

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, April 7, 2008, at 1:30 p.m., in the Town Council Chambers. On roll call, the following elected officials were found to be present:

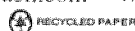
Mayor Jack McDonald
President Richard M. Kleid
President Pro Tem Gail Coniglio
Council Member Denis P. Coleman
Council Member Susan Markin
Council Member David A. Rosow

Others present for all or a portion of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas G. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
William Amador - Fire-Rescue Chief
Kirk Blouin - Administrative Police Captain
Jay Boodheshwar - Recreation Director
James Bowser - Town Engineer
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Paul Castro - Zoning Administrator
Veronica Close - Planning, Zoning and Building Assistant Director
William Crouse - Human Resources Director
Jane Day - Historical Preservation Consultant
Tim Frank - Planning Administrator
Charles Langley - Public Works Assistant Director
John Page - Planning, Zoning and Building Director
Susan Eichhorn - Town Clerk

4-7-08 TC Mtg.

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1 II. INVOCATION AND PLEDGE OF ALLEGIANCE

2
3 Town Clerk Eichhorn gave the Invocation. President Kleid led the Pledge of Allegiance.

4
5 President asked for public comments, of which there were none.
6
7
8

9 III. APPROVAL OF AGENDA

10
11 The following modifications were made to the Agenda:

12
13 **DEFERRED** Item VI.A.2., Appeal by 1565 North Ocean Way, North Ocean Way, LLC,
14 Regarding ARCOM Decision No. B10-08/SE4-08 to the May 12, 2008, Town Council
15 meeting.

16
17 **WITHDRAWN** Item VI.C.3.a., Modified Site Plan Review #23-2007 with Special
18 Exceptions and Variances.
19

20 **DEFERRED** Item VI.C.4.a., Variance #5-2008, to the May 12, 2008, Town Council
21 meeting.
22

23 **DEFERRED** Item VI.C.4.b., Variance #15-2007, to the May 12, 2008, Town Council
24 meeting.
25

26 **4:00 P.M. TIME CERTAIN** - Treasure Coast Charrette Presentation
27

28 **Motion made by Council Member Rosow, seconded by President Pro Tem Coniglio to**
29 **approve the Agenda as amended. On roll call, the motion carried unanimously.**
30
31
32

33 IV. PRESENTATIONS

34
35 A. PRESENTATIONS BY APPLICANTS FOR APPOINTMENT TO THE CODE
36 ENFORCEMENT BOARD.
37

38 The following applicants were called upon to provide presentations to the Town Council:
39

- 40 • James Ballentine addressed the Town Council.
41

1 • Madelyn Greenberg addressed the Town Council.

2
3 • Clare O'Keeffe addressed the Town Council.

4
5 • Joel Koeppel - not present

6
7 • Scotch Peloso addressed the Town Council.

8
9 • Cynthia Van Buren addressed the Town Council.

10
11 • William Vanneck addressed the Town Council.

12
13
14
15 **B. PRESENTATIONS BY APPLICANTS FOR APPOINTMENT TO THE**
16 **INVESTMENT ADVISORY COMMITTEE.**

17
18 The following applicants were called upon to provide presentations to the Town Council:

19
20 • Harold Corrigan addressed the Town Council.

21
22 • William Mikus - not present

23
24 • Bernard Panfel addressed the Town Council.

25
26
27
28 **C. PRESENTATIONS BY APPLICANTS FOR APPOINTMENT TO THE**
29 **RECREATION ADVISORY COMMISSION.**

30
31 The following applicants were called upon to provide presentations to the Town Council:

32
33 • June Bakalar addressed the Town Council.

34
35 • George Cimballa addressed the Town Council.

36
37 • Joseph Della-Giustina - not present - submitted letter

38
39 • Harold Epstein addressed the Town Council.

40
41 • Stephen Hall - not present - submitted email

- Danielle Hickox Moore addressed the Town Council.
- Henry Jamison - not present
- Daniel McDonnell addressed the Town Council.
- Harold Nectow addressed the Town Council.
- Timothy O'Hara addressed the Town Council.
- Sherry Scott addressed the Town Council.

V. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 4-08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, of the Code of Ordinances as Follows: Section 134-2 Definitions to Allow for a Higher Measurement for Building Height and Overall Height on Lots East of the State of Florida Coastal Construction Control Line; Section 134-2029 to Allow Telecommunication Antennas as a Permitted Use on All Private Club Properties in the R-AA, R-A and R-B Zoning Districts; Section 134-38 by Increasing Zoning and Comprehensive Plan Amendment Application Fees and Creating Other Fees Related to Development Applications and Zoning Interpretation Appeals; Section 134-2 to Create a Definition for a Distribution Electrical Substation; Section 134-1354 to Prohibit Distribution Electric Substations from the Conservation Zoning District; by Creating Division 13, Section 134-2103 to Create Zoning Regulations for Distribution Electric Substations; Section 134-2 to Create a Definition for Formula Restaurants and Dining Rooms; Sections 134-1107, 134-1159, 134-1259 to Prohibit Formula Restaurants and Dining Rooms in the R-D(2), C-TS, C-WA, C-PC, C-OPI and C-B Zoning Districts; Sections 134-390 and 134-419 to Eliminate the Specific Schedule to Complete Restoration Projects and Cross Reference Section 18-242; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date. [John S. Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Ordinance No. 4-08, by title, as printed above.

1 **Motion made by Council Member Coleman, seconded by Council Member Markin to**
2 **adopt Ordinance No. 4-08. On roll call, the motion carried unanimously.**

3
4
5
6 B. First Reading

- 7
8 1. ORDINANCE NO. 9-08 An Ordinance of the Town Council of the Town of
9 Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning,
10 Article X, On-Street Parking Permits, Division 2, Residential Districts, at
11 Section 134-2296, so as to Provide for Visitor Permits; Amending Section
12 134-2298 Relating to False Representation; Amending Section 134-2299
13 Relating to Revocation; Deleting Section 134-2300 Relating to Temporary
14 Visitor Permits in its Entirety; Providing for Severability; Providing for
15 Repeal of Ordinances in Conflict; Providing for Codification; Providing an
16 Effective Date.

