



# TOWN OF PALM BEACH

Town Clerk's Office

## REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON MONDAY, NOVEMBER 8, 2021

### I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee Meeting was called to order at 9:30 AM. On roll call, all committee members were found to be present.

### II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

### III. APPROVAL OF AGENDA

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

### IV. COMMUNICATIONS FROM CITIZENS - None

### V. REGULAR AGENDA

#### A. Old Business

1. Review Draft Changes to Chapter 42 of the Town Code – Lawn Maintenance, Relative to Hours, Equipment and Noise  
*Jay Boodheshwar, Deputy Town Manager*

Jay Boodheshwar, Deputy Town Manager reminded everyone that a draft Ordinance will come before the Town Council at its November 9<sup>th</sup> meeting for an emergency hearing and potential passage regarding construction hours. He explained how the potential changes would affect lawn maintenance.

He gave an overview of the draft changes to the Code if the Ordinance is adopted and highlighted the following:

- No landscaping or lawn maintenance will be permitted on Saturdays, Sundays and legal holidays, year round;
- Lawn maintenance crews will not be permitted to arrive on work sites

- before 7:30 a.m. on weekdays and 8:30 a.m. on Saturdays;
- The use of leafblowers will not be permitted from 8-9 a.m. year round. Properties south of Sloane's curve will be exempt.

Chair Araskog mentioned a revision under section 42-197 changing 7am to 9am and expressed her concern that this is one Town so all rules should apply to every section of Town but she was willing to hear opinions from residents in the southern condos.

Deputy Boodheshwar gave a section-by-section revision of the Code at Chapter 42. The following were the suggested changes:

- **Sec. 42-197. Specific acts prohibited.**
  - (2) Change 7:00 a.m. to 9:00 a.m.
  - (7) Change 7:00 a.m. to 9:00 a.m.
  - (8) Delete all wording after "fluids"
  - (12)(b) Delete "which is less than one acre in size", delete "October 1, 2017" and insert "May 1, 2022"
- **Sec. 42-199. Hours for construction work.**  
Will be discussed at the November 9<sup>th</sup> Town Council Meeting.
- **Sec. 42-230. Lawn maintenance.**
  - (a) Insert after "and" "all gas or electric powered lawn maintenance equipment, including"

Deputy Boodheshwar explained that as all the revisions have been finalized, he would work with the Town Attorney to draft an Ordinance to be heard at the December Town Council Meeting.

Chair Araskog inquired about residents' use of noisy equipment during the weekends. Deputy Boodheshwar referred to Sec. 420-230(b) which speaks to residents' use of lawn maintenance equipment on Saturdays, Sundays or legal holidays. In response to Chair Araskog, he explained that the hours of construction apply to residents from Monday to Friday including the quiet hour from 8-9AM but there is an exemption for residents for Saturdays, Sundays and legal holidays.

2. Review of Draft Ordinance to Limit Vegetation Height Adjacent to Neighboring Structures  
*Wayne Bergman, Director of Planning, Zoning and Building*

Wayne Bergman, Director of Planning, Zoning and Building reported that staff needed clarification regarding moving forward with this item. He stated that discussions regarding rodents and iguanas climbing hedges and gaining access to adjacent buildings had been discussed at ORS and council meetings. Director

Bergman stated that he knew this was a problem for the Sea Streets but questioned if this was a legitimate concern throughout the Town and if it would be punitive for certain properties.

Member Cooney stated that he had concerns about these issues and referred to the Greenwalds in particular. He mentioned that vegetation and privacy appealed to the residents but he was worried about two-story homes which were adjacent to one-story or two-story homes and the impact of losing privacy.

Chair Araskog expressed her concern about the unintended consequences and inquired if the Town could enforce a resident to trim their hedge if it created a nuisance. Ben Alma, Support Services Manager, explained that the neighboring property where the vegetation is growing onto has the right to take it back to the property. Regarding the health hazard issue, he stated that it would have to be seen by the Code Enforcement Officer and a determination would have to be made at that time. Manager Alma stated that sometimes compliance can be achieved after a conversation with the homeowner and pointing out the problems to them who most times will agree to handle the problem. Responding to Chair Araskog's concern regarding the iguanas and rodents accessing adjoining properties, Town Attorney Randolph suggested that the nuisance provision of the Town Code could be looked at to deal with the issue. Chair Araskog suggested returning to next month's meeting after researching if the Code as it stands is adequate for enforcement.

