

## Sec. 18-146. - Statement of findings and purpose.

- (a) The town council has found that Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value.
- (b) In recognition of the fact that beautiful communities can be created only through a deliberate search for beauty on the part of the community leadership, architects, planners, realtors and the building industry, backed by an appreciation of the visual world by the people, the town council has created the architectural commission.
- (c) Public action for improving community appearance, as embodied in the architectural commission, will provide the ultimate designers of individual structures with the larger contexts in which their particular works will be viewed. Since the beauty of a community involves the aesthetic quality of all one sees in moving about, it goes far beyond the design of individual architectural facades.
- (d) The comprehensive plan and zoning codes are the most powerful legal enforcement of an overall urban concept, but alone they do not create beauty, aesthetic order, or amenity. The task of the architectural commission is therefore to preserve various elements of urban beauty and require that new projects enhance the existing elements.
- (e) The essential foundation of beauty in communities is harmony. The plan for achieving beauty must grow out of special local characteristics of site, aesthetic tradition and development potential. Some local areas of natural beauty are the beaches, ocean and intracoastal waterway. The vistas and visual delight of these should be allowed only to be enhanced. It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

## DIVISION 2. - ARCHITECTURAL COMMISSION

ARCOM

## Sec. 18-166. - Membership; appointment.

- (a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are in the discretion of the town council, no bona tide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.
- (b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. 07-2018, § 1, 6-12-18)

## Sec. 18-167. - Qualifications of members.

- (a) All members of the architectural commission shall be specially qualified by reason of training or

experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effects of a proposed building upon the desirability, property values and development of surrounding areas.

- (b) Each member of the commission is required to be a registered voter in the town; however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise as a State of Florida licensed architect or landscape architect that will benefit the commission and the town.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. 07-2018, § 1, 6-12-18)

Sec. 18-168. - Terms.

- (a) Members of the architectural commission shall be appointed for terms of three years from and after the expiration of each term. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) No member of the commission may serve more than two consecutive terms; but this subsection shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, if such person has ceased to be a member of the commission for a period of time not less than nine months. Further, if a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full three-year term, that person shall not be precluded from serving for two successive three-year terms. Additionally, although an alternate member may not serve more than two three-year terms as an alternate, the alternate member may be appointed to serve as a regular member of the commission and shall be entitled to serve two full three-year terms thereafter.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 18-169. - Removal provisions; absences.

All members of the architectural commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the director of planning, zoning and building in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 18-170. - Conflicts of interest.

- (a) If excessive conflicts of interest arise during any one calendar year, the architectural commission



member shall be automatically removed from the commission. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis.

- (b) If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:
- (1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.
  - (2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber until the item is concluded.
  - (3) The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

#### Sec. 18-171. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the architectural commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as voting members or not.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

#### Sec. 18-172. - Rules.

The architectural commission shall adopt rules and regulations for the conduct of its business. Four voting members shall constitute a quorum. The affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

#### Sec. 18-173. - Record of proceedings.

The records of all proceedings and the basis for all findings shall be available to the town council and to the public.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

#### Sec. 18-174. - Meetings.

MINUTES OF THE TOWN COUNCIL MEETING HELD ON AUGUST 8, 1995

Mr. Jakubiak said that the reports were being submitted on a monthly basis, and staff was now advising the Town Council in order that a decision on whether an ordinance should be put together, and whether or not that should be an SCC established ordinance, or a more specific ordinance. He added that based on the reporting received, a Town ordinance probably would not be enforceable because the Town could not have any information based on Town customers themselves, but would have to trust everything said by Comcast based on their whole system. Mr. Jakubiak said that the ordinance would involve everything from service outages to telephone problems.

Mr. McDonald asked Mr. Jakubiak if the only thing to be considered by ORS at this time was the Town specific report by Comcast?

Mr. Jakubiak agreed with that, stating that he had an alternative that could be implemented.

Mr. Wyett made a motion to submit the issue to ORS for its August 9, 1995 meeting. Mr. Shaw seconded the motion for discussion.

Ms. Diane Christie of Comcast Cable, addressed the Town Council, stating that they would be glad to attend the ORS Meeting on August 9, 1995, and that she wanted to clarify that Comcast had been manually tracking all of the calls that had come in from Town residents on a monthly basis, and had submitted same to the Town. She noted that in the last thirteen months, 21,455 calls had been received from Town residents, which was about 3.8% of the total calls coming into the system. She added that the Town also gets a report on what type of calls those were.

On roll call the motion to send the matter to ORS carried unanimously.

#### X. NEW BUSINESS

##### A. Ordinances (First Reading)

##### 1. Ordinance Amendments to Town Boards and Commissions:

##### a. Ordinance No. 9-95 - Amendments to Golf Commission Ordinance

Mr. Randolph read Ordinance 9-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE TOWN CODE OF ORDINANCES RELATING TO PARKS AND RECREATION AT ARTICLE 2 GOLF COMMISSION SECTION 14-15 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS, AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 9-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

##### b. Ordinance No. 10-95 - Amendments to Seaview Park Commission Ordinance -

Mr. Randolph read Ordinance 10-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE TOWN CODE OF ORDINANCES RELATING TO PARKS AND RECREATION AT ARTICLE 1 SEAVIEW PARK COMMISSION SECTION 14-1, SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS, AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 10-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

##### c. Ordinance No. 11-95 - Amendments to Architectural Commission Ordinance -

Mr. Randolph read Ordinance 11-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN CODE OF ORDINANCES RELATING TO BUILDINGS AT ARTICLE 9 ARCHITECTURAL REVIEW AND PROCEDURE SECTION 5-379 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL, AMENDING SECTION 5-380 RELATING



~~MINUTES OF THE TOWN COUNCIL MEETING HELD ON AUGUST 8, 1995~~

Mr. Jakubiak said that the reports were being submitted on a monthly basis, and staff was now advising the Town Council in order that a decision on whether an ordinance should be put together, and whether or not that should be an SCC established ordinance, or a more specific ordinance. He added that based on the reporting received, a Town ordinance probably would not be enforceable because the Town could not have any information based on Town customers themselves, but would have to trust everything said by Comcast based on their whole system. Mr. Jakubiak said that the ordinance would involve everything from service outages to telephone problems.

Mr. McDonald asked Mr. Jakubiak if the only thing to be considered by ORS at this time was the Town specific report by Comcast?

Mr. Jakubiak agreed with that, stating that he had an alternative that could be implemented.

Mr. Wyett made a motion to submit the issue to ORS for its August 9, 1995 meeting. Mr. Shaw seconded the motion for discussion.

Ms. Diane Christie of Comcast Cable, addressed the Town Council, stating that they would be glad to attend the ORS Meeting on August 9, 1995, and that she wanted to clarify that Comcast had been manually tracking all of the calls that had come in from Town residents on a monthly basis, and had submitted same to the Town. She noted that in the last thirteen months, 21,455 calls had been received from Town residents, which was about 3.8% of the total calls coming into the system. She added that the Town also gets a report on what type of calls those were.

On roll call the motion to send the matter to ORS carried unanimously.

#### X. NEW BUSINESS

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Mr. Wyett made a motion to approve Ordinance 9-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

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Mr. Wyett made a motion to approve Ordinance 10-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

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## ORDINANCE NO. 11-95

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN CODE OF ORDINANCES, RELATING TO BUILDINGS, AT ARTICLE IX, ARCHITECTURAL REVIEW AND PROCEDURE, SECTION 5-379, SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL; AMENDING SECTION 5-380 RELATING TO ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 5 of the Town Code of Ordinances relating to Buildings is hereby amended at Article IX, Architectural Review and Procedure, Section 5-379, to read as follows:

**"Sec. 5-379. Architectural commission.**

(a) The architectural commission shall consist of seven (7) members. All members of the commission shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge of the effects of a proposed building upon the desirability, property values and development of surrounding areas. At least two (2) members, but not more than three (3) members, of such commission shall be registered architects in the State of Florida. The members of such commission shall be appointed by the Town council and the commission shall designate a chairperson thereof. The terms of said members shall run as follows:

(1) Two (2) terms shall run from March, 1987 to March, 1990.

(2) Three (3) terms, currently due to expire in 1987, shall run from March, 1988 to March, 1991.

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(3) Two (2) terms currently due to expire in 1989, shall run from March, 1989 to March, 1992.

Successive terms shall be appointed for the term of three (3) years from and after the expiration of the terms set forth above. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

All members of the architectural commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) or more meetings in any one (1) calendar year, or more than two (2) consecutive scheduled meetings. Excused absences due to illness, a death in the family and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manager via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.

In the event of excessive conflicts of interest during any one (1) calendar year, the commission member shall be subject to removal from the commission by the town council or, in the event of excessive conflicts of interest during any one (1) term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as ten (10) or more conflicts of interest in any one (1) calendar year.

In the event a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.

1. Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.



2. The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.

3. The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(b) Each member of the architectural commission is required to be a registered voter in the Town of Palm Beach.

(c) No member of the architectural commission may serve more than two (2) consecutive three-year terms. All persons presently serving in their second term on this commission may complete said term, however, on the completion of said term, a new member shall be appointed. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two (2) consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine (9) months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than fifty (50) percent of a full three-year term, that person shall not be precluded from serving for two (2) successive three-year terms. Additionally, although an alternate member may not serve more than two (2) three-year terms as an alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two (2) full three-year terms thereafter."

Section 2. Chapter 5 of the Town Code of Ordinances relating to Buildings is hereby amended at Article IX, Architectural Review and Procedure, Section 5-380, to read as follows:

"Sec. 5-380. Alternate members of commission.

The town council may, in its discretion, appoint three (3) alternate members who shall serve when called upon by the chairman of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the



same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect November 1, 1995.

PASSED AND ADOPTED in a regular, adjourned session on first reading this 8th day of August, 1995, and for a second and final reading on this 12th day of September, 1995.

  
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Mayor

ATTEST:

  
  
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Town Clerk

  
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Town Council

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## MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, APRIL 15, 2015

Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Amending Chapter 134, Article XI, Signs, Divisions 3, Commercial Districts, Section 134-2444, Titled Temporary Signs Pertaining To Time Limits; Amending Section 134-2446 Titled Temporary Political Signs Pertaining To Specific Election At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*John C. Randolph, Town Attorney*

**Motion was made by Council Member Townsend, and seconded by Council Member Moore, to adopt Ordinance No. 5-2015, on second and final reading. On roll call, the motion carried unanimously.**

**B. First Reading**

1. **ORDINANCE NO. 13-2015** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*John S. Page, Director of Planning, Zoning, Building*

**Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve Ordinance No. 13-2015, on first reading. On roll call, the motion carried unanimously.**

***The following items were deferred from the April 14, 2015, Town Council meeting:***

**Second Reading**

- 1a. **ORDINANCE NO. 11-2015** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances to Rescind Chapter 18, Buildings and Building Regulations, in its Entirety and Adopting a New Chapter 18, Buildings and Building Regulations in the Manner and Form Attached Hereto; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

## MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, APRIL 15, 2015

1       **Motion was made by Council Member Townsend, and seconded by Council**  
2       **Member Moore, to adopt Ordinance No. 11-2015, on second and final reading. On**  
3       **roll call, the motion carried unanimously.**  
4

- 5           1b.    ORDINANCE NO. 12-2015 An Ordinance of the Town Council of the  
6               Town of Palm Beach, Palm Beach County, Adopting the Town of Palm  
7               Beach Florida Building Code Administrative Amendments in the Manner  
8               and Form Attached Hereto; Providing for Severability; Providing for  
9               Repeal of Ordinances in Conflict; Providing for Codification; Providing  
10              an Effective Date.  
11

