



TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE HELD ON JANUARY 30, 2001

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 a.m. by Chairman William J. Brooks. On roll call, Committee Chairman William J. Brooks and Committee Member Norman P. Goldblum were found to be in attendance. Other Elected Officials present for all or part of the meeting were: Mayor Lesly Smith; Town Council President Pro-Tem Samuel C. McLendon; and Town Councilman Allen S. Wyett. Also attending the meeting for all or part were: Acting Town Manager Thomas G. Bradford; Town Attorney John C. Randolph; Public Works Director Al Dusey; Public Works Facilities Maintenance Manager Joe Ugi; Assistant Police Chief Michael Reiter; Assistant to the Town Manager David Jakubiak; Director of Planning, Zoning & Building Robert Moore; Assistant Director of Planning, Zoning & Building Veronica Close; Chief Code Compliance Officer Brian House; and Town Clerk Mary Pollitt.

II. APPROVAL OF AGENDA

The agenda was approved on the motion of Mr. Goldblum and the second of Mr. Brooks.

III. REVIEW OF HISTORIC/SPECIMEN TREES ORDINANCE TO IMPROVE TREE PROTECTION PROVISIONS

Acting Town Manager Bradford said the Town Council had directed the Historic Specimen Tree Ordinance be reviewed in an effort to strengthen the ordinance in light of the recent decimation to some of the trees in Town. He stated that according to the Town's ordinances regarding the historic and specimen trees, the details of the management of the program are delegated to the Department of Public Works. Specifically, Joe Ugi of that department manages the program on a daily basis. Mr. Bradford said he requested that Mr. Ugi prepare a memorandum on the subject.

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Mr. Ugi reported he had contacted the Planning, Zoning and Building Department and discussed the issue and outlined the following four issues that were discussed with the Building Department:

1. Program the list of historic/specimen trees into the property records in the Town computer system so that when a property control number is called up for permitting purposes, properties that contain an historic/specimen tree are flagged to show this information.
2. Any person applying for a building permit on property that contains an historic/specimen tree should be made to sign an acknowledgment of this fact.
3. If a historic/specimen tree is indicated in the property records, the Planning, Zoning, and Building Department can require that the tree's drip line location be shown on the site plan in relation to the proposed building prior to building permits being issued.
4. Permits will only be issued if a plan is devised to properly protect the historic/specimen tree from construction activities. If the tree is damaged because the proper precautions have not been taken as stated in the permit, the job will be red-tagged and all work will stop until corrective action is taken.

Mr. Ugi suggested the following penalties that could be considered as changes or additions to the Code of Ordinances:

1. Anyone found guilty of damaging or destroying a historic/specimen tree without written permission from the Town Council shall be required to replace the tree with two trees, size and kind as determined by the Town Manager in conjunction with his designee. One of the two replacement trees is to be planted in the same location as the damaged or destroyed tree after the damaged or destroyed tree and its root system have been removed. The second replacement tree will be planted at a location to be determined by the Town, on the same property.
2. Failure to replace the tree shall result in a daily fine pursuant to Section 1-14 of \$500 per day for each day the violation continues.

Mr. Ugi added that he thought the offender should be allowed twenty days to remove the damaged tree and plant a new tree. He clarified that these suggestions would apply to any permit for demolition or construction.

Mr. Brooks noted that Mr. Ugi incorporated the suggestions of the Garden Club as outlined in a letter from its President, Nancy Murray.

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Mayor Smith suggested a representative from the Garden Club, in conjunction with the Town Manager and his designee, be included in the selection of a replacement tree.

After discussion, **THE COMMITTEE RECOMMENDED TO ACCEPT MR. UGI'S RECOMMENDATIONS WITH THE CHANGES AS NOTED BY MAYOR SMITH.**

Town Attorney Randolph commented the suggested penalty is in the general penalty section of the Code of Ordinances and a change in the ordinance would not be necessary to include that provision as it currently is in effect. He said the \$500/day fine would not be automatic but would be based on a citation given for each day the violation occurs. It would go to the County Court and it would be within the discretion of the Court to determine if the \$500 penalty would be assessed. He suggested another way to handle this would be to have the Code Enforcement Board assess a \$250/day fine for first offenses and a \$500/day fine for subsequent offenses. He suggested that could be incorporated into the recommendation.

Mayor Smith responded her position was that anyone who is building a multi-million dollar house would not be affected by a \$250 per day fine; they would rather tear the tree down and pay the fine. She said it makes no sense to wait - to send it to Code Enforcement which could take months - and questioned why the fine of \$500/day could not be put into the ordinance.

