



# TOWN OF PALM BEACH

## Minutes of the Development Review

### Town Council Meeting

Held on March 11, 2020

**I. CALL TO ORDER AND ROLL CALL**

The Development Review Town Council Meeting was called to order March 11, 2020 at 9:29 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**

There were no comments from the Mayor.

**IV. COMMENTS OF TOWN COUNCIL MEMBERS**

Council President Pro Tem Zeidman spoke about coronavirus and postponed events, which were temporary changes. She commented changes needed to be made by all in the Town. The older population in Palm Beach was more susceptible, and Palm Beach would be proactive. She stated it would be difficult but not forever, and to be vigilant.

Council Member Araskog urged young people not to assume that they were not at risk. She asked everyone to be hyper-vigilant, no matter what their age.

**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:**

Change VII. Resolutions to Ordinances and Resolutions and add 1A. Ordinance No. 07-2020, First Reading. This item was carried over from the meeting on March 10, 2020.

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

## **VII. ORDINANCES AND RESOLUTIONS**

### **1A. Ordinance No. 07-2020**

ORDINANCE NO. 07-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Of The Town Code Of Ordinances Related To Natural Resource Protection At Article IV, Vegetation, Division 5, Regulations, Section 66-311, Prohibited Plants, So As To Prohibit, In Addition To Ficus Benjamina, Ficus Nitida; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance No. 07-2020 on first reading by title.

**Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Ordinance No. 07-2020 on first reading. On roll call, the motion carried unanimously, 5-0.**

### **A. Resolution No. 09-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."**

Administrative Specialist Churney swore in members of the audience intending to speak at this meeting at this time and throughout the meeting as necessary.

Emily Stillings, Landmarks Preservation Consultant, provided information regarding Resolution No 09-2020

Council Member Araskog disclosed she was a member of the Everglades Club. Council President Moore and Council Member Crampton also stated they were members of the Everglades Club.

Mayor Coniglio asked how many tax abatements one owner could receive. Ms. Stillings responded there was no limit as long as the abatement was a qualified request.

Council Member Lindsay remarked on the positive nature of the tax abatement and thought it was important to point out this advantage to Landmarking.

Ms. Stillings commented the tax abatements were transferable to new owners if

a home was sold. Council Member Araskog stressed that it was important to get this information out to residents, and asked members of the press to help.

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Zeidman to approve Resolution No. 9-2020. On roll call, the motion carried unanimously, 5-0.**

- B. Resolution No. 10-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 215 El Bravo Way Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Janet Murphy, Landmarks Preservation Consultant, provided history and information regarding 215 El Bravo Way, including the social history of previous owners George Jessel and Norma Talmadge.

Council Member Crampton commented this was a very handsome house. He asked if the owners were in support. Ms. Murphy stated they were in support.

Rene Silvin, Vice Chair of Landmarks Preservation Commission, commented the owners were supportive.

Council Member Lindsay commented this was a beautiful Howard Major home.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to adopt Resolution No. 10-2020 designating the property at 215 El Bravo Way as a Landmark of the Town of Palm Beach on the basis that it met criteria 1, 3, 4 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously, 5-0.**

**Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Lindsay to accept the designation report for 215 El Bravo Way into the record. On roll call, the motion carried unanimously, 5-0.**

- C. Resolution No. 11-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to the Planning, Zoning & Building Department.

Wayne Bergman, Acting Director of Planning, Zoning and Building, explained

the details of Resolution No. 11-2020, including a revised effective date of April 1, 2020.

Mayor Coniglio expressed frustration with the State's oversight.

Council Member Crampton asked the net impact. Mr. Bergman provided best case and worst case scenarios of loss of revenue. Council Member Crampton asked if the Town could offset the revenue loss by hiring more inspectors. Mr. Bergman responded and also added that the Town has been limited to four audits per year on each private provider inspection company. Council Member Crampton thought the Council was being asked to ratify a bad law.

Council Member Araskog commented many homeowners would go with a cheaper option. She added that the Town charged an average rate among other cities.