12       **Motion was made by Council Member Townsend, and seconded by Council**  
13       **Member Moore, to adopt Ordinance No. 12-2015, on second and final reading. On**  
14       **roll call, the motion carried unanimously.**  
15

- 16           1c.    RESOLUTION NO. 37-2015 A Resolution of the Town Council of the  
17               Town of Palm Beach, Palm Beach County, Florida, Adopting the  
18               ARCOM Project Designation Manual As Referenced In Chapter 18,  
19               Article III of the Code of Ordinances of the Town Of Palm Beach;  
20               Providing an Effective Date.  
21

22       **Motion was made by Council Member Moore, and seconded by Council Member**  
23       **Townsend, to approve Resolution No. 37-2015. On roll call, the motion carried**  
24       **unanimously.**  
25

- 26           1d.    RESOLUTION NO. 38-2015 A Resolution of the Town Council of the  
27               Town of Palm Beach, Palm Beach County, Florida, Adopting New Fees  
28               Related To Construction Permits; Providing an Effective Date.  
29               *John S. Page, Director of Planning, Zoning, and Building*  
30

31       **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
32       **Member Townsend, to approve Resolution No. 38-2015. On roll call, the motion**  
33       **carried unanimously.**  
34

- 35           2.     ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the  
36               Town of Palm Beach, Palm Beach County, Florida, Amending the Town  
37               Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs  
38               and Limousines, at Section 130-31, Definitions, to Include a New  
39               Definition of Point of Origin, Amend the Definition or Prearranged  
40               Charter and Include a New Definition of Vehicles for Hire; Providing a  
41               New Section 130-107 Titles Prearranged Charters; Providing for  
42               Severability; Providing for Repeals of Ordinances in Conflict; Providing  
43               for Codification; Providing an Effective Date.  
44               *Deferred from the March 10, 2015 Town Council Meeting.*  
45



Sec. 54-36. - **Created;** appointment; qualifications; terms; compensation; filling vacancies; reappointment.

- (a) A landmarks preservation commission is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the state, the town may solicit and appoint architects registered outside the state to fill one of the architect seats. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(a), 9-12-95; Ord. No. 8-99, § 1, 11-9-99; Ord. No. 7-00, § 1, 6-13-00; Ord. No. 6-01, § 1, 4-10-01; Ord. No. 19-01, § 1, 10-9-01; Ord. No. 19-2013, § 1, 10-8-13)

Sec. 54-37. - Alternate members.

- (a) *Appointment.* The town council may, in its discretion, appoint three alternate members with similar qualifications who shall serve when called upon the chair of the commission in the absence of any regular members.
- (b) *Attendance requirements.* Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements, as regular members with the same provisions relating to excused absences being applicable.
- (c) *Voting.* Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (d) *Terms of office.* Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full

## ORDINANCE NO. 12-95

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING, AT ARTICLE III, **LANDMARKS PRESERVATION COMMISSION**; SECTION 16-35, SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS; AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 16 of the Town Code or Ordinances relating to Planning is hereby amended at Article III, Landmarks Preservation, Section 16-35, to read as follows:

"Sec. 16.35. Commission created; appointment; qualifications; terms; compensation; alternates.

(a) Generally. A landmarks preservation commission is hereby created consisting of seven (7) members. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the Town of Palm Beach. The term for each member shall be three (3) years and each will serve without compensation. The town council shall appoint the members from time to time. The first commission shall have two (2) members for one-year terms, two (2) members for two-year terms and three (3) members for three-year terms. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

A member shall not be appointed for more than two (2) consecutive three-year terms but shall be eligible for



reappointment upon the lapse of nine (9) months after the expiration of the member's second consecutive three-year term.

(b) *Alternate Members.* The town council may, in its discretion, appoint three (3) alternate members with similar qualifications who shall serve when called upon by the chairman of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not. Additionally, although an alternate member may not serve more than two (2) three-year terms as an alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two (2) full three-year terms thereafter.

(c) *Removal Provisions.* All members of the landmarks commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) or more meetings in any one (1) calendar year, or more than two consecutive scheduled meetings. Excused absences due to illness, a death in the family and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manger via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.

In the event of excessive conflicts of interest during any one (1) calendar year, the commission member shall be subject to removal from the commission by the town

council or, in the event of excessive conflicts of interest during any one (1) term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as ten (10) or more conflicts of interest in any one (1) calendar year.

In the event a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.

1. Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.
2. The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.
3. The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.



Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect November 1, 1995.






PASSED AND ADOPTED in a regular, adjourned session on first reading this 8th day of August, 1995, and for a second and final reading on this 12th day of September, 1995.

  
\_\_\_\_\_  
Mayor



ATTEST:

  
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Town Clerk

  
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Town Council

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~~MINUTES OF THE TOWN COUNCIL MEETING HELD ON AUGUST 8, 1995~~

TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 11-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

d. Ordinance No. 12-95 - Amendments to Landmarks Preservation Commission Ordinance -

Mr. Randolph read Ordinance 12-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING AT ARTICLE 3 LANDMARKS PRESERVATION COMMISSION SECTION 16-35 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 12-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

e. Ordinance No. 13-95 - Amendments to Zoning Commission Ordinance

Mr. Randolph read Ordinance 13-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING AT ARTICLE 1 ZONING COMMISSION SECTION 16-1 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS, AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 13-95. Seconded by Mr. McLendon. On roll call the motion carried unanimously.

f. Ordinance No. 14-95 - Amendments to Code Enforcement Board Ordinance

Mr. Randolph read Ordinance 14-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN AT ARTICLE 10 RELATING TO CODE ENFORCEMENT BOARD AT SECTION 2-177 THEREOF RELATING TO ORGANIZATION SO AS TO PROVIDE THAT CONSIDERATION BE GIVEN TO THE APPOINTMENT OF A MEMBER WITH EXPERIENCE IN PUBLIC HEALTH, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 14-95. Seconded by Mr. McLendon. On roll call the motion carried unanimously.

2. Ordinance No. 15-95 - Amendments to Section 14-33 of the Town Code of Ordinances, Regarding Spearfishing Equipment

Mr. Randolph read Ordinance 15-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING SECTION 14-33 OF CHAPTER 14 OF THE TOWN CODE OF ORDINANCES, ENACTING A NEW SECTION 14-33, PROVIDING FOR THE PROHIBITION OF SPEARFISHING EQUIPMENT ON CERTAIN DEFINED AREAS OF THE PUBLIC BEACH WITHIN THE TOWN, PROVIDING FURTHER FOR THE REGULATION OF SPEARFISHING EQUIPMENT AT OTHER PUBLIC BEACHES, PROVIDING FOR DEFINITIONS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Randolph explained that this Ordinance did not prohibit or criminalize the possession of spearfishing equipment, but simply provided that spearfishing equipment shall be prohibited at certain beaches that are frequented by the public, and it defined those beaches as being in five specific locations within the Town. Mr. Randolph continued that in addition, the



*Footnotes:*

--- (6) ---

**Cross reference**— *Zoning, ch. 134.*

## Sec. 2-326. - Created; membership; requirements; term.

- (a) There is created a town planning and zoning commission consisting of seven members to be appointed by the town council, each member of which shall be a resident of the town.
- (b) Four voting members of the commission shall constitute a quorum; however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.
- (c) The commission shall be deemed to be, in all events and in all transactions, directly under the supervision of the town council, which shall have power to alter, modify or change any action or ruling of the commission.
- (d) The persons initially appointed to the commission shall forthwith assemble and determine by lot:
  - (1) The two members who shall hold office until the first Tuesday after the first Monday in February next thereafter;
  - (2) The two members who shall hold office until the first Tuesday after the first Monday in the second February thereafter;
  - (3) The two members who shall hold office until the first Tuesday after the first Monday in the third February thereafter;
  - (4) The one member who shall hold office until the first Tuesday after the first Monday in the fourth February thereafter.

Thereafter, members of the commission shall serve for terms of three years. All persons appointed pursuant to subsections (d)(1)—(4) shall hold office until October 1 of the year in which their term expires.

- (e) The commission shall elect a chair and vice-chair in March of each year. The chair shall approve the agenda for each meeting and conduct the meetings of the commission pursuant to Robert's Rules of Order, Newly Revised, the latest edition. The vice-chair shall serve as chair in the absence of the chair.

(Code 1982, § 16-1(a); Ord. No. 13-95, § 1(a), 9-12-95; Ord. No. 13-03, § 1, 8-12-03; Ord. No. 25-07, § 1, 1-8-08; Ord. No. 11-10, § 3, 7-13-10)

## Sec. 2-327. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the planning and zoning commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(Code 1982, § 16-1(b); Ord. No. 13-95, § 1(b), 9-12-95; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-328. - Removal provisions; absences; conflicts of interest.

- (a) All members of the planning and zoning commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the director of planning, building and zoning office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section.
- (b) In the event of excessive conflicts of interest during any one calendar year, the commission member shall be automatically removed from the commission. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (c) If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:
  - (1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.
  - (2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.
  - (3) The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Code 1982, § 16-1(c); Ord. No. 13-95, § 1(c), 9-12-95; Ord. No. 11-99, § 1, 11-9-99; Ord. No. 13-03, § 1, 8-12-03; Ord. No. 18-04, § 1, 10-1-04; Ord. No. 13-09, § 1, 7-14-09; Ord. No. 16-2011, § 1, 9-13-11)

Sec. 2-329. - Registered voter requirement.

Each member of the planning and zoning commission is required to be a registered voter in the town.

(Code 1982, § 16-1(d); Ord. No. 13-95, § 1(d), 9-12-95; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-330. - Consecutive terms.

No member of the planning and zoning commission may serve more than two consecutive terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, if such person has ceased to be a member of the commission for a period of time not less than nine months. Further, if a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full three-year term, that person shall not be precluded from serving for two successive three-year terms. Additionally, although an alternate member may not serve more than two three-year terms as an alternate, the alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-year terms thereafter.



(Code 1982, § 16-1(e); Ord. No. 13-95, § 1(e), 9-12-95; Ord. No. 11-99, § 2, 11-9-99; Ord. No. 5-01, § 1, 4-10-01; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-331. - Filling vacancies.

In the event of a vacancy on the planning and zoning commission, the town council shall appoint a successor to the vacancy to serve for the remainder of the term so left vacant.

(Code 1982, § 16-2; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-332. - Organization, procedures.

The town council shall make and alter rules and regulations for the organization and procedure of the planning and zoning commission; however, the planning and zoning commission may make such rules and regulations regarding the manner of conducting its meetings and other rules and regulations as are not in conflict with the rules and regulations made and prescribed by the town council.

(Code 1982, § 16-3; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-333. - Powers, duties.

The planning and zoning commission shall act in an advisory capacity to the town council in all matters relating to municipal planning and development. The commission shall follow the concepts and contents of the town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The commission shall also have such powers and duties as may be prescribed by ordinance.

(Code 1982, § 16-4; Ord. No. 13-03, § 1, 8-12-03)

Sec. 2-334. - Reports.

The planning and zoning commission shall make an annual report to the town council each year and shall make such other reports as may be requested by the town council.

(Code 1982, § 16-5; Ord. No. 13-03, § 1, 8-12-03; Ord. No. 11-10, § 4, 7-13-10)

Secs. 2-335—2-365. - Reserved.

ARTICLE V. - CODE ENFORCEMENT

*Footnotes:*

--- (7) ---

**State Law reference**— Code enforcement, F.S. ch. 162.

DIVISION 1. - GENERALLY

Sec. 2-366. - Intent.

