



TOWN OF PALM BEACH

Town Manager's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON APRIL 14, 2022

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting of April 14, 2022 was called to order at 9:30 a.m. by Chair Araskog. 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

Allen Willinsky, 2780 S. Ocean Blvd. (the Ambassador II), spoke regarding the noise from the special events being held at the Four Seasons Hotel. He requested that the Town Council: deny all applications for mega-events by the Four Seasons Hotel; revise and update the decibel levels of Area 4 to conform with Areas 1 and 3; add sound measurement equipment using the "C" scale to measure the reverberations of the pounding bass levels; and protect property values. He submitted his written comments for the record.

Chair Araskog thanked Mr. Willinsky for his comments and informed him that an update regarding this matter was made at the end of yesterday's council meeting. She also informed him that he would be notified when this matter would be heard by the Town Council.

Member Cooney also thanked Mr. Willinsky for his comments and requested an explanation of the "C" scale and an update from the Town Attorney.

Town Attorney Randolph reported that the Chief of Police stated that the Four Seasons Hotel was cited for the March 8, 2022 event and that case will be heard at the May meeting of the Code Enforcement Board. Attorney Randolph also stated that working in conjunction with the Planning and Zoning Department, there will be a determination as to whether there was violation of the Special Exception requirement of no unusual noise or glare, and if the decibel levels need to be lowered in residential areas.

V. REGULAR AGENDA

A. Old Business

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

Chair Araskog gave a brief overview of the research being done regarding this item. She mentioned that after certain studies, the Town Attorney has opted to proceed in a different direction. She stated that this was Deputy Town Manager Boodheshwar's last meeting as he is leaving the Town and thanked him for his service to the Committee.

Jay Boodheshwar, Deputy Town Manager, expressed his appreciation and thanked his team. He stated that a few years ago the City of Naples copied and adopted the Town's leaf blower ordinance. He stated that certain chapters of the Town's Code are being studied with a view to remedies of noise issues. He clarified that the Town does not issue Special Event permits for private properties.

Mr. Boodheshwar gave an update on research into different municipalities and to noise and the Town's Code. Town Attorney Randolph spoke regarding decibel levels and discussed certain municipalities that had lower decibel levels. He suggested that it is appropriate to lower the decibel levels in certain areas of the Town to be consistent with certain other municipalities such as the Town of Jupiter. He also suggested making these changes via the Zoning Code. Ben Alma, Support Services Manager reported that the noise meters being used by his officers use the "A" scale. Wayne Bergman, Director of Planning, Zoning and Building explained the differences in using the "A" and "C" scales for noise measurement and the different scenarios for use of each scale. He stated that most entities use the "A" scale.

Mr. Willinsky spoke about the use of the "C" scale and referred to the "Sound Wave Measurement" section of the Dooley report, which was included in the backup, and states: *"The 'C' scale weighting system allows the sound meter to pick up low frequencies. These are the intrusive sub-woofer type of bass sounds that can penetrate structures and result in physical sensation. This type of base is not readable using the 'A' scale."*

Discussion ensued after which it was decided to direct staff to lower the decibel level in area 4 to be the same as in areas 1 and 3.

Motion was made by Chair Araskog and seconded by Member Cooney to change the decibel level in Area 4 be the same decibel level as Areas 1 and 3. On roll call, the Motion passed unanimously.

The committee directed staff to submit a revised Ordinance for consideration of the Town Council at its next meeting.

Regarding Chapter 42 Article V – Noise, Attorney Randolph explained that this

section deals with issues regarding everyday noise.

Member Cooney referred to some of the outdated language in the Code and enquired if that language could also be revised during the change to the sections of the Code.

The committee agreed with the changes recommended by staff for Chapter 42, Article V. Noise, sections:

42-196 – Prohibited Noise
42-197 – Specific acts prohibited
42-226 – Use of meter authorized
42-227 – Geographic sections
42-228 – Non-vehicular noise

Staff was directed to add Sections 42-196 - Prohibited Noise and 42-197 - Specific Acts Prohibited to the Charitable Solicitations Permit application so that applicants will be aware of any actions that are prohibited.

The changes were also agreed for the following sections:

22-273 – Closing hours, patrons to vacate
22-275 – Open air music and singing in commercial district

B. New Business

1. None

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

Motion was made by Member Cooney and seconded by Chair Araskog to adjourn the April 14, 2022 Ordinances, Rules and Standards Committee Meeting at 10:45 AM. On roll call, the Motion passed unanimously.

APPROVED

Julie Araskog, Chair

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date