

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE WATER COMMITTEE MEETING HELD ON WEDNESDAY, SEPTEMBER 12, 2012

I. CALL TO ORDER AND ROLL CALL

The Water Committee meeting was called to order on Wednesday, September 12, 2012, at 2:07 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 Chairman Rosow, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. PUBLIC COMMENT

Mayor Gail Coniglio reported on the status of the optional surcharge. She stated that Town Manager Elwell, Town Attorney Randolph, and she had met with the Mayor and Attorneys for the City of West Palm Beach, but that progress has been slowing down. She stated that she had a subsequent telephone call from the Mayor of West Palm Beach, and that she has also sent a formal letter to the City Administrator of West Palm Beach to get back on track. She stated that she will report back on the outcome.

Mayor Gail Coniglio also reported that the City of West Palm Beach has a new, consolidated, Water Board; and, that she is the Town's representative, along with Terry Levine. She promised to keep an eye on the new Board to ensure that our water quantity and quality is maintained and protected.

Chairman Rosow recognized that none of what is before the Committee today would have been possible without the efforts of Mayor Coniglio, the Civic Association, Town Manager Elwell, and Terry Levine.

IV. DRAFT ORDINANCE TO EXEMPT OWNERS OF ADVANCED IRRIGATION SYSTEMS FROM DAY-OF-THE-WEEK WATERING RESTRICTIONS

Town Manager Elwell stated that what is before the Committee today is the substance of the proposed ordinance, so that any areas of concern can be addressed before it goes to

the full Town Council. Town Manager Elwell reported that the South Florida Water Management District (SFWMD) has indicated that the Town is able to create a variance procedure, subject to the following:

- The relief would be limited to day-of-the-week restrictions. (Per State Statutes, time of day restrictions, water shortage orders, and all other constraints on landscape watering would continue to apply.)
- The ordinance must include “clear and somewhat demanding” criteria for determining what systems qualify as advanced irrigation systems that are entitled to the regulatory relief provided by the ordinance.
- The Town must maintain a database identifying all properties that qualify for the exemption.
- The ordinance must require qualifying properties to submit annual recertification that their system is continuing to function as designed.
- The ordinance must be approved by the SFWMD before it is adopted by the Town.

Town Manager Elwell stated that Staff is considering administering the program through the permitting process. Upon applying for a permit, the Town would direct property owners to lists of products that qualify as advanced irrigation systems. If they install one of the systems on the list, then they will be added to a list of qualified properties that have been granted the variance. For enforcement purposes, the Town will create a database of all qualified properties that will be maintained in real time and be available to Police and Code Enforcement Officers in the field.

Terry Levine, 2250 Ibis Isle Rd, spoke regarding advanced irrigation system capabilities, and asked what property owners who have already installed qualified systems can do to get a variance.

Town Manager Elwell advised that Staff will get the word out that those owners will need to contact the Town so that they can be included in the database.

Town Manager Elwell stated that Staff is also running the draft ordinance before the City of West Palm Beach, as they are the purveyor of water to the Town. He is not expecting any substantive changes; however, if there are, Staff will bring them back to the Committee before the ordinance goes to the Town Council.

Town Manager Elwell stated that Staff is also looking to better define the term, “periods of sufficient moisture” in the Town’s Code. They are working with the Town Attorney to determine if an amendment to that section is necessary.

Chairman Rosow asked whether the Town would fall under the umbrella of the SFWMD or the City of West Palm Beach.

Town Manager Elwell replied that SFWMD has the authority to require us to take certain additional steps to restrict water usage; but, the City of West Palm Beach does not. He

suggested that we make it clear in the ordinance that all variances must also be approved by the Town Council. Chairman Rosow concurred with that addition.

Chairman Rosow inquired about a previous action requiring that all new irrigation system installations or major redevelopments be advanced irrigation systems.

Town Manager Elwell clarified that requirement is currently in the Town's Code; however, it will be quite awhile before the majority of systems in Town have gotten to that point.

Chairman Rosow suggested a sticker system in lieu of a database.

Town Manger Elwell replied that originally SFWMD wanted to have a flag system; however, Staff felt that was not in keeping with the character of the Town. Staff feels that we can adequately address the enforcement question through the use of the database. We also anticipate that, since this will be a static list, Police and Code Enforcement Officers will become familiar with which properties are on the list. Town Manager Elwell stated that, if the Committee wants, Staff will take another look at whether there should be something more visible.

Chairman Rosow suggested that physical evidence may keep neighbors from reporting other neighbors that have already been granted a variance. He added that the Town may also want to consider charging for the stickers.

Committee Member Pucillo stated that he is okay with a sticker system. He added that whatever administrative mechanism that works should be used.

Town Manager Elwell stated that Staff will take a look at more obvious markers. If they can be incorporated in a logical way, that doesn't create other problems, then Staff will incorporate them into the ordinance.

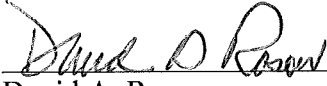
Motion was made by Committee Member Pucillo, and seconded by Chairman Rosow, to conceptually approve the draft ordinance attached for consideration by the Town Council, subject to any further edits of a relatively minor and conforming nature which may be required before it comes to the Town Council. On call for a vote, the motion carried unanimously.

VI. ANY OTHER MATTERS – None

VII. ADJOURNMENT

There being no further business, the Water Committee Meeting of Wednesday, September 12, 2012, was adjourned at 2:30 p.m.

APPROVED:



David A. Rosow
Chairman



Susan A. Owens, MMC, Town Clerk

10/9/12

Date