~~MINUTES OF THE TOWN COUNCIL MEETING HELD ON AUGUST 8, 1995~~

TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 11-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

- d. Ordinance No. 12-95 - Amendments to Landmarks Preservation Commission Ordinance -

Mr. Randolph read Ordinance 12-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING AT ARTICLE 3 LANDMARKS PRESERVATION COMMISSION SECTION 16-35 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 12-95. Seconded by Mr. Shaw. On roll call the motion carried unanimously.

- e. Ordinance No. 13-95 - Amendments to Zoning Commission Ordinance

Mr. Randolph read Ordinance 13-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES RELATING TO PLANNING AT ARTICLE 1 ZONING COMMISSION SECTION 16-1 SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS, AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 13-95. Seconded by Mr. McLendon. On roll call the motion carried unanimously.

- f. Ordinance No. 14-95 - Amendments to Code Enforcement Board Ordinance

Mr. Randolph read Ordinance 14-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN AT ARTICLE 10 RELATING TO CODE ENFORCEMENT BOARD AT SECTION 2-177 THEREOF RELATING TO ORGANIZATION SO AS TO PROVIDE THAT CONSIDERATION BE GIVEN TO THE APPOINTMENT OF A MEMBER WITH EXPERIENCE IN PUBLIC HEALTH, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Wyett made a motion to approve Ordinance 14-95. Seconded by Mr. McLendon. On roll call the motion carried unanimously.

2. Ordinance No. 15-95 - Amendments to Section 14-33 of the Town Code of Ordinances, Regarding Spearfishing Equipment

Mr. Randolph read Ordinance 15-95:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING SECTION 14-33 OF CHAPTER 14 OF THE TOWN CODE OF ORDINANCES, ENACTING A NEW SECTION 14-33, PROVIDING FOR THE PROHIBITION OF SPEARFISHING EQUIPMENT ON CERTAIN DEFINED AREAS OF THE PUBLIC BEACH WITHIN THE TOWN, PROVIDING FURTHER FOR THE REGULATION OF SPEARFISHING EQUIPMENT AT OTHER PUBLIC BEACHES, PROVIDING FOR DEFINITIONS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Mr. Randolph explained that this Ordinance did not prohibit or criminalize the possession of spearfishing equipment, but simply provided that spearfishing equipment shall be prohibited at certain beaches that are frequented by the public, and it defined those beaches as being in five specific locations within the Town. Mr. Randolph continued that in addition, the



Town Council Minutes of Meeting of June 8, 1976

3s.  
3-76 Resolution 18-76 - Concerning the Withdrawal of funds from the Town's Savings Accounts in the Biscayne Federal Savings and Loan Association.

Resolutions 16, 17, 18-76 were read by the Town Attorney. All three Resolutions were unanimously adopted on the motion of Oehlert/Mettler.

rd.  
-76 Ordinance No. 8-76 - Nuisances - Noise Facilities Involving Uses of Backboards -- The Ordinance was read by title only by the Town Attorney. Mr. Grace moved its approval, with Mr. Mettler seconding that the Ordinance be placed on first reading by title only. Mr. Oehlert asked Mr. Grace if he would amend his motion to include provision for abatement of nuisance prior to police action. This was agreed upon by Mr. Grace. Vote: Ayes: Mettler, Oehlert, Grace. Nays: Matthews, Marix. Passed.

rd.  
-76 Ordinance No. 9-76 - Nuisances - Lights and Lighting - The Town Attorney read the Ordinance by title only. Mr. Oehlert made the motion for approval on first reading, by title only, subject to the following conditions: (1) it be understood that this not be a matter in which the police take the initiative, but to be applied upon complaint only; (2) an abatement provision be added to it. Mr. Grace seconded the motion. Mr. Oehlert suggested that the wording of this Ordinance be changed from "comfort, repose, health, peace or safety" to "health, safety, or welfare". Mr. Grace agreed to the amendment. Vote: Ayes: Matthews, Grace, Mettler, Oehlert; Nay: Marix. Passed.

President Matthews recognized Senator Phil Lewis who gave a brief report on the economic impact of bills introduced in the State Legislature.

rd.  
3-76 Ordinance No. 10-76 -- 2nd Reading -- Offenses -- Generation of Pedestrian or Vehicular Traffic greater than normal in Residential District. The Town Attorney read the Ordinance by title only. Mr. Grace made the motion for adoption of the Ordinance by title only on 2nd reading. Mr. Mettler seconded. Votes: Ayes: All.

rd.  
1-76 Ordinance No. 11-76 - 2nd Reading - Auctions - Garage Sales. The Town Attorney read the Ordinance by Title only. Mr. Mettler made the motion for adoption of the Ordinance by title only on 2nd reading. Mr. Grace seconded. Vote: Ayes: All.

rd.  
2-76 Ordinance No. 12-76 - 2nd Reading - Southern Building Code - The Town Attorney read the Ordinance by title only. Mr. Mettler made the motion for adoption of the Ordinance by title only on 2nd reading. Mr. Grace seconded. Votes: Ayes: All.

rd.  
3-76 Ordinance No. 13-76 - 2nd Reading - Plumbing Code -- The Town Attorney read the Ordinance by title only. Mr. Mettler made the motion for adoption of the Ordinance by title only on 2nd reading. Mr. Grace seconded. Votes: Ayes: All.

rd.  
4-76 Ordinance No. 14-76 - 2nd Reading - Swimming Pools. The Town Attorney read the Ordinance by title only. Mr. Mettler made the motion for adoption of the Ordinance by title only on 2nd reading. Mr. Grace seconded. Vote: Ayes: All.

rd.  
5-76 Ordinance No. 15-76 - 2nd Reading - Legal Planning Agency - Local Government Comprehensive Planning Act of 1975 - The Town Attorney read the Ordinance by title only. Mr. Mettler made the motion for adoption of the Ordinance by Title only on 2nd reading. Mr. Grace seconded. Votes: Ayes: All.

rd.  
5-76 Ordinance No. 16-76 - Trash Pickup Schedules - Amendment. The Town Attorney read the Ordinance by title only. Mrs. Marix made the motion for adoption of the Ordinance by title only on 1st reading. Mr. Mettler seconded. Vote: Ayes: All.

WARD  
OF  
IDS Award of Bids: (a) Sealed Bid No. 13-76 - Trimming Coconut Palm Trees. Mr. Frost stated that three companies bid and the lowest bid was Pugh and Starling at \$3.50 per tree. Mr. Frost recommended that Pugh and Starling be the successful bidders. The bid was unanimously awarded to Pugh and Starling on the motion of Mettler/Grace.

Mr. Frost stated that bids had been taken on Contract 1 B of the sewage diversion project and the lowest bidder had made a mistake on his bid, being \$100,000 too low. Mr. Frost stated that after consulting the Town Attorney, the bidder did have the right to withdraw his bid. Mr. Frost asked the indulgence of the Council to meet on the call of the Mayor or President to award this bid when deemed necessary.

Application for Transfer of Certificate of Public Convenience and Necessity:

From ABC Transportation Corp. (Al R. Shoemaker) d/b/a Beach Taxi (corner of Worth and Hibiscus Avenue) to: Nancy Carruthers, (same location). Mr. Frost stated that all of the certificate holders had been notified and there were no objections. The transfer was unanimously approved on the motion of Mettler/Grace.

RCOM Appointment of members to the Architectural Commission (landscape architecture and alternate member.) Mr. Grace nominated Mr. Robert Neal as the landscape architect. Mrs. Marix seconded. Unanimously carried. The nomination of an alternate member was postponed until the July meeting.

arrant  
ist Warrant List for May, 1976. The Warrant List was unanimously approved on the motion of Grace/Mettler.

own  
gr.'s  
atter Town Manager's Letter:

Honorable Mayor & Town Council: The Building Department issued permits in the amount of \$501,978 during the month of May, 1976, as compared to \$1,389,203 in May, 1975. The year-to-date-total is \$2,528,431, as compared to \$3,631,773 for the same period in 1975.

The non-personnel section of the proposed budget for the 1976-77 Fiscal year has been received from the various Departments, and during the month of June will be reviewed by the Finance and Taxation Committee.



## TOWN HALL, JUNE, 21, 1927.

The regular meeting of the Town Council was held, Tuesday, June, 21, 1927, in the Town Hall at 7:30 P.M. The president, Mr. H.G. Geer, called the meeting to order. Councilmen present, H.G. Geer, James M. Owens Jr., C.D. Reese, William Fremd, Town Manager L. Trevetter Lockwood, Chief Borman, and Asst Fire Chief Harold Dressell.

The minutes of June, and 9th. were read and stood approved as read.

Manager Lockwood reported the work on Palm Beach widening as progressing but that work on Atlantic ave., had not yet been started. He also reported that he had met with the County Commissioners and that they had some money on hand but no answer was given him as to paying of it to the Town of Palm Beach.

On motion Owens-Reese that the Town Council appear as a body before the County Commissioners, Wed., July, 6th. at 10 A.M., and demand what was considered due the Town in money or work. The motion was carried.

After discussion by the taxpayers present, as to the advisability of appointing an engineer to act on a Committee with two other engineers, on motion Reese-Fremd Mr. O.E. Young was selected to serve with Col. Youngberg and Mr. Boyd, to investigate the cost of protection work for the Ocean Boulevard.

Telegrams from J. Leonard Replogle, J.C. King and Charles Munn were read and ordered filed. Letters from the Northside Boosters Club, Palm Beach Improvement Association were read in regard to the Ocean Boulevard work and asking that the boulevard be kept in its present place. Also a letter from the League of Women Voters of West Palm Beach thanking the Council for the stand they had taken in the boulevard situation. All the letters were ordered filed.

A bill from the Sunset Realty Holding Company, for \$16,675.00 was presented by their Attorney; This was to cover land for the widening of Palm Beach Ave. The matter was referred to the Town Manager for adjustment.

On motion Owens-Fremd the settlement of the lake front condemnation was directed to be as follows. \$1,000.00 Atty fees and \$500.00 for 50' north of Peakin property from the Palm Beach Improvement Co., The Town Attorney to attend to the closing of this settlement.

Refunds to A.V.B. Bennett for \$11.77 and Miss Linnington for \$18.66 on sidewalk assessment was directed to be made.

The Council directed that the assessment on the sidewalk and driveway on Mrs. Von Lepel property be cancelled. This work having been already by the owner.

On motion Reese-Owens the following bills and salaries be paid.

