



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on February 12, 2020

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order February 12, 2020 at 9:34 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio introduced the Ambassador to Ireland, welcoming him to the Irish Gala. The Ambassador commented on his visits to the United States as well as the number of Irish companies that were continually coming to the United States each year. He added that they were working to make the Irish economy the best in Europe and would be opening a consulate in Miami next year. He thanked the Town Council for welcoming him.

Mayor Coniglio expressed concern about an issue relating to Home Rule, in which the State legislature was looking at reducing public notice.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

There were no comments from Town Council members.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications from citizens.

VI. APPROVAL OF AGENDA

The following modifications were made to the agenda:

Deferral of Item VII.C.1 (a) to the April 15, 2020 meeting.

Deferral of Item VII.C.2 (c) to the April 15, 2020 meeting.

Items added under Any Other Matters:

- 1) Zoning Reform
- 2) ARCOM Staff Approvals

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the agenda as amended. On roll call, the motion carried unanimously 5-0.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Stop Work at 217 Via Tortuga

Planning, Zoning and Building Acting Director, Wayne Bergman, explained the scope of the appeal.

Administrative Specialist Churney administered the oath at this time and throughout the meeting as necessary.

Ex parte communications were declared by Council Members Araskog and Council Member Lindsay. All other Town Council members indicated no ex parte communication.

Marc Angles, Angles Construction, requested that the Town Council grant the appeal reinstating the permit so they could close the project. He stated the last strike occurred on the day they were finishing the construction work.

Harry Theodoracopulos, 223 Via Tortuga, expressed his frustrations and issues with the construction at 217 Via Tortuga.

Council Member Lindsay asked staff how the contractor did not understand the parking issue. Mr. Bergman responded an informational sheet was provided to the contractor when a permit was issued, stating the construction requirements.

Council Member Crampton asked if fines were handed out because of the strikes. Mr. Angles stated that \$6,700.00 in fines had been paid. Council Member Crampton asked staff if the fines increased with each strike. Mr. Bergman responded they did, and they had received the maximum fine.

Council Member Araskog asked staff what would happen if they approved the appeal and if they denied the appeal. Mr. Bergman explained the appeal process and that if the appeal was denied the certificate of occupancy could not be issued. Council Member Araskog expressed her frustrations with the contractors.

Mayor Coniglio asked if the informational sheet had to be signed by the contractor and owner, to which the answer was no. She asked Town Attorney Randolph if the fines could be changed. Mr. Randolph responded. Staff indicated this was a comprehensive permit which could still be active today. The Mayor suggested changing the time of permits based on the scope of the job.

Mr. Theodoracopulos expressed more frustration for the construction and requested that the Town Council deny the appeal.

Council Member Lindsay requested that staff obtain the owner's and contractor's signatures with the permit and add the time frame of the construction. She discussed contractors' lack of respect for neighbors and suggested that a stop work be administered on the first violation. Council Member Lindsay thought the hours of work should be reviewed, as well as Saturday hours during the season.

Council President Pro Tem Zeidman inquired how much work still needed to be completed. Mr. Angels stated that all work had been completed.

Council Member Araskog inquired if the owner could attend the next meeting should they defer the appeal. Mr. Angels stated that the owner never said to keep parking regardless of the fines. Council Member Araskog stated that some of the items raised today should be sent to ORS. Ms. Araskog thought the appeal should be approved and the owner should be allowed to obtain a CO. She felt that to block an owner from obtaining a CO in perpetuity was too harsh of a penalty.

Council Member Crampton thought the owner should attend the meeting, answer for the violations and hear the complaints from the neighbors.

Council President Moore understood that all of the work was complete.

Attorney Randolph stated that the appeal could be deferred.

Mayor Coniglio agreed that this violation was egregious but felt that the appeal should be granted if paperwork was the only thing to be completed, and the rules should be tightened. She apologized to Mr. and Mrs. Theodoracopulos for their inconvenience.

Mr. Bergman confirmed with Mr. Angels that only paperwork needed to be completed.

Attorney Randolph stated the motion could be conditioned that if Mr. Angels stepped onto the property again he would receive a \$5,000.00 fine.

Council Member Crampton did not believe the appeal should be granted as it would set a bad example. He also felt the owner should appear to

explain his actions.

Attorney Randolph thought that other measures could be taken to remedy these type of situation in the future.