Attorney Randolph replied that the Code of Ordinances currently stipulates that anyone who violates a Town ordinance is subject to a fine of up to \$500/day or 60 days in jail or both within the discretion of the Court. He said there are two mechanisms to fine people within the Town. One was the citation of the offender and send them to County Court, whereupon the County Court would use its discretion as to the amount of fine or to send the case to the Code Enforcement Board. Mr. Randolph said he thought the Code Enforcement Board would be more effective as far as a daily fine was concerned. Otherwise, separate citations would have to be issued each time the Town would go to Court. He suggested the Town have the ability to cite offenders before the County Court with a \$500/day penalty but to also have the ability to go to the Code Enforcement Board. Mr. Randolph said the way this ordinance is being tightened up is not necessarily through the fine system but by requiring the offender to plant the replacement tree in the exact location where the other tree was originally resulting in little incentive for someone to take down a specimen tree if they have to replace it with another specimen tree at the same location.

Mr. Brooks and Mr. Goldblum agreed that Attorney Randolph's suggestions would be part of their recommendation to the Town Council.

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IV. DISCUSSION CONCERNING FERAL CAT ISSUE

Mr. Brooks said this issue was a continuation of the December 4th Ordinances, Rules & Standards Committee meeting.

Town Clerk Pollitt swore in all those participants who would be speaking at this meeting.

Mr. Brooks said the purpose of the meeting was to try to come up with an ordinance that would be reasonable in light of the existing facts and the information derived from this meeting. He said, as a further clarification of the issue, Miss Bradley who is the Executive Director of Palm Beach Cat Rescue appeared before Judge Schwartz on December 8th in Palm Beach County Court, and he issued a ruling on January 22nd whereby Miss Bradley is enjoined from feeding the feral cats on Everglade and Atlantic Avenues. Palm Beach Cat Rescue through its Counsel is appealing this order. Additionally, Palm Beach Cat Rescue will be back in County Court scheduled for February 5th as the defendant against Palm Beach County Animal Control.

Mr. Brooks acknowledged the receipt of the Palm Beach Cat Rescue memorandum from Attorney Diane Sands.

The following people spoke regarding the issue of Feral Cats:

Allen Mason, 1485 Via Manana, reported that he was involved with Palm Beach Cat Rescue for the past five years having trapped a family (mother, father, kittens) and getting them spayed and neutered. He said he has fed and watched them for five years and the program has worked very successfully. Mr. Mason said he presented petitions from his neighbors who approve of the program and the cat colony is maintained within a one block area.

Danny Miller, Director of Golf and Grounds for the Breakers, 1 S. County Road, said his office is located in the First Union Bank Building at 40 Cocoanut Row. Mr. Miller stated the Breakers loves animals – the foxes, parrots and the cats– but it is unacceptable for people to come on private property and set out plastic dishes of food and not clean it up. He said an employee at 40 Cocoanut Row complained about the amount of food left in front of cars and in the teller lanes at the bank and cats jumping and scratching cars. Mr. Miller said he did not have a problem with the cats but placing messy food out is unacceptable.

Carl Henry, Palm Beach County Health Department, 901 Evernia Street, W. Palm Beach, said the subject of colonization of feral cats is a controversial and highly emotional issue. He said his purpose was to look at the issue strictly from the public health viewpoint. The risk of disease transmission from cats to people is generally low when these animals are routinely cared for. Free roaming cats pose a continuing concern to the health of the community. Some of the diseases carried by cats included cat scratch disease, rabies,

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ringworms, and hookworms. The epidemiology of these diseases show that children are among the highest risk. Free roaming cats can be vaccinated against rabies and given deworming medications, but this does not address the problem with the ongoing need to provide them with health care nor does it address the disease that can be transmitted to people. If a person were bitten, a cat would have to be caught and quarantined for a ten day period even if it had been previously vaccinated, and if the cat were not found, the person would have to undergo rabies treatment. Mr. Henry said that in the past ten years in Florida, cats were reported to have rabies more than dogs. He said that well-meaning people can derive considerable pleasure feeding the cats. Ideally, cats should have regular veterinary care and be maintained inside. Allowing unowned cats to roam the streets is not in the best interest of the community. A feral cat colony, in and among itself, is not a public health threat or sanitary nuisance; however, the potential does exist. The key is proper care and management of the colony. Mr. Henry said the existence of a cat exposed to rabies or having communicable diseases transmissible to humans, an accumulation of fecal matter without proper disposal, or an accumulation of food putrifying or providing an attraction for nuisances can result in a public health threat or sanitary nuisance. He referred to Florida Statutes, Chapter 381 or Chapter 386.

Mr. Brooks stated that Palm Beach Cat Rescue had stated in its documents that a conservative estimate of 1500 feral cats existed on the island. He asked Mr. Henry if that number of feral cats would exacerbate the health problem?

Mr. Henry replied that the number itself would not pose a problem as long as they are cared for, but there is always a risk for those cats to come in contact with wild life.

