

TOWN OF PALM BEACH

Office of the Town Clerk

ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, NOVEMBER 5, 2015

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on November 5, 2015, 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

The following change was made to the Agenda:

DEFERRED: Item No. IV.B.2., Review Maintenance Responsibilities for Landscaping Encroaching on Adjacent Properties, was deferred to the December 7, 2015, ORS meeting.

Motion was made by Committee Member Moore, and seconded by Chair 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. Discussion Regarding Expansion of Bike Racks Town-wide in the Context of Potential Prohibition from Attaching Bikes to Street Lights and Other Public Structures (*Jay Boodheshwar, Deputy Town Manager*)

Town Manager Boodheshwar provided background information on the item.

John David Corey, Palm Beach Walks, 226 Brazilian Ave., spoke regarding the location and adequacy of bike racks in the Town, provided photos of existing and recommended bike racks, and stated that the single bike post design would be a better fit for the community.

Discussion ensued regarding how big the issue of bicycles being attached to public structures is, just prohibiting bicycles from being attached to trees, installing more bike posts and then revisiting the need for any attachment prohibitions, and the Mid-Town Beach bike rack.

It was the consensus of the Committee not to proceed with an ordinance prohibiting the attachment of bicycles to public structures at this time, and to instead direct Staff to work with Mr. Corey on designs and locations for new hitching-post style bike racks throughout Town. If necessary, the design and location of the bike racks will also be referred to the Public Works Committee.

It was the consensus of the Committee that, should the attachment of bicycles to public structures remain a problem, then the Committee will revisit potential prohibitions at that time.

2. Review Resident Inspector Program (*Bill Bucklew, Building Official*)

Building Official Bucklew provided an overview of the process.

Joseph Hughes, Resident Inspector, spoke regarding the historical use of Resident Inspectors, his involvement in the preparation of the Program, his concerns regarding the Program, performing multiple jobs at the same time, the forms, scheduling and reporting of inspections, audit inspections holding up issuance of the certificate of completion and having to indemnify the Town, working as a contractor and a Resident Inspector at the same time, and project revisions requiring Town approval.

Discussion ensued regarding the allowance of contracting and resident inspector work at the same time.

Town Attorney Randolph stated that he would make some minor changes to the Hold Harmless section to address Mr. Hughes concerns regarding inspections holding up issuance of the certificate of completion.

It was the consensus of the Committee to recommend that the Town Council approve the Resident Inspector Program, subject to the following amendments:

- **Removal of the second “as an engineer” from the definition of Resident Inspector**
- **The allowance of contracting work as long as resident inspector work is not being performed at the same address**
- **Minor changes by Town Attorney Randolph to the Hold Harmless section to address Mr. Hughes concerns regarding inspections holding up issuance of the certificate of completion**

3. Review Proposed Modifications to Chapter 66 (*Veronica Close, Assistant Director of Planning, Zoning and Building*)

1 Attorney Peter Broberg spoke regarding allowing waivers for scheffleras
2 that are kept trimmed, pruned, and de-berried.

3
4 Assistant Director Close stated that an exemption could be added to the
5 Town's invasive species section of the Code, similar to what was done
6 with Australian pines.

7
8 Attorney Broberg also suggested speaking with the South Florida Water
9 Management District (SFWMD).

10
11 **It was the consensus of the Committee to add an exception for pruned, de-berried,**
12 **and root protected scheffleras.**

13
14 Vaughn Greene, 214 Chilean Ave., spoke regarding schefflera berries and
15 roots.

16
17 Discussion ensued regarding ficus roots, concerns over removing
18 scheffleras from the invasive species list, schefflera root damage,
19 Architectural Commission requests to remove scheffleras, SFWMD
20 scientists having no problem with scheffleras if they are controlled,
21 enforcement of the current prohibition, and ways to contain roots.

22
23 Assistant Director Close stated that Staff will check with landscaping
24 experts on conditions for controlling schefflera and review the County's
25 ordinance to make sure that there aren't any conflicts with it. She then
26 provided an overview of the remaining chapter provisions.

