

Meeting: OR5

Date: 4-6-17

Location: 7C

Start: _____ Adjourn: _____

-- MEETING ACTION SHEETS --

Chairman Lindsay / Cmte/Brd Member Aras Kog / Cmte/Brd Member _____

Item: I / Call to Order

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

Chair Lindsay
Comm. Member Aras Kog

MR/MS.

MR/MS.

MR/MS.

Item: II / Approval of Agenda

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

M = A
L = 2 } all in favor agree

MR/MS.

MR/MS.

MR/MS.

Item: III / Communication from Citizens

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS.

MR/MS.

MR/MS.

Item: IV / Regular Agenda - A.O.D. Business

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS.

MR/MS.

MR/MS.

Meeting: _____

Date: _____

Location: _____

Start: _____ Adjourn: _____

-- MEETING ACTION SHEETS --

Chairman _____ / Cmte/Brd Member _____ / Cmte/Brd Member _____

Item: 14 / Regular Agenda B. New Business

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other:

MR/MS.

MR/MS.

MR/MS.

Item: _____ / _____

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other:

MR/MS.

MR/MS.

MR/MS.

Item: _____ / _____

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other:

MR/MS.

MR/MS.

MR/MS.

Item: _____ / _____

Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other:

MR/MS.

MR/MS.

MR/MS.

Submitted
@ 4-6-17
OBS mtg.

EXHIBIT B

Sec. 66-2. Definitions.

...Pestilent Exotic/invasive Species – Species as identified by the Florida Exotic Pest Plant Council's Invasive Plant List.

Sec. 66-1. – Application procedure for Conservation District alteration

(a) Requirement for application. Conservation District alteration permits shall be required to remove pestilent exotic or invasive species, install native species, maintain native habitat or make site improvement necessary to secure the property. Such permits shall be obtained by making application prior to removal, installation, maintenance or site improvement to the planning, zoning and building department director or designee. The application shall include a written statement specifying the reasons necessitating the work to be performed. Applications ~~must be submitted at least ten working days prior to the proposed date of work to order to be considered timely and~~ may be accompanied by a fee which shall ~~Failure to submit a permit in a timely manner may result in the payment of a penalty fee.~~ Permit and penalty fees are to be in accordance with the schedule of fees adopted by resolution by the town council and amended in the same manner.

Commented [VCI]: The proposed requirements have not been assigned a Section number. These provisions can either be included in the same section as other proposed changes to the landscaping code, or in the section relating to removal of prohibited plants (starting at Sec. 66-311).

(b) Circumstances justifying issuance. Conservation District alteration permits shall be issued in the following circumstances:

- (1) Presence of pestilent exotic or invasive species.
- (2) Work is necessary to protect against natural habitat degradation

(c) Permit conditions.

- (1) All native habitat must be restored in accordance with all federal, state, and local regulations.
- (2) Owner must demonstrate plans for maintaining conservation area/native plant/threatened or endangered communities in a natural, undisturbed state.
- (3) Mulching or placement of removed vegetation is prohibited.
- (4) Documentation that all mangrove trimming will be done by an authorized professional mangrove trimmer (PMT) as specified in FS 403.9329.

(d) Plans required.

- (1) A Landscaping plan to include:
 - a. Property boundaries, location of any site improvements, including but not limited to walls, fences, gates, retention areas, easements, rights-of-way, drainage structures, overhead and underground utilities, poles, fire hydrants, check valves, transformers and other features to remain or to be removed.
 - b. Location, botanical name, and common name of all existing, existing to be removed or relocated along with place of relocation, and proposed vegetation three inches or larger in diameter at standard height (4.5') on the property.

EXHIBIT B

- c. Location, botanical name, and common name of all invasive or pestilent exotic species.
 - d. Threatened or endangered vegetative species as identified by the Florida Department of Agriculture and Consumer Services in its Regulated Plant Index.
 - e. Planting specifications, including but not limited to staking, fertilization, top soil, and mulching.
 - f. Method to protect trees, including historic or specimen trees, vegetation, and native plant communities during performance of work.
 - g. Such other information that may be required to give a complete understanding of a proposed plan
- (e) Permit issuance and time limitations. Upon approval of an application, the planning, zoning and building department director ~~official~~ or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance. Work must be completed and pass final inspection within six months of permit issuance. A time extension for the permit may be granted by the planning, zoning and building department director or designee for good cause upon written request. A denial of a time extension request may be appealed to town council. The appeal shall be filed within five business days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council, no later than forty-five days subsequent to the notice of appeal.
- (f) Penalty for violation. Any person who performs work outside of the scope of an issued permit shall be subject to sections 2-401 et seq. In addition, the applicant may be required to pay to the town a civil penalty equal to the total value of work required to restore the site to the conditions approved in the permit. Restoration work may be required as restitution in lieu of money. A combination of money and restoration work may be required.

Commented [LE2]: These are proposed timelines. Staff believes some time limits may be effective in preventing lingering construction jobs.

Commented [LE3]: Some sections of the code include an appeal procedure for certain substantive administrative decisions. One is included here in the event ORS believes it is necessary.

