



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON MONDAY, OCTOBER 27, 2008

1 I. CALL TO ORDER AND ROLL CALL

2

3 The meeting of the Ordinances, Rules and Standards (ORS) Committee was called to
4 order by Chairman Rosow at 10:30 a.m. on Monday, October 27, 2008, in the Town Council
5 Chambers. On roll call, Chairman Rosow and Committee Member Coniglio were found to
6 be present. Others present for all or a portion of the meeting were: Council Member Susan
7 Markin, Mayor Jack MacDonald, Town Manager Peter Elwell, Assistant Town Manager Sarah
8 Hannah, Director of Planning, Zoning & Building John Page, Town Engineer Jim Bowser,
9 Planning Building and Zoning Administrator Paul Castro, Public Works Director Paul Brazil,
10 Assistant Public Works Director Chuck Langley, Police Chief Michael Reiter, Police Major
11 Rick Howe, and Town Clerks Susan Eichhorn and Joanna Cunningham.

12

13 II. PLEDGE OF ALLEGIANCE

14

15 III. APPROVAL OF AGENDA

16

17 The agenda was approved as printed.

18

19

20 IV. ORDINANCE AMENDMENT TO REQUIRE SODDING ON VACANT LOTS
21 FOLLOWING DEMOLITIONS

22

23 Chairman Rosow recapped the previous ORS meeting where it was discussed having
24 sod vs. seed on vacant lots, and came to the conclusion that the sodding of lawns was
25 problematic for only two months during the season, December and January, and the rest of
26 the time it would be more appropriate for lots to be sodded. Therefore, the town could have
27 more uniform and neat looking appearances.

28

1 Chairman Rosow asked Ms. Coniglio if she had any comments. She identified Mr.
2 Wheelock from ARCOM, and indicated that he was not at the last meeting and asked if he
3 saw any issue with the sodding requirement at ARCOM.

4
5 Mr. Wheelock indicated he did not, but did recommend Bahia grass, which is about
6 the same price as seeding.

7
8 Chairman Rosow asked if Mr. Wheelock was asking that to be a requirement or
9 simply a suggestion. Mr. Wheelock was fine with using the term "sod".

10
11 Ms. Coniglio asked if there was any type of grass better than another for water
12 requirements, since the town is looking at conserving water. Mr. Wheelock indicated Bahia
13 is good because it turns brown, but does not die, and when it is re-irrigated, it returns to green
14 again.

15
16 **Chairman Rosow indicated that the Committee will recommended to the Council**
17 **that the Ordinance say "sod" and eliminate the term "seeding".**

18
19 Ms. Coniglio asked if Chairman Rosow now wanted to discuss the landscaping of
20 vacant lots. He responded that they should go into the Declaration of Use. Chairman Rosow
21 recapped again from the last meeting that the Committee wanted to require a Declaration of
22 Use agreement with homeowners to encourage their compliance with the Town Ordinances.
23 The issue was if a lot is not sodded or irrigated. The procedure currently is that they get
24 noticed of a violation of codes, then they are ordered to appear at a Code Enforcement
25 meeting, and by the time they come to that meeting, which could be as much as 45 days later,
26 they could be irrigating, and the owner could say they have started irrigating and nothing
27 happens to them. The Committee was suggesting that language be inserted into the
28 Ordinance to have the homeowner agree to a Declaration that he will keep his vacant lot
29 sodded and irrigated. If he doesn't, then there would be an automatic fine.

30
31 Chairman Rosow asked Ms. Coniglio if she had any comments. She had no
32 comments on that item but would on the landscaping issue with the Declaration of use.

33
34 **Chairman Rosow indicated it would be up to Council to determine the fine**
35 **amount and he wished to recommend \$250 per day which is the fine they would have paid**
36 **had they gone through Code Enforcement, but this time it accelerates the fine from the date**
37 **it is first noticed.**

38
39 Ms. Coniglio asked if it would be applicable to add how the Town will respond to taking
40 care of that property in addition to the fine at the same time. She reminded him that at the
41 prior meeting they had also discussed the demolition permit prior to the building, a list of
42 landscape material that would be acceptable in addition to sodding. She asked Mr. Wheelock
43 if there would be a check off list, hedge material, plant material or something that would be
44 allowed other than just an open vacant lot with sod.

1 Mr. Wheelock feels that this is an imposition for the Town to step in and tell
2 somebody what they can and cannot plant. He would rather see the Ordinance written that
3 if the property can be seen from a public way, any landscape improvements should go to
4 ARCOM. Otherwise, the question of putting a hedge across the property can create a police
5 problem, by not being able to see a property. Mr. Wheelock feels that this would also be
6 violating a person's constitutional rights to do what they want with their own property.

7
8 Chairman Rosow offered as an alternative, that some homes when demolished, save
9 some elements of landscaping. Mr. Wheelock indicated that was a current ARCOM
10 requirement.

11
12 Chairman Rosow then asked Mr. Elwell how to enforce the maintenance of a hedge
13 or tree or strand of bushes. Mr. Elwell asked for clarification and was told that he was
14 referring to maintaining the landscaping in place. If the owner has been issued a condition
15 of approval related to their development or re-development of a property that requires that
16 certain landscaping remain in place, that is monitored by Planning Zoning and Building as
17 they inspect the evolution of the construction. He indicated that Mr. Page could provide
18 further explanation of more precise steps involved.

19
20 Chairman Rosow also added he wonders what happens when the lot is not being
21 developed. He understands that once construction begins, Planning and Zoning can monitor
22 it, but when the lot is vacant, ARCOM requires that the owner preserve certain elements of
23 landscaping on the lot. Mr. Rosow asked who is the monitor during that time.

24
25 Mr. Wheelock added that mowing is important as well.

26
27 Mr. Page indicated that this is a good issue. Landscaping does get a bit lax at times.
28 Planning and Zoning has some control up until a CO is issued. They must approve that any
29 landscaping required has been complied with prior to the CO being issued. After the fact, the
30 landscaping becomes a Code Enforcement issue. Monitoring the area before construction,
31 is typically handled by receiving a complaint regarding the site. The department does not
32 have the resources to go out into the community and checking landscaping for compliance.

33
34 Chairman Rosow asked Mr. Elwell to instruct Mr. Randolph to redraft the
35 Ordinance to include sod, mowing, irrigation, making certain that the premises are neat
36 and clean, preserving any landscape items that ARCOM has required to be kept, and
37 a Declaration of Use agreement with respect to all of those so that the fines may
38 commence immediately once it is determined that the homeowner is in violation.

39
40 Mr. Wheelock stated that when they review demolition plans, they require a plan filed
41 with the Town that states specifically every plant that is going to be saved. By the time a CO
42 is being examined, the inspectors could identify the materials listed and confirm that it was
43 indeed maintained.

1 Chairman Rosow asked if Mr. Wheelock was aware that when a homeowner comes
2 back for approval of a landscaping plan, of the previously grand-fathered landscape that is
3 required to be on the property, or do you look at a landscape plan in its entirety without
4 respect to what was approved previously. Mr. Wheelock indicated that the latter was the fact.