Council Member Araskog asked Mr. Theodoracopulos if he would like to come back to speak to the owner at the next meeting. He indicated he would not mind coming back.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to defer the appeal for one month to allow the owners to attend the next meeting.

During discussion of the motion, Council Member Lindsay indicated she did not see the point of the deferral and felt uncomfortable publicly dressing the owners down. Attorney Randolph stated the result was the same in either case, and he did not see the point.

Motion failed 2-3, with Council Member Lindsay, Council President Pro-Tem Zeidman and Council President Moore opposed.

Mayor Coniglio suggested an addition to the motion that if the construction company went back onto the property there would be a \$5,000 fine.

Motion was made by Council Member Lindsay and seconded by Council President Pro Tem Zeidman to approve the appeal of Stop Work Order at 217 Tortuga with the condition that if the contractor continues any further work on the property they will be liable for a \$5,000 fine, payable to the Town of Palm Beach, and a stop work order will be immediately issued. Motion carried 3-2 with Council Member Araskog and Council Member Crampton opposed.

B. Time Extensions and Waivers

1. Time Extension – 980 N Lake Way

Mr. Bergman explained the time extension request for 980 N. Lake Way.

Dustin Mizell, on behalf of the owner of 980 N. Lake Way, explained the time extension request.

Council Member Lindsay stated that the Planning, Zoning and Building Department had a huge issue with the software program which let the permit go on for 7 years without notifying staff. Council Member Lindsay asked how many other permits could be affected. Mr. Bergman stated it could be many, up to 100. Council Member Lindsay wanted to do something about this immediately.

Council Member Araskog asked if the owner knew about this situation. Mr. Mizell responded he only became involved recently, and each time they came in the permit had been renewed. Mr. Bergman stated this was the Town's problem.

Council Member Crampton stated he agreed and thought they should look at a new system.

Council President Pro Tem Zeidman inquired why the request was for 120 days. Mr. Mizell responded there was additional work to be done.

Council President Moore asked if the project had been to ARCOM. Mr. Mizell stated that it had been to ARCOM and also had staff approvals.

Council President Pro Tem Zeidman thought 120 days was too long. Mr. Mizell stated that he believed he would need 120 days.

Mayor Coniglio thought that 120 days was necessary. The Mayor expressed her frustration.

Council Member Lindsay asked what landscaping work needed to be completed. Mr. Mizell responded.

Council Member Araskog was in favor of approving the time extension but wanted the work to be completed in the off season.

Council President Pro Tem Zeidman asked Mr. Bergman for recommendations to correct the issue with the software. Mr. Bergman made his recommendations.

Council President Pro Tem Zeidman wanted to send a message to all that there would be rules and penalties.

Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Lindsay to grant the time extension for 980 North Lake Way for 120 days with the condition that if the work continues past 120 days, the owner will be liable for a \$5,000 fine, payable to the Town of Palm Beach, and a \$250 daily fine will be applied until the permit is closed. Motion carried by unanimous 5-0 vote.

Council President Moore requested that homeowners be present at the meetings when an appeal or time extension is requested. Town Attorney Randolph advised that could not be required.

Zoning Manager Castro stated that under a past council, they had stated that if the owner did not appear, the item was deferred, but that was never codified.

2. Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue

Ex parte communication was declared by Council Member Crampton. No other ex parte communication was disclosed.

Ned Grace, on behalf of the White Elephant project, updated the Town Council on the status of the construction, restaurant opening, landscape and hardscape work, and schedule for exterior work. Mr. Grace stated he would like to request the ability to hold a cocktail party for the Preservation Foundation of Palm Beach.

Mr. Bergman stated the temporary certificate of occupancy for the restaurant could be expanded to include courtyard for the cocktail party if everything was safe.

Council Member Lindsay thought the work was to be completed by January 31, 2020. Mr. Grace explained what had been completed by January 31, 2020, and thought the whole project would be completed by the first week of March.

Mayor Coniglio indicated if the safety issues were addressed, she was in favor of the cocktail party. Mr. Grace predicted the project should be finished by the first week in March.

Jamie Crowley, attorney for the owner, asked for another week of extended hours.

Council Member Araskog indicated as long as it was safe, she was okay with the party.

Council Member Crampton stated that the group had complied with the requests of the Council since inception.

Council President Moore would grant the request as well, with the caveat there be a \$2,500 incentive if the work is not completed. Mr. Grace asked for the incentive to be changed to the elimination of extended work hours.

