



TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON MONDAY, MARCH 29, 2010

I. CALL TO ORDER AND ROLL CALL

The Ordinance, Rules and Standards (ORS) Committee meeting was called to order on Monday, March 29, 2010, at 9:00 a.m., in the Emergency Operations Center, 355 S. County Road, Palm Beach. On roll call, Chair William Diamond and Committee Member Gail Coniglio were present.

II. APPROVAL OF AGENDA

ADDED: Deputy Town Manager Tom Bradford requested that the ORS Committee review the Town Clerk memorandum pertaining to charitable solicitations under the review of Chapter 78. The Committee members concurred.

The Agenda was approved as amended.

III. PUBLIC COMMENT

Terry Levine, 2250 Ibis Isle Road, Water Advisory Committee Member, provided an update from the last Water Committee Meeting. He noted that the City of West Palm Beach was concerned with the amount of water usage by the Palm Beach residents. He urged the Town to make it mandatory that all residents be required to participate in water conservation and suggested a water permit program, similar to fire alarm permits.

Committee Member Coniglio asked Mr. Levine about the cost savings with the sprinkler head replacement option. He noted that if the sprinkler head breaks, the water automatically shuts off, and instead of a mist, it comes out in the form of raindrops, which was much more economical. The other option was extremely expensive, as it required monitoring service with a GPS, monthly fees and so forth. Chair Diamond indicated that this subject would be discussed further under the Water Committee. Mike Brown, Palm Beach Civic Association, indicated that Mr. Levine was correct, and provided cost estimates on the equipment.

IV. REGULAR AGENDA

A. Old Business

1. Sec. 42-199. Hours for construction work, subsections (a) & (b)

The Committee accepted the recommended staff changes to Sec 42-199.

2. Sec. 42-202. Enclosure of noisy machinery

Chair Diamond asked if air conditioners needed to be enclosed. Building Official Jeff Taylor stated that this ordinance was for equipment and not fixed permanent structures.

The Committee recommended no changes.

3. Sec. 42-228. Nonvehicular noise

No action was needed at this time for Sec 42-228 per Town Attorney Randolph.

Sgt. Curtis Krauel, Police Department, addressed Section 42-230 stating that the hedgers and trimmers have all violated the equipment noise decibels and, which would force the landscape personnel to hand cut. There needed to be a more reasonable solution. Chair Diamond asked to look into the equipment to see if there are tools made that would be quieter and to report back on this subject at the April ORS meeting. Committee Member Coniglio suggested removing the ear equipment requirement from the leaf blower ordinance, since it should be the personal responsibility of the landscaper. Chair Diamond asked how many noise violations the Police Department received. Sgt. Krauel estimated that 70-80% of the complaints are noise related.

4. Sec. 50-34. Objectives

Deputy Town Manager Bradford indicated that this section was modified by Bill Bucklew from the, Planning, Zoning and Building Department. Mr. Bucklew stated that he has made the Ordinance compliant with the Florida Model Ordinance. By making these modifications to its statutes, FEMA and the State DEP would be more favorable for reimbursement of future flood damage requests. Building Official Jeff Taylor also spoke about the use of the word "or his designee". Deputy Town Manager Bradford indicated to the Committee that they were approving a conceptual idea and that Town Attorney Randolph would present a draft ordinance for further discussion at a future Town Council meeting.

The Committee approved of the staff recommendations.

5. Sec. 62-77. Maintenance of all bulkheads and seawalls

Paul Brazil, Director of Public Works, described the sea wall situation and the maintenance and inspections that are required already. He was seeking a fee to compensate for Public Works professional staff time needed to perform the inspections.

Chair Diamond said the language was vague, and Mrs. Coniglio thought it would be a bureaucratic nightmare. Mrs. Coniglio said she was also concerned about the cost to the

homeowner; Director Brazil responded that there could be drastic costs depending on the type of construction and that an engineer has a lot of liability to certify a wall, especially if they did not construct it.

Discussion ensued and it was the consensus of the Committee that the recommended change would be that an inspection should occur every 15 years.

6. Review of Draft Ordinance Creating a New Article VIII for Chapter 42

Town Attorney Randolph provided a draft ordinance to the Committee. He noted that paragraph (f) was added at the request of Chair Diamond.

The Committee approved of the staff recommendations.

B. New Business

1. Chapter 66 - Natural Resource Protection

Rob Walton, Code Enforcement, spoke regarding the section and said that the State law sunsetted all of the Town's mangrove regulatory ordinances.

