

on second reading with the amendment as to the penalty provision, that each offense would result in a fine not to exceed \$50 for the first offense and not less than \$100.00 for each additional offense and eliminate any incarceration provision which is presently in the Ordinance, and for habitual offenders, the fine will not exceed \$500.00.

Mr. Warwick stated he knows of no other way to deal with the problem than try and get an Ordinance that is enforceable and then seek an adequate way to enforce it, and he seconded the motion.

Mr. Mettler stated if the Ordinance passes, he will suggest that the Town Manager and the Police Department accomplish two things:

- (1) Educate the citizenry about the Ordinance through the media;
- (2) Warnings should be given to citizens the first few times the Ordinance is violated.

Mr. Robinson stated he was not in favor and he hopes that if the Ordinance is passed, we are not talking about a new City agency to enforce the Ordinance.

Mr. Warwick stated the police officers are paid a lot more money than would be paid an individual to resolve dog complaints and he felt it would be cheaper to enforce this ordinance with such a person rather than using trained police officers.

Mr. Grace called the question and on Roll Call, Aye votes were given by Mr. Mettler, Mr. Warwick, and Mr. Rathbun. No votes were given by Mr. Robinson and Mr. Grace.

Item No. 8 - Ordinance No. 1-79 - First Reading - Landmark Preservation Commission.  
Mr. Middleton read the Ordinance by title. He called the Council's attention to some changes that were proposed -  
ORDINANCE NO. 1-79

Ord. 1-79  
LPC

An ordinance of the Town of Palm Beach, Palm Beach County, Florida, creating a Commission to be known as the Town of Palm Beach "Landmarks Preservation Commission" for the purpose of establishing, regulating, preserving and protecting historic districts and landmarks within the town of Palm Beach; prescribing the powers, duties, authority, procedures and standards of said commission; defining the purpose and intent of this ordinance; providing when this ordinance shall become effective; repealing all ordinances or parts of ordinances in conflict herewith; providing a penalty for a violation hereof; and for other purposes.

(Proposed changes):

- On Page 2 - section (f) was omitted and it should read: "Strengthen the economy of the Town."
- On Page 3 - sixth line should read: "The deterioration, as determined by the Building Official, of a building (s) characterized by one or more of the following:
- On Page 4 - second line - the word "or" should be inserted right after importance rather than "of".
- On Page 6 - first line the word "also" should be eliminated and it will read: "shall be under the control of the Commission." In the middle of the page in section (a) the second last word should be "or" instead of "and".
- On page 7 - Section 7 - sub-paragraph (b), next to the last line the word "for" is eliminated after the word "application".
- On page 10- in sub-paragraph (4), the phrase "or uniqueness of location" should be added at the end of this section.
- On Page 11- in sub-paragraph (h), in the second line the word "or" inserted and the spelling of "designation" in the last line is corrected.
- On Page 12- in sub-paragraph (d), the first line should read: "The Commission may retain or solicit expert testimony". On the top of this page, the third line, "Site" should be capitalized.
- On Page 13- sub-paragraph (m) should read: "The Town Council, upon receipt of a designation from the Commission, shall hold a public hearing to review and ratify, or decline to ratify, such designation."

Mr. Warwick moved for adoption of Ordinance No. 1-79 on first reading. Seconded by Mr. Mettler.

Mr. Adrian Winterfield addressed the Council and stated he felt this was the most important Ordinance to be presented to the Town in many years so he thought there should be scrutiny by way of public hearings. He had reservations as the appropriateness of the direct passage as he felt this Ordinance would have an effect on the Zoning Ordinance and conceivably it could negate the Zoning Ordinance in specific cases. If there is a set procedure for the amendment of the Zoning Ordinance, it should be duplicated for the first reading of such an important Ordinance. He did not understand the effect the Ordinance, as presently drafted, would have on Senate Bill No. 261 with regards to private property rights. He felt there was an enormous delegation of authority to this Commission, even though the Council has the right of review - in the interval the Commission would exert tremendous power. The standards are extremely vague as there is virtually no property in the Town under the standards set forth in the Ordinance which could be considered a landmark. He had a question in his mind of the appropriateness of the attempt to control construction on sites which are presently vacant. He wondered how this Commission would relate to the Architectural Commission.

Mr. Winterfield observed that this Commission had asked for funding twice and since the Council obviously favors the endeavor, the funding was forthcoming immediately. Perhaps this Commission should be requested to submit an annual budget, as there has been \$2500 given by the Town and private donations are forthcoming. He reiterated this Ordinance is of such an importance that the Council might wish to consider Hearings between the first and second readings.

Mr. Robinson disagreed with Mr. Winterfield and felt the time to act was now.

Mr. Grace called the question and on Roll Call, all members of the Council voted unanimously in favor of the Ordinance.

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Mr. Mettler thanked the Commission for all their work. Mr. Robinson complimented the Commission on their thoroughness. Mr. Grace extended his thanks and appreciation for this Commission's very hard work. Mr. Warwick echoed the foregoing comments and reassured the Commission they would have the Council's ongoing cooperation.

Mr. Grace wondered if this should be assigned to the Ordinance, Rules and Standards Committee for any hearings between the first and second readings? Mr. Middleton stated this was proper if it was the Council's pleasure. Mr. Robinson stated he did not think this was necessary.

