

# TOWN OF PALM BEACH

Office of The Town Clerk

## REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON TUESDAY, JANUARY 26, 2010

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### I. CALL TO ORDER AND ROLL CALL

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3 The Ordinance, Rules and Standards Committee meeting was called to order on Tuesday,  
4 January 26, 2010 at 9:30 a.m. in the Emergency Operations Center, 355 S. County Road, Palm  
5 Beach. On roll call, Chair 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 presented.

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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. Spreadsheet Regarding Boards and Commissions

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16 There was discussion regarding the Boards and Commissions. Deputy Town Manager Bradford  
17 mentioned that Pension Administrator Bill Hanes was preparing an Ordinance that the Police and  
18 Firefighter Retirement Boards have approved, restructuring their boards to have staggered terms.

19

20 Chair Diamond proposed having alternates on Boards that currently do not have them and the  
21 alternates could serve in the summer months.

22

23 Town Manager Elwell informed the Committee that the retirement boards function under State  
24 Statute which is different than the Town Boards and may not be able to add another member.  
25 The Town Council could make a recommendation to the Boards, but the retirement boards would  
26 not be required to add another member. Town Attorney Randolph agreed. The Committee will  
27 recommend to the three retirement boards to add one alternate.

28

Town Manager Elwell suggested that the role of the alternate member would be a voting member only in the event to make a quorum. The trigger for voting would be the absence of a citizen member. Committee Member Coniglio was concerned and gave example of a fire fighter absent on the day of the meeting. If that person were not represented, it upsets the balance and what the intent of the Board was. **Town Manager Elwell said the Committee should recommend one additional member to serve as alternate on the three retirement boards and participate and vote only when any of the other Town Council appointed persons were not present.**

a. Section 2-334-Reports Deferred from the December 7, 2009, Ordinances, Rules, and Standards Committee Meeting.

There was discussion about being more specific when the Boards and Commission Annual Reports would be presented to the Town Council.

Committee Member Coniglio suggested that the code be consistent throughout, and that there be a set schedule. Town Manager Elwell did not feel it necessary to describe the schedule in the code.

**The Committee accepted the staff recommendations.**

b. Article X-Shore Protection Board - Alternates

Town Manager Elwell stated that there are currently seven members with no alternates. Chair Diamond recommended that two alternates be added to the Shore Protection Board.

**After discussion, it was decided to remain the status quo. No changes were made.**

2. Animals Running at Large - Section 1-14 vs Code Enforcement Violations

Town Attorney Randolph presented the proposed changes to the Ordinances. Chair Diamond suggested the penalty be a Class III fine, instead of Class I since the ramifications could be more dangerous to the public.

Sgt. Curtis Krauel, Code Enforcement, indicated that in the North end, there are several complaints about loose dogs , but there are few actual attacks. They were not opposed to increasing it to a Class III penalty.

Committee Member Coniglio was concerned with dog owners, whose dog may simply run out of the house without a leash, and then be fined.

Rob Walton, Code Enforcement, indicated that when the fines increase, it is more difficult to enforce.

**Chair Diamond indicated after discussion, they would accept staff recommended changes.**

1 **Chair Diamond requested that more fecal removal bags be placed at the corner of Dunbar**  
2 **and the Trail since they have been empty for at least ten days. Town Manager Elwell**  
3 **indicated they would have staff immediately address the issue.**  
4

5 B. New Business

6 1. General Review of Town Code of Ordinances

7 The Committee reviewed the following chapters page by page.

8 a. Chapter 22-Businesses

9 Section 22-94 Regarding Pugilistic Exhibitions - Sgt. Krauel indicated that they recommended  
10 the ultimate authority would be the Chief of Police and the permit application would be  
11 processed through the Town Clerk's office.

12  
13 Section 22-126-127 - Motion Picture Making. Committee Member Coniglio asked what the fine  
14 was and Town Attorney Randolph indicated that it was \$250.00 per day. Chair Diamond did not  
15 feel it was a problem within the Town. Town Manager Elwell indicated that when a motion  
16 picture films, it may create a life safety hazard and could be stopped on demand, if necessary. He  
17 indicated they get a lot of small scale productions that are news documentaries.