#### Public Comments

Steven J. Greenwald, 128 Seaspray Avenue, spoke in support of limiting the heights of hedges.

### **B. New Business**

#### **1. Review of Truck Study Report**

*H. Paul Brazil, P.E., Director of Public Works*

Patricia Strayer, Town Engineer, gave a history of the need for the Truck Study. She mentioned that large trucks were damaging properties and actually getting stuck on smaller roads. She stated that the Town Council had authorized a study to be done by Kimley-Horn which was completed and presented to the Public Works Committee on October 22, 2020. After technical review by the committee, it was presented to Town Council which recommended it to be forwarded to the ORS committee for consideration. She mentioned that the entire report was provided to the ORS committee members. She explained the different types of data provided such as truck miles and turning counts done at 13 different locations; six types of trucks that were analyzed for turning radius at 24 different intersections and the different communities (Jacksonville, Tampa, St. Augustine) researched which were similar to the Town and how restrictions have been implemented. Finally, she mentioned the

recommendations for implementation set out in the report.

H. Paul Brazil, P.E., Director of Public Works, added that the questions before the Committee are: Should there be regulations for trucks, where should those regulations be imposed and what exactly the regulations should be? He stated that Kimley-Horn had made some recommendations regarding how the new regulations would look.

Chair Araskog requested getting suggestions from staff as this is a major concern from a safety perspective.

Director Brazil mentioned that as the majority of the problem is related to construction on private property, his suggestion would be to try to regulate those trucks during the permitting process. At that time, staff could inform the contractors that truck size is regulated and provide them with the regulations. Director Brazil also stated that any regulation requires enforcement as without enforcement of these rules, it has no meaning.

Ms. Strayer stated that the areas of concern are the small roads north of Sunrise, roads between Seaview and Pendleton Avenues, Worth Avenue and Southern Boulevard.

Member Cooney stated he witnessed large trucks in the north end and questioned enforcement as most times they are serving a legitimate purpose such as going to a construction site or making deliveries, although sometimes they don't seem to know where they are going and have caused damage to sprinklers, mailboxes, etc.

Chair Araskog stated that Director Brazil's suggestion was a good start, but she would like to include landscapers because they have large trailers which are wider than the road and she doesn't think they should be allowed on North Lake Way. Chair Araskog suggested that staff should work together to create some form of regulations for the next meeting.

Director Brazil informed Chair Araskog that Public Works does not regulate the use of the roads as they do not have enforcement powers. He stated the study was overseen by Public Works as it was an engineering study.

Mr. Alma explained that the construction site monitors, to be hired, will not be geared for this type of enforcement. At the construction site they will be able to take action as they would have reviewed plans and permits on the site. They will be able to issue citations for any violations.

Director Bergman questioned if Town Council would like to see signs posted on certain streets restricting large trucks with exceptions and if so a program could be developed for that.

Member Cooney expressed some concern with having additional street signs as this creates visual clutter. Director Brazil suggested a logistics plan during the permitting process regarding equipment, limitations on the streets and intersections being traversed and what will be done to overcome the limitations. This will put the onus back on the contractor during the permitting process.

Director Bergman explained, for Member Cooney's benefit, the ARCOM permitting process including the truck logistics plan.

Deputy Boodheshwar suggested improving the permitting process to include education on areas that trucks can and can't go. After lengthy discussion, it was suggested that staff work together to bring a revised plan to a future committee meeting. The members agreed with the suggestion.

## **VI. ANY OTHER MATTERS**

The next meeting of the Ordinances, Rules and Standards Committee is scheduled to be held on December 9, 2021 at 9:30 AM.

## **VII. ADJOURNMENT**

The Business and Administrative Committee Meeting of November 8, 2021 was adjourned at 10:37 AM.

APPROVED:

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Julie Araskog, Chair

ATTEST:

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Pat Gayle-Gordon, Acting Town Clerk

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Date