Council Member Lindsay asked how many people were using private providers. Mr. Bergman responded approximately 25%. Council Member Lindsay felt the Town needed to express dissatisfaction to the State, as well as to tell each owner they would be audited four times each year because of concerns about safety. She discussed ways that the Town may motivate owners to use the Town's inspection services. She was in favor of doing a little pushback by calling into question the quality, and that the Town would be compelled to audit. Town Attorney Randolph advised that people could not be audited four times a year because the law stated that one company could be audited four times a year. Additionally, he added that a problem could arise with private providers and he recommended against calling quality into question. Council Member Lindsay commented it was in the interest of homeowners for the Town to do audits. Mr. Bergman stated the Town did perform the audits.

Council Member Moore asked the number of private provider firms. Mr. Bergman responded there were about eight who regularly did business in Palm Beach.

Town Manager Kirk Blouin commented this was legitimate concern for safety, but private providers were licensed and their license would be in jeopardy if they did something unethical or cut corners, and he felt the local builders were a cut above, with most wanting to do the right thing and build to code. Mr. Bergman agreed.

Council Member Araskog confirmed that the Town was not allowed to qualify private inspectors under this State law. Mr. Bergman responded that was correct, and they were licensed by the State.

**Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Lindsay to adopt Resolution 11-2020. On roll call, the motion carried 4-1, with Council Member Crampton opposed.**

## **VIII. DEVELOPMENT REVIEWS**

### **A. Variances, Special Exceptions, and Site Plan Reviews**

#### **1. Old Business**

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35%

maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] **Request For Deferral To The April 15, 2020 Meeting Per Letter From James M. Crowley.**

Jamie Crowley, Attorney for the applicant, stated reasons for the deferral request and requested a deferral to the April 15, 2020 meeting.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Zeidman to defer the project to the April 15, 2020 Town Council Meeting. On roll call, the motion carried unanimously, 5-0.**

## 2. New Business

- a. **Z-20-00239 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of Ellen G. Breed, Applicant, relative to property located at **315 SEABREEZE AVE**, legal description on file, is described below. Renovation of existing two-story guest house and second-story addition with the following variance requests: (1) 134-893(7): Request for a variance to allow a rear yard setback of 5 feet in lieu of the minimum 15-foot setback required in order to enclose the second floor existing balcony. (2) 134-893(9): Request for a variance to allow a west side yard second story setback of 2.2 feet in lieu of the 15-foot minimum setback required In order to enclose the second story balcony. (3) 134-893(13): Request for a variance to allow a cubic content ratio (CCR) of 5.94 in lieu of the 4.37 CCR allowed and 5.65 CCR existing. (4) 134-891(b)(1): Request for a variance to allow a second story addition on a nonconforming two-story accessory building/guest house with a proposed building height of 18.5 feet to the top of the roof in lieu of the one-story, 15 foot maximum allowed on a lot that is under 20,000 square feet. [Applicant's Representative: Maura Ziska Esq]

There were no ex-parte communications declared.

Maura Ziska, Attorney for the applicant, described the zoning requests, and also stated the next door neighbor had given her approval.

Pat Segraves, SKA Architect + Planner, described the architectural changes to the Town Council Members.

Council Member Araskog asked to be shown the backyard and commented she would like to see what was being lost. Mr. Segraves stated there was no loss, and they were increasing green space. Council Member Araskog asked what the hardship was, to which Attorney Ziska responded this was an existing non-conforming 50-foot wide parcel, and the house was non-conforming to today's Code. They were enclosing a balcony that already existed.

Zoning Manager Paul Castro provided staff comments. If approved, a kitchen agreement stating they would not rent this out would be required. He questioned the hardship.

Council President Moore was happy that the owners were making modifications rather than tearing the home down. She was more interested in saving the house and preserving the character of the street.

Council Member Araskog if this was a new owner. Ms. Ziska explained the issue with the owner. Council Member Araskog read legal information regarding zoning requests and stated she did not believe this was a legal hardship.

Council Member Lindsay asked if the first floor was going to be part of the guest house. Mr. Segraves explained the guest house use. Council Member Lindsay asked if this was on an alley to which Attorney Ziska responded yes. Council Member Lindsay commented there were no complaints. She felt the variance was diminimus. Council Member Lindsay asked if there could be an agreement this could not be rented.

Town Attorney Randolph discussed the kitchen agreement, which contained the prohibition against renting.

