

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, DECEMBER 4, 2014

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, December 4, 2014, at 2:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Pucillo, and seconded by Chairperson Townsend, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS

Jere Zenko, 232 Tangier Avenue, spoke regarding the need for greater scrutiny over people applying for Town positions and the applicant selection process.

Deputy Town Manager Bradford stated that the matter is scheduled to come before the Committee at their March meeting.

IV. REGULAR AGENDA

A. Old Business

1. Ordinance Amending Animal Permit Requirements to pertain to livestock and wildlife and for permits at Clubs
(*Thomas G. Bradford, Deputy Town Manager*)

Deputy Town Manager Bradford provided an overview of the proposed amendments.

Discussion ensued regarding the various classes of animals.

It was the consensus of the Committee to approve the proposed amendments.

- 1 2. Review of the Vehicles for Hire Ordinance to Protect the Health, Safety
2 and Welfare of the Public in Regard to Industry Changes.
3 *(John C. Randolph, Town Attorney)*

4
5 Deputy Town Manager Bradford provided an overview of the recent
6 issues that have arisen in this matter.

7
8 Discussion ensued regarding establishing requirements for charter vehicles
9 and enforcement options.

10
11 Jose, Palm Beach County Consumer Affairs Department Compliance
12 Officer, spoke regarding the issues they have had with Uber, the steps they
13 are taking to address them, what and who is required to get a County
14 permit, charter vehicle requirements, the number of County permits
15 issued, and transferring permits.

16
17 John Critchett, owner of Palm Beach Tours and Transportation, spoke
18 regarding differing standards in the transportation industry, problems with
19 Uber, and recommended recognizing the County's standards.

20
21 Dr. Klein, California, spoke regarding Uber's operations in Los Angeles,
22 and Uber being faster and more economical than regular taxis.

23
24 Discussion ensued regarding the need for driver background checks, not
25 having uninsured or unregulated cars in the Town, incorporating the
26 County's regulations, and how to spot Uber vehicles.

27
28 Code Enforcement Manager Houston spoke regarding recent code
29 enforcement cases the Town lost because the drivers said they were
30 chartered, how officers can tell which vehicles are Uber vehicles, recent
31 incidents with Uber vehicles, and County stings on Uber vehicles.

32
33 Discussion ensued regarding how long it would take to pass an ordinance
34 and if there was anything in the Code that could be used now to cite
35 uninsured, unlicensed, and uninspected vehicles.

36
37 Jose, Palm Beach County Consumer Affairs Department Compliance
38 Officer, stated that unless a jurisdiction has opted out of the County's
39 ordinance, law enforcement can cite vehicles under the County Code. He
40 then spoke regarding the County's enforcement procedures, the evidence
41 they provide to the Court in these cases, and in what cases the driver or the
42 company was cited.

43
44 Captain Taylor spoke regarding other interim options the police
45 department could employ, such as moving violations and parking
46 citations.

1 Jose, Palm Beach County Consumer Affairs Department Compliance
2 Officer, spoke regarding the differences between taxis and chartered
3 vehicles according to the County Code, the different badges or decals
4 issued to them, and West Palm Beach's enforcement of vehicles for hire
5 regulations.
6

7 **It was the consensus of the Committee to direct Town Attorney Randolph to draft**
8 **an amended ordinance to require vehicles for hire, including charters and vehicles**
9 **contacted through mobile applications such as Uber, to meet the County's**
10 **regulations or otherwise show proof that the driver has had a background check**
11 **performed, the vehicle is insured, the vehicle has been inspected, and the driver has**
12 **a chauffeur's license.**
13

14 B. New Business

- 15
16 1. Review of Business Association Special Events for Possible Codification
17 *(Thomas G. Bradford, Deputy Town Manager)*
18

19 Deputy Town Manager stated that the Town Council adopted a Business
20 Association Promotional Events Policy in June 2009. At the November
21 2014, Town Council meeting it was suggested that the Policy be codified
22 and, if so, discussion should be had on what should be in the Policy.
23

24 Gregg Beletsky, Worth Avenue Association President, spoke in support of
25 codifying the Policy, and stated that the Association would like to be a
26 part of the process in determining the elements of the Policy.
27

28 Deputy Town Manager Bradford stated that they can hold Staff-level
29 meetings to start the process.
30

31 Robin Miller, Worth Avenue Association General Manager, stated that the
32 Association would love to be able to simplify the current process.
33

34 Patti Sans, Greater South County Road Association President, spoke
35 regarding the current Policy and what else is necessary, as well as in
36 support of codifying the Policy.
37

38 **It was the consensus of the Committee to direct Staff to meet with the various**
39 **Business Associations in Town to work towards formulating a Business Association**
40 **Special Events Policy for Possible Codification.**
41

- 42 2. Review of Private Provider Option
43 *(Veronica Close, Assistant Director of Planning, Zoning and Building)*
44

45 Assistant Director of Planning, Zoning, and Building Close provided an
46 overview of her report.

Discussion ensued regarding issues with the Palm House, how those issues can be avoided in the future, inspections and audits, notices and scheduling of inspections, remedies for when a private provider or resident inspector approves something they should not have, having pre-construction meetings with these providers so that they know what is expected of them, and public safety and liability issues.

