

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE HELD ON WEDNESDAY, JULY 13, 2011

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee meeting was called to order on Wednesday, July 13, 2011, at 2:00 p.m., in the Town Council Chambers. On roll call, Chairman Diamond and Committee Member Pucillo were present.

II. APPROVAL OF AGENDA

The following changes were made to the Agenda:

TEMPORARILY DEFERRED: Item IV.A.1., Proposed Amendments to Chapter 130, Vehicles for Hire (Limousines and Taxicabs), was temporarily deferred until Town Attorney Randolph arrived.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to approve the Agenda, as amended. On roll call, the motion carried unanimously.

III. PUBLIC COMMENT - None

Clerk's Note: Item IV.B.1., was heard here.

IV. REGULAR AGENDA

A. Old Business

1. Proposed Amendments to Chapter 130, Vehicles for Hire (Limousines and Taxicabs) [John C. Randolph, Town Attorney]

Town Attorney Randolph provided an overview of the proposed amendments.

Committee Member Pucillo indicated that the intent was to limit the operation of taxis from 6:00 p.m. to 6:00 a.m., and to commercial areas only.

1 Captain Fred Hess, Police Department, commented that there is no problem with taxicabs
2 circulating and parking in any areas other than commercial districts. He added that too
3 many taxicabs could create traffic flow problems while circulating and taking up parking
4 spaces.

5
6 Scott Solombrino, CEO of Dav El of Palm Beach which operates out of the Breakers
7 Hotel, spoke in support of allowing current permit holders to provide taxi service 24
8 hours a day, and suggested that the taxi permits be proportionally distributed to only the
9 four companies that are already licensed.

10
11 Jack Campagnuolo, Park Limousine Service, commented that there are only two or three
12 restaurants that are open late, and that most of the taxicab companies are providing
13 service for locals and hotel patrons by picking up and dropping them off, and then
14 waiting for a call back.

15
16 John Critchett, owner of Palm Beach Tours and Transportation, spoke in support of
17 having taxi stands again. He commented that in the definition of prearranged charters,
18 anything with 30 minutes of advanced notice would be allowed to come in regardless of a
19 permit. He added that if the company has a contract, then a permit is also not needed.

20
21 Town Attorney Randolph said that what Mr. Critchett is saying is that the language might
22 be too broad in the definition for a prearranged charter. Town Attorney Randolph
23 suggested that the portion of the proposed definition in Section 130-131 of prearranged
24 charters, "and other businesses that provide vehicle for hire services by contract", be
25 removed.

26
27 Chairman Diamond recommended that the proposed ordinance confine the number of
28 metered taxis to 25, that they only be allowed in the commercial districts, and that they
29 are only allowed to operate during the hours of 6:00 p.m. to 6:00 a.m.

30
31 Committee Member Pucillo added that the portion of the proposed definition in Section
32 130-131 of prearranged charters reading, "and other businesses that provide vehicle for
33 hire services by contract", should be removed.

34
35 **Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to**
36 **approve the proposed amendments, with that portion of the proposed definition in Section**
37 **130-131 of prearranged charters reading, "and other businesses that provide vehicle for**
38 **hire services by contract", being removed, and adding an additional provision that limits**
39 **metered taxicabs to commercial areas only. On roll call, the motion carried unanimously.**

40
41 B. New Business

- 42
43 1. Green Market as Requested by the Worth Avenue Merchant's Association
44 and Proposed Ordinance Amendment to Allow Outdoor Sales in
45 Conjunction with a Community-Wide Event Approved by the Town

Council. [Sherry Frankel, President, Worth Avenue Merchant's Association and Harry Welsh, Advertising Group, LLC]

Deputy Town Manager Bradford clarified that, in the backup, it should not have stated that the green market vendor was the chosen vendor of the Worth Avenue Association. The property upon which the Green Market is proposed (Apollo Parking Lot) is owned by the Peruvian Avenue Corporation. The Green Market vendor has been chosen by the Peruvian Avenue Corporation and is supported by the Worth Avenue Association. Mr. Bradford said that he spoke to their attorney today and he was authorized to make the following statement: The Peruvian Avenue Corporation supports the proposed green market proposal of Harry Welsh, subject to the final terms and conditions to be worked out if the concept is approved by the Town Council. Mr. Bradford added that it is not a program being offered by the Worth Avenue Association, however, they support it and have written to Mr. Diamond and the other members of the Town Council.