Lease for  
LPC

Item 8 (a) Authorization for Town Manager to sign lease on behalf of Landmark Preservation Commission to rent office space. Mr. Frost stated the lease is tailored to fit a public rather than a private situation, and it is in the amount of \$6400 per year of \$8 per square foot. The monies would come from the donations account. Mr. Middleton stated this is a business property lease and he would like to tailor it to the Town's needs. Mr. Mettler asked if it would be proper to authorize the Town Manager to execute the lease on behalf of the Town subsequent to the revision that the attorney will make. Mr. Middleton said this would be proper. Mr. Mettler so moved. Mr. Warwick seconded the motion. Motion carried unanimously.

Res.1-79

Item No. 9 - Resolution No. 1-79 - Proposed Storm Sewerage System in 200 block of Sunrise Avenue (North County Road to Bradley Place). Mr. Middleton read the resolution. Mr. Mettler asked Mr. Frost where would the money come from and secondly, when was construction planned? Mr. Frost stated the money will come from the Revolving Fund and he would hope that construction could be done between May and December, 1979. Mr. Mettler moved for its approval. Seconded by Mr. Robinson.

Mr. Grace asked about the detailed plans that were supposed to be on file in the office of the Town Engineer and wanted to know if these plans would be available at the time the notice was published? Mr. Frost stated the preparation of the detailed construction plans will require several months, so the wording should be changed, and what is available now are the preliminary drawings.

Mr. Middleton stated we cannot provide any contracts until the notice is published once a week for three consecutive weeks and if the plans are not available, the notice should not be published.

Mr. Mettler withdrew his motion, to which the seconder agreed.

Mr. Warwick moved that this Resolution be tabled until such time as detailed plans are secured. Seconded by Mr. Mettler. Motion was carried unanimously.

Master  
Sewage  
Pumping  
Station

Item No. 10 - Master Sewage Pumping Station - Additional Personnel and Equipment. Mr. Frost stated he has sent a memorandum to the Mayor and Council outlining the personnel and equipment problems envisioned and money has been provided to the City of West Palm Beach for partial year of treatment and since he does not have the authority to hire any personnel over complement, or buy any equipment which has not been budgeted for by line item, he needed some authority from the Council, as it is now getting close to the time that we must start tooling up for the operation of the master pumping station and it is the opinion of the Public Works Department that additional personnel and equipment will be needed. The additional money needed for the remainder of the fiscal year for personnel is \$40,000 and the equipment needs would be \$16,000. Mr. Warwick moved that the additional personnel and equipment be authorized. Seconded by Mr. Mettler. Mr. Rathbun asked that this be brought to the Public Works Committee at their meeting of January 29, 1979. Mr. Mettler asked that Mr. Hadley and Mr. Greene be at this meeting and a report be made to the February meeting, but in the meantime the motion be passed as time is of the essence so these people are on board at the time the Regional Plant becomes operational. Mr. Grace called the question and the motion passed unanimously.

Rate change  
Par III

Item No. 11 - Rate Change - Par III Golf Course. Mr. Rathbun asked if the Golf Commission's report had been approved? Mr. Grace stated a determination was made as to who the family members are, but nothing else. Mr. Rathbun said the Commission has recommended the play tickets be reduced from \$65.00 to \$60.00 for residents for 12 play tickets and from \$75 down to \$70 for the non-residents, as they feel this will encourage play and therefore generate more revenue. Mr. Mettler moved that this recommendation of the Golf Commission be approved. Seconded by Mr. Robinson. Mr. Frost asked what the starting date would be? Mr. Rathbun suggested it be January 15, 1979 to which all the Council agreed. Motion carried.

Leash Law

Item No. 12 - Leash Law Enforcement Officer. Mr. Warwick stated he certainly would not want trained police officers to be utilized for the enforcement of this new Ordinance and he asked that this matter be referred to the Public Safety Committee for a study of what it would cost to hire a person to enforce this Ordinance, whether it would be feasible to hire such a person or to make a contract with some outside entity, or the Animal Rescue League - explore all the means which might be available and report back to the Council with their recommendation for the next meeting, and he so moved. Seconded by Mr. Mettler, Motion carried unanimously.

Rem.of  
park.on  
Worth Ave.

Item No. 13 - Removal of Parking on Worth Avenue. Mr. Grace stated this was discussed at a Council meeting last year that parking would be removed from the north side of Worth Ave by November of 1979, however no motion was made. Mr. Mettler moved that the parking on the north side of Worth Avenue be removed by November 1, 1979. Seconded by Mr. Warwick.

Mr. Robinson wanted to know where these 70 some cars were going to park and whether or not there would be an alternative? Mr. Warwick stated parking and double parking on Worth Avenue is a problem and we have been waiting for these people to come up with a solution and if they know now parking will be removed by November 1st, 1979, they may be forced to take some kind of action.

Mr. Mettler withdrew his motion and made a new one: He moved that parking on the north side of Worth Avenue between County Road and coconut Row be removed no later than November 1, 1979 and the Town Manager notify the Worth Avenue Property Association and the Worth Avenue Merchants Association and any other parties that he deems necessary for notification of this requirement.