18  
19 Article V - Entertainment Establishments

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21 Committee Member Coniglio recused herself from the discussion and filed Form 8B with Town  
22 Clerk Cunningham and left the dais. She recommended that Chair Diamond bring his  
23 recommendations to the Town Council.

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25 Town Attorney Randolph indicated that this was a previous Town Council directive and will be  
26 brought back to them soon. There were some minor amendments suggested by Code  
27 Enforcement staff.

28  
29 Town Manager Elwell indicated that the ORS report will go to the Town Council for acceptance  
30 at the February Town Council Meeting.

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32 **Chair Diamond recommended solely that both the premises language and the language**  
33 **regarding proximity to the residential areas as discussed by the Town Manager and Town**  
34 **Attorney be brought to the Town Council for approval.**

35  
36 Committee Member Coniglio returned to the dais after the discussion ended.  
37

38 b. Chapter 26-Cable Communications

39 Chair Diamond stated that he had received several complaints regarding cell tower service in the  
40 North end and wanted to discuss that before the cable communications discussion. Deputy Town

1 Manager Bradford indicated that he had not received any complaint in over two years since the  
2 Breakers Hotel had added a cell tower to their facility.

3  
4 Committee Member Coniglio said it was up to the cable and cell companies to install more  
5 towers. Town Manager Elwell indicated the Town was not in a financial position to build its own  
6 tower, but could strongly encourage the vendors to utilize Town sites.

7  
8 Regarding Cable Communications, Deputy Town Manager Bradford indicated that that Florida's  
9 Consumer Choice Act of 2007, F.S. 610.108, preempts the Town's existing customer service  
10 provisions. Instead, the law imposes the FCC's minimum standards [47 C.F.R.76.309(c)] and  
11 delegates to the Florida Department of Agriculture and Consumer Services the job of enforcing  
12 those provisions. The staff proposed rewrite language preserves the Town's ability to impose  
13 additional and/or stricter standards in the event that the provision of the law (preempting the  
14 Town's authority on customer service standards) changes.

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16 **The Committee approved the staff recommendations.**

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18 c. Chapter 30-Consistency and Concurrency Management System

19 John Page, Director of Planning and Zoning, indicated that there will be a review by the Planning  
20 and Zoning Commission.

21 Deputy Town Manager Bradford said the language matches the Comprehensive Plan language  
22 and was duplicative. Town Manager Elwell added that this was consistent with the fee schedules  
23 that used to be in the Town Code, but now are changed by Resolution.

24  
25 **The Committee accepted the staff recommendations.**

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27 d. Chapter 34-Elections

28 Deputy Town Manager Bradford indicated there were no recommended changes in the Elections  
29 Chapter. Town Manager Elwell informed the Committee that the Code was changed a year ago  
30 that allowed more time for absentee voting.

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32 **The Committee did not offer any changes.**

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34 e. Chapter 38-Emergency Services

35 **After reviewing the Emergency Services Chapter page by page, the staff recommendations**  
36 **were accepted by the Committee.**

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38 V. ANY OTHER MATTERS

39 There were none.

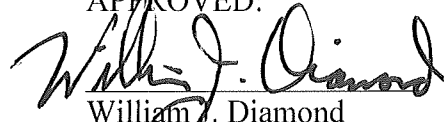
Chair Diamond asked Town Manager Elwell to summarize the recommendations that would be brought to the Town Council:

- Subject to Town Council approval, recommend to the retirement pension boards and the general employee pension boards to add a third Town Council appointee be provided for; with the third member sitting as an alternate only to participate as a voting member when one of the other two Town Council appointees was not present.
- The entertainment establishments revisions will have a notation that it was Chair Diamond's sole recommendation, since Committee Member Coniglio recused herself, that the ordinance be changed to address the premises definition as well as the proximity of the establishment to residences rather than proximity to a residential district.
- All of the other proposed staff changes were accepted by the Committee.

#### VI. ADJOURNMENT

There being no further business, the Ordinance, Rules and Standards Committee Meeting of Tuesday, January 26, 2010, was adjourned at 10:54 a.m.

APPROVED:

  
William J. Diamond  
Chairman