

REGULAR MEETING OF THE TOWN COMMISSION ON MONDAY, OCTOBER 7, 1996

RE: Meeting Concerning the CCCL to be held at
1PM on Oct. 17, 1996 at Manalapan Town Hall

D. Announcements

1. Administrative Office Will Be Closed on
Monday, Oct. 14, 1996 for the Official
Holiday
2. Proclamations
 - a. Acknowledging the Years of Service by
Dorothy Knehr
 - b. National Epilepsy Awareness Month - Nov.
1996

VIIG. Authorize Mayor and Town Clerk to execute Garbage
and Trash Liens and Town Atty to Have Same
Recorded

VIIH. Authorize Mowing of Two Lots and Liening Same

Comm Aaskov moved to approve the Consent Agenda as amended, seconded
by Comm Kaleel.

Motion Carried - Yea 5.

Mayor Bridges advised that Dorothy Knehr had unselfishly served for
20 years on the Board of Adjustment and felt she should receive
recognition from the Community. Town Clerk Hancsak then read the
Proclamation acknowledging Dorothy Knehr for her dedicated years of
service.

Mrs. Knehr thanked the Town and Commission and commented that she
served on the Board of Adjustment for 20 years, 18 as Chairman, and
felt the board ran a tight ship and she gave her best wishes to the
new appointees.

VI. PUBLIC REQUESTS

- A. Discuss Revisions to the Land Development Code-
Urban Design Studios

Mr. Skokowski, Urban Design Studios, explained that after the meetings
with the Planning and Zoning Committee, he now felt confident of the
Town's ideas on dealing with the issue of monumentality and "Monster
Homes."

Mr. Skokowski advised the Commission of a State conference that he
had attended the previous week where he spoke to people from Jupiter
Island and Coral Gables who were having similar problems. He
explained that in attempting to develop a uniqueness to Ocean Ridge
he does not want to preclude development, but does want to suggest
prohibiting building out of scale. He further explained that while
the Town currently does not have a design review procedure, he would

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propose to set up basic parameters to insure balance.

Mr. Skokowski then referred to the Handout that he had given the Commission that included the changes recommended by the Planning and Zoning Committee that morning. He introduced the first page in stating that the graphic material could be incorporated as a supplement to the Code. He suggested that he and the Town Attorney formalize the issues of grandfathered matters.

Mr. Skokowski stated that while these proposed changes deal with the front of homes, the issue of double frontage would have to be considered.

Mr. Skokowski conveyed the Planning and Zoning Commission's idea to add a neighborhood 5 which would include the area in the South end of Town currently zoned RMM, but basically consisting of Single Family Homes. Mr. Skokowski noted that there did not seem to be a difference between neighborhoods 1 and 2 and also neighborhoods 3 and 5. The decision was made to combine these into 2 neighborhoods (keeping neighborhood 4) and settling on a total of 3 neighborhoods.

In referring to the second page of the handout regarding building envelopes, he explained that the maximum roof pitch is currently 12:12 and the maximum tie beam is 15' for a single story and 24' for a two story.

In referring to the second illustration, Mr. Skokowski asked the Commission to consider the setbacks on a two story house with vertical sides.

The third illustration depicts the difference that setbacks make to a two story building. He explained that in the current code the maximum height for a two story building is 36' and 32' for a single story building. He stated that with this maximum height on a single story a massive roof is permissible. He suggested reducing the single story tie beam from 15' to 12' and the maximum height from 32' to 24'-28'.

Mr. Skokowski progressed to the third page of the handout regarding window/door coverage in regards to Human Scale. He proposed 15% as a minimum for window/door coverage and 30% as a maximum. He added that while 30% is a desirable percentage, 35% would still be

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acceptable. He stated that the Planning and Zoning Committee discussed changing it to 40%. He suggested that the area around the garage door be included in calculating this percentage.

Mr. Skokowski continued the presentation with the concept of solid walls. He used the illustration that a wall should not have an solid area that is any greater than 8' x 16'.

