

and to the neighborhood. The seconder accepted the change to the motion. Mr. Robinson further amended his motion to allow eight foot gate posts with 4' gates. Secunder accepted the further amendment. On roll call, no votes were cast by Mr. Mettler and Mr. Warwick and yes votes were cast by Mr. Rathbun, Mr. Robinson and Mr. Grace. Motion carried.

7-79  
Var.

Item No. 7 - Variance No. 7-79 - Stanley J. Harte (Harte-Biltmore, Ltd.), 150 Bradley Place, permission to enlarge site plan by enlarging southern curb cut, adding to and relocating parking spaces on south side, and improving additional southern property. R-D2 District. (to amend Variance No. 21-77). Harrison Chauncey addressed the Council as applicant's attorney. This applicant has purchased at a great expense to himself a piece of property to the south of his property and thereby created more open space. This property will also allow ingress and egress. Additionally, there will be a relocation of some parking. Also, they would like an adjustment to the cabana arrangement. He stated that to renovate a building of this magnitude is a great task. After demolition, they found that what the plans stated was there was not as the plans showed.

Mr. Eugene Lawrence, ARchitect, exhibited plans and explained that they have had their landscape plan approved by the Architectural Commission. The newly acquired land opens a vista to the building from Royal Poinciana Way. They wish to install some green space between the parking places that were approved previously. They also would like to have an entrance/exist to the basement parking area. They would like to increase the cabanas by approximately 1800 square feet, which will have planting on the top.

Mr. Frost gave the Administrative comments: Public Works: The curb cut for the new driveway on the south side of the property should provide a pedestrian refuge between the two driveways as it is too wide an area and does not provide a pedestrian refuge. There should be planning for the utilities that now exist between the Nordine property and the Biltmore. Building Department wonders how many more variances will be received before this project is completed. Town Manager felt the trash site was in a very poor location for retrieval.

Mr. Mettler asked Mr. Chauncey if he or his client had any problem with the comments of the Administration? Mr. Chauncey indicated they did not, as they will create a pedestrian refuge and without representing so, they will try and do something about the power lines and will try to do something about the trash site. With regards to more variances, he felt if more authority was given to the Building Department, they would not have to come back to the Council but he could not guarantee that they would not come back again as a project of this scope, problems do come up every day and some just be solved by the variance route.

Mr. Robinson moved that the application be approved subject to the Town's Administrative comments. Mr. Mettler asked if the motion could be amended to include approval of the cabanas as shown on Exhibit 1. Mr. Robinson accepted the amendment and Mr. Mettler seconded the motion. On roll call, all voted affirmatively for approval. Motion carried unanimously. (Mayor Ritchie left the meeting).

Mr. Mettler stated that since there were many people here to hear the Ordinances, he would move that Item 8, Committee reports, be placed at the end of the agenda. Seconded by Mr. Rathbun. On roll call, all voted affirmatively. Motion carried.

Item No. 9 - Ordinance No. 1-79 - Second Reading - Landmarks Preservation Commission.

Ord. 1-79

Mr. Middleton stated there have been suggestions for some amendments to this Ordinance since the first reading suggested by Mr. Fred Bosselman, who is working with the Landmarks Preservation Commission.

Mr. Middleton stated under definitions on page 4, the following should be added: "Owner of record: As reflected on the current Palm Beach County tax roll."

Mr. Middleton stated a long letter has been received from Mr. Oehlert raising many questions and he felt the Ordinance should be adopted and consider some of the questions at a later time.

Mr. Middleton stated in Section 7 (d), in Line 1, the words "filing of" be deleted and the following be inserted: "hearing on".

In Section 9, page 11, sub-section (h), the following should be added: "The Commission shall accomplish such prohibition by furnishing the Building Official a list of the street addresses of all property under consideration for landmark designation."

On Page 13, in Section 10 (n) add at the end: "except in the year 1979."

Another suggestion had been made that there be a provision for alternate commissioners to serve when the regular commissioners are not available and it should be added to the ordinance that the Town Council can appoint one or more alternate commissioners, but not more than three, to serve in the absence of any of the regular commissioners, and he recommended that this be put in Section 3 on page 3, under the paragraph Terms, at the end of the paragraph. Mr. Grace asked if it could also be added that these alternate members shall have the same qualifications as the regular members.

Mr. Thomas M. Mettler moved that Mr. Bosselman's recommendations as stated by Mr. Middleton be approved. Seconded by Mr. Warwick. On roll call, all voted affirmatively. Motion carried.

Mr. Grace stated he had a few amendments: Page 5, Section 4 (a), in the seventh line, after "Historic District", the phrase "or on a Landmark Site" should be added.

Mr. Grace stated in Section 5, sub-section (d), he suggested the insertion of "to have influenced their age" be substituted for "to influence their age".

Mr. Grace stated in Section 5, sub-section (d), the words in the first two lines should be: "non-conforming" instead of "non-confirming".

Mr. Grace stated in Section 10, on page 11, he suggested the words "building site" should be inserted after the word "building".