Council Member Araskog asked if there had been any complaints, to which Mr. Bergman answered, no.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to grant the requested waiver to Town Code for extended work hours until March 6, 2020 for the Bradley Park Hotel, 280 Sunset Avenue. Motion carried by unanimous 5-0 vote.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate

Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25%percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their March 25, 2020 meeting. Carried 6-1] **Request For Deferral To The April 15, 2020 Meeting Per Letter From Maura Ziska.**

This item was deferred to the April 15, 2020 meeting at the approval of the agenda, Item VI.

- b. **Z-19-00231 VARIANCE(S)** Zoning District R-B Low Density Residential The application of 1305 N OCEAN WAY LLC, Owner, relative to property located at **1305 N OCEAN WAY**, legal description on file, is described below. The applicant is requesting to construct a 700 square foot second floor addition on the northeast side of the existing house with a side yard setback of 13.58 feet in lieu of 15 feet minimum required. [Applicant's Representative: Tim Hanlon Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project at their January 29, 2020 meeting. Carried 7-0.]

No ex parte communications were disclosed.

M. Timothy Hanlon, attorney for the owner, explained the variance requested by the owner.

Zoning Manager Castro provided staff comments and questioned why the original application had been changed on the west elevation with a cantilevered overhang into the setback that exceeded two feet. Pat Segraves, Architect with SKA Architect + Planner, explained the project. Daniel Clavijo, with SKA Architect + Planner, confirmed the two-foot cantilever. Zoning Manager Castro noted the plans had been modified to lessen the impact of the second story on the back of the house from the street elevation.

Council President Moore asked about one of the staff comments in the backup materials. Mr. Clavijo explained the undergrounding request.

Council Member Araskog asked if Mr. Castro's comment had been addressed. Mr. Castro responded his comment had been addressed.

Council President Pro Tem Zeidman indicated she thought this request was straight forward.

Council Member Lindsay asked if the transformer wall complied with FPL. Zoning Manager Castro responded that would be cross checked when they came in for a permit.

Council Member Araskog asked staff if the two-foot cantilever should be included in the motion; Mr. Castro explained it would be addressed elsewhere.

Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Araskog that Variance Z-19-00231 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met. On roll call, the motion carried unanimously 5-0.

2. New Business

- a. **Z-19-00234 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-OPI Office, Professional and Institutional The application of BWREFI Royal Palm Way, LLC a Delaware Limited Liability Company (Alex Griswold, Manager), Applicant, relative to property located at 440/450 ROYAL PALM WAY, legal description on file, is described below. Section 134-226, 134-227, 134-229, and 134-329. Request to modify previously-approved Special Exception 8-84 with Site Plan Review to allow the subject property to be split into two separate commercial properties. The property located at 440 Royal Palm Way and 450 Royal Palm Way would continue to allow for cross access and cross parking between both properties through a proposed cross

parking/cross access agreement. If approved, the existing Unity of Title Agreement which was required as part of the zoning approval for 440 Royal Palm Way would be terminated. The existing Unity of Title Agreement and draft Termination of Unity of Title Agreement are attached as part of this zoning application and are on file at the Town of Palm Beach Planning, Zoning and Building Department. [Applicant's Representative: Maura Ziska Esq]

Ex parte communication was disclosed by Council Member Araskog, Council Member Crampton, Mayor Coniglio, Council President Moore, Council President Pro Tem Zeidman, and Council Member Lindsay.

Maura Ziska, attorney for the owner, explained the zoning requests to the Town Council.

Zoning Manager Castro provided staff comments, noting this required termination of unity of title from 1983 and splitting the properties, then requiring a cross-parking/cross-access agreement in perpetuity or as long as the Town allowed it to be in place.

Council Member Araskog asked Town Attorney Randolph if this should be done in perpetuity, to which he responded it could only be terminated by the Town, not by either party.

Council Member Crampton asked if the agreement would be between the two buildings or between the owner and the Town. Mr. Castro responded it would be between the owner or owners and the Town, and all would have to agree to terminate the agreement.

Council President Pro Tem Zeidman inquired how many of the parking spaces were utilized. Alex Griswold, owner, responded there were many spaces available.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Special Exception Z-19-00234 shall be granted based upon the finding that such grant will not adversely affect the public interest, and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and with the condition that the replacement cross-access cross-parking agreement be recorded with the deed, with the termination of the unity of title, and providing the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously 5-0.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Site Plan Z-19-00234 be approved

based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. On roll call, the motion carried unanimously 5-0.