5
6 Mr. Elwell commented that this raises a new issue. Mr. Page had earlier stated that
7 the town has some leverage with issuing the CO when it gets near the end of the project. If
8 something is missing or the owner has failed to comply with the requirements of ARCOM's
9 approval, then there can be corrective action. But the problem was the period between
10 demolition and the reconstruction and making sure that the property stays in better shape and
11 Mr. Elwell will consult with the Town Attorney and bring back a collective best effort
12 as to how they can tighten the Ordinance. Mr. Elwell expressed concerns about where
13 this might be headed, but will instruct the Attorney to write it up as directed, and Mr.
14 Randolph can advise the full Council at the November 12 Council meeting.

15
16 Mr. Elwell expressed that the Declaration of Use Agreement, in the way it is being
17 used now, is an Agreement that is signed by both parties. The owner is getting something
18 they want from the Town (approval) and in exchange, the Town spells out very explicitly
19 what they must do and the penalties if they do not comply. It has worked very well. The
20 demolition permit is different, because it is something that the Town Attorney may opine that
21 a resident is entitled to a permit. The Town may be able to impose conditions, but cannot
22 refuse to grant it.

23
24 Chairman Rosow stated that they do impose requirements regarding seeding or
25 sodding, and irrigating but these are other conditions that are imposed. The Town Attorney
26 should be able to draft a legal way via a Declaration. Mr. Elwell again stressed that the
27 additional obligations are not an issue with regard to placing them in the Ordinance. But
28 using the Declaration of Use Agreement as the vehicle to make the enforcement more
29 efficient will be presented to the Town Attorney for review.

30
31 Ms. Coniglio commented that either way, the homeowner would be in violation of the
32 Ordinance and Mr. Elwell agreed. Both Mr. Rosow and Ms. Coniglio agreed that this was
33 intended to speed up the process as the Code Enforcement process is quite lengthy.

34 35 V. ENFORCEMENT OF LANDSCAPE REGULATIONS

36
37 Ms. Coniglio cited a home in the south end that was a vacant lot that was sodded,
38 added a hedge and now is not being maintained and is unsightly. She asked Mr. Wheelock
39 what would be allowable? Mr. Wheelock stated that the issue would need to come back to
40 ARCOM and Landmarks. She then asked if the requirements can be made at the time of
41 sodding and seeding. If a landowner has a landscaping plan, at that time, they can certainly
42 present it to ARCOM.

43
44 Chairman Rosow clarified that a homeowner cannot just landscape however they want

1 without any approval from ARCOM. Ms. Coniglio is requesting five plant materials that
2 would be acceptable to ARCOM so that homeowners would not have to keep going to
3 ARCOM for something as simple as a Ficus hedge across the front of the property.

4
5 Mr. Wheelock cited the storefront issues where the Ordinance says "attractive" which
6 is very difficult to enforce and is subjective. Mr. Wheelock still feels that ARCOM or staff
7 could give administrative approval.

8
9 **Mr. Elwell will come up with a threshold that can be dealt with by staff or what**
10 **will still require ARCOM approval as they write the obligations for the Ordinance.**

11
12 Mr. Page congratulated the Committee for moving in this direction and perhaps
13 allowing staff to approve simple tasks and not involving ARCOM on every item.

14
15 Ms. Coniglio inquired as to the maximum height for a shared hedge that may lie
16 between two properties. Is it a shared partnership, and who is responsible for the
17 maintenance. Mr. Wheelock responded that he had the same issue and he simply cut the
18 hedge himself. Mr. Elwell stated that it is considered a civil matter and the Town does not get
19 involved. Mr. Wheelock indicated that there is no maximum hedge height. Mr. Page said
20 it would be extremely difficult to legislate and there would be grand-fathering issues.

21
22 Mr.. Wheelock indicated that there is an Ordinance regarding dereliction of duty
23 where the owner can be cited for unsightliness. Mr. Elwell said that a failure to maintain is
24 a different issue but disputes between neighbors is again, a civil matter.

25
26 Chairman Rosow indicated that ARCOM identifies integral parts of landscaping plans
27 on new approvals that must be preserved. Arcom must identify the parts of the plan that must
28 be maintained in perpetuity, or else come back to ARCOM for a change.

29
30 Mr. Wheelock indicated that they have made deed restrictions on property that
31 protects the requirements in perpetuity. It is generally related to hedges between properties.

32
33 The Town Attorney entered the Meeting and Chairman Rosow asked him about a
34 Declaration of Use Agreement and the Town Attorney felt it would be a valid condition.

35
36 **VI. ON PROPERTY PARKING REQUIREMENTS FOR LARGE HOMES**

37
38 Chairman Rosow described the Council's concern with the issue of large homes with
39 regard to onsite parking for staff, maintenance vehicles etc. He asked what constitutes a large
40 home, and there are a few definitions. He noted that the Fire Chief was not in the audience
41 but asked how large a home must be before it is required to have a sprinkler system. Assistant
42 Director of PZ & B, Veronica Close, responded that it must be over 10,000 square feet.

43
44 Chairman Rosow stated that the definition of a large home would be one that is 10,000

1 square feet or more under air. Those homes must meet provisions to have sufficient on site
2 parking for their staff and other ordinary maintenance vehicles. Parking is becoming a
3 problem with homeowner's staff parking in the street because there is no room on the lot.
4

5 Ms. Coniglio stressed that there should be a specific number in order for enforcement.
6 . Mr. Rosow clarified that there needs to be a definition of "large home". The back-up
7 included in the meeting materials provided different levels of square footage that was
8 presented to Zoning a few years ago that was not adopted. Ms. Coniglio reviewed them and
9 agreed that there does need to be a requirement since many lots are being joined into one lot
10 and the houses are becoming larger, yet the owners are not providing enough parking.
11

12 Chairman Rosow asked if five parking spaces were enough for homes that are 9,000
13 square feet or larger. Mr. Page indicated that it would depend on how much of the time the
14 occupant is there, how much company they have. (Excluding entertaining and fundraisers).
15 Mr. Page indicated that they do find that there is sufficient street parking for staff and service
16 vehicles. Occasionally, there are issues. He reviewed the back up material presented. Mr.
17 Elwell indicated that five spaces is double what the requirement is now. Currently it is two
18 and a half spaces. Two spaces for smaller homes is required.
19

20 Mr. Rosow stated that for homes above 10,000 square feet, whether that be by
21 combining two homes or building a new home, that they prove that there is sufficient on site
22 parking for their staff, maintenance etc.
23

24 Mr. Elwell suggested having an additional parking space for every 3,000
25 additional square feet. If that carries on for every 3,000 feet, then a person could
26 request a variance to have fewer.
27

28 VII STORM SHUTTERS AND AWNINGS 29

30 Chairman Rosow indicated that the Town Attorney had provided some information
31 from Coral Springs and their policy on shutters and awnings. Ms. Coniglio reviewed the data
32 and felt that the Ordinance was favoring a seasonal resident. If a person leaves the area in the
33 summertime, they shutter up their home, notify the fire department and leave for six months.
34 She asked if this Ordinance is being directed as a safety issue by the Fire Department or as
35 an aesthetic issue.
36

37 Mr. Page indicated that in Coral Springs the Fire Chief does have a role to play. He
38 stressed that the Coral Springs example could conceivably be employed in Palm Beach but
39 could be changed or amended as the Town saw appropriate. In that particular city, shutters
40 are only permitted to go up as a storm approaches and are required to be removed within 14
41 days after the event has passed. The only way they can stay up for the entire season is in
42 residential zones, and only if the resident has registered with the Fire Department and they
43 know there is no one within that structure should a fire occur.
44

1 Ms. Coniglio again asked if this was an aesthetic issue.

2

3 Town Attorney Randolph indicated that initially it did come to Council as an aesthetic
4 issues but the concerns were for safety. There was an incident that did cause safety concerns.
5 This Ordinance attempts to deal with both.