Responding to Chairman Diamond, Mr. Bradford stated that the property owners on Worth Avenue are also the owners of the Peruvian Avenue Corporation, along with Burt Handelsman, who is the primary property owner of that group.

Harry Welsh, 235 Sunrise Avenue, provided a presentation of the green market proposal. He indicated that the proposed program would be in operation from October through May on Sundays from 10:00 a.m. to 3:00 p.m., in the east end of the Apollo Parking Lot and fees would be \$40.00 a week for all businesses in Palm Beach. He responded to Chairman Diamond that the purpose of the Market was to increase business in Town on Sundays.

Chairman Diamond requested that Sherry Frankel, President of Worth Avenue Association, ask for the opinions of the local restaurants regarding the green market.

Code Enforcement Manager Raychel Houston noted that Ordinance 42-90 states that outside display of food or produce, covered or uncovered is not allowed and that it would require an ordinance change. Ms. Houston indicated that fees for tent permits would also be required.

Town Attorney Randolph provided information relative to amending the ordinance. He indicated that the criteria regarding when and where to allow a market was necessary, to treat everyone who comes in for an application the same, and to avoid language that says "based upon the approval of the Town Council". He noted that the current ordinance does not allow outside displays and sales, or outside display of fruits and vegetables. He asked if the Town wanted to allow exceptions for a green market and more specifically the type of ordinance to be presented.

Mr. Bradford suggested that the ordinance indicate that the Town may permit temporary outdoor sales if requested in conjunction with a community wide event or series of community wide events approved upon application to the Town Council.

1 Assistant Planning, Zoning, and Building Director Close stated that there are many items
2 that would need to be addressed in determining what would go into the definition of a
3 community wide event.

4
5 Ms. Houston indicated that it could say "except for this type of situation", and the outside
6 sales mentioned by Town Attorney Randolph could be made a part of someone's business
7 tax receipt.

8
9 Mr. Bradford said that the Town should charge something to the green market in fairness
10 to the local business owners who pay for a business tax receipt. Ms. Houston asked if
11 someone already had a business tax receipt, should another one be required.

12
13 Committee Member Pucillo noted that a few months ago, the Town Council expressed
14 displeasure for the concept of a green market. This is a big undertaking, and input would
15 need to be solicited from the Planning and Zoning Commission, the Fire Marshal, and
16 various other departments to look at this carefully.

17
18 Committee Member Pucillo recommended that the Planning and Zoning Commission,
19 and the Chamber of Commerce provide input. He would like for the Planning and
20 Zoning Commission to consider whether to amend the existing ordinances prohibiting
21 green markets, that allows them in certain specific places with certain conditions, and that
22 places an appropriate fee on them.

23
24 Chairman Diamond indicated that the Committee likes the concept, and requested that it
25 be placed on the August agenda, with as much backup as possible.

26
27 Mr. Bradford commented that he would work with the Town Clerk to ensure that there is
28 a good summary. The summary of the discussion is as follows:

29
30 ORS is favorable to the Green Market concept, in certain locations in Town, with certain
31 conditions and if appropriate fees are charged to the Green Market vendors. Ordinances
32 will need to be amended to allow the concept and most have been identified. ORS wants
33 to receive the input of the Planning and Zoning Commission and the Chamber of
34 Commerce prior to any final action being taken in this regard. If the Town Council
35 approves the ORS recommendation, based on our understanding of ORS intent, staff will
36 assemble a work group to identify all ordinance changes required, identify fees
37 recommended to be paid by Green Market vendors, and locations for allowing such
38 activities. All items will be presented to the Planning and Zoning Commission at their
39 September meeting. Staff will solicit the input of the Chamber of Commerce and provide
40 it and the recommendations of the Planning and Zoning Commission to the full Town
41 Council upon completion of the work effort.