Comm O'Hare asked if it could be possible to control the window coverage in sections so that no one would be able to put all windows in one corner and have a large pleat in an otherwise large solid wall. Mr. Skokowski replied that the intent was not to be so controlling and that there will always be the possibility that someone may take advantage.

The fourth page of the handout included restrictions on windows. Mr. Skokowski explained that a maximum of 32 sq. ft. for a window may be too conservative and suggested changing that to 48 sq. ft.. He mentioned the discussion with the Planning and Zoning Commission to permit the addition of a feature window not to exceed 64 sq. ft.. He stated that even these restrictions may not ensure good design.

Mr. Skokowski then explained the restrictions on the door size and suggested the width on a single door be increased from 36" to 42".

Mr. Skokowski then continued the discussion with roof elevation and suggested that a 1.5/1 roof/frontage ratio be established (e.g. if the wall elevation is 10', then the maximum roof elevation would be 15' with a total height of 25'). He stated that reducing the maximum height would decrease the massing of a roof. In regards to roof pitch, Mr. Skokowski relayed the Planning and Zoning Commission's suggestion changing the limits of 4:12-8:12 to 3:12-12:12. Mr. Skokowski suggested that flat roofs be acceptable up to 15% and increased to 20% with the inclusion of a deck or patio.

Mr. Skokowski advised the Commission that he had been discussing the subject of first floor area with Gary Lanker. Mr. Skokowski had suggested a second floor area limit of 75% of the first floor area and counting vaulted spaces over 15' as double. He stated that another way of controlling this could be through adopting changes such as scaling down the building envelope. He added that he was not addressing multiple eave lines, architectural style, building material, and color.

Mr. Skokowski concluded that this draft handout included the final recommendations by the Planning and Zoning Commission. He stated that he would now prepare a final document for a recommendation to approve by the Planning and Zoning Commission and then the final

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version would be completed with the assistance of the Town Attorney.

Dorothy Knehr, 5505 N Ocean Blvd., asked if these changes would affect the rear of the house. Mayor Bridges replied that the changes only affected the front of the house and that the purpose was to control the massing of the house done by lot coverage, FAR, and building envelope.

Bill McCauley, 6285 N Ocean Blvd., wanted to know the effects that this would have on property values and the number of houses that would currently comply with these changes. Mr. Skokowski explained that his firm has been involved in the Master Planning of over 2 dozen coastal cities to assure compatibility and substantial value is gained from it. He further explained that he felt that 95% plus of the houses would currently comply.

Mayor Bridges commented that Urban Design Studios was hired to avoid the trend that was starting in Boca with the "Monster Houses". Mayor Bridges stated that he felt that these changes would help preserve the Town and this Code would help property values to increase.

Mr. Skokowski reiterated that he does not want to limit FAR, only the character of the architecture and the massing.

Comm Stamos expressed his concern over side setbacks, the current maximum height which allows for too much roof to be seen, door width that should be at least 3' wide in order to allow for a handicap entrance, the penalty for having a vaulted ceiling, the minimum roof pitch, and front and rear setbacks.

Comm O'Hare asked if the front and rear setbacks on a canal are the same to which Town Manager Lanker replied that it was 25' on both.

Comm O'Hare asked about the possibility of a sliding glass door in the front of the house to which Mr. Skokowski replied that it would be allowed as the one exception to the maximum 48 sq. ft..

Comm O'Hare inquired as to whether someone who has a single story home could build a room over the garage, but could not meet the 19' setback required for a two story house. Mr. Skokowski explained that this has been discussed and that such a situation would be acceptable with a setback on the other side.

Comm Kaleel concurred with many of Comm Stamos' concerns and asked for clarification on how different these changes are from the current Code. Mr. Skokowski replied that currently the Town could not prohibit someone from building a house completely covered in front by reflective glass. He added that they were trying to develop basic

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standards for proportional elements.

Mayor Bridges suggested that side setbacks on lots be calculated as a percentage of lot size and front and rear setbacks be kept the same so that smaller lots could have more area available to use. He agreed with the proposed limit on second floor area and suggested that it could even be reduced from 75% to 70%.