I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Chair

Julie Araskog, Committee Member

II. APPROVAL OF AGENDA

III. COMMUNICATIONS FROM CITIZENS

1. Potential Amendment of Town Code, Relative to Service Charges for False Alarms (Darrel Donatto, Deputy Fire Chief) Marty DeLoach provided presentation regarding the proposed changes to the Town Code of Ordinances at Section 38-35, in regard to modifications to regulations pertaining to service charges for excessive fire alarms. Discussion ensued regarding the numbers of false alarms, the fine for homeowner caused false alarms, warnings for false alarm calls, the costs and safety issues caused with the use of Fire-Rescue assets for non-emergency calls, differentiating between warnings to homeowners and contractors -- can a fine be placed on a contractor, and suggest that we do reach out to contractors on the island and make them aware of the statistics and the discussion that has taken place today. Get input from contractors and return to our next meeting to report. Check to see if it is unfair to not give any warning to contractor that set of false alarms. Putting language on the permit itself regarding the fines for false alarms. Jay: we are going to meet with contractors anyway regarding construction seasons, parking, and we will add this to the list as well about the concern with false alarms and a potential resolution. Summarize: we want help with tax payer exposure in terms of costs and we need to investigate the legal aspect of how warnings/fines will work, and report back next ORS meeting.

IV. REGULAR AGENDA

A. Old Business

1. None

B. New Business

1. Potential Amendment of Town Code, Relative to Service Charges for False Alarms (Darrel Donatto, Deputy Fire Chief)

2. Study Regulations Regarding Landscape Activity within the Conservation Zoning District (Veronica Close, Assistant Director of Planning, Zoning and Building) (Activated at 00:19:23)
Veronica Close provided an overview of the study of regulations regarding landscape activity within the Conservation Zoning District. Ord for 1st reading at next TC meeting. We are now presenting to you our recommended changes to Chapter 66. VC reviewed the language of the ordinance. Discussion ensued regarding vegetation being taken out that should not be removed, the Audubon not performing in a way that was expected, and Araskog was concerned because there was not anyone overseeing this project. VC: we agree that it does need very close supervision. We would be inspecting on a regular basis. I am not sure how we would handle that one day they might do something and we don't catch it for two days. Perhaps there is some kind of standard that could be applied. Rob Weber, Coastal Program Manager, spoke regarding concerns that he had provided to PZ & P and to FDEP. DEP met with Audubon and the contractor and Rob recommends coordination with DEP and Audubon. Concerns with vegetation being removed that

should not have been removed. VC says we have written in no uncertain terms to the Audubon that they cannot do what they originally proposed to do. We told them they could not do that. they are concerned about the clearing with no re-planting at this point. They have requested to plant with native species and have provided a map with specific areas. It is our attention to come to you at the first reading of the zoning ordinance if they would consider authorizing staff to give permission to do only what is in the planting program. If there is a way for us to specify who can actually perform the work we can look into that. Bobbie - also listened to the PZ & B meeting and provided background on that. asks Rob 00 were native plants removed. Rob: I understand that there were some plants that were damaged. Heavy equipment was used and was not included in the Town permit. Bobbie: the damage that occurred was in the process of removing the invasives. Bobbie: discussion regarding the use of heavy equipment damaging native plants, Wants to be sure that the public knows that We will have to work together with FDOT, Audubon and the Town to be sure that all is coordinated. VC: we ought to include in our regulations restrictions that no heavy equipment is used. Bobbie: in the past Audubon was the designated the overseer, and when they hired the contractor, they went through Palm Beach County. There are a couple of things here that people should know. Katie Carpenter, local resident, 206 East Ave. has been involved in monitoring the project, damage was minimal in former project -- provided information regarding the damage to mangroves. Audubon has provided a specific map of the plantings. It is important to get the plants in asap because it is the beginning of the growing season, make sure that nothing happens regarding to the beach area, the DOT engineers believe we can continue to get access there for a few more weeks while they are preparing for the bridge construction. VC: two proposals as to where the ordinance can be put in the Code. Bobbie: under c 2 -- owner must (change that to applicant) 3- change mulching or placement in the sanctuary removed vegetation is prohibited (1) b existing vegetation in first line. Araskog - heavy equipment out of there 66 a: Discussion ensued regarding some changes to the proposed ordinance language. VC will bring back some suggested language for us to look at. Bobbie: wants to go back and ask staff to comment on some old business: VC are you thinking that this is going to come back to you at the next ORS meeting? YES. VC - 1st reading of zoning ord next week; second reading in May With conversation it will be back at the May ORS meeting for further consideration. Jay: we are planning to do a full review of Chapter 66 at the May 4th meeting, and will also have staff input of the construction season and issues related to parking. Our goal is to come back in May with construction season modifications. We have some pending items that have not been assigned to a particular meeting: the ride sharing issue (uber); drones ordinance; modified construction hours ordinance 66 construction season false alarm conservation (Activated at 00:19:36)

V. ANY OTHER MATTERS