Dr. Brad Ochstein, Owner of Island Animal Hospital, 314 Royal Palm Way, said he was the primary veterinarian for Palm Beach Cat Rescue for the last five or six years. He said he brought all of the records for Palm Beach Cat Rescue with him to allay the rumors that Palm Beach Cat Rescue was not making a concerted effort to have an effective spay and neuter program. He said that the cats were numbered, starting in 1995 (Later in the meeting Catherine Bradley said the records started in 1997), and the current number he has seen is 580. He said some of the cats are repeats as they come in for medical treatment in addition to sterilization. Dr. Ochstein said he agreed with Mr. Henry from the Health Department about the risks; however, he submitted that, for the most part, these same risks exist for the other wildlife on the island with some specific disease entities that do not. He pointed out that the other forms of wildlife are not cared for – vaccinated for rabies, examined on a routine basis - and that is one of the benefits of the existing protocol that has been in existence for five or six years. He noted that this program allows caretakers to evaluate the health of the animals on a daily basis when feeding. The animal in question is then trapped and brought to the animal hospital, and the same cannot be said for the other wild life on the island.

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Dr. Ochstein said he wanted to make the point that this issue is not "an us versus them" situation. It is a Town problem, because the cats were on the island long before Catherine Bradley lived in Palm Beach. He said her organization is the only one that has addressed the problem to this point, and he was happy that the Town wanted to take part and do something. He said he hoped that the groups could find some middle ground, and while he supported Palm Beach Cat Rescue and their spay/neuter/release program as the only reasonable type of solution to this problem, he recognized there were private property issues and details that need to be worked out. He noted this plan has had volunteers, virtually no funding, and one veterinarian. Most towns that do this have a vast array of volunteer help, several veterinary clinics in the area, and city, county, or state funding. He said that there is room for improvement in the operation, i.e. cleanup crews, types of feeding dishes, types of food, moving feeding stations to a limited degree. Everyone should be coming together to try to find a reasonable solution to this problem.

Responding to questions from Mr. Goldblum, Dr. Ochstein said a cat can have two or three litters of kittens per year with an average of four kittens per litter. He said his numbering system did not actually begin until 1997 with microchipping beginning two years after the program began. Dr. Ochstein said the spay/neuter numbers are not as high as everyone would like to see them because of very little funding, not enough trapping help, taking time to address concerns and legal issues, and Island Animal Hospital cannot provide the amount of service as an animal shelter whose sole purpose is to spay and neuter can do.

Mayor Smith asked Dr. Ochstein what his solution would be for the problem in a perfect world?

Dr. Ochstein said trying to remove all cats from the Island of Palm Beach is not a realistic goal and trying to do that in the face of public outcry is completely unrealistic. He said what has worked in other cities and countries is a protocol of trapping, neutering, releasing, maintaining and monitoring these colonies to protect the public health and hopefully doing so with the support of private property owners. He said the perfect world is a compromise between all involved parties and recognizing that the cats will exist and the population and impact on the community can be controlled.

Mayor Smith asked what the cost for the program would be?

Dr. Ochstein said he had not put together costs, but that would be dependent upon how involved and how intense the program would be. He said he charged Palm Beach Cat Rescue \$35 or \$45 for a neuter or spay which includes the rabies vaccine and other inoculations with other procedures done at or below cost.

Polly Reed, 231 Chilian, said she did not own a cat and was not a member of Palm Beach Cat Rescue. She said she lived at this address for four years and many cats were on her

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property when she first moved there. She contacted Catherine Bradley and was convinced that the kittens should be trapped as soon as they were born and to have them spayed or neutered. Mrs. Reed said she thought Chilian Avenue now had a stable cat colony. She said she objected strenuously to the placement of food in plastic containers, and Catherine is now feeding them in a different place with great success.

Eric N. Gilbertson, 151 Chilian, said cats are wonderful and keep the rats and mice at bay. He said the good will the cats give to a community is something special, and as noted by Mr. Henry, cats are not a health hazard. He said he had not noticed any odors and the cat food containers were well managed. He suggested placing the food under bushes so the birds could not find the food.

Dr. Dale Porcher, Veterinarian in West Palm Beach, said Catherine Bradley and Palm Beach Cat Rescue are not the enemy. People who abandon unneutered and unspayed pets are truly the enemy. He said he was a good friend and colleague of Dr. Brad Ochstein although they do not agree on all of the issues.

Dr. Porcher said he wanted to address three issues, and he is one of the veterinarians for Ocean Impact Foundation which basically provided veterinary care for injured wildlife in Palm Beach County. He said his points of contention were:

1. Cats are hunters and will hunt for sport resulting in a destruction of native wildlife, and Palm Beach is an island with a very delicate ecosystem because it is isolated from the mainland.
2. Leaving food in the open increases contact between cats and native wildlife with possible exposure to rabies.
3. A public health issue regarding cats transmitting toxo-plasmosis, a protozoa organism that cats shed in the feces. Cats also can pass round worms through defecation.
4. Cats are a domesticated species and making cats wild animals is not necessary nor right. Animals deserve a loving and safe home.

