

**REPORT OF THE ORS COMMITTEE MEETING  
HELD ON WEDNESDAY, MAY 2, 2018**

**I. CALL TO ORDER AND ROLL CALL**

The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on Wednesday, May 2, 2018, at 2:00 p.m. in the Town Council Chambers. On roll call, all Committee Members were found to be present.

**II. PLEDGE OF ALLEGIANCE**

Committee Chair Araskog led the Pledge of Allegiance.

**III. APPROVAL OF AGENDA**

**Motion was made by Committee Member Crampton, and was seconded by Chair Araskog, to approve the Agenda. On roll call, the motion passed unanimously.**

**IV. COMMUNICATIONS FROM CITIZENS – *None***

**V. REGULAR AGENDA**

**A. Old Business**

1. Amendment of Town Code, Relative to Special Events on Public Property  
*Jay Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar provided an overview of the history and proposed changes to the Town Code relative to Special Events. He stated that the intent was to serve as a proactive measure to control overuse of public spaces and potential damage with some form of fee structure and other language included that will give staff the discretion to determine the frequency of events and avoid any adverse effects.

Town Attorney Randolph spoke regarding the legal principles of restricting non-resident use for special events on public property. He explained that the Town could not legally limit the use of certain parks to residents only. He further explained that the Town could impose a different fee structure for residents and non-residents and went over the form of fee structure used by different municipalities for residents and non-residents for parking situations.

1 Discussion ensued regarding the inclusion of preferential treatment to residents  
2 relative to the submission of special event applications, monetizing public spaces  
3 by charging fees, earliest recommended application deadlines, and type of  
4 restrictions allowed regarding land use for special events.

5  
6 Committee Member Crampton inquired as to whether residents could be given  
7 preferential treatment for submission deadlines that are further in advance than  
8 those offered to non-residents.

9  
10 **Chair Araskog requested that the Town research ways to address competing**  
11 **applications for special events from residents vs. non-residents and include**  
12 **the policies of other municipalities.**

13  
14 Deputy Town Manager Boodheshwar provided an overview of the following  
15 proposed changes to Chapter 106 of the Town Code:

16  
17 Sec. 106-257 – Regulations relating to special event.

18  
19 The following regulations shall apply to all special events within the town:

- 20  
21 (1) There shall be held at the location requested no more than one special  
22 event on any given day, without priority for any particular date, to be  
23 granted to the first person to submit a completed application designating  
24 that day. The Town reserves the right to limit use of public spaces at  
25 anytime to prevent overuse and/or adverse impacts to adjacent  
26 neighborhoods.

27  
28 **Chair Araskog inquired whether this section would allow the Town enough**  
29 **discretion to limit use of certain spaces and if the language was enough to grant the**  
30 **Town the right of denial. She also asked if the Town had a right to legally deny**  
31 **applications if there were competing interests or too many.**

32  
33 **In response to Chair Araskog, Attorney Randolph recommended that the Town**  
34 **provide limited guidelines and build in some discretion so that the parks can remain**  
35 **open for public use without having too many events.**

36  
37 **Chair Araskog inquired about limiting the number of people that can attend an**  
38 **event. Deputy Town Manager replied that staff can limit according to public safety**  
39 **and other concerns on a case-by-case basis.**

40  
41 **Committee Member Crampton inquired about the permit application process.**  
42 **Deputy Town Manager explained that Public Works and other departments**  
43 **investigate each application to determine if maintenance or prevention of overuse is**  
44 **necessary.**

- 45  
46 (2) The maximum total duration of each special event and the assembly

thereof shall be ~~three~~ five (5) hours.

**Deputy Town Manager Boodheshwar explained the current requirement of three hours was not sufficient in order to set-up, hold an event and cleanup afterwards, therefore, he recommended increasing the allotted time to five hours.**

Sec. 106-281. – Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee.

**Deputy Town Manager pointed out that the Town Council may sponsor an event, approve it and not require all of the special exceptions here to apply. He brought up the Centennial as an example and stated that he wanted to be certain the Town Council was aware of its right to do so in the future under the code requirements.**

Sec. 106-282. – Application.

(b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than ~~30~~45 days nor more than ~~90~~180 days before the date on which it is proposed to conduct the special event.

**Deputy Town Manager explained that this section could be an area where the language regarding the time-periods for filing could differ in order to benefit the residents.**

**Discussion ensued regarding the best time-period to file an application that would benefit the residents and provide the Town with sufficient time to review and process any complicated and large-scale event applications, especially if there is a conflict or an appeal.**

**Assistant Public Works Director Eric Brown spoke regarding the review process and the preferred time-period for addressing conflicts. Mr. Brown explained that a longer period is helpful so staff can review upcoming projects that could potentially inhibit the event. He also stated that he believed six months to a year is best, depending on the situation.**

**Chair Araskog expressed her preference for the submission period of applications to seven to nine months before the event date in case there is an appeal.**

**Deputy Town Manager Boodheshwar stated he would confer with the Town Attorney regarding Chair Araskog's preference.**

(c) *Contents.* The application for a special event permit shall set for the

1 following information:

2  
3 (10) The name of the applicant's insurance company for the event. The  
4 town shall be named as an insured on a policy of liability insurance  
5 in an amount not less than \$1,000,000.00. The Town of Palm Beach  
6 reserves the right to require additional coverages and limits based upon the  
7 particular special event proposed by the applicant.