17 [Thomas G. Bradford, Deputy Town Manager]

18
19 Town Attorney Randolph read Ordinance No. 9-08, by title, as printed above.

20
21 Deputy Town Manager Bradford provided an explanation of Ordinance No. 9-08.

22
23 Discussion occurred, and Mr. Bradford and Town Attorney Randolph responded to questions
24 by the Town Council members.

25
26 **Motion made by Council Member Coleman, seconded by Council Member Rosow to**
27 **approve Ordinance No. 9-08 on first reading. On roll call, the motion carried 4-1 with**
28 **President Pro Tem Coniglio dissenting.**

- 29
30
31
32 2. ORDINANCE NO. 10-08 An Ordinance of the Town Council of the Town
33 of Palm Beach, Palm Beach County, Florida, Amending Chapter 134,
34 Zoning, at Sections 134-796, 134-846 and 134-896, Relating to Exceptions
35 to Height Limitations, to Provide for Increased Height of Flagpoles by
36 Special Exception; Amending Chapter 134, Zoning, Section 134-2372,
37 General Regulations Applicable to Permitted Signs, to Provide Regulations
38 and Definitions Concerning Flags and Flag Size; Providing for Severability;
39 Providing for Repeal of Ordinances in Conflict; Providing for Codification;
40 Providing an Effective Date.

41 [John C. Randolph, Town Attorney]

1 Town Attorney Randolph read Ordinance No. 10-08, by title, as printed above.

2
3 **Motion made by Council Member Coleman, seconded by President Pro Tem Coniglio**
4 **to approve Ordinance No. 10-08 on first reading.**

5
6 Town Attorney Randolph provided an explanation of Ordinance No. 10-08.

7
8 Discussion occurred among the public and Town Council members.

9
10 **Motion withdrawn.**

11
12 Council Member Coleman requested that staff provide a report on the existing flags in Town
13 for discussion at the next meeting.

14
15 **Motion made by Council Member Markin to approve Ordinance No. 10-08 on first**
16 **reading, with the exception of grandfathering for the flags at the Breakers Hotel.**

17
18 **Motion failed for lack of a second.**

19
20 It was the consensus of the Town Council to consider Ordinance No. 10-08 in next year's
21 zoning season, after receiving a staff report regarding flags and banners that may be exceptions to
22 the Ordinance.

- 23
24
25
26 3. ORDINANCE NO. 11-08 An Ordinance of the Town Council of the Town
27 of Palm Beach, Palm Beach County, Florida, Amending Chapter 134,
28 Zoning, at Section 134-2 by Modifying the Definition of Nightclub; Section
29 134-2 by Modifying the Definition of Restaurant; Providing for Severability;
30 Providing for Repeal of Ordinances in Conflict; Providing for Codification;
31 Providing an Effective Date.
32 [John S. Page, Director of Planning, Zoning, and Building]

33
34 Town Attorney Randolph read Ordinance No. 11-08, by title, as printed above.

35
36 Council Member Coniglio noted that in order to eliminate any perception of an unbiased
37 scrutiny on her behalf, she recused herself from this discussion. Ms. Coniglio had submitted Form
38 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, to be
39 retained on record in the Town Clerk's Office.

40
41 Zoning Administrator Castro provided a brief explanation of Ordinance No.'s 11-08 and 12-

08.

Mr. Castro and William Guttman, chairman of the Planning and Zoning Commission, provided clarification of the two Ordinances to the Town Council members.

Attorney Peter Broberg indicated that, from a restaurant proprietor's point of view, of the two Ordinances, Ordinance No. 11-08 served the purpose best.

Motion made by Council Member Rosow, seconded by Council Member Coleman to approve Ordinance No. 11-08 on first reading. On roll call, the motion carried 4-0.

4. ORDINANCE NO. 12-08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, as Follows: Section 134-2 to Eliminate the Definition of Nightclub; Section 134-2 to Modify the Definition of Restaurant; Section 134-1109, 134-1159 and 134-1259 to Eliminate Nightclub Use in the C-TS, C-WA and C-PC Zoning Districts; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[John S. Page, Director of Planning, Zoning, and Building]

Ordinance No. 12-08 was presented, by staff, as noted above, as an alternative to Ordinance No. 11-08, which had been approved.

5. ORDINANCE NO. 13 -08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 22, Businesses, at Sections 22-271, 22-272, 22-273, 22-274, 22-275, 22-276 and 22-277 by Providing Consistent Language Throughout Those Sections Relative to Entertainment Establishments and by Creating a Closing Time for Those Uses; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.[John S. Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Ordinance No.13-08, by title, as printed above.

Council Member Rosow suggested the addition of one word in Section 3(b) of the Ordinance.