Bills, June, 6, & 8th. General Fund.			
1110- W.S. Dicky Clay Mfg. Co	\$ 534.46	1111- Carr-Davis Insurance Co	\$100.00
1112- Fla. Power & Light Co	27.40	1113- Geo. W. Fowler Co	33.58
1114- Fred E. Fenno	11.30	1115- Peerless Blur Print Co	3.00
1116- P.B. Foundry & Machine Co	157.00	1117- L.L. Himes Admin.	150.00
1118- Tropical Sun Pub. Co	5.75	1119- So. Bell Tel & Tel Co.	177.61
1120- Bond Ex.	175.00	1121- Alicia Fox. Fire Dep.	18.00
1122- F.E.C. Hotel Co. Street	90.00	1123- Northwood Stationary Store	7.55
1124- Fla. Power Light Co.	8,688.27	1125- Fla. Power Light Co.	2,687.19
1126- Palm Beach Gas Co.	68.00	1127- G.C. Barco	25.55
1128- G.C. Crider Parks	614.25	1129- Eclipse Paint & Mfg. Co.	54.00
1130- Seaboard Oil Co.	97.25	1131- P.F. Mercantile Co.	127.50
1132- Bruce J. Rathbun & Sons	27.00	1133- Weybrecht Service Station	488.60
1134- Geo M. Albertson	25.52	1135- F.E.C. Ry Co.	258.87
1136- Ind. Truck Corp. of Ga.	51.70	1137- Miami Oil Co.	39.60
1138- Dade Lumber Co.	36.60	1139- Dixie Chemical Co.	164.55
1140- J.A. Walls	36.18	1141- J.W. Stephens	400.00
1142- Fred E. Fenno	250.00	1143- E.H. Allen	118.00
1144- Liut Watts Salary	46.65	1145- E.H. Drew & Richard P. Robbins	485.00
			\$ 16,235.62



**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON JULY 8, 2008**

1 Town Attorney Randolph read Ordinance No. 19-08 by title, as printed above.

2  
3 Motion made by Council Member Markin, seconded by Council Member Coleman,  
4 to adopt Ordinance No. 19-08 on second reading. On roll call, the motion carried  
5 unanimously.  
6  
7

- 8 2. ORDINANCE NO. 20-08 An Ordinance of the Town Council of the Town  
9 of Palm Beach, Palm Beach County, Florida, Amending Chapter 86 of the  
10 Town Code of Ordinances Relating to Planning, at Article II,  
11 Comprehensive Planning, Section 86-51, So as to Designate the Town's  
12 Planning and Zoning Commission as the Local Planning Agency for the  
13 Incorporated Territory of the Town; Providing for Severability; Providing  
14 for Repeal of Ordinances in Conflict; Providing for Codification;  
15 Providing an Effective Date. [John C. Randolph, Town Attorney]  
16

17 Town Attorney Randolph read Ordinance No. 20-08 by title, as printed above.  
18

19 President Kleid suggested that the Town Council defer voting on this particular ordinance  
20 because the Planning and Zoning Commission had not scheduled a meeting until October. He  
21 noted that the passage of the second reading of this Ordinance could be delayed until that time,  
22 and the Town Council would act as the Local Planning Agency.  
23

24 Town Manager Elwell advised that the Planning and Zoning Commission would need to  
25 hold a meeting sometime between now and the September Town Council Meeting because of the  
26 Town Council's request for them to offer advice at the September Town Council Meeting on the  
27 Royal Poinciana Area planning situation.  
28

29 Motion made by President Pro Tem Coniglio, seconded by Council Member  
30 Markin, to adopt Ordinance No. 20-08 on second reading. On roll call, the motion carried  
31 unanimously.  
32  
33

34 B. First Reading

- 35  
36 1. ORDINANCE NO. 21-08 An Ordinance of the Town Council of the  
37 Town of Palm Beach, Palm Beach County, Florida, Amending the Town  
38 Charter at Article V, Qualifications and Elections, at Section 5.03,  
39 Qualifications, So as to Amend Subsection (b) Thereof Relating to  
40 Qualifications to Require That the Petition Signed by at Least 25 Electors  
41 Be Filed with the Town Council Not Later than 5:00 p.m. on the Day  
42 Following the Caucus; Providing for Severability; Providing for Repeal of

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 9, 2008
--

1 Town Manager Elwell explained that at tomorrow's Town Council Meeting, the Town  
2 Council would have two resolutions before them that reflected the decisions made today, in  
3 addition to information related to the ability to purchase a cap, separate and apart from those two  
4 actions.

5  
6 Discussion ensued relative to Council Member Markin's request that the Finance  
7 Department keep in mind that a prepayment strategy should be developed as the Town went  
8 through the term of the loan. Council Member Rosow suggested that the Finance and Tax  
9 Committee add that to their Agenda. It was the consensus of the Town Council to do so.

10  
11 President Pro Tem Coniglio, noted that Hedrick Brothers had already left the meeting,  
12 but she wanted to note her concern relative to the windows having a fixed sash, and never having  
13 the ability to open a window in Town Hall, even if it was cost saving.

14  
15 Town Manager Elwell responded that HVAC (heating, ventilating, and air conditioning)  
16 systems that were used for all modern buildings would be designed in such a way that the air  
17 would be healthy, properly flowing, etc. The climate control was better, more controlled, more  
18 functional, and more cost effective if the building was sealed, and there was a significant saving  
19 in the window system.

## 20 21 22 23 VIII. ORDINANCES

### 24 25 A. Second Reading

26  
27 None

### 28 29 B. First Reading

- 30  
31 1. ORDINANCE NO. 20-08 An Ordinance of the Town Council of the Town  
32 of Palm Beach, Palm Beach County, Florida, Amending Chapter 86 of the  
33 Town Code of Ordinances Relating to Planning, at Article II,  
34 Comprehensive Planning, Section 86-51, So as to Designate the Town's  
35 Planning and Zoning Commission as the Local Planning Agency for the  
36 Incorporated Territory of the Town; Providing for Severability; Providing  
37 for Repeal of Ordinances in Conflict; Providing for Codification;  
38 Providing an Effective Date. [John C. Randolph, Town Attorney]

39  
40 Town Attorney Randolph read Ordinance No. 20-08, by title, as printed above, on first  
41 reading.



**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 9, 2008**

1 Council Member Markin expressed concern relative to the Planning and Zoning  
2 Commission's vote at their last meeting not to meet in July, August, and September, for lack of  
3 any need to meet. She explained that the Zoning Season Study Item list was bigger than it had  
4 ever been and it was her understanding that there would need to be a Local Planning Agency  
5 vote during the summer months.

6  
7 In response to Council Member Markin's concerns, Town Manager Elwell noted that  
8 there would be a discussion held at the end of today's agenda regarding the Zoning Season Study  
9 Items, which he believed would be the best time for the staff of Planning, Zoning, and Building  
10 (PZ&B) and the Town Council to thoroughly review the workload.

11  
12 Mr. Elwell further explained the following relative to Ordinance No. 20-08:

- 13  
14 - The Local Planning Agency (LPA) would need to make recommendations to the  
15 Town Council for their action on the Comprehensive Plan in order for the Town  
16 to transmit the Comprehensive Plan amendments to the State, which would occur  
17 before the Planning and Zoning Commission came back into session in October.  
18 - It was staff's expectation to bring before the Town Council, later this summer,  
19 Comprehensive Plan amendments that had already been reviewed by the Planning  
20 and Zoning Commission.  
21 - The Town Council acting as the Local Planning Agency, later this summer, would  
22 make recommendations to the Town Council, reconvene as Town Council,  
23 approve the recommendation, which then would be sent off to the State.  
24 - It would be the last time the Town Council would act as the LPA because the  
25 second reading of Ordinance No. 20-08 would be held, if approved on first  
26 reading today, either at the September or October Town Council Meetings.  
27 - The Town Council would adopt Ordinance No. 20-08, on second reading, giving  
28 the Planning and Zoning Commission the official designation of LPA.

29  
30 Discussion ensued and Town Manager Elwell advised that if the Town Council had any  
31 concerns over the Planning and Zoning Commission's decision to not meet over the summer or  
32 on aspects of the workload, etc., the place to fully explore those concerns would be during the  
33 discussion this afternoon of the Zoning Season Study Items.

34  
35 In response to Council Member Coleman's question as to whether there was a limitation  
36 of the Commission's time or a limitation of staff's time that the Town Council would be  
37 reviewing as far as allocating resources to study, Town Manager Elwell advised that staff had  
38 constrained themselves to a Zoning Season rather than doing this year round. He advised that  
39 the Planning and Zoning Commission could not consider changes to the Zoning Code during the  
40 summer months because it was outside the Zoning Season. He noted that there was both a  
41 budgetary constraint and a staff constraint that would be part of the discussion later today related  
42 to how much could be done in one season.



**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 9, 2008**

1 Town Manager Elwell responded to President Pro Tem Coniglio that the Town was the  
2 only community that had a Zoning Season.

3  
4 Alan Golboro, Secretary of the Planning and Zoning Commission, commented that he  
5 had been assured, as of last night, that the Commission would meet during the summer months,  
6 if necessary, to accomplish anything the Town Council wished; commented that the Planning  
7 and Zoning Commission had already considered everything that would appear before the Town  
8 Council.

9  
10 Town Manager Elwell clarified the comments made by Mr. Golboro, noting that it was  
11 true that the Planning and Zoning Commission had this year reviewed all of the proposed  
12 Comprehensive Plan amendments coming before the Town Council.

13  
14 Council Member Coleman questioned why the Planning and Zoning Commission was  
15 not asked to meet in September as the Local Planning Agency instead of the Town Council.

16  
17 Town Manager Elwell advised that could be done. The Town Council could hold first  
18 and second readings of this Ordinance, requesting that the Planning and Zoning Commission  
19 meet and give them a deadline that by a proposed date, they would have to meet to make their  
20 recommendations in order that the Town Council could take action at the September Town  
21 Council Meeting.

22  
23 Mr. Golboro advised that the Commission would be willing to meet anytime, noting that  
24 before the members of the Commission were appointed last year, everyone was asked  
25 specifically by President Kleid if they would be available during the summer and everyone but  
26 one answered absolutely.

27  
28 President Pro Tem Coniglio moved approval of Ordinance No. 20-08 on first  
29 reading. The motion was seconded by Council Member Coleman. On roll call, the motion  
30 carried unanimously.

31  
32 Council Member Coleman made a motion that the second reading should be held at  
33 the July 8, 2008, Town Council Meeting, or whenever possible, to indicate the Town  
34 Council's intention that the Planning and Zoning Commission could make their plans  
35 accordingly knowing that this would be coming up and they could meet as the Local  
36 Planning Agency.

37  
38 President Kleid clarified that if this motion was passed, there would be a second reading  
39 either tomorrow or next month, and the Town Council would instruct the Planning and Zoning  
40 Commission that they would have to meet by a certain date as the Local Planning Agency.



MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 9, 2008
--

1 Discussion ensued and Town Manager Elwell explained that a second reading could be  
2 deferred. He noted that the second reading of the ordinance could not come before the Town  
3 Council tomorrow, because it needed to be advertised. It would come before the Town Council  
4 at the July 8, 2008, Town Council Meeting, at which time, it would be adopted or deferred.

5  
6 Mr. Golboro was advised to inform the Planning and Zoning Commission that they  
7 should plan to meet in August.

8  
9 **No action was taken on the motion.**

10  
11  
12  
13 **IX. DEVELOPMENT REVIEWS**

14  
15 **A. Appeals**

- 16  
17 1. Appeal by Owen and Marjorie Larkin, 315 South Lake Drive, of an  
18 Administrative Decision Regarding a Unity of Title Agreement.  
19 [John S. Page, Director of Planning, Zoning, and Building]

20  
21 **Item IX.A.1., Appeal by Owen and Marjorie Larkin, 315 South Lake Drive,**  
22 **Regarding an Administrative Decision Regarding a Unity of Title Agreement, was deferred**  
23 **to the August 11, 2008, Town Council Meeting.**

- 24  
25  
26  
27 2. Appeal by James Brindell on Behalf of 144 Wells Road Regarding  
28 ARCOM Application #B41-08.  
29 [John S. Page, Director of Planning, Zoning, and Building]

30  
31 Ex-parte communication was declared by: Council Member Markin with Mr. Papas(ph),  
32 who would be potentially hired by the owner of the house; Council Member Coleman with  
33 Attorney James Brindell; President Kleid with Attorney Brindell; President Pro Tem Coniglio  
34 with several concerned citizens, two Architectural Commission members, Historical  
35 Preservation Consultant Jane Day, and Planning Administrator Tim Frank; and emails were  
36 received by the Council.

37  
38 Attorney Brindell, on behalf of Mr. and Mrs. Peter Cohen, owners of 144 Wells Road,  
39 provided an overview of the appeal.

40  
41 The following people spoke in objection to the application:  
42

## ORDINANCE NO. 13-95

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE TOWN CODE OF ORDINANCES, RELATING TO PLANNING, AT ARTICLE I, **ZONING COMMISSION**, SECTION 16-1, SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS; AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 16 of the Town Code of Ordinances relating to Planning is hereby amended at Article I, Section 16-1, to read as follows:

"Sec. 16-1. Zoning commission created; membership; requirements; term.