6

7 Mr. Wheelock from ARCOM studied this a few months ago and their concern was in
8 multi-use areas such as Worth Avenue, where you have a mix of residential and commercial.
9 It is unsightly to have shutters in a commercial area all year long. Residents above the shops
10 should have to comply with the time limits whereas the north end doesn't really matter.

11

12 Ms. Coniglio commented that this ordinance would not apply to Mr. Wheelock's
13 concerns. If the resident was gone for the entire season of the summer they could put them
14 up, leave them up and notify the fire department. Mr. Wheelock agreed. He stated that his
15 feeling is that where there is also a commercial area, those restrictions and time frames should
16 apply. It degrades the ambience and ability to do commerce without walking through a ghost
17 town that looks awful.

18

19 Mr. Page indicated that ARCOM has reviewed the proposal and recommended that
20 something similar to Coral Springs be adopted with the exception of Worth Avenue. There
21 should be restrictions and time limits within the mixed use areas.

22

23 Ms. Coniglio clarified that Mr. Wheelock had no compunction for the North end of
24 the island. Mr. Wheelock indicated that you are treading with homeowner's constitutional
25 rights and especially when they are away from their homes for the entire summer. Ms.
26 Coniglio agreed and said with the number of storms experienced each year that it could be
27 crippling and affect people's finances. Mr. Wheelock then brought up the amount of trucks
28 that would be in the streets installing and removing shutters.

29

30 Chairman Rosow brought up the life safety issue again. No matter where there is a
31 fire, you have to assume that someone is inside. Perhaps the person who even started the fire
32 is inside, and we are obviously going to try and save that person also. But he was very
33 concerned when he first read the Ordinance that all of the residents would be required to put
34 up and take down their shutters which is a huge imposition both time-wise and financially.
35 The concept in a mixed use area of using shutters with time constraints makes a lot of sense.

36

37 Ms. Coniglio responded to Mr. Rosow's question as to if she liked the idea, and she
38 indicated she didn't think residents would like it but certainly in a mixed use area it is a
39 middle of the road solution.

40

41 Mr. Elwell sought clarification that the Committee's recommendation be required
42 throughout the town but with the proviso that you can register with the fire department if you
43 are in a purely residential area. Mr. Rosow indicated it would NOT apply in the residential
44 area at all.

1 Chairman Rosow cited the example of the Biltmore which is a combination of shutters
2 down and shutters up and it is difficult to determine if people are actually living there.

3
4 **Mr. Elwell stated that just in the mixed use area which will be described more**
5 **explicitly in the crafting of the ordinance and in those areas there will be a 14 day**
6 **removal requirement and no registration waiver allowed.**

7
8 On the awning situation, Mr Rosow mentioned a resident that had a Code
9 Enforcement issue where the awnings were removed at the end of the season and replaced
10 them at the beginning of the season and were cited for not having their awnings up. Mr.
11 Rosow felt this was similar to the shutters, in that the Town shouldn't be requiring
12 homeowners who want to remove their awnings for wind and sun protection to keep them up
13 until there is a storm situation. But apply it differently for the mixed use areas where the
14 awnings are really in integral part of the way the area looks. Ms. Coniglio was in agreement.

15
16 **Mr. Elwell clarified that the awning requirement would also be 14days after the**
17 **storm event passes. Mr. Rosow reiterated that it would only be for mixed use areas.**

18
19 Ms. Susan Markin asked for specification on high rise condos if they are considered
20 commercial or residential, specifically to the storm shutters as well as the awnings. She
21 mentioned that there are certain buildings that remove the awnings at the penthouse levels
22 that are very visible from the commercial areas and then they don't put them back up. She
23 asked that it be clarified in the ordinance.

24
25 Mr. Rosow feels they are residential as did Ms. Coniglio. Mr. Elwell cited the
26 example of the Biltmore which is residential and commercial, and needs to be clarified. Mr.
27 Rosow is only talking about mixed use buildings as opposed to mixed use areas.

28
29 Mr. Rosow indicated that he is referring to a residence within a mixed use building,
30 exempting the mixed use portion of a primarily residential building. Palm Beach Towers has
31 lots of mixed use in their building but it is principally a residence with amenities to service
32 the residents.

33
34 Mr. Elwell stated based upon that description and if full Council agrees, it will apply
35 to commercial buildings and those residences that are contained within buildings that are
36 primarily commercial. Mr. Rosow asked Mr. Wheelock if he agreed and he did. Ms Coniglio
37 asked about the residents that do keep their shutters closed all year round. There are even
38 storm shutters up all during the season. She suggested that awnings be installed during the
39 season and that shutters need to be removed during the season.

40
41 **Chairman Rosow indicated the simplest thing to do would be to say that from**
42 **December 1 through May 1, which is non-hurricane season, all storm shutters must be**
43 **removed and all awnings must be replaced or re-installed.**

1 **Mr. Elwell suggested that the requirements are only for commercial entities and**
2 **for residential entities within a commercial building during the off season, that during**
3 **Decmber1 through May 31", apply to everyone. You leave open the possibility there**
4 **may be a circumstance where people need to put up their shutters or take down their**
5 **awnings, but these requirements that they must be removed within 14 days after a storm**
6 **apply to everyone from Dec 1- May 31".**

7
8 **VIII. STOREFRONT WINDOW TREATMENTS**
9

10 Chairman Rosow indicated that he drove around Palm Beach and witnessed
11 everything from white paper with blue tape, fabric, plywood and other materials in vacant
12 store windows and none were in compliance. Mr. Rosow would like to see some uniformity.
13 He also mentioned that they were not lit at night.

14
15 Ms. Coniglio then read the code requirements and said the main question is how to
16 apply the code. She suggested having a benchmark of criteria.

17
18 Mr. Rosow responded that this is another example of taking 45 days to obtain an
19 approval from ARCOM, yet in the interim what should be the policy. The landlord may have
20 45 days of open windows, come before ARCOM, and then ARCOM doesn't approve the idea.
21 Ms. Coniglio suggested fast tracking the process.

22
23 John Mashek from the Preservation Foundation indicated that several years ago they
24 had a large reservoir of renderings and drawings that could be used. They would be willing
25 to work with the Chamber and property owners to display. He agreed that there are some very
26 bare storefronts.