Earl Jones, 14 Sailfish Lane, disagreed with Mayor Bridges' suggestion in the calculation of setbacks. Mr. Jones stated he believed that the current 15' requirement has saved the houses in his neighborhood from being one on top of the other. He added that the 30' between the houses was comfortable and that reducing it to 15% would reduce the distance between houses to around approximately 22'.

Comm O'Hare commented that landscaping and arrangement of windows can make the decreased distance between homes acceptable.

Mayor Bridges asked for the Commission's feelings on changing the setback requirements from a specific footage to a percentage. Comm Aaskov replied that she would feel uncomfortable with anything under 15'. Mr. Skokowski added that he has been trying to keep things simple and that he is concerned that the Commission is trying to change things that are basic and currently in place. He reminded the Commission that setbacks do not control the massing of a house. Mayor Bridges then suggested that the setbacks remain at 15' and the Commission agreed.

Bill McCauley voiced his objection all of the meetings were in the daytime when people are working. He recommended that Urban Design Studios distribute the proposed changes to the residents of the Town to review at home. Town Clerk Hancsak stated that the meetings were all advertised and posted as always.

Mayor Bridges proposed requiring the second floor to be no more than 75% of first floor and the Commission agreed.

Mayor Bridges asked the Commission how they felt about the 15% limitation on flat roofs with a 20% maximum with the inclusion of a porch or balcony. Comm Stamos asked about the inclusion of a roof well to which Mayor Bridges replied that if it was in the back of the house and not seen it would not be a problem.

Mayor Bridges stated that he believed 4:12 to be a good minimum for roof pitch. Earl Jones expressed his belief that many of the houses are currently at 3:12.

Comm Kaleel suggested that the Commission not try and make all their

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decisions on this issue on one night and that perhaps a combined workshop with the Planning and Zoning Commission would be necessary. The rest of the Commission; however, believed that it would be best to go through the whole draft in order to give back their feelings to the Planning and Zoning Commission.

Mr. Skokowski stated that he liked the current process that the changes were going through in that after getting the feelings from the Town Commission tonight, he would be able to take it back to the Planning and Zoning Commission for fine tuning.

Comm O'Hare asked if someone would have to update their roof pitch from 3:12 to 4:12 if they were to doing a significant remodel to conform with the new code. Town Attorney Nicoletti stated that there was a conflict in the code concerning grandfathered structures that would have to be corrected. The Commission agreed to keep the minimum roof pitch at 4:12.

On the issue of window/door coverage, Comm Kaleel questioned what was objectionable with the illustration that included the house with 45% coverage. Mr. Skokowski explained that monumentality started. Mayor Bridges suggested that the 30% maximum coverage remain. The Commission agreed with the provision for one feature window with a maximum of 64 sq. ft..

The Commission concurred with prohibiting solid, unarticulated walls.

The Commission also agreed that all multi-family districts be required to follow the regulations regarding human scale.

On the issue of areas taller than 15' counting as double, the Commission agreed.

Comm Kaleel asked if Urban Design Studios could put together a comparison of the proposed changes vs. the current code. Mr. Skokowski said that he would.

VII COMMISSION ACTION

D. Resolutions

2. No. 96-26; Authorizing the Issuance of a Note of the Town in the Principal Amount

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of \$_____ to Finance the cost of Bridge Improvement Projects of the Town;
Providing that Such Note Shall Not be a General Obligation of the Town but Shall be Payable Only from Appropriated Funds as Provided Herein; Providing for the Rights; Securities, and Remedies for the Owner of Such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in connection Therewith

Town Clerk Hancsak read Resolution No. 96-26 by title only.

Comm Stamos moved to adopt Resolution No. 96-26 and to insert the Principal Amount of \$575,000 recommended by the Town Manager and to authorize the Mayor and Town Clerk to execute the documents, seconded by Comm O'Hare.