(a) Generally. There is hereby created a town zoning commission consisting of seven (7) members to be appointed by the town council, each member of which shall be a resident of the town. Four (4) voting members of the commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action. Such commission shall be deemed to be, in all events and in all transactions, directly under the supervision of the town council, which shall have power to alter, modify or change any action or ruling of such department or commission. The person initially appointed to said commission shall forthwith assemble and determine by lot:

- (1) The two (2) members who shall hold office until the first Tuesday after the first Monday in February next thereafter;
- (2) The two (2) members who shall hold office until the first Tuesday after the first Monday in the second February thereafter;
- (3) The two (2) member who shall hold office until the first Tuesday after the first Monday in the third February thereafter;



- (4) The one (1) member who shall hold office until the first Tuesday after the first Monday in the Fourth February thereafter.

Thereafter, members of the zoning commission shall serve for terms of three (3) years.

(b) *Alternate Members.* The town council may, in its discretion, appoint three (3) alternate members who shall serve when called upon by the chairman of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(c) *Removal Provisions.* All members of the zoning commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) or more meetings in any one (1) calendar year, or more than two (2) consecutive scheduled meetings. Excused absences due to illness, a death in the family and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manger via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.



In the event of excessive conflicts of interest during any one (1) calendar year, the commission member shall be subject to removal from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as ten (10) or more conflicts of interest in any one (1) calendar year.

In the event a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.

1. Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.

2. The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.

3. The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(d) *Registered voter requirement.* Each member of the zoning commission is required to be a registered voter in the Town of Palm Beach.

(e) *Consecutive terms.* No member of the zoning commission may serve more than two (2) consecutive three-year terms. All persons presently serving in their second term on this commission may complete said term, however, on the completion of said term, a new member shall be appointed. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two (2) consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine (9) months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than fifty (50) percent of a full three-year term, that person shall not be precluded from serving for two (2) successive three-year terms. Additionally, although an alternate member may not serve more than two (2) three-year terms as an



alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two (2) full three-year terms thereafter."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect November 1, 1995.

PASSED AND ADOPTED in a regular, adjourned session on first reading this 8th day of August, 1995, and for a second and final reading on this 15th day of September, 1995.

Rene Guin  
Mayor



ATTEST:

Mary A. Pollitt  
Town Clerk

Allen S. Wright  
James White  
John H. [unclear]  
John [unclear]  
[unclear]  
Town Council

JCR\13156ORD\ZONING.2



Sec. 74-1. - Recreation advisory commission created; appointments; terms; qualifications; advisory function; alternates; requirements; officers; procedure.

- (a) *Generally.* An agency of the town to be known as the recreation advisory commission is hereby created; such commission to be composed of seven members to be appointed by the town council. Two of such commission members shall hold office from the date of their appointment for a period of one year; two of such commission members shall hold office from the date of their appointment for two years; and three of such commission members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the recreation advisory commission shall hold office for three year terms. Members of the commission shall possess a knowledge or interest in town recreation programs and facilities. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) *Alternate members.* The town council may, in its discretion, appoint three alternate members who shall serve when called upon by the chairman in absence of any regular member. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (c) *Registered voter requirement.* Each member of the recreation advisory commission is required to be a registered voter in the town.
- (d) *Removal provisions.* All members of the recreation advisory commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the director of recreation by letter no later than noon on the Friday prior to a regularly scheduled meeting, unless the absence is an emergency. Failure to notify the director of recreation via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes of



the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

- (e) *Conflicts of interest.* In the event of excessive conflicts of interest during any one calendar year, such commission member shall be automatically removed from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (f) *Consecutive terms.* No member of the recreation advisory commission may serve more than two consecutive three-year terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full two-year term, that person shall not be precluded from then serving two successive three-year terms. Additionally, although an alternate member may not serve more than two three-year terms as a alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-year terms thereafter.
- (g) *Officers, rules of procedure.* The recreation advisory commission shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Four voting members of the commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.

- (h) *Advisory capacity.* The recreation advisory commission shall act in an advisory capacity and shall make recommendations to the town council on matters relating to town recreation programs and facilities.

(Ord. No. 18-98, § 2, 1-12-99; Ord. No. 10-99, § 1, 11-9-99; Ord. No. 21-00, § 1, 8-8-00; Ord. No. 10-01, § 1, 5-8-01; Ord. No. 18-04, § 5, 10-1-04; Ord. No. 13-09, § 6, 7-14-09; Ord. No. 12-2012, § 1, 8-14-12)



**ORDINANCE NO. 18-98**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING ARTICLE I AND ARTICLE II OF CHAPTER 14 OF THE TOWN CODE OF ORDINANCES, RELATING TO PARKS AND RECREATION, THEREBY ELIMINATING THE SEAVIEW PARK COMMISSION AND THE GOLF COMMISSION; CREATING A NEW ARTICLE I, THEREBY CREATING A RECREATION ADVISORY COMMISSION; PROVIDING FOR APPOINTMENTS; PROVIDING FOR ALTERNATE MEMBERS; PROVIDING A REGISTERED VOTER REQUIREMENT; PROVIDING FOR REMOVAL PROVISION; PROVIDING FOR TERMS; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR ADVISORY CAPACITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Article I and Article II of Chapter 14, Parks and Recreation, of the Town Code of Ordinances are hereby rescinded in their entirety.

Section 2. Chapter 14 of the Town Code of Ordinances relating to Parks and Recreation is hereby amended by creating a new Article I to read as follows:

**"ARTICLE I. IN GENERAL**

**Sec. 14-1. Recreation Advisory Commission created; appointments; terms; qualifications; advisory function; alternates; requirements; officers; procedure.**

(a) *Generally.* An agency of the Town to be known as the "Recreation Advisory Commission" is hereby created; such Commission to be composed of seven (7) members to be appointed by the Town Council. Two (2) of such Commission members shall hold office from the date of their appointment for a period of one (1) year; two (2) of such Commission members shall hold office from the date of their appointment for two (2) years; and three (3) of such Commission members shall hold office from the date of their appointment for a period of three (3) years. Thereafter, members of the Recreation Advisory Commission shall hold office for three year



terms. Members of the Commission shall represent the major program divisions within the Town's Recreation Department and possess a knowledge or interest in the division they are representing. Preference shall be given to Commission members who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility within that particular division. Two (2) of such members shall be persons affiliated with the Recreation Department's youth program, two (2) shall be affiliated with the Recreation Department's tennis program, two (2) shall be affiliated with the Recreation Department's golf program, and one (1) shall be affiliated with the Recreation Department's adult program. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the Town Council for the unexpired term by a representative from the category representing the category of the person whose term has been vacated.

(b) *Alternate Members.* The Town Council may, in its discretion, appoint three (3) alternate members who shall serve when called upon by the chairman in absence of any regular member. Each alternate shall be affiliated with different major program divisions within the Town's Recreation Department. Preference shall be given to those who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility. Alternate members are required to attend all meetings of the Commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the Commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the Commission whether they are sitting as a voting member or not.

(c) *Registered voter requirement.* Each member of the Recreation Advisory Commission is required to be a registered voter in the Town of Palm Beach.

(d) *Removal provisions.* All members of the Recreation Advisory Commission, including alternates, serve at the pleasure of the Town Council and may be removed from the Commission with or without cause. Members of the Commission shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three (3) or more meetings in any one (1) calendar year, or more than two (2) consecutive scheduled meetings. Excused absence due to illness, a death in the family, and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting, unless the absence is an emergency. Failure to notify the Town Manager via letter will cause the absence to be unexcused. Excused absences shall



be entered into the minutes of the next regularly scheduled meeting of the Commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.

In the event of excessive conflicts of interest during any one (1) calendar year, such Commission member shall be subject to removal from the Commission by the Town Council or, in the event of excessive conflicts of interest during any one term, a Commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as ten (10) or more conflicts of interest in any one (1) calendar year.

In the event a member of the Commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the Commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.

(1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the agenda.

(2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dias until the item is concluded.

(3) The member having the conflict shall not present the project to the Commission except in a case where the Commission member is a sole practitioner who is unable to represent a client through an associate.

(e) *Consecutive terms.* No member of the Recreation Advisory Commission may serve more than two (2) consecutive three-year terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two (2) consecutive three-year terms, provided said person has ceased to be a member of said Commission for a period of time not less than nine (9) months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than fifty percent (50%) of a full three-year term, that person shall not be precluded from then serving two (2) successive three-year terms. Additionally, although an alternate member may not serve more than two (2) three-year terms as an alternate, said alternate member may be appointed to serve as a regular member of the Commission and, in the event of such appointment, shall be entitled to serve two (2) full three-year terms thereafter.

(f) *Officers, rules of procedure.* The Recreation Advisory Commission shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Four (4) voting members of the Commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the Commission shall be necessary for it to take action.

(g) *Advisory Capacity.* The Recreation Advisory Commission shall act in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities."

Section 3. Articles III and IV of Chapter 14, relating to Beaches and Aquatic Activities and Boats and Boating, are hereby renumbered as Articles II and III respectively.

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

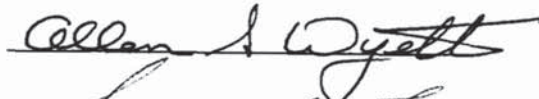
This Ordinance shall take effect April 1, 1999.

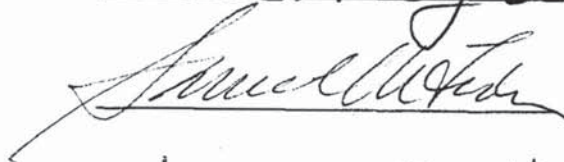


PASSED AND ADOPTED in a regular, adjourned session on first reading this 8th day  
of December, 1998, and for a second and final reading on this 12th day of January,  
1999.


Mayor







  
Town Council

  
ATTEST  
  
Town Clerk

N:\JCR\13156ORD\RECREATI.COM  
January 7, 1999

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON DECEMBER 8, 1998

Director of Planning, Building & Zoning Moore requested that staff be given additional time to review the Ordinance.

Councilman Wyett moved that the first reading of Ordinance 15-98 be done at the January 12, 1999, Town Council Meeting. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

\*\*\*\*\* The meeting was adjourned at 12:30 P.M. for the luncheon break\*\*\*\*\*

\*\*\*\*\* The meeting was reconvened at 2:00 P.M.\*\*\*\*\*

2. Ordinance No. 18-98 - Establishing a Recreation Commission (*See Agenda Item XV.A.*)

President Pro-Tem McLendon explained that the Golf Commission and Seaview Park Commission would be combined into one Recreation Commission, and Ordinance No. 18-98 provided for the merge of the two commissions into one advisory commission entitled "Recreation Commission," composed of seven members, with three alternate members, with a stipulation on membership being that there be four different areas of speciality or interest; two would be persons affiliated with or with a special interest in the youth program, two affiliated with or with a special interest in the tennis program, two affiliated with or with a special interest in the golf program, and one from the adult program of the Recreation Department. Mr. McLendon then moved adoption of Ordinance No. 18-98.

President Smith pointed out that there was a typographical error at the bottom of page 2 with the word "minutes."

Councilman Shaw commented on the language "to the extent feasible" which preceded the membership requirements, and suggested that it should not be to the extent feasible, but should be a mandated requirement, and in the event of a vacancy it should be filled under that criteria.

President Pro-Tem McLendon commented that he preferred that the "to the extent feasible" language remain.

President Smith agreed with Councilman Shaw, as she believed the language should be specific.