1 **Motion made by Council Member Rosow, seconded by Council Member Markin to**
2 **approve Ordinance No. 13-08 on first reading with an amendment to Section 3(b), the addition**
3 **of word “quietly” ...all patrons of such Entertainment Establishments shall QUIETLY vacate**
4 **the same by such closing hour. On roll call, the motion carried unanimously.**
5
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7

- 8 6. ORDINANCE NO. 14-08 An Ordinance of the Town Council of the Town
9 of Palm Beach, Palm Beach County, Florida, Amending Chapter 134,
10 Zoning, as Follows: Section 134-1637 to Eliminate the Existing Regulation
11 for Intersection Vision and Create a New Section 134-1637 to Regulate the
12 Intersection Sight Triangle Area for Residentially Zoned Properties;
13 Providing for Severability; Providing for Repeal of Ordinances in Conflict;
14 Providing for Codification; Providing an Effective Date.
15 [John S. Page, Director of Planning, Zoning, and Building]
16

17 Town Attorney Randolph read Ordinance No.14-08, by title, as printed above.
18

19 Zoning Administrator Castro provided a brief history of the Ordinance.
20

21 Director of Public Works Brazil provided a detailed presentation of regulating the
22 intersection sight triangle area for residentially zoned properties, which was a Zoning in Progress
23 approach.
24

25 Norman Goldblum, 109 Everglade Avenue, commented that parking large vehicles in sight
26 triangles could increase the number of accidents in North County Road.
27

28 Architect Gene Lawrence presented illustrations and discussed the effect on greenspace,
29 right-of-ways, and travel lanes. He suggested that more study was needed.
30

31 Discussion occurred among the Town Council regarding the traffic collisions on the north
32 end due to blockages by plantings or walls, and the encumbrance of the Ordinance on the residents
33 properties.
34

35 **Motion made by President Pro Tem Coniglio, seconded by Council Member Coleman**
36 **to approve staff direction to continue to study Ordinance No. 14-08 at both the Town Council**
37 **and Planning and Zoning Commission levels, including more thorough analysis of traffic crash**
38 **data. On roll call, the motion carried unanimously.**
39
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41

- 1 7. ORDINANCE NO. 15-08 An Ordinance of the Town Council of the Town
2 of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historic
3 Preservation, of the Town Code of Ordinances at Article III, Section 54-93,
4 So as to Modify Section 54-93 to Add Notice Requirements; Providing for
5 Severability; Providing for Repeal of Ordinances in Conflict; Providing for
6 Codification; Providing an Effective Date.
7 [John S. Page, Director of Planning, Zoning, and Building]

8
9 Town Attorney Randolph read Ordinance No.15-08, by title, as printed above.

10
11 **Motion made by President Pro Tem Coniglio, seconded by Council Member Markin**
12 **to approved Ordinance No. 15-08 on first reading. On roll call, the motion carried**
13 **unanimously.**

14
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17 **VI. DEVELOPMENT REVIEWS**

18
19 **A. Appeals**

- 20
21 1. Appeal by the Royal Poinciana Chapel of an Administrative Decision
22 Regarding Designation of Columbarian Addition as a Wall. [James Brindell]
23 *Deferred from the March 11, 2008, Town Council Meeting.*

24
25 President Kleid agreed to Attorney James Brindell's suggestion to move item VI.A.1. behind
26 item VI.C.2.b.

27
28 **Attorney Brindell withdrew the Appeal by the Royal Poinciana Chapel of an**
29 **Administrative Decision Regarding Designation of Columbarian Addition as a Wall, after**
30 **hearing item VI.C.2.b.**

- 31
32 2. Appeal by 1565 North Ocean Way, North Ocean Way, LLC, Regarding
33 ARCOM Decision No. B10-08/SE4-08.
34 [Francis X. J. Lynch]

35
36 **Appeal by North Ocean Way, LLC, 1565 North Ocean Way, was deferred to the May**
37 **12, 2008, Town Council meeting.**

38
39
40 **B. Time Extensions**
41

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

- 1 1. Request for Waiver of Section 40-199, Hours of Construction - Brazilian
2 Beach Resort, 2842 South Ocean Boulevard (per letter dated March 25, 2008,
3 from James R. Brindell).
4

5 Attorney Brindell provided an overview of the Request for Wavier of Section 40-100, Hours
6 of Construction at the Brazilian Beach Resort.
7

8 Staff Comments:
9

10 Planning, Zoning, and Building Director Page commented that this request was identical to
11 the request last month, but now had concurrence with the two adjacent property owners. Staff
12 suggested a list of recommendations if approved.
13

14 Discussion occurred among the Town Council regarding adherence to the codes, the
15 significant length of time the applicant had to complete the project and the problem of setting a
16 precedence.
17

18 Responding to Council Member Coniglio, Mr. Castro indicated that the interior plans would
19 be coming back to the Council in May.
20

21 Attorney James Brindell noted that the request for the extension of work hours would be
22 modified as follows: the in-season request would be eliminated, and the request was for the off-
23 season only.
24

25 Mayor McDonald interjected that the work would need to be completed before the
26 Thanksgiving holiday.
27

28 **Motion made by Council Member Coniglio, seconded by Council Member Markin to**
29 **approve the off-season hours from May 1, 2008, through November 26, 2008, Monday through**
30 **Saturday, 7:00 a.m. to 8:00 a.m., for quiet work only, and the hours of 6:00 p.m. to 8:00 p.m.,**
31 **with conditions 1-4 as set forth by staff.**
32

33 Mr. Rosow noted that he was opposed to exceptions being provided for the hours of
34 construction.
35

36 Mayor McDonald indicated that traditionally, the Town Council had granted exceptions in
37 the south end, as there was a high vacancy rate in the summer.
38

39 **Upon call for a vote, the motion carried 4-1, with Council Member Rosow dissenting.**
40
41

2. Request for Wavier of Section 40-199, Hours of Construction - Bath & Tennis Club, 1170 South Ocean Boulevard (per letter dated March 25, 2008, from James R. Brindell).

Attorney Brindell provided an overview of the Request for Wavier of Section 40-199, Hours of Construction - Bath & Tennis Club, 1170 South Ocean Boulevard.

Staff Comments:

Acting Building Official Jeff Taylor commented that all the permit approvals were in process.