Council President Pro Tem Zeidman commented that she felt the Council had to overlook small changes at times to obtain an outcome they wanted. In this case, she felt it was important for the home to maintain its integrity on the street.

Council Member Araskog asked how much green space had been added. Daniel Clavijo, SKA Architect + Planner, responded 5%.

Council Member Crampton he thought the change was an improvement.

**Motion was made by Council President Pro Tem Zeidman and seconded**

by Council Member Lindsay that Variance Z-20-00239 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.

- b. **Z-20-00240 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of Everglades Club, Inc. (Applicant), relative to property located at **500 S COUNTY RD**, legal description on file, is described below. Section 134-840(5): A request for special exception with site plan review to allow the modification of the existing Golf Cart Storage Area which includes replacing the existing 2,671.62 square foot metal golf cart roof with a 4,321.26 square foot metal golf cart roof with storage to cover the entire cart storage area and also includes the removal of an existing gate and infilling the opening with masonry construction to match existing. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were disclosed by Council Member Araskog, Council Member Crampton, and Council President Moore.

Maura Ziska, Attorney for the applicant, described the zoning requests.

Zoning Manager Paul Castro provided staff comments, stating this needed Council approval because it was a modification to the club.

**Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-20-00240 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 items 1 through 13 of the Town Code have been met. On roll call, the motion carried unanimously, 5-0.**

**Motion was made by Council Member Crampton, and seconded by Council Member Crampton, that Site Plan Z-20-00240 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.**

- c. **Z-20-00241 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Francesco Galesi, as Trustee of the Francesco Galesi Revocable Trust, Applicant, relative to property located at **19 GOLFVIEW RD**, legal description on file, is described below. Applicant requests a variance to permit installation of a 60kw generator with a street side yard setback of 8.4 feet in lieu of 35 foot minimum required. [Applicant's Representative: Tim Hanlon Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

There were no ex-parte communications declared.

M. Tim Hanlon, Attorney for the applicant, explained the zoning requests.

Zoning Manager Paul Castro provided staff comments, commenting a hedge would be required.

Council President Moore confirmed with Attorney Hanlon the generator would back onto the Everglades Club golf course.

Council Member Araskog asked to see a photo of the back yard.

M. Mark Marsh, Bridges and Marsh Architects, explained a photo had been presented to Landmarks and they had approved the request. The hardship was there were two front yard setbacks.

**Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Araskog that Variance Z-20-00241 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.**

- d. **Z-20-00242 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Sotheby's

International Realty, Inc., Applicant, relative to property located at **317 PERUVIAN AVE, SUITE: 101**, legal description on file, is described below. Sec. 134-1109(18) - A variance to allow a 300 sq. ft. office use (real estate brokerage office) on the first floor where not permitted in this situation as the applicant does not meet the criteria allowing office use on the first floor in the C-TS zoning district. [Applicant's Representative: Peter Broberg Esq]

There were no ex-parte communications declared.

Peter Broberg, Attorney for the applicant, explained the zoning request.

Zoning Manager Paul Castro provided staff comments expressing support for this request.

Mayor Coniglio thought this was a simple request.

Council Member Araskog agreed with the Mayor, and suggested a staff approval could be made for this type of request.

**Motion was made by Council Member Lindsay and seconded by Council Member Crampton that Variance Z-20-00242 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.**

- e. **Z-19-00238 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of Mr. & Mrs. Kenneth Endelson, Applicant, relative to property located at **137 DUNBAR RD**, legal description on file, is described below. Section 134-2(b) - A request to build a 7,873 square foot (under air) two (2) story single family home with a variance to allow the point of measurement for calculating the maximum cubic content ratio (CCR) to be at 12.7' NAVD in lieu of 11.7' NAVD required by code. [Applicant's Representative: Francis X. J. Lynch] [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 as presented. Carried 6-1].

There were no ex-parte communications declared.

Frank Lynch, Attorney for the applicant, explained the zoning request.

Zoning Manager Paul Castro provided staff comments and mentioned outstanding issues with Public Works, including a utility easement issue.

Council Member Lindsay questioned having the same roof heights on the street, to which Zoning Manager Castro responded.