27
28 Mr. Rosow commended Mr. Mashek and said that may be a partial solution.

29
30 Laurel Baker from the Palm Beach Chamber of Commerce indicated that on
31 September 24, the Chamber sent a letter to ARCOM with some recommendations including
32 sample photos of what is currently considered attractive. She suggested raising the bar in
33 Palm Beach. She would like to see a 72 hour time frame from the vacancy to install a
34 specified window dressing that the Town has established, whether they are images form
35 Preservation, white paper attached to the window, (no tape). There were over 500 additional
36 people on island last week for Palm Beach Restaurant Week, and while that was successful,
37 there wasn't much to keep them here because of the window dressings. There are perhaps
38 only about ten landlords in Town, and it should be fairly easy to contact them. Laurel spoke
39 to SirSpeedy earlier in the week and they can produce images for the windows that could be
40 standardized throughout the Town. If the landlords that have to assume the cost of the
41 window dressing don't comply within 72 hours, they should be fined \$500 per day. They will
42 eventually discover that it is cheaper to comply.

43
44 Ms. Coniglio stated that she felt 72 hours was too soon, especially if they choose

1 photographs or a reproducible item, but expediting the time frame is a valuable vehicle.

2
3 Chairman Rosow asked if it is possible to require a fabric like material in looking like
4 a curtain that has been drawn across the window, and then also include posters or artwork
5 on the window itself.

6
7 Ms. Baker suggested looking around Palm Beach for open stores that use curtains
8 currently. The application would be made to the inside of the window so that you cannot see
9 any of the vacant space, they can be measured and fit precisely. The only curtain treatment
10 is the Church Mouse in the summer, but still is blank. If there is uniformity and attachment,
11 it would serve everyone better.

12
13 Ms. Coniglio would like feedback form the Police Department, and secondly
14 mentioned that the window sizes do vary and there should be parameters as to what is
15 allowable.

16
17 Ms. Baker indicated that once a printer is chosen, the dimensions should be known
18 for insurance purposes anyway. Ms. Coniglio indicated she likes the idea of a preservation
19 print, it fits in well with the Town and explores the history of the Town for any visitor.

20
21 Police Chief Reiter agrees the term "attractive" is very vague and almost impossible
22 to enforce. This is an aesthetics and policy issue. The Police Department will certainly
23 enforce any changes made to the ordinance.

24
25 Ms. Coniglio asked regarding safety and checking the property, and are there any
26 parameters for that. Chief Reiter responded that for any vacant commercial establishment,
27 they are unable to see inside. What they do look for is that the outside perimeter is secured
28 and the doors are locked.

29
30 Town Attorney Randolph outlined that the two problems with the current Ordinance
31 is that there is not a definitive standard and secondly, that you have to go to ARCOM and
32 Landmarks to have it approved. If you have a specific standard, be it a preservation model,
33 then staff could look at it without having to go to commissions and could be done in a day.

34
35 Tom Youchak from ARCOM stated that he has been involved with the Tiffany
36 building since its inception back in 1989 and he does not recall ever going before ARCOM
37 for approval of their displays. He feels Code Enforcement does a good job with enforcing
38 displays for open businesses. Many spaces that have draperies are actually open businesses.
39 They use part of the store space for storage and close off the window. There is also a coffee
40 shop that has draperies where it is difficult to ascertain f the store is open or closed.

41
42 Patty Sans, President of the South County Road Association spoke to the Committee
43 and supports the idea of uniformity as well as using preservation. She suggested the
44 ordinance allow for the neighboring store to use that vacant window space for additional

1 merchandising.

2
3 Chairman Rosow asked Ms. Baker about the window program that West Palm Beach
4 uses. She indicated that if the store owners use the suggested printer, they get a discount. She
5 was opposed to allowing attached storefronts to use the vacant space. Standardization
6 throughout the town is much more appealing.

7
8 **Mr. Rosow directed Staff to investigate the West Palm Beach Program and**
9 **Coordinate with Preservation Society to make storefronts look attractive and uniform,**
10 **and also make sure the Code ensures that the windows are kept clean, and can an**
11 **adjacent property owner use the display. Ms. Coniglio voiced opposition to the shared**
12 **storefront idea. She would like to see uniformity.**

13
14 **Ms. Coniglio stated that the wording would be removed "All window treatments**
15 **are required to be approved by Landmarks and ARCOM" and expedite the time frame,**
16 **and there already is a provision to keep the glass clean. It is also a provision to have it lit at**
17 **night. MS. Coniglio asked the Police Chief if he viewed that provision as a necessity. The**
18 **Chief responded it was purely aesthetic and Mr. Rosow wanted it.**

19
20 **Mr. Elwell asked for further clarification regarding the Preservation Foundation**
21 **images they would provide, were there any other images that the Committee is seeking to use.**

22
23 **Mr. Rosow responded that anything historical, Palm Beach Historical Society,**
24 **historical photos or drawings would be acceptable.**

25
26 **Mr. Rosow returned to the topic of shades in the businesses. The Worth Avenue**
27 **Association requires that the doors remain open. He asked if there is any Ordinance that**
28 **requires a storefront to appear as if it is open. Mr. Elwell responded that there is not one.**

29
30 **Next, he asked about storage areas that are covered by drapes. Mr. Youchak indicated**
31 **that it is rented store space, and is used for storage by most tenants. Storage is a large issue.**
32 **Some of the storefronts have multiple doorways and entrances and they close them off for**
33 **security purposes and to control entry. Mr. Youchak feels that the drapes detract from the**
34 **businesses and vertical blinds are very tacky.**

35
36 **Mr. Rosow suggested bringing this matter to the full Council because this is**
37 **much more than the Committee can decide upon. This is a new issue. Mr. Page urged that**
38 **staff would take a cautious approach regarding vacant storefronts to be used for storage**
39 **purposes and they do investigate them as they become known to Planning Zoning and**
40 **Building.**

41
42
43
44 **IX. ORDINANCE AMENDMENT REGARDING DEMOLITION REPORTS**

1 Ms. Coniglio clarified that what was presented was the current Ordinance and the
2 proposed Ordinance Amendment.

3
4 Town Attorney Randolph asked for further direction since the last time he brought the
5 ARCOM ordinance to the Committee and demolition requests where a certain property may
6 have some type of landmark characteristics. Mr. Randolph provided an Ordinance that would
7 allow ARCOM, in the event that a demolition report is presented which shows that a property
8 is on a list of properties that are not under consideration, but which Jane Day has included in
9 a list of properties that may ultimately be under consideration, be able to defer the matter until
10 Landmarks considers it. If Landmarks considers it and does not put it under consideration,
11 then a demolition could be issued. Mr. Randolph recalled hearing from the Council last time
12 was that the obligation rests with the Landmarks Commission, rather than keeping all these
13 properties out there and keeping the property owners questioning whether they will be able
14 to obtain a demolition or not, that the obligation rests with the Landmarks Commission to go
15 ahead and put everything under consideration that they think needs to be placed under
16 consideration, rather than have a list of 200 or 400 properties, that may or may not be
17 considered in the future. Mr. Randolph provided the Ordinance as it was, when it allowed
18 for this deferral to Landmarks, and the second Ordinance he prepared does not have that
19 language in it. He asked for direction from the Committee and Council in that regard.