Dr. Porcher said he believed feral cats should be trapped, tested, vaccinated, and neutered and priority one is to find that animal, if possible, a loving home. He suggested a shelter with enclosed colonies. He said he spays or neuters two cats per week for Palm Beach Cat Rescue. He said he would be willing to spay and neuter kittens who could be adopted to good and loving homes.

Responding to questions from Mr. Brooks, Dr. Porcher said it has been fairly well

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documented that the average life span of a feral cat is between 3 and 7 years whereas a cat in a home where it is protected could live between 10 and 18 years of age. He said he would argue the fact that trap/neuter/spay programs are working anywhere, because uneducated people are chronically dumping non-spayed, non-neutered cats into the colony and nowhere are the numbers reducing.

Mr. Brooks noted that the songbirds have disappeared from the Preservation Park across from Town Hall and have been replaced by crows.

Mayor Smith observed that Dr. Porcher's solution to the problem would be euthanasia of the feral cats.

Dr. Porcher said he did not say that because it is an emotional issue with everyone.

Arnold Hoffman, 150 Bradley Place, the Biltmore, said he did not have statistics but had a few facts. He defined the word "feral" in the dictionary and it means wild. He said that what the wild cats mean to many who live in the Biltmore is: defecation on the walkways; urination in the garages; unusable ground floor patios – they sleep there at night and chew up the chairs; jump into open cars and rip seats up; resulting in the possibility of Biltmore residents having to sell their units. Mr. Hoffman said these are wild animals and the answer is to remove them permanently from the island. Neutering and putting them back is not the answer. He said the County can dispose of these cats in many ways - it has discretion. He suggested the Town should employ its own trapper(s) and deliver the trapped cats to some organization that will end their lives painlessly. He said it was common to thin out wild herds and animals are used for experimentation, and humans kill animals for food. He advocated removal of the animals and end their lives painlessly. Mr. Hoffman said the false sentimentality of a small minority does not justify making the lives of the vast majority miserable.

Robert Spiegel, Operator of the Royal Poinciana Plaza, said the Plaza has a cat problem as a result of the feeding of cats by Palm Beach Cat Rescue. He said his problems are the food trays that are left and odors related to the cats. Mr. Spiegel said he did not have a solution to the problem but would like to see the cats removed as he has a business to run.

Mr. Brooks asked Mr. Spiegel if the Police Department had been of any help to him?

Mr. Spiegel responded that nothing has worked, but he requested that Catherine Bradley or the people working with her stay off the private property.

Nicole Rattinger, 227 Park Avenue, spoke on her activities working with homeless or injured dogs, cats, or birds and stated she has never been attacked by a cat. She said she did not think it was possible or humane to eliminate the feral cats. Ms. Rattinger said she supports

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taking care of the animals because of the example it sets for her three daughters, one of whom wants to become a veterinarian. She said trapping and spaying animals is not a problem, but it would be a problem if that is not done.

Wendy Victor, Via Tortuga, said she has an extra piece of land adjacent to her property and her property backs into a twelve acre property. She reported she sets a trap that captures raccoons, opossums, foxes, and feral cats. She said the wildest are the feral cats, and they are the only ones who will not eat food in the trap. She asked the Council to treat the feral cats as wild animals, ban the feeding of them, and continue to support the trapping and neutering of the existing population. She spoke about the balance of nature and noted the cats kill the big green salamanders but don't eat them.

Morris Saffer, 130 Everglade, said he has lived at the address for one year and he and his wife were confronted with the problem of an unusable back garden made unusable by feral cats. He said he met with Catherine and the Doctor and, at that time, he volunteered to trap and neuter to try to help with the issue. He said, in his opinion, there was no cooperation in getting rid of the cats. He said his wife could not go into the garden when she was pregnant, and his 2 ½ year old son cannot use the garden because of fecal droppings. Mr. Saffer said the situation is beyond humane solutions and unless the Town takes an active role in solving the problem, the average individual cannot solve the problem within the existing laws and hysteria. He suggested moving all of the feral cats onto the properties owned by Palm Beach Cat Rescue supporters and let them live with the problem.

Alix Hufty Anlyan, 160 - 154 Atlantic Avenue, said she is a very happy colony owner and recounted the improvements in the past four years regarding the colony that she supports. She said all the cats are well, and she receives great pleasure from feeding them although they are named, she has never been able to touch them. Mrs. Anlyan said her husband, Dr. Anlyan, was the Chancellor of Duke Medical Center from 1965 to 1998. He also was chairman of the World Health Organization and told the story of a malarial epidemic on an island where sprays were used to eradicate mosquitoes. The spray killed the mosquitoes, the lizards, and the cats in the food chain. The rats were left and took over the island, and the solution was to repopulate the island with cats establishing a natural balance.