Motion made by President Pro Tem Coniglio, seconded by Council Member Coleman to approve the request of extension of hours of construction with conditions as set forth by staff. On roll call, the motion carried 4-1, with Council Member Rosow dissenting.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business - Less Than 15 Minutes

None

2. New Business - Less Than 15 Minutes

- a. VARIANCE #4-2008 The application of Wilbur L. Ross, Jr.; relative to property described as Lots 44, REVISED PLAT OF JUNGLE POINT, according to the Plat thereof recorded in Plat Book 18, Page 21 of the Public Records of Palm Beach County Florida; commonly known as 328 El Vedado Road; located in the R-A Zoning District. The applicant requests a variance to allow a driveway gate with an eight (8) foot setback from the edge of the pavement in lieu of the eighteen (18) foot minimum required.

Ex-parte communication was declared by Council Member Markin with Attorney Maura Ziska on the telephone; Council Member Coleman with Wilbur Ross, Jr.; President Kleid and Council Member Rosow with Attorney Ziska.

Attorney Ziska provided an overview of the Variance request and stated that the hardship was the landmarked house and piers.

1 Architect Mario Nievera presented the architectural rendering and site plan.

2
3 Staff Comments:

4
5 Zoning Administrator Castro commented that staff questioned the hardship.

6
7 **Motion made by Council Member Rosow, seconded by Council Member Coleman to**
8 **approve the granting of Variance #4-2008 and found, in support thereof, that all of the criteria**
9 **applicable to this application as set forth in Section 134-201(a), items 1-7 had been met. On**
10 **roll call, the motion carried 3-2, with President Kleid and Council Member Markin dissenting.**

- 11
12
13
14 b. MODIFIED SPECIAL EXCEPTION #1-2008 WITH SITE PLAN
15 REVIEW AND VARIANCES The application of Royal Poinciana
16 Chapel, Inc., by Brian LaRue, Secretary; relative to property
17 described as lengthy legal description on file; commonly known as 58
18 & 60 Coconut Row; located in the R-B Zoning District. The
19 purpose of this application is to modify the previous application
20 related to the columbarium and the garden hard scape. The Modified
21 Special Exception with Site Plan Review is for the proposed
22 columbarium expansion and garden hard scape improvements.
23 Variances are being requested for the columbarium expansion to have
24 a 10.10 foot set back in lieu of the 30 foot minimum required; a
25 landscaped open space of 46.13% in lieu of the 47.17% originally
26 requested and the 55% minimum required for a lot greater than
27 60,000 square feet, for the proposed addition and garden
28 improvements; and, to allow 4 stabilized grass parking spaces when
29 a hard surface is required. The applicant is also requesting that these
30 grassed paring spaces count toward the project's landscaped open
31 space.

32
33 Ex-parte communication was declared by: Council Member Coleman spoke with Jorge
34 Sanchez of Sanchez & Maddux Landscape Architecture and Attorney James Brindell; President
35 Kleid with Mr. Sanchez and Attorney Brindell; Council Member Markin spoke with Mr. Sanchez
36 on the telephone; President Pro Tem Coniglio met with Mr. Sanchez; and Council Member Rosow
37 met with Sanchez's firm and spoke with Attorney Brindell.

38
39 Attorney Brindell provided an overview of the applicant's request. He stated that the
40 hardship was the location of the existing columbarian building.

Staff Comments:

Zoning Administrator Castro made the following comments:

1. The applicant provided the site plan that showed all the proposed improvements.
2. A letter was received from the neighbor to the South, directly abutting the proposed columbarian improvements, to which he was not objecting.
3. Attorney Brindell spoke on behalf of the hardship.

Motion made by Council Member Rosow, seconded by Council Member Coleman to approve the granting of the variance (Modified Special Exception #1-2008 with Site Plan Review and Variances) and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met.

Responding to Town Attorney Randolph, Council Member Rosow indicated that the motion included the Special Exception and Site Plan Review.

Upon roll call, the motion carried unanimously.

Attorney Brindell withdrew Item VI.A.1., Appeal by the Royal Poinciana Chapel of an Administrative Decision Regarding Designation of Columbarian Addition as a Wall.

- c. MODIFIED SPECIAL EXCEPTION #5-2008 WITH SITE PLAN REVIEW AND VARIANCES The application of Henry M. Flagler Museum, John Blades as Executive Director; relative to property described as lengthy legal description on file; commonly known as One Whitehall Way; located in the R-B and R-C Zoning Districts. The applicant is requesting approval to construct a second story on part of the west wing of the museum to be used for administrative offices and archive space. The new exterior structure will total 3,671 square feet. In addition, an elevator will be constructed and interior floor plan modifications will be undertaken in the existing crawl space, first floor and mezzanine levels which will affect an additional 1,046 square feet, all in the west wing. The office addition will require height variances and a parking variance as follows: a variance for maximum height of 37.33 feet in lieu of the 23.5 feet for the office addition; a variance for maximum overall height of 39.46 feet

1 in lieu of the code maximum overall height of 26.5 feet for the office
2 addition; and a variance to allow the office expansion without
3 providing the required 7 parking spaces.
4

5 Ex-parte communication was declared by: Council Member Coleman with Attorney
6 Brindell; President Kleid with Attorney Brindell and John Blades; Council Member Rosow with
7 Attorney Brindell.
8

9 Attorney Brindell provided an overview of the applicant's request. He indicated that the
10 hardship was the existing location and configuration of the existing landmarked structure.
11

12 Staff Comments:

- 13
- 14 • The proposed addition was in keeping with the landmarked building.
- 15
- 16 • The Landmarks Preservation Commission recommended approval.
- 17
- 18 • The applicant had addressed the hardship for the variance.
19

20 Motion made by Council Member Markin, seconded by President Pro Tem Coniglio
21 to approve the granting of the variance (Modified Special Exception #5-2008 with Site Plan
22 Review and Variances) and found, in support thereof, that all of the criteria applicable to this
23 application as set forth in Section 134-201(a), items 1 through 7 had been met.
24