20
21 Ms. Coniglio stressed that it was clear that there was concern that someone's property
22 rights will be trampled and the time frame is lengthy. As a property owner she would feel
23 upset by this. Ms. Coniglio spoke with Mr. Page earlier this morning and questioned if the
24 Master Site File Form could be presented with preliminary design to staff, prior to going to
25 ARCOM or Landmarks which would then allow some study of which Commission it would
26 go to, prior to starting the process.

27
28 Chairman Rosow suggested that Ms Coniglio was on a different subject. He indicated
29 that the first issue is, he was in favor of having a bulk Landmark file, so that there is nothing
30 falling through the cracks, but he was outvoted by the Council, which stated it should be a
31 requirement of Landmarks to identify those properties that should be Landmarked. There are
32 now seven more on the list. But in addition to those seven, he is certain, that given the
33 opportunity, there are other homes that could be explored. What Mr. Randolph has
34 attempted to do is provide the option for, the seven are protected automatically. How should
35 they concern themselves with those homes that MAY fall under the area of consideration
36 before they formally fall under it. Mr. Rosow asked Ms. Day how does she distinguish
37 between that, and he understands the property rights issue and he doesn't want to have
38 potential homeowners have to come and do massive research whether the home they wish
39 to purchase could be somehow impaired by a potential landmark situation. He asked Ms. Day
40 how to deal with that.

41
42 Ms. Day stated that she has had lengthy conversations with Mr. Randolph regarding
43 this issue and because she is filling in for a retired employee since October, she was at
44 ARCOM this past week and at that ARCOM meeting, there were three properties that were

1 on the Master Site File. The Master Site File for those who don't know, is a listing that the
2 Town's Comprehensive Plan mandates that the Town update it every five years. It is an
3 inventory of properties that are over 50 years old. It includes a map, photographs and copies
4 of those surveys in the office from the 1980's and the two that she personally has done, one
5 in 1998 and one in 2004. It goes street by street, there are notebooks that are easy to access,
6 you look up addresses by the street and on the second page of that form there is a surveyor's
7 evaluation which is required by the State. And that asks quite specifically, is this property
8 potential for local landmarking? Is this property potential for the National Register? And the
9 surveyor, in this case, in 2004 which was Ms. Day and her business partner, looked at the
10 houses form public access and you make an evaluation on the appearance. They also
11 generally look at who the architect was, which is another required form, because there are
12 architects in the Town that are considered Master Architects. Of the over 1100 homes that
13 were surveyed in 2004, there were approximately 485 - that said possible landmarks for the
14 Town. The reason it was listed as possible and not for sure is, that no research has been done
15 on that property. And the three properties over 50 years old that came to Landmarks this past
16 week, one of them you would have never considered for landmarking. Once you reviewed
17 the records, you could see it had been changed so often over time, that the building no longer
18 held its architectural integrity. One of them, that was granted a demolition permit, was a
19 house that was by John Volk. And the Chairman of ARCOM questioned how that happened.
20 There is no current criteria in the ARCOM Ordinance to deny the demolition. This is a house
21 perhaps that would have been worthy of further study. And the third property is an important
22 property in Town by Marion Sims-Wyeth, that luckily when it changed owners, the new
23 owners love the house and just wanted to do an addition and they hired an architectural firm
24 in town that was sensitive to that but it was something you would not be able to see form the
25 street, because the hedges were so high. So that surveyor's evaluation kind of got lost in the
26 process, if you will. But I think there probably are structures out there that are worthy of
27 landmarking that need this extra amount of study. She stated it would be an impossibility for
28 staff to put over 400 houses under consideration, and perhaps not all of those would be
29 worthy for that if you used a more discerning eye knowing there was now this criteria in
30 ARCOM to go forward with them. The survey is due to be updated in 2009, and the surveyor,
31 in her opinion, should look more closely at those and try to winnow that down, so that there
32 is a more workable list.

33
34 Chairman Rosow indicated it does explain the process but makes it even more
35 complicated. Now about 18% of homes in Palm Beach potentially are landmarkable. How
36 does a new buyer coming into town who wants to buy a home and wants to do something to
37 it, they will have no clue whether or not they are going to get caught in this merry-go-round
38 of study and restudy and how do you treat them fairly and at the same time preserving the
39 important homes in town.

40
41 Ms. Coniglio commented that she still sees them as linked. The property on the Site
42 File will remain as it is, until the owners come forward to make a change. At that point, the
43 owners come to Building and Zoning and indicate their plans. If there is a Master Site File
44 Application filled out, staff would be able to direct that homeowner whether they go to

1 ARCOM or to Landmarks. It won't protect them from what the result may be, but the owner
2 can still come to the Council for relief.

3
4 Chairman Rosow asked if there was any way it could be noted on the Deed that this
5 potential exists. Otherwise it seems as if there is a "Buyer Beware" policy in Town that you
6 don't know what you are buying.

7
8 Town Attorney Randolph cautioned that you would be clouding a lot of Title.

9
10 Chairman Rosow countered that is what is in fact going on, without the people
11 knowing that they are clouded, because you buy or own a home and have no idea that it is a
12 potential landmarkable structure.

13
14 Town Attorney Randolph indicated that buyers have the requirement to do Due
15 Diligence in order to see what Ordinances in the Town apply to their property. That
16 requirement would be in place if you wanted to put an Ordinance into effect that any house
17 on a Master Site File List can potentially be studied by Landmarks.

18
19 Ms. Coniglio stated that she feels that is unfair.

20
21 Ms. Day indicated that the Master Site File List is an inventory of structures over 50
22 years old. Even the ones that the surveyor indicates may be worthy, may NOT be with further
23 study and looking into the property record. Also, this is a process that is done all over the
24 State of Florida, but all over the United States. The National Historic Preservation Act that
25 was enacted in 1966 has mandated this through the Parks Service. This is a national effort
26 for communities to be able to identify their potentially historic structures. All of the surveys
27 that started in the town are available for the public to view. One of the things reviewed when
28 a survey was updated, was to look at how many structures have been demolished that were
29 on the list. It was over 100 from the late 90's survey and the 2004 survey.

30
31 Ms. Coniglio reiterated that she still feels the two of them are linked. She considered
32 that properties that are under 50 years old that won't be protected under the Master Site File
33 anyway.

34
35 Ms. Day confirmed that they are not, because of the criteria of being 50 years old in
36 order to do the surveys. That is the State criteria, and required if State Grant monies are to
37 be used. State Grant money was used four years ago. If staff knows they are to be looking
38 for structures that are architectural examples, whoever is doing the survey can include them
39 on the Florida Master Site File, if that is what they are directed to do.

40
41 Ms. Coniglio asked if that would become nebulous and Ms. Day responded it is
42 subjective on the part of the surveyor if they feel it is an outstanding example of architecture.
43 Recently, the homes were on everyone's radar but slipped through the cracks.