The Committee accepted staff's recommended changes.

Deputy Town Manager Bradford clarified the use of titles that were proposed. The State currently did not have a Coastal Engineer designation. **Rob Walton, stated that he had spoken to Rob Weber, Coastal Coordinator and requested that Section 66-121 be revisited next month after more research could be done.**

Section 66-311 was proposed by the Police Department and suggested a \$150 fee that would pertain to vegetation permit to remove it. Committee Member Coniglio asked how a resident would know to obtain a permit. **The item was deferred until next month.**

Pages 64 and 65 were recommended by the Police Department.

The Committee accepted the recommended changes delineated on pages 64 and 65.

2. Chapter 70 - Offenses

There was no staff changes recommended for this chapter.

3. Chapter 74 - Parks and Recreation

Committee Member Coniglio said she felt that Section 74-2 should remain the same as it is now.

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2 Rod Gardner, Recreation Department, stated that the enforcement at Seaview Park was for dogs
3 on the athletic fields. Chair Diamond suggested that the Police Department spend more time on
4 Lake Trail enforcing the leash law and droppings that were not being picked up.

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6 No changes were recommended by the Committee.

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8 Section 74-187 - Surfboards and skimmers

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10 Mark Hassell - Ocean Rescue, stated that skim boards are very dangerous and they have a lot of
11 injuries. His recommendation was to keep skim boards in the ordinance. He suggested
12 prohibiting fishing from the public beaches by adding a new section to the Code. Town Attorney
13 Randolph was instructed to draft new language for the next ORS meeting. Town Attorney
14 Randolph asked for clarification on fishing ban and if it included all public beaches, or only
15 guarded beaches, and the waters adjacent to that. (50 yards in either direction) Chair Diamond
16 also wanted the signage changed to be clearer.

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19 4. Chapter 78 - Peddlers and Solicitors

20 The peddler permit is suggested to include a \$300 fee to cover the cost of administrative work.
21 Town Attorney Randolph stated he would need to review the matter further before issuing a
22 recommendation on the legality of a fee.

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24 **The Committee would make the recommendation to the Town Council to increase the fee**
25 **for a peddler permit subject to legal review.**

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27 Town Clerk Cunningham presented a memorandum to the Committee requesting approval to
28 implement a tiered expedited fee for the processing of Charitable Solicitation Permits. She noted
29 that over half of the permits received fall below the sixty day required deadline, creating undue
30 burdens on all of the departments. **The Committee indicated that the fees were too low and**
31 **recommended that she double the permit fee for seven days or less (\$920.00), seventy five**
32 **percent of costs for seven to fifteen days prior to the event (\$805.00), fifty percent of costs**
33 **for 15-30 days prior to the event (\$690.00) and twenty five percent fee for 30-60 days prior**
34 **to the event (\$575.00). The Town Attorney would review the fees for definition of legal**
35 **fees.**

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38 5. Chapter 82 - Personnel

39 According to Deputy Town Manager Bradford, the "No staff recommended changes" were from
40 the former Director of Human Resources.

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42 New Director Danielle Olson, Human Resources, stated that she would wait until after the Town
43 Council reviews the pension situation to make any recommended changes, but she also would

1 have recommendations for the Grievance Procedures. She currently was researching other
2 municipalities. Deputy Town Manager Bradford indicated that pension changes could take
3 months. **The Committee directed Director Olson to come back with any recommended**
4 **changes prior to conclusion of the ORS Code review.**
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6. Chapter 86 - Planning

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8 **The Committee accepted the recommended staff changes.**
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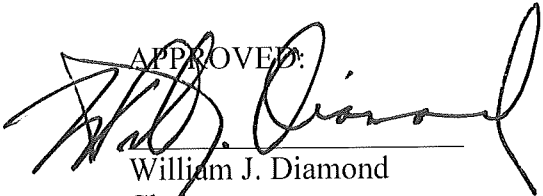
V. ANY OTHER MATTERS

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11 Deputy Town Manager Bradford announced that once they have a meeting date and time for the
12 next ORS meeting, he would notify the Committee Members.
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VI. ADJOURNMENT

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15 There being no further business, the Ordinance, Rules and Standards Committee Meeting of
16 Monday, March 29, 2010, was adjourned at 10:43 a.m.
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APPROVED:


William J. Diamond
Chairman