Mrs. Anlyan said she was one of the people who talked to Mr. Spiegel at Royal Poinciana Plaza. She said in 1976, the calculation was 14,000 feral cats on Palm Beach island. She recounted seeing large numbers of feral cats on Worth Avenue, Golfview Road, Chilian, and other streets in the middle of town. She noted that this has been improved. Mrs. Anlyan reported that approximately 400 cats existed in the Royal Poinciana Plaza area in 1976, and presently there are less than 40 cats because of the feeding, spay/neuter program that she has been involved with for the last fourteen years. She said the reported 1,500 cats on the island could have been greatly increased if not for the efforts in the intervening years. She noted that feeding is the way that feral cats can be trapped for immunizations and health care. Mrs.

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Anlyan said she would be proud of her town if it continued in a visionary and humane way with the feral cats to reach a humane solution.

Mark Robson, Regional Director for the Fish & Wildlife Conservation Commission, Regional Office in West Palm Beach, said this was not an easy issue and agreed with Dr. Porcher's comments regarding native populations of wildlife. He said a number of studies have been done throughout the world on the impact feral cats can have on wildlife, primarily on small animal populations and birds. He said that Palm Beach is not a natural setting and used to be a sub-tropical barrier island of hardwood hammocks and low cabbage palms. This has been completely changed by development and the human impact. Part of that change includes the introduction of non-native species of wildlife. He noted that migratory songbirds are protected by State and Federal laws and these barrier islands serve almost as magnets. Studies indicate that feral cats consume as low as five or six animals, including birds, to as many as one thousand. These numbers vary greatly, and it is hard to put numbers on it. He said this was a concern when the maintenance of a number of feral cat colonies is determined. Mr. Robson said it has been determined that some of the most important impacts to native beach mice populations have been as a result of development along the beaches including the introduction of feral cats.

Mr. Brooks referred to a October 31,2000, letter signed by Robert L. Edwards, Director of Division of Law Enforcement, that stated "no permits have or will be issued for the release of cats in Florida. At this time we have not taken an adversarial position with the Counties on this program." Mr. Brooks said the statement referred to a species of animal not indigenous to the State is a violation of Florida Statute 372.265 and requested Mr. Robson address this subject.

Mr. Robson replied that is a State Rule of the Florida Fish & Wildlife Commission based on Statute which prohibits the release of non-native or exotic species into the wild in an effort to control the balance between non-native and native populations of wildlife. He said the rule is designed to address caymans and species like that. The Fish & Wildlife Commission does not control domestic animals such as dogs and cats. He said a position has not been taken on the issue of feral cats, and that would be a complex issue.

John Grosskopf, Manager of the Palm Beach Towers, reported that over the years the Palm Beach Towers incurred thousands of dollars worth of damage by the feral cats including cars, pool furniture, pool decks, trucks, and vehicles. Mr. Grosskopf said two employees have been scratched by the cats, and cats have been removed due to mange. He noted that four litters of cats were born on the property last year and questioned what cats were being neutered because the cat population is growing. He asked that the laws be enforced: no feeding of feral cats or wild animals; and trapped animals not be released back onto the property; fines imposed for littering of dishes.

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Mr. Grosskopf questioned the issuance of permits to raise money for illegal practices, i.e. illegal funding for feeding feral cats.

Responding to Mr. Brooks' question regarding an existing ordinance prohibiting the feeding of feral cats, Attorney Randolph responded the Town did not have an ordinance specifically related to that issue, but there is an ordinance related to nuisances. He said the Town would not enforce the County ordinance related to feeding of feral cats.

Attorney Randolph explained the Town does not investigate the purpose of any charitable event for anyone.

Larry Taube, Attorney, 1818 South Australian Ave., West Palm Beach, said he represented Palm Beach Cat Rescue and Humane Society. He said he has done this work for slightly over one year and mostly on a pro bono basis and has discovered there is a much larger issue than just feeding the cats. He pointed out that all of the views by all of the well meaning individuals expressed at this meeting have already been said in many communities throughout the country and the world. He said his group's frustration is that in the end, like it or not, the only practical means of addressing the problem is through the trap, neuter, and release program. The other solutions have been advocated, attempted, and failed. Trap and kill has not succeeded anywhere it has been tried. The problem has been ignored and that is why the community is where it is today.

Mr. Taube said cats are different from foxes who are native wildlife and will take care of themselves. Cats are not completely wild and not completely domestic. Humans brought cats to the island and have some obligation to address the problem. To simply ignore the problem and allow them to starve or allow them to be killed through the natural forces of nature is abstaining from responsibility. He said the State of Florida, the Legislature, and the County have recognized this position in somewhat of a passive way, and he said he was not aware of any city ordinance that stated it was against the law to feed feral cats. County Ordinance 98.22 speaks to it specifically. He pointed out that State Legislative Chapter 823 states the Legislature has determined the uncontrolled breeding of dogs and cats in the State results in a geometric growth and the counties can individually address the problem.