1 Mr. Mashek inquired if the Realtors in Town could become involved in this study and
2 explain what it means and what it doesn't mean, and have them become more of a conduit
3 to the buyer.

4
5 Ms. Day stated that this process is not something to be afraid of, it's also in Palm
6 Beach, a very positive thing if you are a landmarked property because it qualifies the owner
7 for types of assistance from the Landmarks Commission, and the tax abatement program.

8
9 Chairman Rosow stated that he does not feel the Town's intent with the policy is to
10 preserve as many structures in Town that we possibly can. The concern is how to do that
11 without notice to homeowners, or potential homeowners. Mr. Rosow summarized Mr.
12 Randolph's comments that the buyer is required to do their diligence and know the
13 Ordinances of the Town in which they are buying, but there are many people that close real
14 estate transactions without attorneys. So you will have someone coming into town, buys a
15 beautiful home, then decides to do something to it, and discover that their hands are tied. Mr.
16 Rosow would like to be fair to the owners as well as the Town. The issue is disclosure and
17 letting people know the status, or potential status of homes.

18
19 Town Attorney Randolph commented that every home buyer knows that they have
20 to go to either ARCOM or Landmarks when they purchase a home. You would hope that
21 anyone buying a home and knows they have to go before either Commission would look at
22 the Ordinance that relates to that commission. If they were to go to ARCOM and see that
23 their home is on a Master Site File List, that it may be subject to study. That would be the
24 notice that they would get.

25
26 Chairman Rosow asked if ARCOM has such a list and they do not. He then gave an
27 example of buying a 48 year old house, then goes to ARCOM, and they (ARCOM) doesn't
28 know if it is on the list, ARCOM can determine if they do want to study the home, creating
29 a tolling period while the homeowner waits.

30
31 Ms. Coniglio stated that the process could still begin with staff.

32
33 Ms. Day stated that this is part of the Comprehensive Plan. There is a historic
34 preservation element in the Town's Comprehensive Plan that references the Florida Master
35 Site File and mandates that the Town update it every five years.

36
37 Chairman Rosow asked Mr. Randolph if the Ordinance he proposed addresses these
38 concerns.

39
40 Town Attorney Randolph indicated he would have to review it again and see if it
41 needs to be more specific in regard to the Master Site File List. If it noticed people that they
42 were on a Master Site File List on file with the Town, they would have to follow the process
43 with ARCOM. They would have notice that this type of consideration would be given to
44 their property. But the concern was that there are 485 properties on the list, and there is

1 discussion of adding more homes that are less than 50 years old onto the list which will
2 expand the list. It is a large amount of properties that could be on that list.

3
4 Mr. Elwell reminded the Committee that when the full Council considered this topic
5 previously, the concern was because of the large size of the list and only so many
6 designations can be done within a particular year, a home on this list may stay on the list for
7 many years. The homes are put into limbo and could create a chilling effect on the Real
8 Estate market. Another approach, the committee and Council have been dedicated to
9 preserving the most important homes and properties because the Town has been very active,
10 what is the best balance of that with the homeowner property rights. Another way of
11 approaching this, is that the Town is reviewing ten homes this year, and is more than in recent
12 years, is to maintain a commitment to doing ten or more homes each year. Prioritize and re-
13 prioritize when the new Master Site File is done and take the best among those and get them
14 started in the process and minimize the limbo they may be in today.

15
16 Mayor MacDonald stated that he was in agreement with Mr. Rosow's point about Title
17 Companies and that some real estate transactions are not handled properly. In regard to Mr.
18 Elwell's recap of what happened at the Council meeting, Mr. Coleman suggested 6 years, and
19 then there was discussion about 6 months for a time frame. He also relayed in his dealings as
20 a real estate attorney buyers are not thinking about ARCOM and Landmarks. He asked what
21 the Committee wanted the prospective buyer to do once they find out a home is on the Master
22 File List, what should the next step be? Should they go to Ms. Day?

23
24 Chairman Rosow commended Mayor MacDonald for getting the issue dead-on.
25 Chairman Rosow indicated that these homes are being placed in limbo, transactions are in
26 limbo, does the study of that home get accelerated to determine whether it is landmarkable or
27 not, because a sale may fall through. He feels they are creating a bureaucracy that nobody
28 wants and could create innumerable problems. If he were a homeowner and had a transaction
29 and the person found out the home was on a list and then decide to withdraw the offer due to
30 uncertainty- as a homeowner, he would be pretty upset with the Town.

31
32 Ms. Coniglio stated that the homes are in essence, qualified as an eligible home as long
33 as they are on the Master File. The only way that would change is if they wanted to demolish
34 the property. Chairman Rosow added that it also applies if they want to make an addition
35 to the home. Ms. Coniglio restated that they have to go to either ARCOM or Landmarks.

36
37 Mayor Macdonald stated that there are certain groups of people would not want to
38 purchase a landmarked house. They don't want to own it and go through additional work and
39 expense necessary.

40
41 Chairman Rosow agreed. There is an education process for a new person coming into
42 Palm Beach as to what Landmarking means. If they don't know what it is, and the real estate
43 brokers won't help you.

1 Mayor MacDonald expressed his disappointment that he spoke at the Realtor's
2 luncheon a few weeks ago and discussed the topic and there were no Realtors present in the
3 audience. He addressed Mr. Randolph and indicated that free alienation of property has been
4 a basic American right for a long time, and encumbering that to a level where you are not sure
5 how to relieve that burden that is being placed on the residents is too onerous. The Mayor
6 stated that he is a preservationist, and wants to preserve properties, but the Town's effort may
7 be to authorize Ms. Day to do more research and recommend more properties, then perhaps
8 that is the way to do it. The Preservation Foundation may be willing to help with that.

9
10 Town Attorney Randolph indicated that was the last message he had received from
11 Council.

12
13 Anne Vanneck from ARCOM and former Landmarks Commissioner suggested that
14 from statements made today, that Mr. Rosow was not familiar with what landmarking is about.
15 It's not about eliminating changes. 90% of the work that comes before the Landmark
16 Preservation Commission (LPC) is changes and they are approved. A landmarked house just
17 means it doesn't disappear. What they are trying to do is not eliminate a buyer from looking
18 at a landmarked house, but have the people who have owned the land for thirty years who
19 decide they want to split the lot come to ARCOM and request demolition. It's two houses that
20 are lost that way. It's not from a new owner, it's from the owner who has had the house for
21 that long and they want to make some money on it. Unfortunately that's where we are at.
22 Landmarks does not preclude changes, they encourage changes, they encourage houses to
23 grow with the community and with the new standards that we have.

24
25 Chairman Rosow responded that he understood fully what landmarking does and
26 doesn't do. The issue isn't what he understands, it's either the homeowner who lives in the
27 home has no understanding that their home is potentially landmarked, or the buyer who comes
28 into town who doesn't understand the process and suddenly finds themselves with an issue.
29 As the Mayor said, there is also property rights that have to be dealt with. It's almost as if it
30 is a "secret list". Ms. Vanneck disagreed. Mr. Rosow said that people don't know about it,
31 and we can't burden or make another rule that says that everyone buying a home must go to
32 the Clerk before buying it and go through the records and make sure it is not on the list of 485
33 homes. We are trying to preserve homes without notice to anyone. How do you notice people
34 that this could be an issue with their home. He does not know and that is why it is being
35 discussed.