25 Responding to Town Attorney Randolph, Council Member Markin indicated that the motion
26 included the Special Exception and Site Plan Review.
27

28 Upon roll call, the motion carried unanimously.
29
30
31

32 3. Old Business - More Than 15 Minutes
33

- 34 a. MODIFIED SITE PLAN REVIEW #23-2007 WITH SPECIAL
35 EXCEPTIONS AND VARIANCES Application of L.G. Lima, LLC
36 (Robert and Donna Lloyd George, Principals); relative to a property
37 described as Lots 41 through 45, inclusive, Block 11, Revised Map
38 of Royal Park Addition to Palm Beach, according to the map thereof
39 as recorded in Plat Book 4, Page 1 of the Public Records of Palm
40 Beach County, Florida; commonly known as 333 Peruvian Avenue;
41 located in the C-TS Zoning District. Applicant requests Site Plan

Review to construct a new three story 10,049 square foot building. The first floor is to include retail space and twenty-four (24) parking spaces. The second floor is proposed to include a mix of residential and office uses. The third floor is to include a fountain, two open pergolas, open deck and landscaping. Also, a request for special exception to permit a second floor, special exception to permit approximately 4,625 square feet of residential tenancy on the second floor. Variances requested are as follows: a variance to permit height of 28.67 feet in lieu of 25 feet maximum height permitted, a variance to permit parking spaces with a width of 8.5 feet in lieu of 9 feet minimum required; a variance to permit eight (8) stacked parking spaces to be serviced by valet parkers to comply with the requirement of 29 total parking spaces, which is not permitted due to maneuvering requirements; a variance to permit third floor use for an elevator, fountain, open deck and open pergolas in lieu of the two story maximum permitted; a variance to permit total floor area of 20,514 square feet in lieu of 15,000 square feet permitted; and, a variance to permit commercial loading zone 18 feet deep in lieu of the 25 foot maximum required and 10 feet of clearance in lieu of the 14 foot minimum required. Variance request to have a rear yard setback of 17 feet in lieu of the 19.25 foot minimum required. *Deferred from the August 14, 2007, September 11, 2007, October 4, 2007, November 13, 2007, and December 11, 2007, Town Council Meetings.*

Modified Site Plan Review #23-2007 with Special Exceptions and Variances was withdrawn.

- b. SPECIAL EXCEPTION #14-2007 WITH SITE PLAN REVIEW AND VARIANCES The application of Janina Radtke Revocable Trust; relative to a property described as the northerly 100 feet of Lot 1, Singer Addition to Palm Beach, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 8, Page 81, together with the land lying directly east; commonly known as 476 S. Ocean Blvd.; located in the R-A Zoning District. The applicant requests special exception with site plan review to allow a single-family structure on an existing nonconforming lot of 15,001 square feet in area in lieu of the 20,000 square foot minimum required, and 100 feet in width in lieu of the 125 foot minimum required. In addition, a variance is

1 requested to permit lot coverage of 29.12% in lieu of the maximum
2 25% allowed for the construction of an 8,556 square foot single
3 family home. A variance is also requested to have a building height
4 plane setback of 42.92 feet in lieu of the 58.67 foot minimum setback
5 required. *Deferred from the November 13, 2007, January 8, 2008,*
6 *February 12, 2008, and March 11, 2008, Town Council Meetings.*
7

8 Ex-parte communication was declared by: President Kleid spoke with Attorney Ron Kolins;
9 President Pro Tem Coniglio with Zack Ciomek; Council Member Markin with Mr. Ciomek of Euro
10 Homes, on the telephone.

11
12 Attorney Kolins provided an overview of the applicant's request.
13

14 **Staff Comments:**

15
16 Zoning Administrator Castro made the following comments:
17

- 18 • The project was referred back to the Architectural Commission, and was
19 recommended for approval.
20
- 21 • Staff questioned the hardship on a new house and variance for lot coverage.
22

23 **Motion made by Council Member Coleman to deny the Special Exception #14-2007**
24 **with Site Plan Review and Variances.**

25
26 **Motion failed for lack of a second.**
27

28 **Motion made by Council Member Markin, seconded by President Pro Tem Coniglio**
29 **to approve Special Exception #14-2007 with Site Plan Review and Variances. On roll call, the**
30 **motion carried 4-1, with Council Member Coleman dissenting.**
31

- 32
33
34 a. **SPECIAL EXCEPTION #2-2008** The application of New Bradley
35 House, LTD (George Levin); relative to property described as The
36 East 10 feet of Lot 30 and all of Lots 31-37 inclusive, FLORAL
37 PARK, a subdivision in the Town of Palm Beach, Florida, according
38 to the Plat thereof on file in the office of the Clerk of the Circuit
39 Court in and for Palm Beach, Florida, in Plat Book 2, Page 6;
40 commonly known as 290 Sunset Avenue; located in the C-TS Zoning
41 District. The applicant requests a modification to the previously

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

1 approved Special Exception #10-2002 Condition Number 3 to allow
2 the restaurant to be open for lunch between 11:00 a.m. and 3:00 p.m.
3 and to allow for a modification which would allow for the use of the
4 parking lot previously approved for off-site supplemental parking for
5 the restaurant during the proposed lunch hours. *Deferred from the*
6 *February 12, 2008, and March 11, 2008, Town Council Meetings.*
7

8 Ex-parte communication was declared by: Council Member Markin with Attorney Maura
9 Ziska on the telephone; President Kleid spoke with Attorney Ziska; Council Member Rosow spoke
10 with Attorney Ziska.