42
43 *Clerk's Note: Item IV.A.1., was heard here.*
44
45

- 1 2. Proposed Ordinance Amending Chapter 42, Environment, at Section 42-
2 230, Lawn Maintenance Equipment Noise to Clarify Existing Exemption
3 for Golf Course Lawn Maintenance Equipment.[Thomas G. Bradford,
4 Deputy Town Manager]
5

6 Deputy Town Manager Bradford stated that there was some uncertainty as to whether or
7 not golf course lawn maintenance equipment is under the domain of this ordinance, and
8 therefore limits the noise and times of operation. He was asked to amend the ordinance
9 to clarify the issue.

10 Chairman Diamond, Committee Member Pucillo, and Town Attorney Randolph
11 discussed changing the language to indicate that golf course lawn maintenance equipment
12 would need to operate at an earlier time. Committee Member Pucillo indicated that the
13 change would be that the use of golf course maintenance equipment within the Town is
14 not restricted within the hours outlined.
15

16
17 **Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to**
18 **approve the proposed amendments. On roll call, the motion carried unanimously.**
19

- 20 3. Proposed Ordinance Amending Chapter 78 by Increasing the Maximum
21 Number of Charitable Solicitation Permits Per Entity on an Annual Basis
22 and Specifying Evidence of Charitable Solicitation Activity.[Susan
23 Owens, Town Clerk]
24

25 Town Clerk Owens presented a summary of the requested amendment. She stated that
26 this amendment would increase the maximum number of Charitable Solicitation events
27 per 12 month period from two to four. She noted that some of the major charities were
28 requesting more than two events a year and that it would also bring in additional revenue.
29

30 Mr. Bradford stated that some of the charities are holding their two events, and are
31 holding additional events anyway.
32

33 Responding to Chairman Diamond, Rob Walton, Lead Code Enforcement Officer,
34 indicated that every year there are numerous charities that they have to chase after to
35 obtain permits.
36

37 Chairman Diamond suggested that it might be better to just make it legal.
38

39 Committee Member Pucillo noted that part of the reason behind this is that the events are
40 going on anyway, and the Town wants to ensure they are permitted and that the
41 appropriate fee is obtained. The other option is to enforce the two event limit.
42
43
44

1 Code Enforcement Manager Houston noted that adding the proposed definition for
2 evidence of engaging in charitable solicitations would make it easier to enforce these
3 events.
4

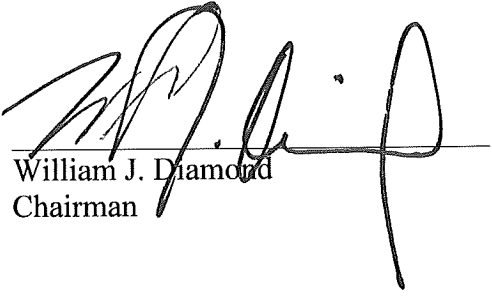
5 **Motion was made by Chairman Diamond and seconded by Committee Member Pucillo to**
6 **approve the proposed amendments. On roll call, the motion carried unanimously.**
7

8 **V. ANY OTHER MATTERS – None**
9

10 **VI. ADJOURNMENT**
11

12 There being no further business, the Ordinances, Rules, and Standards Committee
13 Meeting of Wednesday, July 13, 2011 was adjourned at 3:25 p.m.
14

15 APPROVED:

16 
17
18 William J. Diamond
19 Chairman
20
21