Councilman Wyett commented that it was difficult to read resumes and determine who would be better for golf, tennis, etc. He advised that he had heard from members of the Golf Commission who had recently reconsidered the suggestion that one commission be formed from the two former commissions, and suggested that a consensus be taken to determine if the Ordinance should be considered.

Recreation Director Russ Bitzer commented that an application had been prepared for anyone applying for membership on the Recreation Commission. The draft Ordinance had been prepared to facilitate the concern of the Seaview Park Commission as to representation from the different recreational areas.

Councilman Shaw moved approval of Ordinance 18-98 with the conditions that the language "to the extent feasible" on page 2 be changed to read "there shall be," and the language added regarding vacancies include the statement that they would be filled by a representative of that program. The motion was seconded by President Pro-Tem McLendon.

President Smith asked Mr. Bitzer to comment on the discussion of the Town Golf Tournament, and if it had been the idea that if one Recreation Commission was formed that the Town would appoint a Golf Benefit Committee?

Mr. Bitzer responded that currently staff organized and conducted the Golf Tournament with the assistance of the Golf Commission and other volunteers, and the established procedure of a volunteer committee would be continued.

President Smith commented that the Golf Commission had been very successful in raising money through the Golf Tournament.

Mr. Bitzer replied that anyone could join the volunteer committee that already existed, and that the Seaview Park Commission had also assisted in raising funds for the event.

Councilman Shaw commented that the people who had helped put the Golf Tournament together deserved more than a mere thank-you, as they had been extremely instrumental. He urged that caution be used in taking the position that there was a volunteer committee in place, and if they wanted to jump on board, so be it.

Mr. Bitzer agreed, stating that he had said that all along, however, he did not want the Town Council to have the perception that if there was no longer a Golf Commission that the tournament would not be continued.

President Smith clarified that anyone interested in joining the new Recreation Commission would submit their resumes with their qualifications under the categories created in the ordinance.

Mr. Bitzer agreed, commenting that once the Ordinance was approved on second reading the former two commissions would no longer exist.

On roll call the motion carried 4/1, with Councilman Wyett casting a dissenting vote, commenting that the Town would be best served with two commissions.



## MINUTES OF THE TOWN COUNCIL MEETING HELD ON DECEMBER 8, 1998

Town Attorney Randolph read Ordinance 18-98 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING ARTICLE ONE AND ARTICLE TWO OF CHAPTER 14 IN THE TOWN CODE OF ORDINANCES RELATING TO PARKS AND RECREATION; THEREBY ELIMINATING SEAVIEW PARK COMMISSION AND THE GOLF COMMISSION, CREATING A NEW ARTICLE ONE, THEREBY CREATING A RECREATION ADVISORY COMMISSION, PROVIDING FOR APPOINTMENTS, PROVIDING FOR ALTERNATE MEMBERS, PROVIDING A REGISTERED VOTER REQUIREMENT, PROVIDING FOR A REMOVAL PROVISION, PROVIDING FOR TERMS, PROVIDING FOR RULES OF PROCEDURE, PROVIDING FOR ADVISORY CAPACITY, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

President Smith asked if it had been determined how often the Recreation Advisory Commission would meet?

Mr. Bitzer responded that the Ordinance addressed the meeting schedule and election of officers.

President Smith noted that the former Commissions had not been meeting in June, July, and August, and all of the other Commissions did so. She commented that there was a mandatory attendance requirement that no more than three meetings per year could be missed, and she would like to see the new Commission meet without leaving a three month gap in the summer months, as the other Commissions were not permitted to take three months off, and it should not be an option for this Commission; they could meeting every month just as every other Commission did.

Councilman McDonald noted that Town Attorney Randolph had pointed out that ARCOM and Landmarks had decision making authority, whereas the new Commission was an advisory Commission.

Mr. Bitzer responded that he would mention the comments of the Town Council when the new Commission set its schedule, but he believed that every other month would be sufficient.

Councilman Wyett commented that he saw no need for the new commission to meet 12 times per year.

Mr. Bitzer commented that when the number of meetings had been increased at one time there had been problems with attendance, and several people had dropped. He suggested that it may be a good idea to leave it to the members to discuss.

Councilman Shaw expressed that it may be suitable to have nine meetings per year, with at least one month hiatus.

Councilman Wyett stated that he believed the suggestion of Mr. Bitzer to leave it to the members to discuss would be sufficient.

Councilman Shaw suggested that the two commissions should remain as they currently were through February or March in order to give them an opportunity to come to conclusions on any issues being considered.

Mr. Bitzer noted that the first reading would in December, the second reading would be in January, and time would be needed to accept applications for consideration by the Town Council; therefore, March would be an appropriate time to dissolve the former commissions.

President Smith clarified that the two commissions would be sitting through March, and then there would be plenty of time for them to resolve any issues. She stated that resumies could come in the meantime and the Town Council could be ready to do it in April.

Councilman Shaw moved that consideration of Ordinance No. 18-98 be re-opened, so that the effective date of the Ordinance could be changed to April 1, 1999. Councilman McDonald seconded the motion. On roll call the motion carried unanimously.

Councilman Shaw moved approval of Ordinance No. 18-98 on first reading, with the changes indicated in his original motion ("to the extent feasible" be changed to "there shall be", and language under vacancies be added stating that they would be filled by a representative of that program), and the change of the effective date of April 1, 1999. The motion was seconded by Councilman McDonald. On roll call the motion carried unanimously.

The last item addressed by the ORS Committee was the study of the issue of official bulkhead and pierhead lines in Lake Worth within the Town of Palm Beach.

Mr. McLendon reported that the Committee had discussed this, depending a great deal upon input from staff. After discussion, Director of Planning, Zoning & Building Moore asked that his staff be allowed additional study to review the matter further, however, that regarding the matter of the repairs to existing bulkheads or parallel docks the use of batter piles be permitted subject to administrative review. The Committee had recommended that staff be granted administrative approval of the use of batter piles, with further study of the issue tabled.

Mr. Moore explained that staff would work with Town Attorney Randolph to set up criteria for waivers on the intracoastal side for pierhead and bulkhead lines.

President Pro-Tem McLendon moved approval of the recommendation of the ORS Committee. The motion was seconded by



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**MINUTES OF THE TOWN COUNCIL MEETING HELD ON DECEMBER 8, 1998**


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Councilman Shaw. On roll call the motion carried unanimously.

3. Ordinance No. 19-98 - Amendment to Newsrack Ordinance (*See Agenda Item XV.A.*)

President Pro-Tem McLendon reported that a draft ordinance had been prepared, however, he did not recommend it be heard for first reading today, as further input from the Town Council was desired. It now seemed that every single location for a newsrack would have to be custom designed. The preliminary draft ordinance did that by location. Both modular and lattice type enclosures were being considered. Staff had prepared cost estimates of different types of units, amounting to approximately \$56,000. Mr. McLendon suggested that each council person give an opinion on the enclosures and modular units.

Councilman McDonald commented that he had already provided substantial input regarding the ordinance as a member of the ORS Committee.

Councilman Shaw commented that he preferred a modular system, as the lattice work could always be put around the exterior of a modular. He suggested going forward on first reading, with any revisions made later, as he did not want any further delays. He also suggested that the specific locations be included on a separate schedule, and that the ordinance outline the fact that there would be newsracks in districts or areas and not get into the specifics of exact locations.

Mayor Ilyinsky commented that he preferred the modular systems, and noted that a letter had been received from a resident about how slowly the process was going.

Councilman Wyett agreed with Councilman Shaw and Mayor Ilyinsky, and asked how a newspaper could be added to a unit?

Town Attorney Randolph replied that the Ordinance had a provision for adding newsracks through coming to the Town Council and having a hearing to determine whether there was a need for it. He explained that the Ordinance drafted had resulted from the ORS Committee Meeting. Subsequent to that meeting there had been a meeting held with representatives of the media and the vendors, and the unanimous consensus was that the Town ought to have a permit fee for each of the newsracks, which he suggested be added to the Ordinance. The subject regarding modular versus enclosure units was one that needed to be tempered by the thoughts of those who were in attendance at the meeting. The attorney representing the paid publications indicated that they would fight an ordinance that prescribed *only* modular units. The way the Ordinance was currently drafted was with enclosures in some places and modular units in areas where public safety indicated they should be placed. Mr. Randolph commented that there were some non-paid publications that felt it was unfair to allow the paid publications to go within enclosures, and require non-paid/free publications to go within modular units that they had to pay for, however, he did feel that the Ordinance as drafted (requiring free publications to buy their own modular units) would be sustained.

Mr. Dan Downey, representing the property owner at 335 South County Road, commented that the Post Office in that location was moving, and the consensus of the people at the workshop meeting had been that was no longer a good location from a marketing standpoint. He added that prospective tenants for the old Post Office space all asked if the newsrack enclosures could be eliminated. He requested that 335 South County Road be eliminated as a location for newsracks.

Councilman Wyett commented that he did not think the Town should be involved in buying and maintaining modular units. He made a motion that the location of 335 South County Road should be eliminated as a newsrack location, and that a Permit Fee to cover Town costs be included in the Ordinance. Councilman McDonald seconded the motion.

Town Attorney Randolph commented that the people who had attended the workshop meeting had been advised that the Town Council would be considering the draft Ordinance at the Town Council Meeting, and that the Ordinance would probably not go on first reading at the meeting because of comments and possible amendments. In addition to the permit fee being added, the number of units at each location would have to be added, as well as procedures relating to adding additional newsracks, elimination of 335 South County Road, the designations of modular units and the designations of newsrack enclosures.

President Pro-Tem McLendon expressed concern regarding who would be the focal point for implementing the designations of who would be in the units, and in which units.

Town Attorney Randolph replied that the paid publications in modular units would have one publication buying the modular unit, who would then charge the others for spaces. The same would apply for the free publication; one of them would buy the unit, and then sell spaces to others. He stated that he would be uncomfortable in seeing the Town attempt to regulate that type of arrangement.

Councilman Wyett withdrew his motion.

Town Attorney Randolph then clarified that the Ordinance would be re-drafted to include the following:

- \* A Permit Fee across the board to all publications to be \$25.
- \* The places designated for newsrack enclosure units and modular units would remain as stated in the current draft Ordinance, with the elimination of the location of 335 South County Road.
- \* The moving (by approximately 10-12') of the location on the corner of Hibiscus and Peruvian for safety reasons.
- \* The Town would not pay for the modular units. The free publications would pay for their own modular units.



**ORDINANCE NO. 10-99**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 74, PARKS AND RECREATION, OF THE TOWN CODE OF ORDINANCES AT ARTICLE I, IN GENERAL, AMENDING SECTION 74-1 RELATING TO APPOINTMENTS, TERMS, QUALIFICATIONS, ADVISORY FUNCTION, ALTERNATES, REQUIREMENTS, OFFICERS, PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 74, Parks and Recreation, of the Town Code of Ordinances is hereby amended at Article I, In General, Section 74-1, to read as follows

**"Sec. 74-1. Recreation advisory commission created; appointments; terms; qualifications; advisory function; alternates; requirements; officers; procedure.**

(a) *Generally.* An agency of the Town to be known as the "Recreation Advisory Commission" is hereby created; such Commission to be composed of seven members to be appointed by the Town Council. Two of such Commission members shall hold office from the date of their appointment for a period of one year; two of such Commission members shall hold office from the date of their appointment for two years; and three of such Commission members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the Recreation Advisory Commission shall hold office for three year terms. Members of the Commission shall represent the major program divisions within the Town's recreation department and possess a knowledge or interest in the division they are representing. Preference shall be given to Commission members who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a Town recreation department facility within that particular division. Two of such members shall be persons affiliated with the recreation department's youth program, two shall be affiliated with the recreation department's tennis program, two shall be affiliated with the recreation department's golf program, and one shall be affiliated with the recreation department's adult program. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the Town Council for the unexpired term by a representative from the category representing the category of the person whose term has been vacated.