- b. **Z-19-00235 VARIANCE(S)** Zoning District: B-A Beach Area
The application of Anthony and Lynda Lomangino, Applicant, relative to property located at **1620 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting to construct a 118.8 square entry portico and loggia balcony additions and a 254.4 square foot second floor covered terrace/loggia addition which will require the following variances being requested: 1) Sec. 134-843(11): a variance for lot coverage of 25.37% in lieu of the 24.9% existing and the 25% maximum allowed. 2) Sec. 134-843{7}: a request to have a building height plane setback of 44' -8" in lieu of the 53 foot minimum setback required for the architectural feature of a second floor covered loggia. [Applicant's Representative: Maura Ziska Esq]

There were no ex parte communications declared.

Maura Ziska, attorney for the owner, explained the zoning requests to the Town Council.

Harold Smith, Smith and Moore Architects, presented the architectural plans to the Town Council.

Zoning Manager Castro provided staff comments, stating the applicant was before Town Council asking for relief for the balcony overhang. He added this would need to go to ARCOM for approval, but they were here for the variance to the front of the property, and the house was now under construction.

Council President Pro Tem Zeidman asked staff why the project went to the Town Council prior to ARCOM. Mr. Castro responded that decision was made by the Director because of the diminimus nature of the overhang.

Council Member Araskog asked staff about the location of the house in relation to the street. Mr. Castro referred to the location plan, and a discussion continued on the project.

Council Member Crampton agreed that the request was small and an improvement.

Council Member Lindsay thought the change was so small, it would not be noticed.

Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Lindsay that Variance Z-19-00235 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried 4-1 with Council Member Araskog opposed.

- c. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1. The Landmarks Preservation Commission approved the project with conditions relating to the landscape and hardscape plans. Carried 6-1.] Request For Deferral To The April 15, 2020 Meeting Per Letter From Maura Ziska.

This item was deferred to the April 15, 2020 meeting at the

- d. **Z-19-00237 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: R-B/B-A Low Density Residential/Beach Area The application of Jolene Sarkis and Katherine Henry, Applicant, relative to property located at 1360 N OCEAN BLVD SUITE: BEACH CABANA, legal description on file, is described below. Section 134-890(3): Request a special exception with site plan review and variance to allow construction of a new 200 square foot beach cabana in the R-B/B-A Zoning District with a west/front setback of 3.5 feet from the property line in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

There were no ex parte communications declared.

Maura Ziska, attorney for the owner, explained the zoning requests to the Town Council.

Mr. Castro provided staff comments, stating that one could not build a cabana on this property without a variance, and a unity of title with the property across the street would be required.

Motion was made by Council Member Araskog and seconded by Council Member Crampton that Variance Z-19-00237 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously 5-0.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Special Exception Z-19-00237 shall be granted based upon the finding that such grant will not adversely affect the public interest, and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously 5-0.

3. Other

- a. Request by Flagler Holdings North Carolina, Inc. Property Owner, to Name the New Via located at 221, 223, 225, 227 and 229 Royal Poinciana Way and 216 Sunset Avenue as Via Flagler

No ex parte communications were declared.

Jamie Crowley, on behalf of Alex Gilmurray and Cody Crowell, presented the request to the Town Council.

Mr. Castro provided staff comments, stating the code required 90-day notice to the association, property owners and any tenants. There were no tenants, and the notice had been provided to the property owners and to the association. The addresses were contingent upon Town Council approval.

Council Member Crampton asked if the owners were concerned about any confusion with other addresses which had Flagler in their names.

Council Member Araskog expressed the same concern. The applicant indicated they had no concerns.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to grant the request from Flagler Holdings to allow the naming of the condominiums at 221, 223, 225, 227 and 229 Royal Poinciana Way and 216 Sunset Avenue as Via Flagler. On roll call, the motion carried 4-1, with Council President Moore opposed.

VIII. ORDINANCES

A Second Reading

1. ORDINANCE NO. 01-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article V, Planned Unit Development Procedure, Section 134-622, Permitted Land Uses In The PUD-A Zoning District, To Allow Hotels As A Permitted Use And Administrative Site Plan Review For Permitted And Accessory Uses That Do Not Exceed 2,500 Square Feet; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney John Randolph read the proposed Ordinance No. 01-2020 by title only.

