

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE ORDINANCE, RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, OCTOBER 29, 2009

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I. CALL TO ORDER AND ROLL CALL

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3 The Ordinance, Rules and Standards Committee meeting was called to order on Thursday,
4 October 29, 2009 at 9:30 a.m. in the Emergency Operations Center, 355 S. County Road, Palm
5 Beach. On roll call, Chair Diamond and Committee Member Coniglio were present.
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II. APPROVAL OF AGENDA

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8 The Agenda was approved as presented.
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III. PUBLIC COMMENT

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11 Mr. Heinz Gundlach, 150 Algoma Road, addressed the committee on two issues: having a
12 computer or fax machine in a residence and his second concern was with concern over
13 overgrown trees that could affect the power lines, or cause damage to property in a storm event.
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15 Town Manager Elwell responded that the office equipment is not prohibited, but the usage of the
16 equipment is a zoning matter and whether a business is being conducted in a residential area.
17 With regard to the trees, Chair Diamond asked this be a requirement of Code Enforcement.
18 Town Attorney Randolph read the section of the Code relating to the trees and trimming
19 requirements and informed the Committee there was already a requirement. Chair Diamond
20 asked the Police Department to respond. Captain John Maio, Support Services, stated that the
21 Code is very broad and would be difficult to enforce. Town Manager Elwell also mentioned
22 staffing/workload concerns. There was discussion among the Town Manager, Town Attorney,
23 Captain Maio and the Committee about modifying the Ordinance in order to be more
24 enforceable. In the meantime, Deputy Town Manager Bradford will contact FPL about being
25 more diligent in maintaining its easements and Code Enforcement will address dangerous tree
26 concerns on a response to complaint basis.
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IV. AMENDMENT TO CHAPTER 10, ANIMALS, TO CLARIFY THE TOWN'S PROHIBITION OF KEEPING CERTAIN ANIMALS.

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**MINUTES OF THE ORDINANCE RULES AND STANDARDS COMMITTEE MEETING
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1 Captain John Maio presented the item and indicated the issue was brought forward when a
2 resident was cited by Code Enforcement for harboring a pig on the island and is currently
3 defined as a prohibited animal. It did not fit the definition of domesticated animal and is
4 classified as livestock. He suggested changes that were provided in the back-up materials as a
5 strikethrough version of the current code. Committeewoman Coniglio thanked Captain Maio for
6 cleaning the code and she had a question about reptiles. She asked if the definition could be
7 reduced if they are sold in a pet shop. Chair Diamond said he had a problem with all of this. He
8 suggested that someone in Town review each case on a case basis. Town Attorney Randolph said
9 that whoever reviews the case still would need a criteria to go by. Chair Diamond asked for an
10 appeal process. Town Attorney Randolph stated the Town Council and a board is opening up for
11 a lot of review. Discussion continued, and Committee Member Coniglio was willing to consider
12 an appeal process of some kind, but felt there needed to be definitive criteria to enforce, as
13 confirmed by Town Attorney Randolph.

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15 **The Committee agreed on the proposed Code Changes, but disagreed on an appeal process.**
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20 V. SCHEDULE FOR CONSIDERATION OF POTENTIAL UPDATES TO THE TOWN
21 CODE OF ORDINANCES.

22 Deputy Town Manager Bradford presented the item and informed the Committee that the staff
23 was directed to review the Code and make recommendations/changes to the Town Code. Deputy
24 Town Manager indicated there are 37 chapters to the Town Code. He recommended that they
25 review the chapters in sections. He stated that the Planning and Zoning codes are reviewed often
26 and would not need to be reviewed. He recommended that the ORS committee should meet
27 every month and review 4-5 chapters.

28 Town Attorney Randolph informed the Committee about the Codification process and the last
29 full review was in 1998. Committeewoman Coniglio agreed with staff recommendations. Town
30 Manager Elwell reminded the Committee the reason they were here today was at the
31 recommendation last February from Town Council President Rosow. The Town Council
32 approved the following day to review the entire Town Code and present it back to the Town
33 Council in November 2009. Chair Diamond also stated that additional recommendations could
34 be made as well. He asked about term limits and was informed that would be a Charter
35 Amendment. He also cited noise complaints from establishments in Town. Town Manager
36 Elwell indicated that the Town Charter issue and the noise issue both will be on the next Town
37 Council agenda.

38 Town Manager Elwell suggested the first meeting be in December. He also addressed the costs
39 and logistics involved in ordinance amendments and suggested that all changes be included in
40 one ordinance in the spring. Committee Member Coniglio said that the process should be
41 completed by next May but keep in mind the legal costs, advertising costs, and codification costs
42 that Town Attorney Randolph referenced. It was agreed that urgent recommendations made by
43 the ORS and approved by Town Council could always be expedited as a separate ordinance.

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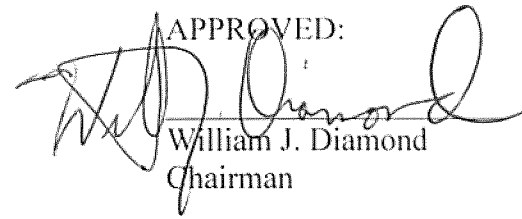
1 The Committee agreed upon reviewing the entire Town Code, a few Chapters at a time,
2 beginning in December.

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4 VI. ANY OTHER MATTERS

5 There were none.
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9 VII. ADJOURNMENT

10 There being no further business, the Ordinance, Rules and Standards Committee Meeting of
11 Thursday, October 29, 2009, was adjourned at 10:16 a.m.
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APPROVED:

William J. Diamond
Chairman