Council Member Araskog asked about the height of the house to the east. Molly Mitchell, Dailey Janssen Architects, responded. Discussion ensued regarding homes on the street. Ms. Mitchell explained the elevations.

Council Member Araskog asked about the hardship. Attorney Lynch responded it was the topography of the land.

**Motion was made by Council President Pro Tem Zeidman and seconded by Council Member Araskog that Variance Z-19-00238 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.**

## **IX. ANY OTHER MATTERS**

### **1. Bradley Park Hotel, 280 Sunset Avenue – Courtyard Opening**

Council President Moore asked about the elephant and the moving trunk. Ned Grace, on behalf of Bradley Park Hotel, responded and stated the elephant would not move. Council President Moore confirmed with Mr. Grace that Landmarks had approved the elephant.

Mr. Grace provided an update to the Town Council Members.

Mayor Coniglio asked about the request for the courtyard. Mr. Grace stated they would like the staff to be able to approve outdoor seating when staff felt it would be safe. Mayor Coniglio expressed several public safety concerns.

Council President Pro Tem Zeidman asked the Fire Marshal to opine on the matter.

Marty DeLoach, Fire Marshal, reviewed his inspections at the hotel. He

thought if the construction on the roof and sides were completed, a better discussion could occur about the safety of opening the courtyard.

Mr. Grace stated his request was to allow staff to have the discussion after the construction was completed. He asked for permission to open the courtyard after 5 p.m. when the workers were not present.

Mr. Bergman discussed the requests. He reported his notes from the January meeting were that there was to be no outdoor seating until a full CO was issued. He discussed his concerns and added that a private provider was handling all of the inspections.

Council President Pro Tem Zeidman felt safety should be driving the decision, and they had made their decision in January.

Council Member Araskog expressed her agreement with Mayor Coniglio and Council President Pro Tem Zeidman. She did not understand why the Town was allowing events without a CO. She felt this should come back to the Council and stated there was no declaration of use. She also added she did not believe it should be up to staff to approve safety.

Mr. Bergman commented when a CO was provided, all operations should move forward. Council Member Araskog agreed.

Council Member Crampton expressed agreement.

Council Member Lindsay commented the street was still a traffic nightmare at 5 p.m., and if there was no CO, this could not move forward.

**Consensus was to direct to Staff to deny any outdoor seating prior to obtaining a certificate of occupancy.**

*Clerk's note: A short break was taken at 11:03 a.m. The meeting reconvened at 11:12 a.m.*

2. Discussion on the Makeup of ARCOM Commission Architects and ARCOM/LPC Staff Approvals

Mr. Bergman reported he had provided Council with ARCOM Code requirements for Commissioners as well as ARCOM/LPC Staff Approvals.

Council Member Araskog felt a non-state architect, who was a resident, was better than a non-resident Florida architect. She provided history of why a non-resident architect was on Landmarks. She stated she had consternation that a non-resident architect and non-resident landscape architect was added to the ARCOM Ordinance. She also stated that the ordinance was written to allow an out-of-state architect, which she preferred; however she remembered that others disagreed with her. She wanted a discussion about how it was written. She requested this be sent to ORS to look at the verbiage.

Council President Moore asked staff how they felt about Council Member Araskog's comments and if they felt the ordinance as written was what Council intended. Zoning Manager Castro stated he was not involved in writing the ordinance.

Town Attorney Randolph commented that it could be looked at by ORS but he saw no conflict in how the ordinance was written and what had been done in the past. He added that the ordinance was written similar to the Landmarks Ordinance where Jackie Albarran served as out-of-town resident because she had a special expertise.

Mayor Coniglio did not agree with out of state architects, because Florida has a different building code, different wind loads, and hurricane activity. She had no problem with non-resident, Florida architects so long as Town Council and staff believed they were a qualified. She believed there should be two architects on the Commissions, and stated the ARCOM ordinance was changed when there was difficulty getting two resident architects. She believed the ordinance was written properly and would not change it.

Council Member Lindsay commented the ARCOM ordinance was written for Gene Pandula but also Jackie Albarran, who used to live in Palm Beach, then moved out of town. She was still connected with Palm Beach and did a lot of work in Palm Beach. Council Member Lindsay agreed with Mayor Coniglio.