8 If the special event applicant maintains higher limits than the  
9 minimums shown below, the Town requires  
10 and shall be entitled to coverage for the higher  
11 limits maintained by the applicant.  
12

13 **Deputy Town Manager Boodheshwar explained that although the default**  
14 **requirement for liability is no less than one million, staff wanted to have the ability to**  
15 **increase it, depending on the situation. He stated that staff would work with the Risk**  
16 **Manager and Town insurance companies to increase the insurance requirements as**  
17 **a condition of granting the permit.**

18  
19 **Committee Member Crampton requested the inclusion of language that requires an**  
20 **applicant to list the Town list as an additional insured to this section.**

21  
22 (14) The following fees, in accordance with the fee schedule adopted by  
23 the town council by resolution as may be amended from time to  
24 time.

25  
26 a. An administrative processing fee and, in the event of a late filing  
27 a late filing fee, in accordance with the fee schedule adopted by the  
28 town council by resolution as may be amended from time to time.

29  
30 b. A refundable damage deposit

31  
32 c. A usage fee prepaid for the hours requested to hold the proposed  
33 special event  
34

35 **Deputy Town Manager Boodheshwar explained the above language as a new section**  
36 **in the code that allows the Town to charge fees as adopted by resolution. He informed**  
37 **the Committee that at this time, there is no Administrative Fee, damage deposit, or**  
38 **usage fee requirement.**

39  
40 **It was the consensus of the Committee, to direct staff to revise the language so that the Town**  
41 **is provided with the flexibility to charge a processing fee, damage deposit and usage fee.**

42  
43 **Sec. 106-283. – Standards for issuance.**

44  
45 **The town manager's office shall issue a special event permit when from a**  
46 **consideration of the application and from such other information as may otherwise be**

1                   obtained, ~~he~~ finds that:

- 2  
3                   (6)     The special event is not being held for the purpose of advertising  
4                   any product, goods or event, and is not designed to be held for  
5                   private profit ~~or fundraising~~.

6  
7                   **Deputy Town Manager Boodheshwar stated advertisers are prohibited from using**  
8                   **signs or other forms of advertising, per Town code. He explained that the purpose is**  
9                   **not to allow our public spaces to be used for private gain and fundraising but**  
10                   **recommended that the Committee consider making an exception for non-profit**  
11                   **fundraising events that are Town serving such as the Turkey Trot.**

12  
13                   **Discussion ensued regarding the reason fundraising language was included in the**  
14                   **code which was to discourage fundraising events.**

15  
16                   **Chair Araskog requested that staff research the different types of fundraising events that**  
17                   **could take place in these areas and recommended the Committee consider allowing**  
18                   **exceptions for non-profits.**

19  
20                   **Council Member Crampton spoke regarding to the need to address sponsored events**  
21                   **that might be applicable for events the Par 3 golf course.**

22  
23                   **Attorney Randolph recommended the best distinction is to allow for 501 (C) (3)'s.**

24  
25                   **It was the consensus of the Committee, to leave the language as is but to provide a sentence**  
26                   **in the code allowing the issuance of permits for 501 (c) (3)'s, which are otherwise limited by**  
27                   **the Town's charitable solicitation requirements.**

- 28  
29                   (10)     An original certificate of insurance ~~must be~~ was supplied to the  
30                   town naming the town as an insured on a policy of liability  
31                   insurance in an amount not less than \$1,000,000.00 or an amount  
32                   higher based upon the particular special event proposed.

33  
34                   Sec. 106-284. – Notice of approval or denial.

35  
36                   The town manager shall act upon an application for a special event permit with ~~15~~  
37                   20 days after the filing thereof and must notify the applicant of the approval or denial of  
38                   the application within that same period. If the town manager denies an application, a  
39                   written notice stating the reasons for denial shall be sent to the applicant by certified mail  
40                   and made available by the town for inspection within the ~~15~~20-day period specified  
41                   above.

42  
43                   **Deputy Town Manager spoke regarding staff needing more time to process**  
44                   **applications.**

45  
46                   Sec. 106-285. – Appeal procedure.

Any person aggrieved shall have the right to appeal in writing the denial of a special event permit to the town council. The appeal shall be taken with five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal the next regular monthly meeting of the town council subsequent to the notice of appeal.

**By consensus of the Committee, staff was directed to draft an Ordinance with the proposed changes for first reading at the June 12, 2018 Town Council Meeting and to draft a Resolution with the fee structure for review at the June 7, 2018 ORS Committee meeting.**

B. New Business

1. Review of Remaining Scheduled Meetings for 2018  
*Jay Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar provided the tentative dates for the remaining meetings in 2018.

**By consensus of the Committee, there will be no ORS meetings scheduled for the months of July and August.**

VI. **ANY OTHER MATTERS** - *None*

VII. **ADJOURNMENT**

There being no further business to discuss, the Ordinances, Rules and Standards Committee Meeting was adjourned at 2:55 p.m.

APPROVED:

\_\_\_\_\_  
Julie Araskog  
Chair

ATTEST:

\_\_\_\_\_  
Kathleen Dominguez  
Town Clerk

\_\_\_\_\_  
Date