



# TOWN OF PALM BEACH

Town Clerk's Office

## REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON FEBRUARY 3, 2022

### I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting of February 3, 2022, was called to order at 2:00 PM virtually via Zoom. 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

### V. REGULAR AGENDA

#### A. Old Business

1. Further Review of Chapter 42 of the Town Code, Article V – Noise  
*Jay Boodheshwar, Deputy Town Manager*

In response to Chair Araskog, Town Attorney Randolph stated the memo regarding this item addressed the law but not what was unlawful regarding the Code. He suggested having himself or someone from his office review the Code and indicate what needs to be changed. He also stated that upon direction from the Committee he could prepare the revisions for the next meeting. Chair Araskog agreed with deferring this matter to the next meeting.

Jay Boodheshwar, Deputy Town Manager, stated that Town Council had given direction to continue studying the Noise issue. He commented regarding the changes made to the Code to improve the quality of life in Town by creating restrictions related to construction and landscape related noise. He stated that Ordinance No. 29-2021 was adopted at the January 11, 2022 council meeting

and pointed out the gas powered blowers on small properties is currently in effect but beginning on May 1, all other property would be subject to the same prohibition. He mentioned that Council Member Lindsay stated that she observes violations regarding the leaf blowers. Mr. Boodheshwar stated that golf courses expressed their concerns regarding the gas-powered leaf blower ban and the effect it would have on maintenance.

Chair Araskog stated that she also witnessed violations regarding the gas powered leaf blowers and suggested a plan be developed to educate landscapers and construction workers about the new regulations.

Ben Alma, Support Services Manager, agreed there was some confusion when the rules were changed. There were some language barriers causing a breakdown of communication. He explained that pamphlets were now available in English and Spanish with plans to add Haitian Creole at a later date. Additionally, he said that Code Enforcement Officers worked extended hours on Saturdays in order to educate the contractors. Chair Araskog stated that the educational pamphlet should also be sent to homeowners.

**Motion was made by Chair Araskog and seconded by Member Cooney to defer this discussion until the next meeting or until when the Town Attorney has been able to advise us regarding revisions to Chapter 42 of the Town Code. On roll call the Motion passed unanimously.**

#### Public Comment

John David Corey, 426 Australian Avenue thanked the Committee for handling this issue and referred to a one-page publication on the Town's website which had landscaping and construction hours.

#### 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 gave an overview of this item. He mentioned that it was brought about by a resident who had iguanas on the roof of his home. After reviewing Chapter 88 of the Town Code, Sections 88-16 deals with exterior property areas and 88-23 deals with rodent and pest control, rodent harborage and rodent infestation. These sections do not provide the protection the Committee is requesting but could easily be modified to incorporate prohibitions on plantings and plant heights that provide for rodent or pest access onto adjacent buildings. He suggested adding "Plants and plant heights that provide for rodents, iguanas or pests access onto neighboring buildings shall be prohibited" or similar language. This would be a simple Ordinance change. Stephen and Martha Greenwald are also in agreement with this change.

The Committee agreed with the suggested change.

### Public Comment

Steven Jeffrey Greenwald, 128 Seaspray Avenue, expressed his support regarding the change and suggested a minor revision and thanked the Committee for handling this matter.

It was the consensus of the Committee to make the revision to the appropriate Section of the Town Code.

### 3. Update on Actions to Improve Truck Traffic Logistics *Jay Boodheshwar, Deputy Town Manager*

Jay Boodheshwar, Deputy Town Manager, gave a summary of actions being taken to handle truck traffic in Town. He mentioned the Truck Study; Ordinance No. 28-2021 which expanded the three-strike rule to include construction sites and requires property owners and contractors to implement, install and maintain a truck logistics and staging plan; and Resolution No. 01-2022 which updated the Public Works Right-of-Way manual. He stated that the Ordinance was an enforcement tool to hold contractors accountable if they are not following the truck logistics plan. He outlined the application process and stated that after an application is made the contractor is provided a copy along with the list of streets to be avoided. He mentioned that trucks should travel along the north/south arterial roads and only access east/west roads to get to their project site. The submitted logistics plan is reconciled with the street map and the list of narrow streets. Failure to adhere can result in a violation of the three-strike rule which will lead to a stop work order.

Responding to Member Cooney, Wayne Bergman, Director of Planning, Zoning and Building stated that the truck logistics plan is required for submittals to ARCOM, Landmarks and Town Council for development projects and will be modified before it becomes final. During the building permit stage, it is thoroughly scrutinized and reviewed by the PW Engineer. There are now several tools, including the Ordinance, which can be used to ascertain that contractors are following the rules. Director Bergman mentioned a stop work order that was issued that day and will be placed before the Town Council at its next meeting. Member Cooney pointed out certain issues regarding the street map with the truck routes. Discussion ensued regarding street limitations and truck sizes. Ben Alma, PD Support Services Manager, explained the process regarding property damage. He stated that a Police Officer will create a report so the property owner may contact the company or commence legal proceedings against them. Member Cooney pointed out certain streets that did not seem to have limitations, and was advised that the mapping was done based on the width of the paved street.

### Public Comments

Susan Gary, 229 Onondaga Avenue, thanked the Committee for handling this issue and referred to the truck study that was done by Kimley-Horn & Assoc. in 2020. She stated that the study had made some good recommendations and suggested the Committee look at all trucks not just construction trucks.

Molly Noonan, 1469 North Lake Way, spoke regarding damage to her hedges and sprinkler system by large vehicles. She shared some photos of the damage with the Committee.

After further discussion, it was decided that this matter will be brought before the Town Council for further direction.

**B. New Business**

1. None

**VI. ANY OTHER MATTERS**

There were none.

**VII. ADJOURNMENT**

**Motion was made by Member Cooney and seconded by Chair Araskog to adjourn the Ordinances, Rules and Standards Committee meeting at 3:25 PM. On roll call the Motion passed unanimously.**

APPROVED:

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Julie Araskog, Chair

ATTEST:

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Pat Gayle-Gordon, Acting Town Clerk

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Date