Town Manager Lanker summarized his memo by stating that he was following the course that former Town Manager Bill Mathis had anticipated by using \$250,000 from unappropriated funds. The \$575,000 was calculated by using the winning bid and allowing 7-10% for contingencies.

Comm Stamos questioned when the construction will actually commence to which Town Manager Lanker advised that as soon as the financing is approved Murphy Construction will be authorized to buy the materials while FPL is relocating the lines. He anticipated actual construction to begin within 45 days.

Mark Raymond, of Moyle, Flanigan, Katz, Fitzgerald, & Sheehan, P.A., advised that should the Commission wish to borrow the entire amount there was no prepayment penalty. The only downfall would be that the Town would be paying 5% interest on \$800,000.

Comm Kaleel suggested that the Town borrow the full amount based on the low 5% interest rate. Mark Raymond suggested that the Town Manager investigate various investment opportunities that could return the 5%.

Comm Stamos stated that he did not feel that the Town should borrow more than it needed.

Comm O'Hare suggested that Town Manager Lanker seek proposals for companies that could provide investment options.

Mayor Bridges rallied the other Commissioners and all were in favor

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of borrowing \$575,000 with the exception of Comm Kaleel who was in favor of borrowing \$755,000.

Motion Carried - Yea 4 (Aaskov, O'Hare, Stamos, Bridges)
Nay 1 (Kaleel)

Comm O'Hare then moved to place \$250,000 from the unappropriated funds into the Capital Project Fund for the purpose of constructing the two interior bridges seconded by Comm Stamos.

Motion Carried - Yea 4 (Aaskov, O'Hare, Stamos, Bridges)
Nay 1 (Kaleel)

C. Ordinances

1. No. 488; Establishing Chapter 16 of the Town Code or Ordinances "Code Enforcement"; Granting to a Special Master, (Hearing Officer) Non-Exclusive Jurisdiction Over Code Enforcement Matters Arising After the Effective Date of this Ordinance; Providing for the Recovery of Certain Costs; Providing for Fines; Providing for Ordering Repairs on Property and the Costs of Such Repairs; Providing for Liens; Providing for Satisfaction or Release of Liens; Authorizing a Code Inspector to Cite a Repeat Violator Immediately (1st Reading)

Attorney Nicoletti read Ordinance No. 488 by title only.

Attorney Nicoletti explained that this ordinance provided for a Special Master for a two year period and added that unfortunately the staff does not have an applicant yet. He also stated that there may be a minor addition or deletion on Page 3 pertaining to codes with Commission approval. This change would be so minor that it would not affect second reading.

Comm O'Hare moved to adopt Ordinance No. 488 on first reading, seconded by Comm Stamos. Comm Kaleel questioned why the phrase "substantial competent evidence" was worded as such to which Attorney Nicoletti advised that it basically meant sworn testimony.

Motion Carried - Yea 5.

A. Appointments to Town Boards (Postponed Item)

The Commission concurred to defer this item until the next agenda.

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D. Resolutions

1. No. 96-25; Approving/Adopting the Renewal of a Hardware Service Agreement with the Waldec Group

Town Clerk Hancsak read Resolution No. 96-25 by title only.

Comm O'Hare questioned whether the staff was satisfied with the company and if there was a substantial increase to which he was advised that the staff was happy with the service and the increase was approximately \$100.00.

Comm O'Hare moved the adoption of Resolution No. 96-25, seconded by Comm Stamos.

Motion Carried - Yea 5.

3. No. 96-27; Approving/Adopting the Renewal Agreement Contract for Landscape Maintenance with Grass Etc., Inc.

Town Clerk Hancsak read Resolution No. 96-27 by title only.

Town Clerk Hancsak advised that she had contacted Jeff McGlennen, president of Grass, Etc., who advised that he would provide the same service for the next 12 months at the same amount of \$440.00 monthly.

Jeffrey Lower, 2 Harbour Drive North, stated that he has never observed the landscape company trimming the island at the entrance to Ridge Harbour Estates. Town Clerk Hancsak advised that the staff had already left a message for Grass, Etc. to contact the office regarding this island and added that it was part of their contract.