Discussion ensued.

Council Member Araskog clarified the issue: Under the current ordinance, if there were not two Florida State licensed architects applicants for the two spaces on the commissions, (one resident and one not, or two resident) an out of state resident architect could be appointed for one of those two spots.

Council Member Lindsay agreed but thought a possible change might be to have more architects on the commissions—three were currently allowed.

Council Member Araskog thought the non-resident term should be limited to six years.

Town Attorney Randolph advised the number of architects that could be on the commission was unlimited, but only three must be Florida registered architects.

Council President Pro Tem Zeidman commented the out of state architect was the only item that was disagreeable. Council Member Lindsay stated she did not completely disagree but added the out of state architect should not take the space of one of two required architects. Mayor Coniglio again expressed her opinion against out of state architects.

Council Member Araskog stated the ordinance was not written as requested, read the confusing language from the ordinance, and felt resident architects should not be limited to a 6-year term.

Council Member Lindsay commented she did not want to turn down talented people who moved here from other states for positions on the Commissions but they should be in addition to the two required architects. She agreed that non-residents should be limited to 6 years.

Rene Silvin, Australian Avenue, stated he was in favor of the discussion. He agreed with the term limitation for the non-resident architect.

Council President Moore felt the ordinance allowed enough flexibility.

Council President Pro Tem Zeidman asked if the language could be cleaned up for clarity. The language was discussed.

Council President Moore asked if there was consensus on the desk that the ordinance as written was acceptable, except for the Mayor, who disagreed. Council President Pro Tem Zeidman disagreed with the language “not more than 3” which limited the number of Florida Registered resident architects.

**Consensus was to discuss the term limit requirement for the non-resident architect on Landmarks at the next meeting.**

Town Attorney Randolph advised an ordinance would be provided. The term for the non-resident term would be changed to limit the term to 6 years.

Bob Vila, 698 Island Drive and former member of the Architectural Commission, agreed with Mayor Coniglio that the architects should be Florida registered and trained architects. He commented two architects were enough but more would be good. He recommended 5 voting members with two alternates instead of the current 10 members with 7 voting and 3 alternates. He thought the Town should have a Town architect, and that person might be a volunteer. He stressed the importance of having a landscape architect on the commission.

Mayor Coniglio thought Mr. Vila’s point on the reduction of members was valid and should be considered.

Council President Pro Zeidman thanked Mr. Vila for his work on the commission.

Town Attorney Randolph clarified what had happened when a landscape architect applied for a seat that was not advertised as a landscape architect, and staff had determined that seat was therefore not open.

Council Member Crampton stated he felt confused, and suggested the various positions be written out, with each of the various alternatives that had been brought up clearly stated, to provide a basis on which to start.

Discussion ensued regarding the number of members on a commission. Council Member Araskog requested staff provide history.

**Staff was directed to make no change to the ordinance regarding ARCOM commission members, to bring forward an ordinance limiting the term of the Landmarks Preservation Commission non-resident expert to the same term limits as a regular member, and to add discussion regarding number of members on a commission on the April 15, 2020 agenda.**

### 3. Review of Eleven Code Reform Topics

Mr. Bergman discussed Code Reform topics. He believed the largest problem at this time was with FEMA and the raising of buildings throughout the Town. To go forward with these eleven items would cost an estimated \$200,000. This was not full Code reform.

Mayor Coniglio reviewed the items she thought would be valuable to investigate. She stated the issues with FEMA had to be dealt with first. Other items she felt were important were yard setbacks, review of the ten separate definitions of building height, FAR, and maximum lot size. She added she felt the other items were secondary and would pause on those items to make sure there was enough money to consider them.

Council Member Araskog reviewed the items she thought would be valuable to investigate. She was in favor of discussing having a Board of Adjustment to handle variances. She agreed FEMA should be first, with FAR second, and she believed maximum lot size was important. She stated she agreed with the Mayor on the top five.

Council Member Crampton believed Council should concentrate on the FEMA issue exclusively and resolve it as quickly as possible. He felt the other items were important, but could be referred to Planning and Zoning, with periodic reports and recommendations.

