

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

HELD ON FRIDAY, FEBRUARY 26, 2010

I. CALL TO ORDER AND ROLL CALL

The Ordinance, Rules and Standards Committee meeting was called to order on Friday, February 26, 2010 at 9:00a.m. in the Emergency Operations Center, 355 S. County Road, Palm Beach. On roll call, Chair Diamond and Committee Member Coniglio were present.

II. APPROVAL OF AGENDA

The Agenda was approved as printed.

III. PUBLIC COMMENT

There were none.

IV. REGULAR AGENDA

A. Old Business

1. Review of Plan for Adoption of Approved Code Changes.

Deputy Town Manager Thomas Bradford described the method in which to present the Ordinance changes to the Town Council. He informed the Committee at the First ORS meeting that began the process, it was suggested that the best thing to do was one ordinance that incorporated all of the changes. The Town Council had approved the recommended changes in the reports of the first two meetings, they have started the processing of codifying all of the changes that had been approved. Staff and Town Attorney Randolph concluded that it would be overwhelming and a burden to do it that way. Deputy Town Manager Bradford proposed that staff would like to proceed with codification on a bit-by-bit basis.

Committee Member Coniglio was in total agreement that there was a need for transparency and the need for the public to understand exactly where they have come from and where they are going, one of the reasons for the earlier decisions was a cost savings. She asked who was going to bear the brunt of that cost. Deputy Town Manager Bradford responded that he did not know if Town Attorney Randolph had had the time to make an estimate of how many ordinances that may be changed. He stated that the cost would be the advertising for one ordinance versus a number of ordinances that are changed.

Town Clerk Cunningham commented on the costs that in addition to advertising the second readings, the codification costs are approximately \$4.00 per page. She noted that many other municipalities adopt a revised code at one time. While at a recent Clerk's Conference, she had negotiated a discounted price with Municode if the entire Code was updated at one time. She also expressed concern that she did not have any funds allocated in her budget for this year to and would have to go to the Town Council for a contingency budget item to pay for the piece meal costs.

Motion to change process made by Committee Member Coniglio to adopt the Code Changes in piece meal was approved unanimously by the Committee.

B. New Business

1. Chapter 42 - Environment

The Committee went through the Chapters page by page and reviewed the proposed code changes. With the following exceptions, the Committee accepted staff changes:

- **Sec. 42-199 (a) & (b):** Planning, Zoning and Building Department staff recommended the word "major" before the word "construction" be stricken from these referenced Code sections with the intention being that construction exceeding adopted noise levels during the months of December, January, February, March and April is prohibited regardless of whether it is major, minor or costing more or less than any dollar figure. The Town Attorney was hesitant about this and wanted time to confer with staff. ORS requested that this come back before them at their next meeting under Old Business. The PZB staff member that recommended this change, or Planning and Zoning Director John Page's designee, and Lead Code Enforcement Officer Rob Walton would meet with the Town Attorney as soon as possible to discuss.
- **Sec. 42-202:** Planning, Zoning and Building Department staff recommended language be added that required machinery in violation of Sec. 42-228 (noise) to be enclosed. The Town Attorney had reservations and saw merit in staff having discretion and wanted time to discuss this with staff. ORS requested that this come back before them at their next meeting under Old Business. The PZB staff member that recommended this change, or Planning and Zoning Director John Page's designee, and Lead Code Enforcement Officer Rob Walton would meet with the Town Attorney as soon as possible to discuss.
- **Sec. 42-228:** Lead Code Enforcement Officer Rob Walton, on behalf of the Police Department, asked for time to revisit the section and mentioned that the problem was the reasonableness of the maximum decibel requirements. This was a sensitive subject and he would meet with staff as soon as possible to discuss.
- **Sec. 42-321:** Town Attorney Randolph distributed a draft letter that he had written in response to a letter received from Mr. Hoffman. He has drafted a proposed new Ordinance and will present it back to the ORS Committee for consideration at the next meeting.

2. Chapter 46 - Fire Prevention

Tim Pompos, Fire Marshall, stated that the proposed changes are stronger and provided clearer definitions. They also now referenced the State Laws. The Committee accepted the staff recommendations.

3. Chapter 50 - Floods

With the following exceptions, the Committee accepted staff changes:

- **Sec. 50-34:** Planning, Zoning and Building Department staff recommended that verbiage be added to align with the "Florida Model Ordinance." Planning, Zoning and Building Department staff needed to provide the Town Attorney with a copy of the referenced model ordinance and point out specifically what verbiage therein they had in mind for inclusion.
- **Sec. 50-35:** Deletion of the last sentence of this Planning, Zoning and Building Department staff recommendation which would have eliminated a definition for manufactured home was approved. The manufactured home definition shall remain.
- **Sec. 50-40:** The Police Department recommendation to delete this section was not approved.

4. Chapter 54 - Historic Preservation

Town attorney Randolph suggested adding a definition by neglect created since there was not one in the code. The Committee accepted staff recommendations.

5. Chapter 58 - Law Enforcement

No changes were proposed by staff for this chapter.

6. Chapter 62 - Marine Structures

The Committee continued to go through the Chapters page by page and reviewed the proposed code changes. With the following exceptions, the Committee accepted staff changes:

- **Sec. 62-39:** Director of Public Works Paul Brazil requested changes at subsection (b)(6) and subsection (c)(10) be such that reference to the "town council" be deleted and substituted with "town engineer". In addition, Mr. Brazil asked that for each subsection

the submittals to be reviewed by the town engineer be prepared by a State of Florida registered professional engineer.

- **Sec. 62-71(a)(b)(c):** Public Works staff should commence pinpointing an existing plat, sketch or map to be used in the establishment of new bulkhead lines along the Atlantic shoreline and the Lake Worth Lagoon shoreline.
- **Sec. 62-77:** In addition to approving the recommended change submitted by Public Works staff to have bulkhead and seawall recertification every 10 years, the Committee approved implementation of a permit fee to cover the cost of administering this program, including any tracking system employed to monitor timely property owner compliance with the requirements. The Committee also recommended a recording requirement so that future buyer notification of the certification can technically occur by being in the public property records. *(This may need to apply to Town owned bulkheads and seawalls to be fair and to avoid future criticism should a Town owned one fail)*

The Committee requested that this come back before them at their next meeting under Old Business. Director of Public Works Paul Brazil, or his designee, should meet or conference with the Town Attorney as soon as possible. Committee Member Coniglio expressed concern regarding the costs of the project and the burden on the residents if such a requirement were needed.

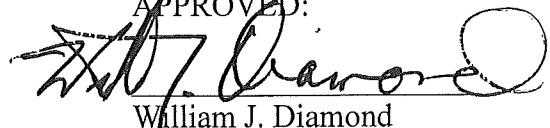
V. ANY OTHER MATTERS

Deputy Town Manager Bradford announced that once they have a meeting date and time, he would notify the Committee Members.

VI. ADJOURNMENT

There being no further business, the Ordinance, Rules and Standards Committee Meeting of Friday, February 26, 2010, was adjourned at 10:38 a.m.

APPROVED:


William J. Diamond
Chairman

Backup Documents ORS 2-26-10