27
28 Discussion ensued regarding the need for the purpose and intent (Section
29 66-1(a)) being more demonstrable and clarifying what the Town is trying
30 to accomplish in the Chapter, considering hatracking trees as vandalism,
31 leaving "wetlands" in Section 66-36(1), beaches being the first line of
32 defense, restoration of damaged dunes, the need for the survey, removing
33 references to mangroves, removing sand from the beach, classification of
34 permits, planting native vegetation, the Town's Dune Consultant, public
35 notice provisions, preparing a brochure with the new provisions, beach
36 houses and cabanas, emergency provisions due to hurricanes, establishing
37 fees via resolution, oversight of dune plantings, leaving in, "improving the
38 environmental quality of the Town", referencing where to find good trees,
39 adding back in "between otherwise incompatible land uses", revisions to
40 landscaping plans requiring new Town approvals, assisting applicants in
41 finding approved plants, other municipalities requiring minimum
42 percentages of xeriscaping, South Florida Water Management District
43 xeriscape requirements, these amendments being meant to clarify the
44 requirements, the need to emphasize that these are the minimum
45 requirements, regulations for private property not applying to public
46 property, balancing the need for regulations to protect residents and the

environment without overregulation, checking for essential elements, consistency in timeframes, the need to look further into what types of projects require a landscape permit, criteria to minimize the visual impacts to the neighbors and neighborhood, taking out “adequately” from “adequately screened”, tree diversity requirements dictating design, requirements for vines on pergolas, landscaping buffers and maintenance of hedges, screening of materials, parking lots, plants at head height in borders, timeframe for correcting sprinkler malfunctions, putting downlights in trees, setting a time period in which to fix damaged equipment, the need for a supervising arborist, completing the violation provisions for hatracking, and fugitive dust.

B. New Business

1. Review Potential Prohibition of Barges and Other Floating Structures from Mooring and Anchoring in Town Waterways (*Jay Boodheshwar, Deputy Town Manager*)

Captain Keehan provided an overview of the issues the Police Department has faced regarding barges and floating structures.

Discussion ensued regarding some typos in the ordinance, those who own submerged land, and the north end mooring field.

It was the consensus of the Committee to direct Staff to correct the typos and to recommend that the Town Council approve the proposed ordinance, as amended.

2. Review Maintenance Responsibilities for Landscaping Encroaching on Adjacent Properties (*John Page, Director of Planning, Zoning & Building*) – ***Item deferred to the December 7, 2015, meeting***
3. Approval of Updated ORS Meeting Schedule through May 2016 (*Jay Boodheshwar, Deputy Town Manager*)

Deputy Town Manager Boodheshwar provided an overview of the tentative meeting schedule and pending items.

Discussion ensued regarding the status of the pending items and when they should be scheduled.

It was the consensus of the Committee to approve the following amendments to the ORS Meeting Schedule:

- **Review of Maintenance Responsibilities for Landscaping Encroaching on Adjacent Properties was moved to the December 7, 2015, meeting**
- **Review of Proposed Modifications to Chapter 50 was moved to the January 7, 2016, meeting**

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING
HELD ON THURSDAY, NOVEMBER 5, 2015

- Review of Proposed Modifications to Chapter 66 was moved to the January 7, 2016, meeting

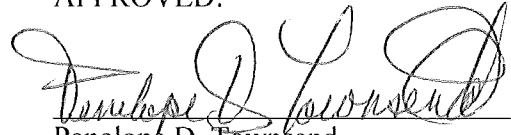
V. ANY OTHER MATTERS

1. Update on Private Providers Administrative Procedure (*John Randolph, Town Attorney*) – *Item was not discussed*

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee meeting of Thursday, November 5, 2015, was adjourned at 4:22 p.m.

APPROVED:


Penelope D. Townsend
Chair

ATTEST:


Susan A. Owens, MPA, MMC
Town Clerk
12/8/15
Date