11
12 Attorney Ziska provided an overview of the applicant's request.
13

14 **Staff Comments:**

15
16 Zoning Administrator Castro made the following comments:

- 17
18 • Staff was concerned about the traffic circulation and use of the parking.
- 19
20 • Three years ago, Council approved the restaurant at this location with the elimination
21 of over 20 parking spaces that would have been required for the seating that was
22 being proposed at that time.
- 23
24 • Staff was concerned about the valet operation, not only at lunch but at dinner.
- 25
26 • Staff was concerned about the actual traffic circulation and drop off area, specifically
27 at lunch where there was more traffic than in the evening.
- 28
29 • Traffic consultant Gareth Klotz was present.
- 30

31
32 Council Member Rosow indicated that the valet service operated poorly.

33
34 President Pro Tem Coniglio expressed concern regarding parking and traffic congestion.

35
36 Discussion occurred regarding the poor performance of the valet service, the safety concerns
37 regarding parking and traffic congestion, that the valet service could operate on Sunset Avenue rather
38 than Bradley Place.

39
40 Gareth Klotz, traffic consultant, noted that there were approximately 65 right turns every 15
41 minutes for three hours straight at that intersection. He commented that he had serious concerns of

1 a valet service operating during lunch time at that location.

2
3 **Motion made by Council Member Markin, seconded by Council Member Coleman to**
4 **approve Special Exception #2-2008, with valet parking, during the summer months from May**
5 **1, 2008, until November 26, 2008.**

6
7 After discussion, Council Member Coleman withdrew his second.

8
9 Council Member Rosow then seconded the motion.

10
11 Upon roll call, the motion carried 3-2, with President Pro Tem Coniglio and Council
12 Member Coleman dissenting.

- 13
14
15
16 a. SITE PLAN REVIEW #1-2008 WITH VARIANCES The application
17 of Whalou Properties III, LLC (Angelo Bianco, Sr. Vice President);
18 relative to property described as Lots 38 through 48, inclusive, Block
19 16, REVISED MAP OF ROYAL PARK ADDITION, according to
20 the Plat thereof, as recorded in Plat Book 4, at Page 1 of the Public
21 Records of Palm Beach County, Florida; commonly known as 125
22 Worth Avenue; located in the C-WA Zoning District. The applicant
23 requests Site Plan Review to renovate a non-conforming, four-story
24 commercial building by additional 1,761 square feet of retail space to
25 the first floor by enclosing the arcade on the front of the building and
26 eliminating 5 required parking spaces. The proposal also includes
27 providing tandem valet parking of 14 cars in the basement garage;
28 variances are requested to accomplish the modifications to the site
29 plan as follows: (I) a variance to allow the required 14 parking spaces
30 to be situated in contradiction to the maneuvering requirements in
31 Section 134-2172; that section provides that required parking be
32 designed so as to not require the movement of another vehicle in
33 order to remove another vehicle from a required parking space. The
34 applicant is proposing stacked parking which requires the shuffling
35 of vehicles in order to remove vehicles from required parking spaces;
36 (ii) a variance to increase the square footage from 113,746 square feet
37 to 115,507 square feet in lieu of the 15,000 square foot maximum
38 allowed; (iii) a variance to expand a non-conforming, 4 story building
39 by increasing square footage on the first floor. *Deferred from the*
40 *March 11, 2008, Town Council Meeting.*
41

1 Ex-parte communication was declared by: Council Member Markin spoke with Attorney
2 Ziska; Council Member Coleman with Pete Phillips, Rand Araskod, Chan Mashad(ph); President
3 Kleid spoke with Attorney Ziska, Pete Phillips and Attorney Ron Kolins; President Pro Tem
4 Coniglio spoke with Pete Phillips and a multitude of tenants; Council Member Rosow spoke with
5 Pete Phillips, Gene Lawrence, Attorney Ziska, and Mr. Araskod and one other tenant.

6
7 Attorney Ziska, stated that she represented the property owners, and was accompanied by
8 Angelo Bianco and Pete Phillips, representatives for the owner of the building, 125 Worth Avenue;
9 also Gene Lawrence, architect, and Brian Johnson, traffic engineer for DKS Associates. She
10 provided an overview of the applicant's request.

11
12 Mr. Lawrence, architect, presented photographs of the building, and provided a detailed
13 explanation of the project.

14
15 Brian Johnson, senior transportation consultant with DKS Associates, addressed the valet and
16 parking issues for the project.

17
18 Attorney Ziska noted that the hardship was that it was a nonconforming building and
19 anything that would improve or modify the building would require relief from the zoning code.

20
21 Staff Comments:

22
23 Zoning Administrator Castro made the following comments:

- 24
- 25 • Staff was concerned about the variances requested, as not only were they eliminating
26 parking spaces, but were creating a demand for more parking spaces.
 - 27
 - 28 • There was adequate parking in the basement and sub-basement area parking garage.
 - 29
 - 30 • Parking was based upon, not how successful a building could be, but what the
31 generated parking requirement had been anticipated in the code.
 - 32
 - 33 • Most of the uses in the building were office or bank uses, which did not generate
34 much traffic.
 - 35
 - 36 • If the building was to be modified in such a way as to generate a demand for more
37 retail use or activity, parking would still have to be in place.
 - 38
 - 39 • Staff had not seen any of the changes in the front entry way until this evening, and
40 questioned if the changes had gone to the Architectural Commission as the entry
41 feature was no longer glassed out to the front.

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

- He asked if the elimination of some of the stacked parking spaces, and elimination of valet service was being requested?

Attorney Ziska replied that yes, the Architectural Commission had seen the plan, and recommended the variances, and approved the project; she also addressed the parking.

Attorney Kolins, representing 13 (majority) tenants of 125 Worth Avenue, provided an overview of tenants' positions regarding the project. He submitted the following documents, which were provided to Town Clerk Eichhorn:

- Traffic Analysis by McMahon and Associates
- "Photographic Submission"
- "Livingston Builders"
- "125 Worth Avenue Tenants Coalition" dated April 7, 2008, prepared by the tenants
- The thirteen members of the "Coalition"

Trent Eversol(ph), traffic engineer of McMahon and Associates, provided a brief evaluation of the valet and parking issues.

