only potential way in which the Town can do its best to secure an appropriation is to have someone who can carry the ball to do so in Washington, D. C. Mayor Marix understood that, but wondered what Senator Johnston indicated about our chances? Mr. Doney indicated he stated we could try. Mayor Marix stated she is not unwilling to spend monies if there is some kind of hope floating around, but she believes they were not handling this properly and she thought a general feeling should be secured before they authorize the expenditure of these funds.

Mr. Doney felt the competition for any funding will be though this year but the one thing that they have going for the Town is the Department of Environmental Regulation is recommending this money be appropriated as well as the Corps of Engineers, based upon the revised Design Memorandum, and they have indicated they will support the funding requests as it goes through the channels, but there have been no assurances from any individuals. Mayor Marix felt no one was going to promise us anything, but if we make the correct contacts with several of our elected officials, perhaps we wouldn't have to spend the $20,000.

Mr. Heeke stated his problem with this is we would be talking with perhaps a half dozen representatives that we know but clearly someone who is in the business of explaining the needs to many of the members of the House of Congress, and what is needed is to reach all of them, and we couldn't expect our legislators to do that. Mayor Marix understood that but was wondering if any kind of contact was made to give us a general idea of how they feel, as from what she reads the Federal budget is in more serious straits than the State and the County, and she believes some ground work needs to be done. She was concerned about the way they were going about this.

Mr. Doney explained the reasons they could not do it earlier, was after they had learned in early January the Federal funding situation for the 2.5 mile project, the State was taking the position on the seven million dollar request that they were only willing to bring in a little more than four million dollars land what the staff did was revised the the project to a shortened version. He recalled at the March meeting, this was brought before the Council to make the determination if they were in favor of shortening the project to maximize the economic benefits to the Town and then the letter contacts were made and the phone contacts also to the Florida Representatives and Senators so that could be complimented with a Washington purpose who knows the other players and particularly the staff players to gain the right ears, and hopefully would bring success to acquiring the Federal funding.

Mayor Marix asked if when we go for the funding for the Reef, would they be allowed to spend $20,000 to seek a lobbyist for that also? Mr. Doney stated that would be up to the Council.

Councilwoman Wiener felt there was a termendous difference between backing something that was totally unproven and trying to get 4.5 million dollars from the Federal Government when there are a number of agencies working on our behalf. She stated on the Federal budget, there are appropriations for everything but it is a question of who gets there first and can get the most out of them, as regardless of who may be in our corner, there are a lot of things on the agenda and someone has to carry the ball, and we don't know the players and she would like to see them get this money and she views this as something that has to be done, or they will not recieve the monies at all.

Mayor Marix wondered if we asked for four and we get two million, how do we know it won't go to Delray Beach? Mr. Doney indicated what they are attemplting to do is to get the full request which is the revised 1.5 mile project, and which is $4,571,300. He recalled that after the review of the prelimanry design memorandum is done by the State DER and the Army Corps of Engineers, it was decided the Town's prior request for the 2.5 mile project for seven million dollars, in their opinion based upon the Federal Regulations, was not eligible for more than four million dollars. He stated the Town continued to try to maximize the Federal Funding under the General Design Memorandum there were other projects in the cycle and one of those was the City of Boca Raton project and the Federal Government made the decision to take the monies appropriated for the Mid-Town Beach Nourishment Project for Palm Beach and direct that to the Boca Raton project to reimburse them for the project already constructed, after the fact.

Mrs. Wiener asked if the City of Boca Raton had a lobbying firm working for them to which Mr. Doney responded affirmatively. Mayor Marix asked if Mr. Doney knew which firm it was and their fee to which Mr. Doney responded negatively. Mayor Marix wondered why Mr. Campbell didn't advise the Town to get a lobbyist last year. Mr. Doney indicated there was no purpose as theGeneral Design Memorandum was not completed and there was no recommendation of support from the DER or the Corps of Engineers.

Mr. Weinberg believed they had to do something and he would be willing to support the idea of hiring the firm recommended. Mayor Marix recalled last year we spent many hours and many dollars and we got the State money and then we have the Federal money and then they took it away and she believed they should have been advised of the necessity of a lobbyist and here we are today meeting on a zoning issue, anything this important should be publicized and didn't like the idea of it getting tacked on to the second reading of the Zoning Ordinance. Mr. Doney indicated if he felt it could wait until a scheduled meeting and not jeopardize the potential, he would have waited, but it is his professional opinion that they should act on this as quickly as possible. Mayor Marix felt they could have called a Special meeting to discuss this and had it listed on an agenda.

Mr. Heeke thanked the Mayor for her comments, stating they happened to be here tonight on this other matter and he believed the Town Manager had adequately explained the process, however, there are two members of this Council that are out of town. Mayor Marix believed they might not have gone had they known about a special meeting. Mrs. Wiener felt they moved with dispatch at the time this needed to be done and she thought it would have been foolish to do this last year when they didn't have the support of the Army Corps of Engineers and now they do have that approval as well as the State's recommendation and they happened to be meeting tonight, and they needed to proceed as quickly as possible.