(b) *Alternate Members.* The Town Council may, in its discretion, appoint three alternate members who shall serve when called upon by the chairman in absence of any regular member. Each alternate shall be affiliated with different major program divisions within the Town's recreation department. Preference shall be given to those who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a Town recreation department facility. Alternate members are required to attend all meetings of the Commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the Commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the Commission whether they are sitting as a voting member or not.

(c) *Registered voter requirement.* Each member of the Recreation Advisory Commission is required to be a registered voter in the Town of Palm Beach.

(d) *Removal provisions.* All members of the Recreation Advisory Commission, including alternates, serve at the pleasure of the Town Council and may be removed from the Commission with or without cause. Members of the Commission shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend more than two meetings in any one calendar year. Excused absence due to illness, a death in the family, and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting, unless the absence is an emergency. Failure to notify the Town Manager via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the Commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.

In the event of excessive conflicts of interest during any one calendar year, such Commission member shall be subject to removal from the Commission by the Town Council or, in the event of excessive conflicts of interest during any one term, a Commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year.



In the event a member of the Commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the Commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.

- (1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the agenda.
- (2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dias until the item is concluded.
- (3) The member having the conflict shall not present the project to the Commission except in a case where the Commission member is a sole practitioner who is unable to represent a client through an associate.

(e) *Consecutive terms.* No member of the Recreation Advisory Commission may serve more than three consecutive three-year terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of three consecutive three-year terms, provided said person has ceased to be a member of said Commission for a period of time not less than nine months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than fifty percent of a full three-year term, that person shall not be precluded from then serving three successive three-year terms. Additionally, although an alternate member may not serve more than three three-year terms as a alternate, said alternate member may be appointed to serve as a regular member of the Commission and, in the event of such appointment, shall be entitled to serve three full three-year terms thereafter.

(f) *Officers, rules of procedure.* The Recreation Advisory Commission shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Four voting members of the Commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the Commission shall be necessary for it to take action.

(g) *Advisory Capacity.* The Recreation Advisory Commission shall act in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.


Section 5. Effective Date.

This ordinance shall take effect immediately upon its passage and approval, as provided by law.

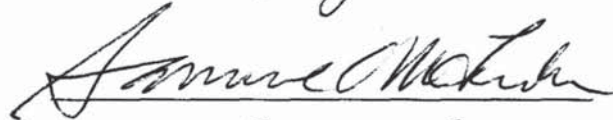


PASSED AND ADOPTED in a regular, adjourned session on first reading this 12<sup>th</sup> day  
of October, 1999, and for a second and final reading on this 9<sup>th</sup> day of November  
1999.

  
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Mayor

  
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Town Council



  
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Town Clerk

## ORDINANCE NO. 10-95

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE TOWN CODE OF ORDINANCES, RELATING TO PARKS AND RECREATION, AT ARTICLE I, SEAVIEW PARK COMMISSION, SECTION 14-1, SO AS TO AMEND THE PROVISIONS RELATING TO ATTENDANCE AND REMOVAL OF MEMBERS; AMENDING PROVISIONS RELATING TO ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 14 of the Town Code of Ordinances relating to Parks and Recreation is hereby amended at Article I, Section 14-1, to read as follows:

**"Sec. 14-1. Seaview Park Commission created; membership; requirements; term.**

(a) Generally. An agency of the town to be known and described as the "Seaview Park Commission" is hereby created; such commission to be composed of seven (7) members, to be appointed by the town council. Four (4) voting members of the commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action. Three (3) of such commission members shall hold office from the date of their appointment for a period of one (1) year; and four (4) members of such commission shall hold office from the date of their appointment for two (2) years. Thereafter members of the Seaview Park Commission shall hold office for three-year terms. Members of the commission shall be registered voters in the Town of Palm Beach and whenever possible shall represent the major program divisions within the town's recreation department.



(b) *Alternate Members.* The town council may, in its discretion, appoint three (3) alternate members who shall serve when called upon by the chairman of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(c) *Removal Provisions.* All members of the Seaview Park Commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) or more meetings in any one (1) calendar year, or more than two (2) consecutive scheduled meetings. Excused absences due to illness, a death in the family and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the Town Manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manager via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this code.

In the event of excessive conflicts of interest during any one (1) calendar year, the commission member shall be subject to removal from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as ten (10) or more conflicts of interest in any one (1) calendar year.

In the event a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having said conflict to comply with the following requirements.



1. Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.

2. The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.

3. The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(d) *Consecutive terms.* No member of the Seaview Park Commission may serve more than two (2) consecutive three-year terms. All persons presently serving in their second term on this commission may complete said term, however, on the completion of said term, a new member shall be appointed. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two (2) consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine (9) months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than fifty (50) percent of a full three-year term, that person shall not be precluded from serving for two (2) successive three-year terms. Additionally, although an alternate member may not serve more than two (2) three-year terms as an alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two (2) full three-year terms thereafter."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.



Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

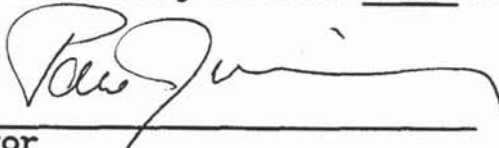
Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect November 1, 1995.

PASSED AND ADOPTED in a regular, adjourned session on first reading this 8th day of August, 1995, and for a second and final reading on this 12th day of September, 1995.

  
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Mayor

  
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Town Council



ATTEST:

  
\_\_\_\_\_  
Town Clerk

JCR\13156ORD\SEAVIEWP.2

Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) *Generally.* A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term. Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.
- (b) *Alternate members.* The town council shall appoint three alternate members to the shore protection board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not. Alternate members of the board shall be residents of the town.
- (c) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexecuted. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.
- (d) *Frequency of meetings.* The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.
- (e) *Officers, rules of procedure.* The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.
- (f) *Advisory capacity.* The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town



including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. 06-2017, § 1, 2-14-17; Ord. No. 2-2018, § 1, 3-20-18)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MAY 13, 2008**

1 Town Manager to Take Further Action Necessary to  
2 Effectuate the Project.

3 [H. Paul Brazil, Director of Public Works]  
4

5 Public Works Director Brazil provided an explanation of Resolution No. 31-08,  
6 advising that it concerned the construction end of the turf replacement. The lowest  
7 responsible bidder was Green Construction Technologies, Inc., and their bid was  
8 \$226,165.67. Staff anticipated a total budget of \$268,400. The existing balance in the  
9 budget was \$194,000; it would be necessary to transfer \$74,400 into the Seaview Park  
10 Improvement budget. The above resolution awarded the contract to Green Construction and  
11 transferred the necessary funds.  
12

13 Town Attorney Randolph read Resolution No 31-08 by title, as printed above.  
14

15 Motion made by Council Member Markin, seconded by Council Member  
16 Coleman to approve Resolution No. 31-08. Upon roll call, the motion carried  
17 unanimously.  
18  
19  
20

21 4. Shore Protection Board.

22 [Denis P. Coleman, Town Council Member]  
23

24 Council Member Coleman advised that this subject had been discussed previously.  
25 At that time, Mayor McDonald had stated that he would veto a proposed ordinance to  
26 establish a permanent Shore Protection Board, and the issue had been continued. Mayor  
27 McDonald had indicated that his objections were related to not providing for the necessary  
28 staff before appointing a Shore Protection Board. Mr. Coleman expressed that shore  
29 protection was going to an ongoing issue, and a critical issue. It was important, especially  
30 for public perception, to have safeguards: an independent board to review the issues, act as  
31 a fiduciary for the citizens, and maintain a knowledge base. He encouraged favorable  
32 consideration of establishing a permanent Shore Protection Board.  
33

34 Town Manager Elwell advised that four qualified candidates for the position had  
35 dropped out for a combination of professional and personal reasons. Staff recognized the  
36 extreme priority to hire a qualified person, and would pursue any recommendations of  
37 qualified people. Staff was receiving recommendations of people to contact and contacting  
38 people within the industry. Additional energy would be needed to generate additional  
39 opportunities, as it was a small community of people who were qualified both on the



**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON MAY 13, 2008**

1 technical side and who were also plugged in to the necessary agencies.

2

3 President Pro Tem Coniglio urged that a decision regarding the Shore Protection  
4 Board be made today.

5

6 Town Manager Elwell noted that the tabled ordinance (Ordinance No. 1-08) could  
7 come back for second reading next month, if it was the consensus of the Town Council.

8

9 If the ordinance was adopted in June, the Town Council would make the decision as  
10 to when appointments would be made.

10

11 Council Member Coleman moved that Ordinance No. 1-08 be removed from  
12 being tabled, and come back for second reading next month. The motion was seconded  
13 by President Pro Tem Coniglio.

14

15 Council Member Markin suggested that both the approval of the ordinance and the  
16 board appointments take place in the fall, in order that the coastal coordinator could be hired  
17 in the interim.

18

19 Council Member Coleman urged that the ordinance be approved today, and the  
20 appointments wait until the fall.

21

22 Discussion continued regarding the timing.

23

24 On roll call, the motion carried 3/2:

25

26 Council Member Coleman: Yes

27 President Pro Tem Coniglio: Yes

28 Council Member Markin: No

29 Council Member Rosow: No

30 President Kleid: Yes

31

32

33

34

35

36

37

38

39

5. Evaluation of the Performance of Town Manager Peter B. Elwell.

a. Potential Salary Adjustment Based on Evaluation of  
Performance for 2007-2008.

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON JUNE 10, 2008**

1  
2 President Pro Tem Coniglio expressed concern regarding setting a precedent through  
3 approving any entity coming forward that may be perceived as a self-promotion activity,  
4 without any input from the public or from any interested public entity that may be concerned,  
5 such as the Preservation Foundation, Landmarks Preservation Commission, Palm Beach Civic  
6 Association Beautification Committee, Garden Club, etc.

7  
8 Town Manager Elwell advised that the building was in the Town Hall historic district, so  
9 the tiles would need to be reviewed by the Landmarks Preservation Commission.

10  
11 Council Markin expressed concern regarding the proposed logo presented in the tile.

12  
13 President Pro Tem Coniglio moved that the Landmarks Preservation Commission,  
14 Palm Beach Civic Association Beautification Committee, and the Garden Club work with  
15 the design team and present it to the Landmarks Preservation Commission for approval.  
16 The motion was seconded by Council Member Coleman. On roll call, the motion carried  
17 unanimously.

18  
19  
20  
21 **XII. ORDINANCES**

22  
23 **A. Second Reading**

- 24  
25 1. ORDINANCE NO. 1-08 An Ordinance of the Town Council of the Town  
26 of Palm Beach, Palm Beach County, Florida, Amending Chapter 2,  
27 Administration, to Include a New Article IX Creating a Shore Protection  
28 Board; Providing for Appointments, Terms, Qualifications, Functions,  
29 Regulations and Procedures; Providing for Severability; Providing for  
30 Repeal of Ordinances in Conflict; Providing for Codification; Providing  
31 an Effective Date.

32 [John C. Randolph, Town Attorney]

33  
34 Town Attorney Randolph read Ordinance No. 1-08 by title, as printed above.

35  
36 Discussion took place regarding the ordinance. Mayor McDonald provided his  
37 objections and suggestions.