Motion made by Council Member Coleman, seconded by Council Member Markin to deny the variance (Site Plan Review #1-2008 with Variances) for the reason that the application did not meet the criteria set forth in section 134-201(a), items 1 through 7.

In response to Council Member Rosow, Council Member Coleman commented that the Worth Avenue Tenants Association document indicated the property was purchased for \$40 million, but no transfer of title occurred. This was a state problem, and it had nothing to do with the appraisal, and the avoidance of document stamps, which was going on throughout the state.

Attorney Ziska stated that she had mentioned the hardship, which was to improve the aesthetics of the building and would require variances, and anything that would be done to the building, would require variances, as it was nonconforming. She responded to the remaining points that were discussed.

Upon roll call, the motion carried unanimously.

4. New Business- More Than 15 Minutes

- a. VARIANCE #5-2008 The application of Christopher and Andrea Kaufmann; relative to Lots 315, 317, and 319, POINCIANA PARK,

2ND ADDITION, according to the plat thereof as recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; and Lots 614, 616, 618, 620, 622 and 624, POINCIANA PARK, 3RD ADDITION, according to the plat thereof as recorded in Plat Book 8, Page 72 of the Public Records of Palm Beach County, Florida; commonly known as 434 Seaspray Avenue; located in the R-B Zoning District. The applicant requests a variance to allow artificial turf to remain installed which would reduce the landscape open space from 59.59 to 21.27% in lieu of the 50% minimum required for a lot in the R-B district over 20,000 square feet. **Request for Deferral to the May 12, 2008, Town Council Meeting Per Letter Dated March 24, 2008, From Ronald K. Kolins.**

Variance #5-2008 was deferred to the May 12, 2008, Town Council meeting.

- b. MODIFIED SITE PLAN REVIEW #15-2007 WITH VARIANCES
The application of Villa D'Este Condominium Association, Inc.; relative to property described as Lots 7 and 8 and the east 22 feet of Lot 9, Block 5, H.W. Robbins Addition, Ocean Park, in the Town of Palm Beach, Florida, according to the records on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida as recorded in Plat Book 6, Page 78; commonly known as 230 Everglades Avenue; located in the R-C Zoning District. The applicant requests a modification to the Villa D'Este site plan to place a 100 kilowatt emergency power generator and a 9.75 foot tall wing wall located at the northeast corner of the existing site; a variance to locate a 100 kilowatt emergency power generator and wing wall with a side yard setback of 1.33 feet in lieu of the 3.59 foot setback originally requested and in lieu of the 20 foot minimum required; a variance to construct the wing wall to screen the 100 kilowatt emergency power generator within the side yard setback with a height of 9.75 feet in lieu of the six foot maximum allowed. **Request for Deferral to the May 12, 2008, Town Council Meeting Per Letter Dated March 24, 2008, From Francis X. J. Lynch.**

Variance #15-2007 was deferred to the May 12, 2008, Town Council meeting.

D. Other

1. Planning and Zoning Commission Recommendation Regarding Prioritization of Planning Functions.

[John S. Page, Director of Planning, Zoning, and Building] *Deferred from the March 11, 2008, Town Council Meeting.*

William Guttman, Planning and Zoning Commission Chairman, requested that the Planning and Zoning Commission be designated as the Local Planning Agency under the Growth Management Act of 1985.

Mr. Guttman indicated that the Planning and Zoning Commission would meet more often during off-season, in the summer, as they were in the midst of the Comprehensive Plan Amendment.

Motion made by Council Member Rosow, seconded by Council Member Coleman to approve designation of the Local Planning Agency to the Planning and Zoning Commission.
[The motion was withdrawn after discussion.]

Town Attorney Randolph advised that the Planning and Zoning Commission could not be designated as the Local Planning Agency if it were in the zoning code, and if it were, it would require that the amendment be addressed during the zoning season.

The motion of Council Member Rosow was withdrawn.

After discussion, it was the consensus of the Town Council to defer the discussion of the designation to the April 8, 2008, Town Council meeting.

Motion made by Council Member Rosow, seconded by President Pro Tem Coniglio to approve authorization of the Planning and Zoning Commission to review the Comprehensive Plan Amendment and return with recommendations. On roll call, the motion carried unanimously.

No action was taken on the Planning Functions List.

2. Policy Regarding Requests for Deferrals of Development Review Items.
[John S. Page, Director of Planning, Zoning, and Building]

President Kleid suggested following the same policy as the Architectural Commission and

1 Landmarks Preservation Commission, which would be a “three-strike and your out” rule.

2
3 Planning, Zoning, and Building Director Page provided an overview of recommended
4 procedures regarding requests for deferrals of Development Review items.

5
6 Discussion occurred among the Town Council regarding deferral requests. Several of the
7 following considerations discussed included: a fine could be imposed on the petitioner deferring the
8 day before, or the petitioner would not be allowed to return for 90 days.

9
10 Town Manager Elwell noted that if the automatic 90-day delay was written into the code, the
11 Town Council would lose the flexibility of hearing and resolving items at an earlier time.

12
13 **Motion made by President Pro Tem Coniglio, seconded by Council Member Markin**
14 **to adopt the policy regarding Requests for Deferrals of Development Review Items, as**
15 **proposed by staff. On roll call, the motion carried unanimously.**

16
17
18
19 3. Royal Poinciana Area Planning Study Presentation.
20 [Marcela Cambor, Treasure Coast Regional Planning Council]
21 **TIME CERTAIN: 4 P.M.**

22
23 Marcela Cambor of the Treasure Coast Regional Planning Council (TCRPC) provided a
24 PowerPoint presentation of the Royal Poinciana Area Planning Study, which was provided to Town
25 Clerk Eichhorn for the record.