Council Member Araskog stated she wished this would have been presented to the Town Council separately. She expressed that her concern was due to 2,500 feet being too much.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Crampton, to adopt Ordinance No. 01-2020. On roll call, the motion carried unanimously 5-0.

IX. ANY OTHER MATTERS

1. Zoning Reform

Council Member Araskog commented there were some items for Code reform that could go forward starting at the Planning and Zoning Commission.

Mr. Bergman asked how staff should proceed with Code Reform. He indicated Josh Martin's plan was never completely approved by the Town Council, and presented options to move forward. He proposed putting together an RFP or RFQ going forward, and seeing if there were other organizations like CNU who could help as an outside party to handle Code Reform. Also, information in the current zoning code could be used in-house with the help of the Planning and Zoning Commission. He and Mr. Castro had been asked to put together a list of the top 4-5 problematic items for consideration. One of the first things he had done was to research the number of zoning variances requested over the last two years. He found it eye-opening when looking at the specifics of these variances, most of which had been approved by the Town Council. He and Mr. Castro had put together a list of 11 items that could be presented to the Planning and Zoning Commission, or an RFP or RFQ to utilize outside help could be sent out.

Council Member Araskog suggested doing both things side by side. She asked whether to hire a planner and the status of filling the three openings within the department. Mr. Bergman responded the advertisement was in process of being prepared for the Town's website.

Mayor Coniglio commented FEMA needed to be addressed quickly and comprehensively, with compliance of the new laws. She stated she would like to have a public discussion on the 11 items. She reviewed the previous process where the Building Department would come forward with a list of potential study items and cost analysis. The Town Council then prioritized what they wanted to do and how quickly. She believed educating the community would be the answer, and this should proceed slowly. She said she thought these items should be presented to the Town Council and then sent to the Planning, Zoning and Building Commission to work with staff, and then come back to the Town Council again to hold a full community discussion.

Council Member Araskog thought the Town Council needed to come up with a vision, because parts of the Town were being lost. She provided her opinions and thought this should be looked at in a measured way. She suggested placing this on the agenda for the next meeting.

The Town Council gave full consensus to place this item on the next Development Review agenda for discussion, including the two items in Mr. Bergman's email.

Mayor Coniglio asked to include the cost analysis on the 11 items, and cost for software update.

Council Member Lindsay agreed with the Mayor, but thought the FEMA issue should be first and foremost, with which all agreed.

Council President Pro Tem Zeidman wanted to educate the public and then move

forward.

Mayor Coniglio cautioned to go slow.

Council Member Crampton asked if there were any updates on the ordinances on Historic Districts that were being reviewed in Tallahassee. Mr. Bergman responded that an update should be received soon. He explained the historic preservation code could legally be amended by the Town, but the Town Attorney had recommended that be done outside Chapter 54, which he felt raised a few red flags. The State Flood Plain Management Office wanted to be sure it was not an end run around FEMA and would not adversely affect the Town's listing as a certified local government for historic preservation.

Council Member Crampton asked about the remaining items on the outline prepared by Mr. Martin. Mr. Bergman responded he had wanted at least one or two more public meetings on the process improvement, much of which was already accomplished. He had also wanted six symposiums, one of which the Town had already held on historic preservation. The others included background on the history of the codes, height, scale and mass, FEMA, retail and parking, and mobility. These had been constructed as modules based around the work of the CNU staff. All results would come to the Town Council.

Council Member Araskog wanted to hear from the public and find common ground with the residents before make decisions.

Council Member Lindsay felt this could not be done by amateurs, and there was no reason to proceed without professional education.

2. ARCOM Staff Approvals

Council Member Araskog raised the issue of staff approvals that were different from what the commission approved. She asked to have a conversation about how extensive staff approvals should be.

Mr. Bergman responded it was great in theory to have staff approvals to keep items off the agenda, but he would like to move slowly, first sharing with Town Council the current language, which he would do at the next meeting.

Council Member Araskog asked to discuss one more item.

Council Member Araskog raised the issue on whether an out of town architect should be able to serve on ARCOM if a Florida architect was unavailable. She asked to reinstate the previous rule that the architect could be someone who was a Florida resident and an architect registered in another state. Council President Moore responded she had not been in favor of the change.

Consensus was to bring this matter up next month for discussion.

X. ADJOURNMENT

The meeting was adjourned at 11:59 a.m. without the benefit of a motion and roll call.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist