

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE ORDINANCES RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, AUGUST 26, 2010

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I. CALL TO ORDER AND ROLL CALL

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3 The Ordinances, Rules and Standards Committee meeting was called to order on Thursday,
4 August 26, 2010 at 10:00 a.m. in the Town Council Chambers, Palm Beach. On roll call, Chair
5 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 printed.**

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III. PUBLIC COMMENT

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11 There were none.

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IV. REGULAR AGENDA

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A. Old Business

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1. Ordinance Amending Chapter 18, Buildings and Building Regulations

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16 Town Attorney Randolph presented Chapter 18 which had previously had been reviewed. There
17 was discussion about a new State Law HB 663.

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19 Committee Member Coniglio asked if this had any effect on the Town Budget or homeowners.
20 Deputy Town Manager Bradford stated that the town received additional monies for training of
21 building officials and this was an additional cost to residents. Committee Member Coniglio said
22 this created additional work for staff. The Town will keep 10% of the 3% surcharge. Committee
23 Member Coniglio was opposed to this since it creates more work for staff and the State gets
24 more money, like an unfunded mandate. She viewed it as a tax. Chair Diamond did not disagree,
25 but felt it was more of a user tax.

26

27 **Chapter 94 sales**

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**REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING
HELD ON AUGUST 26, 2010**

Chair Diamond asked if garage sales are considered auctions. Deputy Town Manager Bradford said garage sales were addressed separately in the code. Garage sales are required to have a permit and the Code currently regulates public auctions, but is in need of updated language.

The Committee reviewed the draft Ordinance pertaining to absences on Boards and Commissions. Town Attorney will redraft the Ordinance with the change in language to clarify the Town Council's "previous 3 strike rule" whereby a board member's third absence would result in automatic revocation of membership on the Board.

Veronica Close Assistant Planning Zoning and Building Director, noted that if no notice was given for an absence, staff would contact the Board or Commission member to see if it was excused, but most times, people were informing someone on staff of an absence.

2. Ordinance Amending Chapter 78, Peddlers and Solicitors

Deputy Town Manager Bradford announced there would be a master fee resolution that will include a master list of all fees. The document will be changed, as needed, by Resolution. Committee Member Coniglio was opposed to the \$25 fee for peddlers since she felt it would encourage peddlers in Town.

Attorney Randolph indicated that you could not prohibit it as Chair Diamond suggested. Deputy Town Manager Bradford added that you cannot charge more than the actual costs of administering the program.

Raychel Houston, Code Enforcement Manager, announced that she maintains a no-solicitation list that is provided to anyone that requests a peddler's permit. It lists the residents who do not wish to be contacted. There are currently 200-300 persons on it.

The Committee agreed to the proposed changes.

3. Ordinance Amending Chapter 86, Planning

Deputy Town Manager Bradford said this Ordinance was requested by Public Works. This clarifies the source of water are not to be directed into the sanitary sewer system.

The committee agreed to the changes.

4. Ordinance Amending Chapter 98, Secondhand Goods

Town Attorney Randolph stated that this Ordinance would be redrafted to show 98-31 "prohibiting pawn brokers" but would delete the sections shown with strikethroughs as they are already covered by State Statutes.

The committee agreed to the changes.

5. Ordinance Amending Chapter 106, Streets, Sidewalks, and Other Public Places

Deputy Town Manager Bradford stated that Section 106-158 included additional language to include bicycles and Segways for use by the Police Department only and that subsection (a) should be amended to read that "members of the police department are exempt from this section in regard to the performance of their official duties."

Chair Diamond changed the subject and asked if you are required to carry a bag to clean up dog feces and are supposed to produce on demand. Code Enforcement Officials declared that he was correct.

Mr. Bradford pointed out additional changes proposed to Sec. 106.291 (1) and (2) to strike language referring to the "chief code compliance officer or his/her designee" and replacing it with "chief of police or his/her designee."

The Committee accepted the proposed Chapter 106 changes.

6. Ordinance Amending Chapter 110, Subdivisions

The Committee reviewed the draft ordinance and discussed the proposed changes.