Council Member Lindsay commented FEMA should be number one. She liked Council Member Crampton's idea. She felt side yard setbacks should be sent to Planning, Zoning and Building with a sense of urgency because the character and charm of the Town was being lost, and FAR was third on her list.

Zoning Manager Castro commented all of the issues would go to Planning, Zoning and Building if chosen. He discussed how items would be investigated. The money allotted to each item was for Planning and Zoning and a consultant would research the items for Council.

Mayor Coniglio felt the top three items should be the focus for now with the involvement from the Planning and Zoning Commission.

Council President Moore commented she thought a comprehensive approach was necessary. She agreed FEMA should be number one.

Council Member Araskog commented one of the biggest concerns was the oversize buildings, lack of green space and big white boxes. She felt the fabric of the Town would be lost if this was not fixed right away and Council needed to decide whether to bring in an expert.

Council Member Crampton thought there were eleven good things to work on and he believed the FEMA issue and the associated side yard issue should be started right now and not to wait to hire a new director. He was in favor of deferring the other items to Planning and Zoning Commission.

Council President Pro Tem Zeidman did not agree with a Board of Adjustment. She agreed FEMA should be first, and thought that side yard setbacks with their related issues should be looked at as a whole and not piecemeal. She also felt an expert should be hired.

Mr. Bergman commented a special planner would be needed to help with a lot of these items, but the FEMA matter would involve engineering and Public Works and a lot of outside resources beyond just a planner. He stated the

FEMA task was monumental. When asked for his recommendation, he commented he could work with the Town Manager's office on an RFQ and RFP for a consultant—a professional planner. He liked the idea of using the Planning and Zoning Commission to help move this forward. He felt staff could come back with periodic updates, and staff could start moving in the right direction on this very easily.

Council Member Lindsay felt nothing should move forward without a professional planner because everything was interrelated. She felt the planner should be hired quickly.

Martin Klein, 1060 N. Ocean Blvd. and Chairman of Planning and Zoning Commission, urged the Council to allow the Planning and Zoning Commission to begin discussions with residents on the items, including FEMA. He also stressed the need for an architect on the Planning and Zoning Commission.

Anne Pepper, 333 Seaspray Avenue, believed Mr. Bergman should be able to hire a planner as soon as possible.

Simon Taylor, 234 Oleander Avenue, felt this was a good discussion. He expressed two concerns that dealt with a period with the past tenure of the Director of Planning, Zoning and Building as well as the treatment of people who ask questions.

Anita Seltzer, 44 Coconut Row, provided a history of planning efforts in 2001. She agreed with moving forward on the FEMA issue. She asked when Council would address all of the issues.

Council Member Araskog commented she had been asked whether the Code was broken or if the problem was how the Code was being dealt with, which was why a professional was needed. She discussed variances that had been granted and whether the Code was really that broken. She asked to move this forward as soon as possible even if it cost more than estimated.

Council Member Crampton listed his order of priority, which had FEMA first. He thought staff should begin now and not to wait for a new Director. He thought the Planning and Zoning Commission should discuss the issues and report issues to the Council as they arise. Mr. Bergman agreed to this approach.

Mayor Coniglio summarized Mr. Bergman's priorities: to hire a consultant and begin as soon as possible, and if additional money was needed Council would find it.

Town Attorney Randolph confirmed the Council was not interested in a Board of Adjustment. Three members were against it; Council Member Crampton was in favor of the board and Council Member Araskog asked for further discussion.

The need for an expert to be hired before starting the process was discussed.

**Staff was directed to move forward with an RFP to find a consultant to assist with code reform issues, to begin working on the FEMA issue, and to return to the Town Council with monthly updates.**

Mr. Bergman provided an update on the Historic Building Ordinance, reporting feedback from the State had been received. He commented the Town's approach would have to be changed.

Council Member Araskog stated that she passed out information to the Council regarding variances and judicial review and recommended everyone read it.

**X. ADJOURNMENT**

The meeting was adjourned at 1:13 p.m. by motion made by Council Member Araskog and seconded by Council Member Moore without the benefit of a roll call.

**APPROVED:**

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**Danielle H. Moore, Town Council President**

**ATTEST:**

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**Kelly Churney, Administrative Specialist**