- 38  
39 ▶ Staffing issues: The ability of the town to service the board at this time.  
40  
41



MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON JUNE 10, 2008
---

- 1       ▶       The duties of the board to include dealing with global warming issues.
- 2
- 3       ▶       The intergovernmental coordination responsibilities of the board.
- 4
- 5       ▶       The involvement of the Mayor in the appointment of the board members.
- 6
- 7       ▶       The staggered term limits set forth in the ordinance.
- 8

9       **After discussion, Ordinance No. 1-08 was adopted on second reading, through**  
 10 **motion of Council Member Coleman, seconded by President Pro Tem Coniglio. On roll**  
 11 **call, the motion carried 3/2:**

12		
13	<b>Council Member Coleman:</b>	<b>Yes</b>
14	<b>President Pro Tem Coniglio:</b>	<b>Yes</b>
15	<b>Council Member Markin:</b>	<b>No</b>
16	<b>Council Member Rosow:</b>	<b>No</b>
17	<b>President Kleid:</b>	<b>Yes</b>
18		

19       Council Member Markin requested that Town Manager Elwell keep the organizational  
 20 flow as part of his consideration in hiring a Coastal Coordinator, recommending that the Coastal  
 21 Coordinator report directly to Mr. Elwell, at least for the first year.

22

23

24

25       **B.     First Reading**

- 26
- 27       1.     **ORDINANCE NO. 19-08** An Ordinance of the Town Council of the Town  
 28 of Palm Beach, Palm Beach County, Florida, Amending Chapter 46, Fire  
 29 Prevention and Protection, Article IV, Hazardous Substances and  
 30 Hazardous Waste, Division 2, Abatement and Recovery of Costs, By  
 31 Amending Section 46-141 Relating to Definitions; Amending Section 46-  
 32 142 Relating to Authority to Initiate Action; Amending Section 46-143  
 33 Relating to Liability for Costs of Abatement of Discharge; Amending  
 34 Section 146-144 Relating to Recovery of Costs of Hazardous Substance  
 35 and Hazardous Waste Clean Up; Providing for Severability; Providing for  
 36 Repeal of Ordinances in Conflict; Providing for Codification; Providing  
 37 an Effective Date. [John C. Randolph, Town Attorney]

38

39       Town Attorney Randolph read Ordinance No. 19-08 by title, as printed above.

40

## MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 9, 2011

## B. First Reading

1.  
1. ORDINANCE NO. 16-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 2 Administration, Article IV Boards And Commissions, Division 2 Planning And Zoning Commission, Section 2-328 Relating To Removal Provisions, Absences, Conflicts Of Interest At Subparagraph (a); Amending Article V Code Enforcement, Division 2 Code Enforcement Board, Section 2-402 Relating To Terms, Removal Provisions, Absences, Conflicts Of Interest At Subparagraph (b); Amending Article VI Finance, Division 6 Investment Advisory Committee, Section 2-567 Subparagraph (b) Relating To Removal Provisions, Absences; Amending Article X Shore Protection Board, Section 2-636 Subparagraph (b) Relating To Removal Provisions; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.  
[Thomas G. Bradford, Deputy Town Manager]

Staff requested that this ordinance be amended at Section 2-328 to change the reporting of an intended absence from the Town Manager's Officer to the Director of Planning, Zoning, and Building.

**Motion was made by Council Member Diamond and seconded by Council Member Pucillo to amend Section 2-328 of the ordinance to change the reporting of an intended absence from the Town Manager's Office to the Director of Planning, Zoning, and Building, and to approve Ordinance No. 16-11, as amended, on first reading. On roll call, the motion carried unanimously.**

2. ORDINANCE NO. 17-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 38, Emergency Services; Article II, Alarm Systems; At Section 38-31 Relating To Purpose; At Section 38-32 Relating To Definition Of False Alarm; And At Section 38-34 Relating To Enforcement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Thomas G. Bradford, Deputy Town Manager]

**Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Ordinance No. 17-11 on first reading. On roll call, the motion carried unanimously.**

3. ORDINANCE NO. 18-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 46, Fire Prevention And Protection, Article III, Fire Prevention Code, At



**ORDINANCE NO. 16-2011**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2 ADMINISTRATION, ARTICLE IV BOARDS AND COMMISSIONS, DIVISION 2 PLANNING AND ZONING COMMISSION, SECTION 2-328 RELATING TO REMOVAL PROVISIONS, ABSENCES, CONFLICTS OF INTEREST AT SUBPARAGRAPH (a); AMENDING ARTICLE V CODE ENFORCEMENT, DIVISION 2 CODE ENFORCEMENT BOARD, SECTION 2-402 RELATING TO TERMS, REMOVAL PROVISIONS, ABSENCES, CONFLICTS OF INTEREST AT SUBPARAGRAPH (b); AMENDING ARTICLE VI FINANCE, DIVISION 6 INVESTMENT ADVISORY COMMITTEE, SECTION 2-567 SUBPARAGRAPH (b) RELATING TO REMOVAL PROVISIONS, ABSENCES; AMENDING ARTICLE X SHORE PROTECTION BOARD, SECTION 2-636 SUBPARAGRAPH (b) RELATING TO REMOVAL PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article IV, Boards and Commissions; Division 2, **Planning and Zoning Commission**; Section 2-328; subparagraph (a), to read as follows:

**Sec. 2-328. Removal provisions; absences; conflicts of interest.**

"(a) All members of the planning and zoning commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the

Director of Planning, Building and Zoning office in writing of the board member's intended absence at least seven (7) business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused.. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article V, Code Enforcement; Division 2, **Code Enforcement Board**; Section 2-402; subparagraph (b), to as follows:

**Sec. 2-402. Terms; removal provisions; absences; conflicts of interest.**

"(b) All members of the code enforcement board, including alternates, serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the office of the Chief of Police in writing of the board member's intended absence at least seven (7) business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article VI, Finance; Division 6, **Investment Advisory Committee**; Section 2-567; subparagraph (b), to as follows:

**Sec. 2-567. Investment advisory committee created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.**



"(b) *Removal provisions; absences.* All members of the investment advisory committee serve at the pleasure of the town council and may be removed from the committee with or without cause. Members of the committee shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend two scheduled meetings in any twelve month period. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the finance director in writing of the board member's intended absence at least seven (7) business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the committee after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section."

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article X, **Shore Protection Board**; Section 2-636; subparagraph (b), to as follows:

**Sec. 2-636. Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.**

"(b) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven (7) business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code."

Section 5. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 6. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 7. Codification.

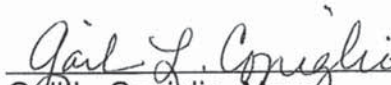
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.


Section 8. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

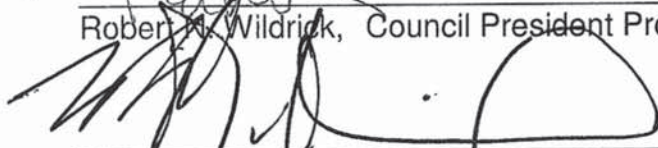


PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9<sup>th</sup> day of August, 2011, and for second and final reading on this 13<sup>th</sup> day of September, 2011.

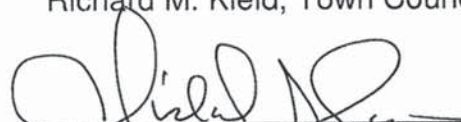
  
Gail L. Coniglio, Mayor

  
David A. Rosow, Town Council President

  
Robert M. Wildrick, Council President Pro Tem

  
William J. Diamond, Town Council Member

  
Richard M. Kleid, Town Council Member

  
Michael J. Pucillo, Town Council Member



  
Susan A. Owens, Town Clerk

## MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 10, 2017

- 1  
2  
3 2. ORDINANCE NO. 05-2017 An Ordinance Of The Town Council Of  
4 The Town Of Palm Beach, Palm Beach County, Florida, Amending  
5 Section 2-567. Of The Town Code Of Ordinances Relating To The  
6 Creation Of An Investment Advisory Committee; Amending  
7 Subsection (G) Thereof So As To Include In The Duties Of The  
8 Investment Advisory Committee The Obligation To Act As A Citizen  
9 Oversight Committee In Regard To The One-Cent Surtax Enacted  
10 By Law; To Review The Expenditure Of Said Surtax Proceeds By  
11 The Town And To File An Annual Report To The Town In Regard To  
12 The Committee's Duties As A Citizen Advisory Committee; Providing  
13 For Severability; Providing For Repeal Of Ordinances In Conflict;  
14 Providing For Codification; Providing An Effective Date.  
15 *John C. Randolph, Town Attorney*

16  
17 **Motion was made by Council Member Zeidman, and seconded by Council**  
18 **Member Moore, to approve Ordinance No. 05-2017, on first reading. On roll**  
19 **call, the motion carried unanimously.**  
20

- 21 3. ORDINANCE NO. 06-2017 An Ordinance of the Town Council of the  
22 Town of Palm Beach, Palm Beach County, Florida, Amending The  
23 Town Code of Ordinances at Chapter 2, Administration, Article X,  
24 Shore Protection Board at Section 2-636, so as to Create Term  
25 Limits and so as to Provide for The Appointment of Alternate  
26 Members; Providing for Severability; Providing for Repeal of  
27 Ordinances in Conflict; Providing for Codification; Providing an  
28 Effective Date.  
29 *John C. Randolph, Town Attorney*

30  
31 Discussion ensued regarding the language in the Ordinance and it was the  
32 consensus of the Town Council to amend the language in Ordinance 06-  
33 2017 to include that the Town Council shall appoint three alternate  
34 members to the Shore Protection Board.  
35

36 **Motion was made by Council Member Moore, and seconded by Council**  
37 **Member Zeidman, to approve Ordinance No. 06-2017, on first reading, as**  
38 **amended. On roll call, the motion carried unanimously.**  
39

40 **XII. ANY OTHER MATTERS - None**

41  
42 **XIII. ADJOURNMENT**

43  
44 There being no further business, the January 10, 2017, regular Town Council  
45 meeting was adjourned at 5:30 p.m.  
46  
47



**ORDINANCE NO. 6-2017**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION, ARTICLE X, **SHORE PROTECTION BOARD** AT SECTION 2-636, SO AS TO CREATE TERM LIMITS AND SO AS TO PROVIDE FOR THE APPOINTMENT OF ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

**Section 1.** The Code of Ordinances of the Town of Palm Beach is hereby amended to read as follows:

"Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) Generally. A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year, two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by Town Council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment may serve one additional three year term. Members of the board shall be residents of the town; however, one of the members may be a nonresident of the town provided said member has a special skill as it relates to shore protection. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.
- (b) Alternate members. The Town Council shall appoint three alternate members to the Shore Protection Board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions relating to excused



absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not.

- (c) Removal provisions. All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.
- (d) Frequency of meetings. The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.
- (e) Officers, rules of procedure. The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.
- (f) Advisory capacity. The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination."



**Section 2. Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3. Repeal of Ordinances in Conflict.**

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4. Codification.**

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 5. Effective Date.**

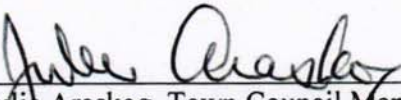
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of January, 2017, and for second and final reading on this 14th day of February, 2017.

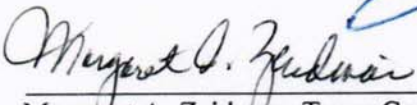
  
Gail L. Coniglio, Mayor

  
Richard M. Kleid, Town Council President

  
Danielle H. Moore, Town Council President ProTem

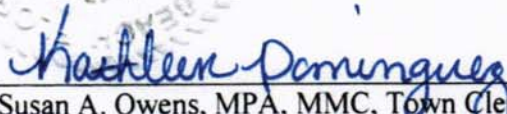
  
Julie Araskog, Town Council Member

  
Bobbie Lindsay, Town Council Member

  
Margaret A. Zeidman, Town Council Member



ATTEST:

  
FOR Susan A. Owens, MPA, MMC, Town Clerk