Mr. Taube said that County Ordinance 98.22, subsection 8, specifically provides that a person such as Catherine Bradley can register as a feral cat caretaker and that person has an obligation to identify a colony, trap and neuter the individuals in that colony, identify them, care for them medically, and if they cannot be adopted as most feral cats cannot, to feed them on a daily basis, everyday including holidays and weekends. He clarified that Catherine Bradley has only two ways to feed those animals by putting the food in dishes or not in dishes. That is the only meaningful way she can monitor and control that population in order to further the overall goal of eventually maintaining the population. He said the misconception is that Palm Beach Cat Rescue is attempting to preserve the population or

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seeking to promote it. Palm Beach Cat Rescue is trying to find a humane and meaningful way of controlling the population to allow it to come back to a natural level through attrition.

Mr. Taube concluded that he agreed with the comments from Mr. Robson, and it struck him as somewhat useless to talk about the native, non-native, and the balance of nature on the island of Palm Beach, because since Mr. Flagler developed the island and all of the inhabitants who followed, the island has been remade and it does not resemble anything of what it looked like 100 years ago. Because the feral cats were introduced by the inhabitants and a different ecosystem emerged, Palm Beach Cat Rescue feels it has a responsibility to do something about it in a humane kind of way.

Mr. Goldblum asked Mr. Taube about the issue of Palm Beach Cat Rescue responding to a request from the Committee to supply a list of colonies, locations, number of cats in each colony, number neutered and number to be neutered in each colony, and the program.

Mr. Taube replied Palm Beach Cat Rescue has registered each of the colonies they care for, attached to the registration form is a map specifically identifies where the colony is located and attached to that map is a note that identifies individuals in each colony. Additionally, Palm Beach Cat Rescue is required to register annually and that has been done.

Mr. Taube said he understood the request was to provide some recommendations for the Town and that was submitted by letter.

Mr. Brooks asked Mr. Taube what his answers would be to the question of private property rights?

Mr. Taube said the group has to respect private property concerns, but Palm Beach Cat Rescue would like to work with those individuals. He noted that in the only occasion he was aware of, less than thirty days passed when Palm Beach Cat Rescue was notified the program did not work and the group was not allowed on the property. Mr. Taube said the group needed to work out the logistic details with property owners.

Mr. Brooks said the property owner does not have an obligation to work with an organization that he or she feels injurious to their property.

John Blades, Flagler Museum, One Whitehall Way, said this was an emotional issue, but wanted to keep his comments confined to the facts. He said he looked at the articles of incorporation for Palm Beach Cat Rescue, and the articles filed with the State in 1996 mentions only "educational activities" regarding spay and neutering, and no mention is made of feral cat colonies, feeding or maintaining. He said the Florida Department of Health, Florida Fish and Game, and the American Society for Prevention of Cruelty to Animals are

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against maintaining feral cat colonies. He said National Wildlife Magazine summarized the studies that showed the impact on the native population of animals.

Mr. Blades noted that Palm Beach had ordinances making it a bird sanctuary. He cited ordinances dealing with the ownership of animals, rodent harborages, and the issue of private property rights. He said the County Ordinance for feral cats has real problems, and the County is trying to address those problems. Regardless of the merits of the program, any individual private property owner must have the right to not have feral cat colonies maintained on their property against their will.

Mr. Blades said there were other options, and one was Loving Acres Animal Sanctuary that deals with the problem that created a compound for unwanted feral cats. It is located in Live Oak, Florida, and another one, Wildcat Village, is located in Utah. He summarized that using basic information regarding the number of female feral cats, the number of litters, the breeding age, and the average life span shows that it is essentially impossible to limit the cat population through capture, spay, and release. If the program worked, this meeting would not be necessary. He compared feeding feral cats to feeding the homeless in Palm Beach and questioned why cats should be fed when human beings are not? Mr. Blades said any new ordinance the Town would consider has to take into account the facts that Palm Beach is a bird sanctuary; the Town has ordinances against rodent harborage; and private property owners have rights not to have feral cat colonies.

July Schraft, 325 Crescent Drive, said she was a former seventeen year board member of the Animal Rescue League and was a sometime feeder of feral cats in the neighborhood. She said she understood spaying and neutering and overpopulation of all animals. This is a time, worldwide, when the subject of animal welfare and animal rights are more recognized than ever before and identified several species that have drawn attention. She said that Catherine Bradley epitomizes the growing awareness of animal rights and welfare. She has relentlessly devoted herself to this task and she deserves the support and encouragement rather than criticism and harassment. If the Town cannot support her efforts, she should at least be allowed to continue with what she does so effectively to promote spaying and neutering and to continue increasing awareness of the problem here.

Mrs. Cathleen McFarlane-Ross, Worth Avenue, said she totally agreed with the comments given by Alix Hufty and Judy Schraft, and said the curly tailed chameleons and lizards are not out this time of year because it is too cold but they will be out in thousands in about a month. She said cats to not bother the lizards, and she feeds feral cats on her property every day. She noted that healthy birds are hard to catch by cats.