36
37 Ms. Vanneck responded that Palm Beach is Palm Beach and the people are not stupid.
38 Many people do look at the ordinance or Landmarking the way they want to, whichever will
39 benefit them the most. So it is not a matter of whether it is written or not written, or how do
40 we tell them- they know, and they apply it the way that they want.

41
42 Ms. Day stated that ARCOM is struggling with whether they would like a criteria for
43 denial of a demolition. Perhaps there is another and simpler way to do it, but not every
44 demolition permit that comes to them is something that ARCOM wants to approve.

1 Ms. Susan Markin, 1415 North Lake Way, stated that the dilemma was how to give
2 some teeth to ARCOM to deny demolition. Right now there is no teeth there. Ms. Markin
3 asked Mr. Rosow if he thought most people knew how old their homes were and he agreed
4 that they do. And typically, age of the home is one of the first questions a buyer would ask.
5 She is suggesting some sort of time frame, and possibly less than 50 years old, maybe 45 years
6 and come up with some age limit. You don't want to revisit this issue every year, and you
7 have a policy whether an Ordinance, or legal statement that we need to have in the Town of
8 Palm Beach, that when you buy a house that is x number of years or older, you may have to
9 go under some scrutiny if you wish to demolish the house or make major renovations. And
10 thereafter, agrees with landmarking, especially the older properties. She feels that a
11 homeowner would feel better knowing that Landmarks would be working with them to
12 preserve the home and making changes, but at the same time every homeowner in Town needs
13 to go on notice that if your home is older, as anyone would expect in a Historic Village, or a
14 town with historic properties, that we will go under scrutiny and have that caveat when they
15 want to demolish. It is an age factor that needs a statement that is very simple.

16
17 Mr. Rosow indicated that Ms. Coniglio and he were debating over the language. It
18 probably would be very simple to establish in the Ordinance that any home older than x
19 number of years may be subject to additional review by ARCOM or Landmarks prior to
20 demolition or additions etc. That makes it pretty simple as a notice. Then you get to the
21 second situation, which is, what can ARCOM do when someone applies for a demolition
22 permit. Ms. Coniglio suggest that there be a Site Plan and preliminary discussion of sketches,
23 but if ARCOM doesn't like the sketches, that doesn't save a potentially landmarkable home.

24
25 Ms. Coniglio responded that it would let the homeowner know that they are on the
26 Master Site File list. It will be decided which way they go (either ARCOM or Landmarks).
27 She is trying to reduce the hurdles and agreed with Ms. Markin's suggestion as a starting point.
28 Ms. Coniglio feels that Ms. Day or Landmarks should be able to indicate that a home is on the
29 master File and do a cursory review and may be able to quickly eliminate that home from the
30 list.

31
32 Chairman Rosow said there were many things they could do:

- 33 1.Put in new criteria of potential age of a structure
- 34 2.Put in language that gives ARCOM the ability to deny a demolition permit on the
- 35 basis of age - that then would direct them to look at Master File and ARCOM looks at
- 36 Master File. ARCOM should have a file on the home when it comes to them
- 37 3.Accelerate the work of Landmarks to go through all of the potential homes that
- 38 should be landmarkable. Whittle the list of 485 homes down to a reasonable number
- 39 and then have a schedule to have those homes come before Landmarks.

40
41 Town Attorney asked Ms. Day that if the age is reduced to 45 years, if it would increase
42 the size of the list. She stated that when you do a re-survey, you not only look at the ones you
43 reviewed in 2004, you remove the homes that have been demolished or altered that they no
44 longer count- it could be a wash. She suggested updating the survey as required by the

1 Comprehensive Plan in 2009 and is a lengthy process. You must walk along every street in
2 Town, looking at neighborhoods, taking photographs and filling out State forms. But with a
3 serious eye towards ARCOM's problem, would perhaps reduce the list from the 485. A lot
4 of homes that 4 years ago may have been worthy of landmarking, would be looked at more
5 critically than four years ago, knowing the recent problems.

6
7 Mr. Wheelock wanted to add one more criteria and that would be architectural
8 significance. If there is a 35 or 40 year old house coming to ARCOM for demolition and they
9 feel it is architecturally significant, ARCOM would have the ability to defer or refer it to
10 Landmarks.

11
12 Ms. Day responded that they could do that when they re-survey. The National Register
13 now recognizes that there are buildings that are less than 50 years old and communities all
14 over the country are struggling with this, buildings with extreme architectural importance and
15 should be at least made note of and included in the inventory for potential landmarks.

16
17 Ms. Coniglio stated that it doesn't fall under the age and Mr. Randolph indicated it
18 would be a third criteria. You have the Master Site File List, you have 45 years and you have
19 architecturally significant regardless of age. She then asked if there is a parameter for
20 architecturally significant. Mr. Rosow indicated that it would be in the eyes of the beholder.

21
22 Mr. Rosow suggested that they review the draft form and proceed from there.

23
24 Ms Day added that whenever she finishes a survey, there is an education meeting with
25 the Landmarks Commission and citizens. They are able to review the lists, reports and
26 photographs. The Preservation Foundation has all of the documentation. Mr. Rosow asked
27 if any of the homeowners have ever been noticed and they have not.

28
29 Mr. Elwell indicated that if the Council moves forward in the direction discussed
30 today, they would have to be noticed because now they would be in a different status. The
31 town could notice them now if directed, under the current rules, the reason that it hasn't
32 happened yet and a home not actively under consideration for landmarking is like any other
33 home in town. There is nothing encroaching upon their rights at the moment. Mr. Rosow
34 requests that they look at noticing. **Mr. Elwell will present this to the full Council for**
35 **direction.**

36
37 **X. CONSTRUCTION PERMIT PARKING AND SERVICE VEHICLE DEMOLITION**
38 **REPORTS**

39
40 Chairman Rosow indicated that the town issues three placards plus an owners card to
41 park at a construction site. There are situations where service vehicles are parked in the street
42 doing service at another home and are being ticketed. Mr. Rosow asked Mr. Page on how to
43 resolve this.

1 Mr. Page understands the concern and has asked for some assistance from Code
2 Enforcement. The Right-of-Way Manual when it was last amended is specific to construction
3 vehicles. There are some companies in Town that do both. There are on site in a construction
4 mode one day, and in a service mode the next day, but using the same vehicle. The vehicles
5 are ticketed by the police department. How to distinguish between the two was directed to
6 Police Chief Reiter.

7
8 Mr. John Cassidy of Cassidy Air Conditioning addressed the Committee and indicated
9 that at any time he will have 20-30 trucks on island performing service, installation, or
10 construction site work. It is difficult and impossible to know which truck is doing what type
11 of service based on appearance. There are also over 40 different types of trucks. Some
12 residents request that his vehicles not park in the driveways due to expensive driveway
13 surfacing.

