

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, NOVEMBER 6, 2014

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, November 6, 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

DELETED: Item No. IV.B.2., Discussion on Potential Medical Marijuana Moratorium Ordinance, was deleted from the Agenda and will be added to a future agenda at a later time.

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

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. Old Business

1. Review of Draft Ordinance Prohibiting the Retail Sale or Transfer of Dogs and Cats in Town. *John C. Randolph, Town Attorney*

Town Attorney Randolph provided an overview of the proposed ordinance.

Discussion ensued regarding prohibition of sale of transfer of cats and dogs and commercial breeding, with an exception for animals that are born within the Town.

1 Responding to Michael Scharf, 225 Dunbar Road, Chairperson Townsend
2 stated that it would be legal to pay a breeder for a dog that was delivered,
3 as it was not being handled by a pet store, and that breeding was
4 prohibited in the Town.
5

6 **Motion was made by Committee Member Pucillo, and seconded by Chairperson**
7 **Townsend, to recommend that the proposed ordinance be brought before the Town**
8 **Council for review and approval for first reading. On call for a vote, the motion**
9 **carried unanimously.**
10

11 B. New Business
12

- 13 1. Review of Draft Ordinances Amending Standing on Appeals from
14 Decisions of the Architectural Commission and the Landmarks
15 Commission. *John C. Randolph, Town Attorney*
16

17 Town Attorney Randolph provided an overview of the proposed
18 ordinance.
19

20 Discussion ensued regarding defining the term “interested party” as it
21 relates to standing, and the potential issues of the ordinance.
22

23 William Cooley, 171 El Pueblo Way, spoke regarding the definition of an
24 “interested party” and that it should include voters and/or property owners.
25

26 John Eubanks, 605 N. Olive Avenue, representing Thomas McCarthy,
27 spoke regarding standing as it relates to the courts, exposure of
28 unintentional lawsuits, and the disenfranchising of residents.
29

30 Michael Scharf, 225 Dunbar Road, spoke regarding the definition of an
31 “interested party” and that it should include residents of the Town,
32 condominium associations, civic organizations, and property owners.
33

34 Discussion ensued regarding defining standing, the possibility of
35 excluding someone as a result of defining it, commercial businesses with
36 standing, the court’s legal interpretation of “interested party” that is
37 broader and less restrictive, and the time it would take to effectively define
38 “interested party”.
39

40 William Cooley, 171 El Pueblo Way, spoke regarding temporarily
41 adopting a resolution that a citizen and property owner has standing, in
42 order to alleviate debating it in every appeal until it could be re-defined.
43

44 Discussion continued regarding adopting a resolution, the infrequency of
45 the issue of standing, and overruling by the court of a denied appeal due to

1 the standing issue.

2
3 Anita Seltzer, 44 Cocoanut Row, requested clarification regarding the
4 existing language of the ordinance and how it first appeared, the
5 Architectural Commission's (ARCOM) and Landmarks Preservation
6 Commission's appeal notifications, and a specific appeal made to the
7 Council that disappeared and was nullified.

8
9 Town Attorney Randolph responded to Ms. Seltzer and provided an
10 explanation of the ordinance language.

11
12 Michael Scharf, 225 Dunbar Road, spoke regarding the Town Attorney's
13 ability to opine who would have legitimate standing in the Town.

14
15 Discussion ensued regarding the necessity for specific language in the
16 ordinance to identify who has standing and how broad or narrow the
17 Council wants to be with it.

18
19 Lori Volk, 206 Phipps Plaza, spoke regarding the appeal process, the
20 disappearance of the appeal, the creation of another CRA-27-214 and
21 CoA-27-2014, and funds not returned nor a letter of determination as to
22 why they were not heard.

23
24 Discussion ensued regarding providing an appropriate explanation to an
25 appellant if their appeal is not going to be heard.

26
27 Alexander Ives, Preservation Foundation President, spoke regarding the
28 allowance of resident appeals and appeals by organizations.

29
30 **Consensus of the Committee was to report back to the Town Council to receive**
31 **further direction regarding standing on appeals.**

- 32
33 2. Discussion on Potential Medical Marijuana Moratorium Ordinance.
34 *Thomas G. Bradford, Deputy Town Manager*

35
36 **This item was deleted for deferral to a future agenda.**

- 37
38 3. Review of ORS Matters Pending for Establishment of Priority and
39 Timeline for Completion of Staff Work and Review by ORS. *Thomas G.*
40 *Bradford, Deputy Town Manager*

41
42 Deputy Town Manager Bradford provided an overview of the priority and
43 timeline of the ORS matters that are pending review and Staff's
44 completion of work.
45

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING
HELD ON THURSDAY, NOVEMBER 6, 2014

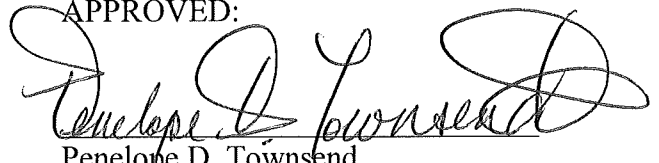
Discussion ensued regarding each item to be reviewed by ORS, the month it would be reviewed, and that the meetings would be held on the first Thursday of every month, unless there was a conflict. The next meeting dates would be Thursday, December 4, 2014 and January 8, 2015.

V. ANY OTHER MATTERS

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, November 6, 2014, was adjourned at 3:40 p.m.

APPROVED:


Penelope D. Townsend
Chairperson

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date