It was the consensus of the Committee to direct Staff to review the matter further and to report back to the Committee on what procedures should be implemented in order to better deal with this situation.

3. No Major Construction within 12 months of CO Issuance
(Veronica Close, Assistant Director of Planning, Zoning and Building)
(This is included in agenda item 5 below)
4. Review of Demolition Process for Landmarks
(Veronica Close, Assistant Director of Planning, Zoning and Building)

Committee Chair Townsend stated that this item has received input from the Landmarks Preservation Commission, the Planning, Zoning, and Building Department, and Eugene Pandula. She stated that she concurs with a lot of what Mr. Pandula suggested and that the only thing she would add is requiring an acknowledgement statement that, in the event that an unexpected circumstance arises that has the potential for collapse or even something less major, work needs to stop and the Town needs to be notified and a resolution needs to be figured out before proceeding.

Committee Member Pucillo concurred.

It was the consensus of the Committee to direct Staff to bring this back before the Committee after it is revisited by the Landmarks Preservation Commission.

5. Construction Activities Affecting Quality of Life in Palm Beach; Work Group Findings Report
(Thomas G. Bradford, Deputy Town Manager)

Deputy Town Manager Bradford provided an overview of the Report.

Jere Zenko, 232 Tangier Ave., spoke regarding her experiences with construction activities affecting her quality of life and in support of tightening the construction regulations. She also recommended conditioning the granting of setback variances upon meeting the noise ordinance requirements as measured on the C scale.

Assistant Director of Planning, Zoning, and Building Close provided additional information regarding the recommendations.

1 Dr. Jerome Klein, 225 Emerald Ln., provided additional information on
2 his recommendations and expressed his concerns regarding the
3 composition of the Work Group and the current rules not working or being
4 enforced. He spoke in support of the recommendations as a first step, but
5 felt that we need to go much further.

6
7 Discussion ensued regarding Dr. Klein's requests and the Work Group
8 recommendations.

9
10 Code Enforcement Manager Houston provided information on noise
11 violation enforcement options.

12
13 Chief Code Compliance Officer Walton provided additional information
14 on Code Enforcement activities.

15
16 **It was the consensus of the Committee to accept all of the Work Group's**
17 **recommendations, with the following exceptions:**

- 18 • **The recommendation for no changes to the enforcement of private deed**
19 **restrictions was amended to state that the Town add a disclaimer to the**
20 **notice to neighbors prior to construction and/or development review**
21 **events that indicates that the Town does not enforce private deed**
22 **restrictions.**
- 23 • **The recommendation to enforce the Code requiring swimming pool**
24 **heaters, pumps, and filters to be enclosed was amended to state that noise**
25 **regulations first be enforced via setback requirements found in Sec. 134-**
26 **1728 and Sec. 1729 and, if noise ordinance requirements are still not met,**
27 **then require enclosure per Sec. 42-202.**

- 28
29 6. Regulation of Jet Skis (clarity report) & Segways (in Ordinance form)
30 *(Anne-Marie Taylor, Captain, Police Department)(Raychel Houston,*
31 *Manager, Code Enforcement and Parking)*

32
33 Discussion ensued regarding the regulation of jet skis clarity report.

34
35 Code Enforcement Manager Houston provided additional information
36 regarding the recent issues regarding Segways and the proposed
37 amendments.

38
39 Laurel Baker, Palm Beach Chamber of Commerce, stated that Palm Beach
40 Segway Tours is a member of the Chamber and that it would be important
41 to have them here to listen to what's going on.

42
43 Code Enforcement Manager Houston stated that she did intend to contact
44 them if the Committee approves the proposed ordinances.

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING
HELD ON THURSDAY, DECEMBER 4, 2014**

Shawn, representing Palm Beach Segway Tours, spoke regarding the company's operations and stated that he was not aware of any complaints.

Jere Zenko, 232 Tangier Ave., expressed her concerns regarding people walking their dogs and Segway use in Town.

Code Enforcement Manager Houston stated that the city of Delray Beach requires a permit for and regulates Segways tours.

Discussion ensued regarding safety, regulations, and insurance coverage.

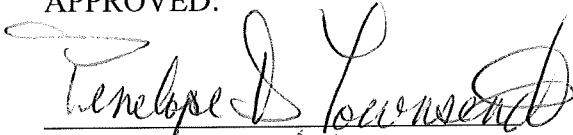
It was the consensus of the Committee to direct the Town Attorney to review the proposed ordinances and to bring them forward for a full Council discussion at the January 13, 2015, Town Council meeting.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, December 4, 2014, was adjourned at 4:40 p.m.

APPROVED:



Penelope D. Townsend
Chairperson

ATTEST:


Susan A. Owens, MPA, MMC
Town Clerk

1/14/15
Date