Catherine Bradley, 165 Root Trail, said her lawyer had said it was all right for her to speak today. She noted that if the lawyers and vets wondered what they were getting into when they volunteered to help, she has often wondered the same thing.

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Miss Bradley said she had always had the impression from the Breakers' employees that it was alright to feed cats on the Breakers property. She said food is not left in front of the tellers at the Bank on Cocoanut Row but is left behind the teller and she offered to do anything possible to keep the area clean. She said she and her volunteers are on the road 10½ hours per day and they find very little food left after the foxes, raccoons and other wildlife do eat it too.

Miss Bradley said the number of cats reported treated and microchipped by Dr. Ochstein began in 1997, and that number was 500 to 600. Several hundred cats were done from 1995 to 1997. More cats were done in the early years, because the cats receive additional medical attention now and making sure that they are healthy. Miss Bradley stated pollution killed birds more than any other wildlife, and cats were introduced into this environment almost 500 years ago.

Miss Bradley noted that some domestic cats do not receive as good medical attention as do the feral cats. Also, domestic cats are killed in shelters every day by the thousands, by the millions throughout the world. Finding homes for feral cats are almost impossible when homes cannot be found for healthy domestic cats. She said that Royal Poinciana Plaza does not have 100 cats but closer to 40 with most of them being spayed and neutered. She said that no dishes are left in the Royal Poinciana Plaza anymore because her group has been told not to do it. She mentioned she was the one who helped remove cats from roofs and walls in Royal Poinciana Plaza. She said Mr. Saffer on Everglade Avenue did grant Palm Beach Cat Rescue a very short time to take care of the situation, and she met with Mr. and Mrs. Saffer before they bought the house and explained the feral cat situation. Miss Bradley said she would work with them and asked for several months to have the cats spayed and neutered.

Miss Bradley said numerous cats were present on Everglade Avenue with one resident who lived next door to Mr. Goldblum asking for help with the cats. She said she had spayed and neutered close to 40 cats on Everglade Avenue in the past one and one-half years. Forty kittens were removed from Everglade Avenue this past summer. She noted that she attempted to work with the residents including Mr. Goldblum, but he was not interested. She said she has trouble "getting her foot in the door" with people who oppose or do not understand the program. She said she was begging the Town and its residents to sit down and deal with this issue in the only humane way possible.

Miss Bradley said the Palm Beach Police called her once to remove kittens from the top of a trash heap at the Flagler Museum, but those were the days when she worked with the Palm Beach Police Department. She said that in August, 1995, she spayed and neutered the last 17 of 28 cats that resided at the Flagler Museum. It was done in a two week period by Dr. Ochstein. No kittens have been born at the Flagler Museum since August 1995. She said she did not know where the increase at the Flagler Museum comes from.

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Miss Bradley said all of the cats on Everglade Avenue with the exception of five have been spayed and neutered, but since she is not allowed on the street or on the property the five remaining cats will recreate the problem as it has been in the past. She said she does not understand the problem with the Flagler Museum and the Palm Beach Towers. Palm Beach Towers will not let her on the property to spay and neuter. The Flagler Director tried to have the State license for Palm Beach Cat Rescue revoked.

Miss Bradley said the Hemingway Museum in Key West has sixty cats on one acre. She noted the Flagler Museum has eight acres with eight cats since 1995. The Hemingway Museum stated they had no problems with the cats.

Responding to Mr. Brooks question regarding the number of feral cats ten years ago, Miss Bradley said she had no clue.

Larry Mehlman, 270 Ridgeview Drive, said he wanted to submit some observations: Palm Beach has a loss of songbirds and songbirds were lost throughout the United States because of development, pollution, pesticides and the concurrent loss of insects, and hunters in the path of migration. He said he thought feral cats would be far down on this list and if cats were euthanized, a re-emergence of song birds should not be expected. He recalled birds disappearing from the Phipps site due to development

Mr. Mehlman said a neighbor in his area trapped raccoons and foxes and within one year they virtually disappeared on his street. He said he lived in Palm Beach for forty-nine years and it was not the cats who are destroying everything; but all the other things including people who set out traps who regard anything larger than a mouse as a "problem".

Mr. Mehlman reported he checked rabies records and in the forty-nine years of keeping records, no fatalities were reported. In the United States, 30 fatalities, largely from bats, were reported in 22 years. He noted that often rabies is used as a scare tactic to decimate groups of animals.

Mr. Mehlman said the former director of the Flagler Museum did not have a problem with the cats and even fed them. He said the population of feral cats was stable and even declining, and if Palm Beach Cat Rescue were given a chance, there services could be expanded. He said he felt that showing compassion for animals is not a requirement for a lack of compassion for people.