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Mr. Grace stated in Section 10, sub-section (n), he would like the months changed to: "November, December, January, February, March and April, except in the year 1979."

Mr. Grace stated in Section 13, page 15, 7th line - he would like to see the time increased to "20" days instead of "10".

Mr. Warwick moved for approval of Mr. Grace's recommendations. Seconded by Mr. Mettler. On roll call, all members of the Council voted affirmatively. Motion carried unanimously.

Mr. Adrian Winterfield addressed the Council and wondered if the Sunshine Law is applicable with regards to the meetings held by the Landmark Preservation Commission.

Mr. Mettler moved for adoption of the ordinance by title on second reading. Mr. Middleton stated he had not read it as yet. Mr. Mettler withdrew his motion. Mr. Middleton read Ordinance 1-79 by title. MR. Mettler moved for adoption of Ordinance No. 1-79 by title only. Seconded by Mr. Warwick. On roll call, motion carried unanimously, all members voting affirmatively.

Mr. Grace suggested the following names for appointment to the Landmark Preservation Commission: Mrs. Hoffstot, Mr. Hulitar, Judge Knott, Mr. Simmons, Mr. Maddock, Mr. Willard and Mr. Volk and as an alternate, Mr. John Johnston. Mr. Grace explained Mr. Johnston is an attorney with the law firm of White and Case who have been involved in landmark preservation cases in the New York area and Mr. Johnston has recently moved to this area and purchased a home in Palm Beach and will now make this his permanent residence. Mr. Robinson moved for approval of the names nominated by Mr. Grace for members of the Landmark Preservation Commission together with the alternate. Seconded by Mr. Warwick. On roll call, all voted aye. Motion carried unanimously.

Mr. Grace felt that this Commission has already done a large amount of work and now they wish to begin its work on designations, which will be a time consuming task and he suggested that the Landmark Preservations Commission be authorized, if they so wish, to hire Mr. Kenneth Lansdowne.

Mr. Mettler stated that since there is no budgeted amount for this Commission, he would like the Commission to give some idea to the Council of what they do plan to spend for the rest of this fiscal year, and he moved that an additional \$1000 be authorized to the Landmark Preservations Commission and at the March meeting some projection be given from them as to the amount needed for the remainder of this fiscal year. Seconded by Mr. Robinson. On roll call, all members voted affirmatively. Motion carried unanimously.

Mr. Robinson asked that the Landmark Preservations Commission be adequately advised by the Town Attorney as to the requirements of the Sunshine Law and all of the designations, etc. Mr. Grace stated these cautions were expressed to them by the attorney.

Item No. 10 - Ordinance No. 2-79 - First Reading - Amending Chapter 30, Code of Ordinances "Traffic" - Jogging. Mr. Middleton read the Ordinance No. 2-79

Ord. 2-79  
jogging

ORDINANCE NO. 2-79

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 30, CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED "TRAFFIC", SO AS TO PROHIBIT PEDESTRIANS FROM USING CERTAIN STREETS OR ROADWAYS AS DEFINED IN THE AFORESAID CHAPTER 30 FOR THE PURPOSE OF RUNNING OR JOGGING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY FOR A VIOLATION HEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Harrison Chauncey expressed his dissatisfaction with the proposed Ordinance, as did Raymond Mordine.

Mr. Warwick and Mr. Robinson explained this ordinance has been recommended by the Police Department and Mr. Warwick moved for adoption of Ordinance No. 2-79 on first reading. Seconded by Mr. Robinson. Mr. Grace asked if the Ordinance, Rules & Standards Committee could study the possibility of including an hour limitation such as no jogging after dark, and report back to the Council. On roll call, all members voted affirmatively. Motion carried unanimously.

Item No. 11 - Ordinance No. 3-79 - First Reading - Amending Chapter 8, Code of Ordinances - "Beaches, Boats, Bulkheads and Waterways" Mooring of vessels in Lake Worth.

ORDINANCE NO. 3-79

Ord. 3-79

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED "BEACHES, BOATS, BULKHEADS AND WATERWAYS", BY AMENDING SECTIONS 8-10. AND 8-11. THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY FOR A VIOLATION HEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Middleton read the Ordinance. Mr. Rathbun expressed his concern that a boat which was having some type of a problem could not anchor in the case of an emergency. Mr. Middleton explained this Ordinance would not take precedent over marine rules and regulations. Mr. Warwick felt the Chief of Police could allow a boat such time as would be necessary in the case of an emergency. Mr. Warwick moved for adoption of Ordinance No. 3-79 on first reading. Seconded by Mr. Mettler.

Mr. Vincent Bailey of 315 Clark Avenue addressed the Council in support of proposed Ordinance.

Mr. Robinson stated that although the main navigational channel is on the west side of the lake, there is another one on the east side of the lake and a lot of boats have been in mooring in that channel. Mr. Warwick stated another problem is that West Palm Beach has an ordinance very similar to the one proposed and when the boats are approached by the officers on that side of the lake, the boats just move to our side of the lake.