14
15 Police Chief Reiter indicated that this is a difficult situation. The police department
16 can conduct some level of investigation but it is time consuming. If there is an error and a
17 service ticket is supplied, the Code Enforcement Notice to Appear is voided.

18
19 Mr. Cassidy explained how other municipalities handle this situation and other gated
20 area. At the beginning of the year, you apply for a number of vehicles such as service vehicles
21 and you are given a sticker. You pay a fee for this. This permits you to park on the streets.
22 Jupiter Island, Atlantis and other municipalities do this.

23
24 Mr. Elwell indicated that this is a different issue and is a security issue to monitor who
25 is going in and out. Our issue was construction vehicles using all of the parking spaces. The
26 Town needs to be fair and reasonable when evidence is presented that the vehicle is doing
27 service.

28
29 Chairman Rosow suggested that the companies call the Police Department prior to
30 each call and was not supported. This is time consuming to continuously have to appear at the
31 Police Department to prove they are making legitimate service calls. His suggestion is to apply
32 for some sort of blanket permit that would allow vehicles with a sticker and a fee paid,
33 renewed annually. Ms. Coniglio suggested that the homeowner secure a guest pass for the
34 service vehicle as an option.

35
36 Tom Mashek addressed the sticker issue. In Atlantis, the company must be registered
37 with the City.

38
39 **Chairman Rosow directed staff to work with John Cassidy and others to come up**
40 **with a program and incorporate the homeowner's placard.**

41
42 Mr. Wheelock cited an example that a person had four different trades going on at the
43 same time at their house and driveway construction. There does not seem to be a solution.

1 XI. RIGHT-OF-WAY MANUAL AMENDMENT TO TIGHTEN STANDARDS FOR
2 WORK PERFORMED BY UTILITY COMPANIES IN TOWN RIGHT-OF-WAY
3

4 Mr. Elwell indicated that staff is continuing to work on updating the manual and
5 will bring a proposed change to the Committee within the next few months.
6

7 Chairman Rosow requested that the poles that are not being used be taken down.
8

9 XII. PALM BEACH AESTHETICS STANDARDS
10

11 Chairman Rosow presented a slide show to highlight the inconsistency of the many
12 types of roadway signs. He would like to see uniformity throughout Town, remove the Tri-Rail
13 signs, explain what the yellow "x"s are for on Worth Avenue, and establish a sign height
14 criteria. Mr. Rosow feels that the Town has overdone it, and too many signs have become
15 unsightly and wasteful. He also showed hydrant bases that seem to be floating in the air.
16

17 Ms. Coniglio commented that everyone is in agreement that the signage could be more
18 aesthetic. But it needs to be balanced with safety.
19

20 Chairman Rosow directed staff, ARCOM, Police Department, Garden Club, and
21 Civic Association to all work together to create a Palm Beach Standards Manual for signs-
22 make Palm Beach beautiful.
23

24 XIII. ANY OTHER MATTERS
25

26 Council Member Markin brought up the pet waste Ordinance and lack of enforcement.
27 She had recently counted 21 piles of indiscretion in her neighborhood, which posed a safety
28 hazard. She mentioned that she has witnessed people walking their pets and not cleaning up
29 their "indiscretions" yet cannot do anything unless a police officer sees it happen. She
30 suggested two changes: that the Ordinance be changed to include a "sight on demand" of
31 showing a clean-up bag. Have a visible display of the bag. Secondly she would like to have a
32 fine implemented of \$500.00 for anyone caught walking a dog without a cleanup bag in hand.
33 She indicated that she does not believe that there is any fine at this time.
34

35 Mr. Elwell indicated that the fine is not in the Ordinance because you would have to
36 appear before the Code Enforcement Board.
37

38 Chairman Rosow went back to his previous item and wants a report in January
39 regarding sign height, number of signs and so forth.
40

41 Mr. Elwell suggested ARCOM be assisted by Town Staff be the recommendation
42 to the Council and that ARCOM can get many of the groups together. Ms Coniglio added
43 that the Garden Club has done a phenomenal job with the medians, and she would like
44 to see some guidelines for the landscape projects that are coming forward to allow a more

1 cohesive purview through the Town and come up with seasonal decoration parameters.

2

3 Mr. Wheelock did ask the Council to have overview over Public Works and the Garden
4 Club as he feels there should be an aesthetic umbrella that prevent bad signage, stapled bows
5 etc.

6

7 Isabel Furlough 745 High Mount Road, Civic Association She also commended the
8 Garden Club for their spectacular change to Royal Poinciana Way and suggested it be extended
9 into the sidewalks on Royal Poinciana Way on the Northern Side. The grass looks terrible.
10 Would like standardized awnings, and the tacky red bows have got to go. There should be a
11 moratorium on red bows. The staples are bad for the Palm Trees. She suggested white lights
12 on trees. Chairman Rosow commented how beautiful Worth Avenue is with the lights and the
13 major roadways. It is non-sectarian and perhaps organizations could help with the costs.

14

15 Mr. Elwell did not recall the major roadways being lit. Betsy Mathews from Chilean
16 Ave indicated that the Garden Club would not be interested in lights.

17

18 Mr. Elwell reminded the Committee that they did approve the red bows and planters at
19 the Council Meeting on 10/13/2008 and that there may not be time to plan for displays for this
20 holiday season. Ms. Coniglio indicated that ARCOM could have another meeting prior to the
21 end of the month and come up with a cohesive plan and have them implemented by the
22 holidays.

23

24 Mr. Elwell indicated that the decisions already made could be undone, but the time
25 constraint is of concern. Chairman Rosow directed staff to move ahead and try to get it done
26 for this season. ARCOM is to address the seasonal displays and then other aesthetic standards
27 of the Town. Mr. Wheelock indicated they would waive the time requirements for this
28 instance.

29

30 Madeline Greenberg, 3360 S. Ocean Blvd. Suggested that the Town construct a
31 welcome sign as you enter. Chairman Rosow agreed.

32

33 Mr. Page is informing Committee that there is a residence that has not kept up with the
34 lawn maintenance and he wanted to assure them that it is being looked into and the Ordinances
35 researched. Ms. Coniglio indicated that the State Statutes should supercede the Town's rules.

36

37 Ms. Markin was in agreement as well and indicated that the Brandon property in the
38 North end has been in disrepair for over 8 months. She suggested that Code Enforcement be
39 more proactive. In other areas, the parking on Flagler Way is obstructive to residents, large
40 cycling groups on Saturdays are talking over the roads, and there is a yellow Rolls Royce that
41 parks overnight on Worth Ave.

42

43 Chief Reiter addressed the cyclists and indicated it is very difficult to control. Chairman
44 Rosow suggested steering them into the Country Club and arresting them all.

1 XIV. ADJOURNMENT

2

3 There being no further business, the ORS Committee Meeting adjourned at 1:07 p.m.

4

5

6

7

8

9 
David A. Rosow

10 Chairman

11


Gail Coniglio
Committee Member