The Committee accepted the proposed language.

B. New Business

1. Draft Ordinance Implementing Building Permit Fee Surcharges Required by Florida Statutes.

2. Ordinance Amending Chapter 94, Sales

Chair Diamond asked how garage sales were conducted. Lead Code Enforcement Officer Rob Walton said they are permitted during daylight hours and are limited to one sign. The permit is issued by the Finance Department.

Committee Member Conglio asked about the prohibition of auctions on certain streets. Deputy Town Manager Bradford clarified that the language she was referring to had been in the Code for some time.

Lead Code Enforcement Officer Walton and Paul Castro, Zoning Administrator, clarified that the auction areas were restricted during season and that was the reason certain streets were prohibited.

There was discussion about having the same auctioneer do an auction more than twice per year. Staff felt that it best to limit the number of auctions conducted at any given location, but not the

person conducting the auction. The proposed ordinance language also requires that auctions only pertain to the goods and services similar to that provided in the course of business within the business operating at the property in question. Committee Member Coniglio recommended removing the prohibited streets. Deputy Town manager Bradford indicated since this proposed degree of regulation was similar to the regulation standards in the special events permit requirements, there may no longer be a need to impose specific auction prohibitions on certain streets.

The Committee decided to leave Section 94-32 as is.

Section 2 page 3 Section 94-105 was recommended to be deleted.

The Committee agreed.

In response to a question from Chair Diamond, Lead Code Enforcement Officer Walton addressed the end of season sales are not required to obtain a permit.

6. Ordinance Amending Chapter 110, Subdivisions

Committee Member Coniglio returned to the review of procedures and asked if it had previously been done by the Director of Planning Zoning, and Building. Deputy Town Manager Bradford responded that in years past the director was also the building official but now they are two different positions as each position has very different education requirements.

The Committee agreed to the changes.

6. Ordinance Amending Chapter 110, Subdivisions

Committee Member Coniglio asked why twenty copies are required for plan submittal. Assistant Director Close responded that the development review committees are involved and that covers the committee members and staff. In the future, there will be digital submission. There was discussion of changing the language to incorporate the inclusion of electronic documents.

The Committee agreed to the changes.

1. Draft Ordinance Implementing Building Permit Fee Surcharges Required by Florida Statutes.

On page 31 was the surcharge discussed earlier by Deputy Town Manager Bradford. Item I was changed to include the new surcharge requirement language. Committee Member Coniglio asked about subsection (m) regarding the sewer capital connection if this was pass through or Town dollars. Deputy Town Manager Bradford explained the capital connection charge theory and that the charge in this instance was a pass through to the person seeking to hook up to the system. Since this was in essence an impact fee, the increased demand placed on the sanitary sewer system was borne by the applicant and not the existing users of the facilities.

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2 **The Committee agreed to the changes.**
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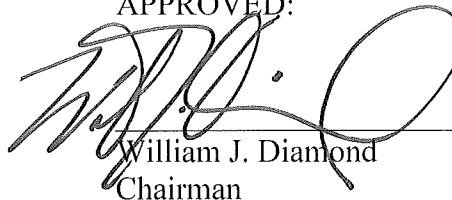
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5 V. ANY OTHER MATTERS

6 Deputy Town Manager Bradford announced that next month was the review of Chapter 66 but
7 that would be the only item on the agenda since there will be lengthy discussion pertaining to
8 vegetation, coastal and dune protection, hedges, and invasive vs. non-invasive species. Paul
9 Brazil, Director of Public works stated that most of the items are defined by DEP. After next
10 month's meeting there may be a need to hold two more meetings to complete the review of the
11 proposed ordinances generated by the ORS review of the Town Code.

12 VI. ADJOURNMENT

13 There being no further business, the Ordinance, Rules and Standards Committee Meeting of
14 Thursday, August 26, 2010, was adjourned at 10:50 a.m.
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17 APPROVED:

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21 William J. Diamond
22 Chairman
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25 8-26-10 ORS Backup