(The Committee made no recommendation, but the following is a verbatim transcript of Mr. Brooks' closing summarizing remarks:)

"Here's where we are at, gang. Obviously, as has been said, this is an issue that can provoke strong feelings, and I think at the outset I would like to say to the members of Palm Beach

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Cat Rescue that you are very altruistic, caring people. You're not cold hearted. You are not lacking in the proper caring feelings. I want to say this: There is no simple, quick answer to this problem. If there was a simple, quick answer, it would be simply and quickly wrong. Okay? Also, I would like to acknowledge receipt of the petitions that Miss Bradley and her colleagues have accumulated over the past ... and there is a substantial number of them. But here's my problem. If you recall when we were in college, and looking at most of you that was a few years ago, with the exception of me, in Greek mythology we had the story of Sisyphus when Sisyphus was pushing that rock up the hill. Just when he would get to the top, the rock would come back down, and he would try again. I think we have evidence this morning, despite the very moving testimony of Mr. Mehlman, that the population is not stable, is not decreasing. *Offotsiori*, it is increasing. It is increasing for a number of reasons. Dr. Ochstein simply cannot, as he admitted in his own testimony take care of all the animals that would need to be spayed and neutered.

"Our conversation has raised many good questions this morning. We've talked about the balance of nature. We've talked about which wild animal is less prone to have rabies than others..on and on it goes. But here's my problem, as a representative of the Town. I asked Mr. Taube. He did not address property rights, and property rights are important. His statement that well they would like to engage the property owners in conversation misses a point. The property rights owner takes precedence over no matter how caring and how good an organization is. The Palm Beach Cat Rescue has not addressed the concerns. As a matter of fact, the Court has ruled against them, as regards Atlantic and Everglade, precisely because of the petition the plaintiffs who live on that street or at least some of them. So that causes a problem. Should we have a feral cat colony on the island? Yes, I think there is if we are talking about the balance of nature. I don't see a problem with the feral cat colony, except, EXCEPT, Mr. Hoffman had testified earlier this morning about the need to thin the herd. We have seen what happened with the gray wolf. We now see that because of environmental and humane and animal rights, the gray wolf is making an appearance. We have seen it with the coyote, especially in the northeast. Whereas, the trapping of coyotes was halted, now we're reaching the stage where they may have to reinstitute it.

"We talk about TNR and Catherine, I thank you for the video, and I had seen it before, and I have read the materials from the Allies of Alley Cats out of New Jersey, the Trap, Neuter, and Release. Yeah, there is value to that, but I think where we are down to now is the whole question of feeding. This is the problem. This is what's really been undergirding, sometimes extremely visibly, other times just playing at the surface like a subterranean support for a problem. This is what is causing the problem. I am not sure yet...I have to talk to the Council...what this Committee or my colleague, Mr. Goldblum, wants to recommend that we submit to the Council as an ordinance. I know that February 5th, Miss Bradley is back in Court on another legal matter. In an attempt to work out a compromise, and certainly we do not want to recommend euthanasia, I realize that citizen who mentioned that this morning has first amendment rights, but that is not...I'm an animal lover. I have two wonderful

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animals, and we don't want to talk about that. But I think we do have to talk about something that reflects the natural thinning of a population. So maybe we could talk about trap, neuter and release but maybe we could talk about not feeding the animals. The problem comes..where are you going to feed them? I see you shaking your heads. Again, I've asked for some help from the organization, but to arbitrarily say, 'It's our way or the highway' let me kindly, but firmly and resolutely inform you that it is not going to fly. We have the obligation to take care of property rights owners. Now, you can sugar coat that. If you want to do it on your own private property, that is your business. But, to go on private property..there is a picture here of Miss Bradley on private property. Okay? This is what we are faced with, and again there is no simple solution. I will say to you this, quoting Albert Einstein, who was far more cognitive and cerebral than maybe visceral and emotional, but he said 'until mankind extends the warmth of human kindness to all living creatures, we will not have a very happy world'. I firmly believe that, but I'm telling you we must be respectful of property rights. Where I'm leaning right now, excuse me, Miss Bradley,...where we are right now is the fact that we don't want to promiscuously and arbitrarily do harm to any animal. At the same time, we have a problem, and the solution to the problem...God knows I don't have all the answers...will come to this Committee which in turn will have it checked with Council and submitted to the Town Council. That's our first council, and I've heard all kinds of things this morning, but no one from Palm Beach Cat Rescue has addressed the question of property rights. If you look at how the courts have ruled in the past ten years, whether it's the Burt Harris Act or the 1983 Civil Act, you will see that property rights owners...I don't want to say they have total rights but they have rights, they pay taxes...and that's where we are at. So, I'll take a motion for adjournment."

Mr. Goldblum made a motion to adjourn the meeting, seconded by Mr. Brooks.

V. ANY OTHER MATTERS

There were none.

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VI. ADJOURNMENT

The Committee meeting was adjourned at 11:45 a.m.

A handwritten signature in cursive script, reading "William J. Brooks", written in dark ink.

William J. Brooks, Chairman

A handwritten signature in cursive script, reading "Norman P. Goldblum", written in dark ink.

Norman P. Goldblum, Committee Member