Mr. Heeke believed they had taken as a Council position to press on with the application of both permits that are pending and this happens to be one of them and they have a duty to proceed with it. Mayor Marix agreed that was true, but her concern was that an announcement should have been made that they would be holding a meeting on this particular subject and it oculd have been scheduled and perhaps the absent council people could have changed their schedules. She believed getting to the point where they now are has obviously taken a lot of days and they knew it was coming up and it is not like a decision has to be made on this tonight. Mr. Doney agreed for the last ten days, they have reviewed over half of it and one portion of it came in over the weekend and they have checked out the references of those people who are being recommended. He felt the only way they could attempt to get the Federal assistance is by having the direct Washington representative and pointed out this was brought up at the end of the April Council meeting when he told the Council they were checking with firms they felt could adequately represent the Town's interest to secure the funds. Mayor Marix felt they should have had a special meeting scheduled for this subject. Mr. Doney advised he has spent a lot of time as did his staff attempting to pull this together as they knew there was a special Council meeting and he did mention this would be discussed at the last Council meeting.

Mr. Heeke stated he was not unsympathetic with the Mayor's feelings on this matter, but believe they were caught by a set of circumstances and now they need to move forward.

Mr. Doney felt staff wise they would have been remiss if they hadn't attempted to pull together what they have and he has done the best he could. He indicatedthey would be in conact with the liaison on this on a weekly basis and if it appears that based upon their best judgment the opportunity is remote to secure this Federal funding, he would recommend that their services cease and will only continue with their services if it is thought they had a reasonable chance of success.

Mr. Heeke noted the agreement was modified so there is no thirty day waiting period and they can opt out of the agreement at any time.

Mr. Weinberg felt it was necessary they move forward at this time in order to try and get what they seek with regards to Federal funds and he moved that they arrange for a contractual relationship with Holland and Knight as indicated in the memorandum from Mr. Doney dated April 19, 1991. Seconded by Mrs. Wiener. Mr. Heeke asked if the Town Attorney would supervise the final draft of the Agreement to which Mr. Doney stated he will coordinate with the Town Attorney. On roll call, the motion carried unanimously.

Motion was made by Mr. Weinberg that an amount not to exceed $20,000 be authorized from the Town's Undesignated General Fund Balance to be expended for this purpose. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Mr. Heeke believed that if it is noted this to be a losing situation, the services will be terminated. Mayor Marix commented she felt there was no reason that this could not have been handled in such a way that the public would know about this as it could have been publicized further and she didn't believe it belongs here at this meeting.

Adjournment

VII. ADJOURNMENT: Meeting was adjourned at 6 PM.

Grace T. Peters.
Town Clerk

TOWN COUNCIL MINUTES OF
MAY 14, 1991

Roll Call

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

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by the Assistant Rabbi at Temple Emanuel, Brian Gossman. Pledge of Allegiance was let by President Pro Tem Weinberg.

Approval of Minutes

III. APPROVAL OF MINUTES OF JANUARY 3, FEBRUARY 12, MARCH 12, APRIL 9 (9:00 AM, 9:30 AM and 5:01 PM) and APRIL 23, 1991. On motion of Mr. Weinberg, seconded by Mr. Ilyinsky, the minutes were approved with corrections.

Approval of Agenda

IV. APPROVAL OF AGENDA: Motion was made by Mr. Ilyinsky, seconded by Mr. Weinberg to defer Item XIII. B. 10 the Peter Stanley Variance NO. 32-91 to the June 11, 1991 Town Council Meeting. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously. On motion of Mr. Ilyinsky, seconded by Mrs. Wiener, the agenda was approved with the addition of XI. D. 8. - Donation of Gertrude Maxwell of the steps of the Anthony home which were connected to the porch on which the Town's original Charter was signed; and XI. D. 9. Donation of electric leaf blower and generator by Dr. Sten Lilja. On roll call, the motion carried unanimously.

Presentations

V. PRESENTATIONS:

A. Recognition of the Preservation Foundation of Palm Beach, Inc. for its Outstanding Leadership and Sponsorship of the Very Successful Palm Tree Sale Held on February 24, 1991.

B. Recognition of Hollis F. Russell - Seaview Park Commission.

Mayor Marix presented plaques of recognition to Mr. John Mashek, President of the Preservation Foundation and to Mr. Russell in recognition of his service on the Seaview Park Commission from 1986 to 1991.

Comments of the Mayor

VI. COMMENTS OF THE MAYOR: Mayor Marix indicated she had several people contact her requesting the name "Lake Trail" be restored to the sign as opposed to "Bike Trail". She stated the problem is there are many cyclists using the Trail with their high speed bicycles and don't use their bells and are rude to those who are walking. Mrs. Wiener agreed with the Mayor, noting this Trail is also used by roller skaters and skateboarders. Mrs. Douthit indicated she would like to see the pedestrians have the priority. Mr. Heeke suggested signs be installed which state the cyclists should proceed with caution, which would shift the emphasis to pedestrian traffic. Mrs. Wiener felt the change in the name would take away the emphasis.

Mr. Doney explained the signs that state "Bike Trail" are informational signs to try and keep the cyclists off the street. Mayor Marix felt that would indicate to people who have not lived here long that it is for bicyclists and the pedestrians should not use it, and whe believed there should be some notice put up about speed limits as some of the higher speed bicycles go at a very fast clip.

Mr. Heeke requested Mr. Doney to revert the signs to "Lake Trail" as they once were and primarily for the protection of the pedestrian public and not exclusively for cyclists and pedstrians would have the same rights and entitled to walk the Trail Safely.

Public Hearing

VII. PUBLIC HEARING

Res.11-91

A. Landmark Designation for 134 El Vedado Road - Consideration of Resolution No. 11-91. Mrs. Peters confirmed the proof of publication was received. Mrs. Peters gave the oath to those who will be making comments during this portion of the hearing.