26
27 Ms. Cambor responded to several of the questions by the Town Council, which included:

- 28
29 • The vision:
30 Commercial or office district
31
32 • Parking options
33
34 • Character:
35 Neighborhood design or leadership, energy, and environmental design
36
37 • An achievement of balance of residents’ desires:
38 to either be solely residential or residents that had other commercial interest in the
39 area

40
41 Public Comment:

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

1 Douglas Holtz commented regarding a short feasibility plan for the theater, and the removal
2 of the Celebrity Room mural.

3
4 John Eubanks, of Moyle, Flanigan, Katz, Raymond, White, & Krasker, P.A., commented that
5 he had submitted a letter, and that their client was the only contiguous property owner that abutted
6 the Royal Poinciana Plaza; he also commented regarding the removal of the slat house; alternate
7 transportation; and obstruction of views.

8
9 Patrick Flynn, of the Palm Beach Theater Guild, commented regarding the elimination of the
10 Celebrity Room and 130,000 square feet of new building in Royal Poinciana Plaza.

11
12 Ms. Camblor clarified that the 130,000 square feet of new development was inclusive of the
13 replacement of the slat house and any other portions of the proposed remodeling by new
14 development.

15
16 Charles Lanigan commented regarding the need for office space in Town.

17
18 Lesley Evans, 249 - 253 Royal Poinciana, suggested closing a median cut on Royal Poinciana
19 Way between Bradley Place and County Road, providing 25 to 30 parking spaces, and adding green
20 space. He indicated that parking garages were needed.

21
22 Council Member Coleman responded that it was a good idea, and that a traffic count could
23 be done at the median cut.

24
25 John Ripley, Preservation Foundation of Palm Beach, commented regarding the present
26 zoning and "do nothing" scenario, that an implementation plan and follow up was needed. He noted
27 that relying on the local knowledge of the Town and how it worked, and scaling back on density was
28 also needed.

29
30 Paul Leone, president of the Breakers Palm Beach Inc., and the Flagler System, Inc.,
31 commented that the Breakers should not be part of the plan, as it had a PUD, with its own
32 development rights. He added that he objected to relocating a gas station to Pine Walk on the
33 Breakers property.

34
35 Chris Kellogg commented that the Town was a resort community that looked for the genteel
36 way of life and lack of congestion, and that development would hinder that objective. He said that
37 he counted 54 businesses currently at the Royal Poinciana area, and before changing anything, the
38 Town should look at what was already here.

39
40 Bill Guttman, chairman of the Planning and Zoning Commission, on behalf of the
41 Commission, provided an overview of its recommendations for the Master Plan.

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

1 Wendy Victor commented regarding courtesy to the Town Council members during
2 meetings.

3
4 Tom Testa, of Testa's, 221 Royal Poinciana Way, read a statement regarding the district's
5 dire need for revitalization, in order to enhance the ability of property owners and businesses to
6 continue in the future.

7
8 President Pro Tem Coniglio commented that the residents should take the opportunity to
9 create a vision to be proud of and to move forward.

10
11 Discussion occurred among the Town Council and Ms. Cambor regarding the next steps that
12 were required to move forward, which included: the time frame that was needed to review the report,
13 written public comments submitted to TCRPC, and adoption of all or part of the conceptual plan.

14
15 **Motion made by Council Member Rosow, seconded by President Pro Tem Coniglio to**
16 **approve soliciting written public comments within the next two weeks (deadline: April 21,**
17 **2008) and receive the final conceptual master plan by the Treasure Coast Regional Planning**
18 **Council at the May 12, 2008, Town Council meeting.**

19
20 Responding to Council Member Rosow, Ms. Cambor explained that adoption of the Citizen
21 Master Plan did not legally enforce anything, and would only become law when moving into the land
22 use and zoning phase, and that it was a conceptual plan only.

23
24 **Upon roll call, the motion carried unanimously.**

25
26 Council Member Coleman noted that increased housing was the financial component of the
27 plan, for those residents that were not in favor of it.

28
29 **Motion made by President Pro Tem Coniglio, seconded by Council Member Rosow to**
30 **approve initiating discussions with the Metropolitan Planning Organization (MPO) and the**
31 **Florida Department of Transportation (FDOT) regarding the multi-use walkway, seeking all**
32 **funding that may be available. On roll call, the motion carried unanimously.**

33
34
35
36 **VII. ANY OTHER MATTERS**

37
38 There were none.

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 7, 2008

VIII. ADJOURNMENT

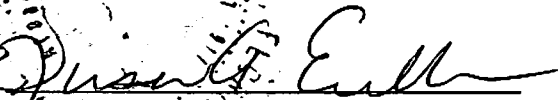
There being no further discussion, the April 7, 2008, Town Council meeting was adjourned at 8:15 p.m.

APPROVED:



Richard M. Kleid
Town Council President

ATTEST



Susan A. Eichhorn
Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Coniglio, Gail</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Council</i>
MAILING ADDRESS <i>1139 N. Ocean Blvd</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Palm Beach</i>	☒ CITY <i>Town</i> ☐ COUNTY ☐ OTHER LOCAL AGENCY
COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>4/7/08</i>	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

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

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

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gail Coniglio, hereby disclose that on 4-7-, 2008:

- (a) A measure came or will come before my agency which (check one) — Ord. No. 11-08 - Amending Ch. 134 Sect. 134-2
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

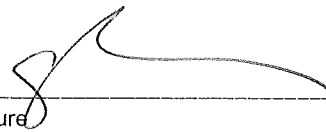
Ord. No. 11-08 amends Ch. 134, Sect. 134-2 by modifying the definition of nightclub, restaurant.

I am a restaurant owner in the Town of Palm Beach, and could be affected by this ordinance.

Date Filed

4/7/08

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.