Comm Stamos moved the adoption of Resolution No. 96-27, seconded by Comm Aaskov.

Motion Carried - Yea 5.

- E. Authorize Funding for New Storm Drain Line on Inlet Cay Drive

Town Manager Lanker explained the work that Earl Harvell has agreed to do at in conjunction with installing the drain pipe under Inlet Cay. This work involves raising the pipe to eliminate the possibility

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of standing water. Earl Harvell will be able to easily do both jobs at that time as the equipment will be on site.

Comm O'Hare moved to approve the work across Inlet cay Drive at an amount not to exceed \$4900.00 from the Public Works account, seconded by Comm Stamos.

Motion Carried - Yea 5.

F. Converting Current On-Call Clerical Employee to a Permanent Part Time Position

Town Manager Lanker advised the Commission of his need for a part-time employee to offer additional clerical support. He suggested permitting Marie Fioto to move from the 600 hours a year that she is currently working to approximately 1000 hours per year. This would require the Town to contribute 17.43% to the Florida retirement fund. The additional salary and retirement benefits would only require about half of the \$10,000.00 requested in his salary/benefit negotiations for additional clerical help.

Comm Kaleel moved to establish the position as noted, seconded by Comm Stamos.

Motion Carried - Yea 5.

I. Authorize funding for Additional Engineering Service RE: Presentation to Boynton Beach Regarding Directional Drilling

Attorney Nicoletti presented a memo to the mayor and Town Commissioners regarding the situation involving Boynton Beach and directional drilling. There is a conflict between John Guidry, Utilities Director, City of Boynton Beach and the Town's Engineers, Barker, Osha & Anderson, Inc. (BOA). Mr. Guidry stated that the City would only approve ductile iron pipe for the underwater Intracoastal Waterway (ICW) crossing. This would require cutting a trench in the floor of the ICW. BOA recommends directional drilling to place a plastic pipe below the ICW. BOA predicts a savings of \$100,000 by using the directional drilling method.

Town Manager Lanker stated that Carrie Parker, City Manager in Boynton Beach is getting differing information from the Utility Dept. and our Engineering service. Mr. Lanker also stated that he felt satisfied with the method presented by the Engineering Service.

Attorney Nicoletti spoke with Henry Glaus, P.E., President of BOA,

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who had indicated he could put together some compelling information for us to use in arguing for directional drilling at a cost of \$125.00 per hour.

Comm Kaleel moved to authorize an amount not to exceed \$2,000.00 from Water Improvement Fund for additional Engineering Services, seconded by Comm O'Hare.

Motion Carried - Yea 4 (O'Hare, Kaleel, Aaskov, Bridges)
Nay 1 (Stamos)

- J. Items by Commissioners
 - 1. Update RE: Coastal Construction Control Line (CCCL) - Mayor Bridges

Mayor Bridges stated that he attended the Mayor's meeting and was advised that the State of Florida had plans to relocate the CCCL regardless of the opposition by Palm Beach County. He added that there was a meeting to discuss the plans to relocate the line at the Manalapan Town Hall on Oct. 17th and he planned on attending and encouraged other Commissioners and residents to attend also.

Mayor Bridges stated that the Coastal Construction Coalition feels Palm Beach County is unique and should be considered differently than other coastal counties. The State of Florida has advised that if 100% of the Palm Beach County municipalities agree to have the County manage the CCCL they would relinquish jurisdiction, but Mayor Bridges feels that the County can be worse than the State. He asked for the general feel of the Commission on this subject.

Comm Stamos stated that he preferred the County because it would be closer to home rule.

Comm Kaleel added that although he agreed with the County being similar to home rule, he feels that the Sate should run it as the County may have more political objectives in their dealings with this subject.

Mayor Bridges stated that he would go to the meeting, see what the feeling is, and try to ensure that the interests of the Town are looked after.

- 2. Discuss meetings with Mayors - Mayor Bridges

This item was discussed in combination with Item #1.

- 3. Discuss Proposed School Tax - Mayor Bridges

Mayor Bridges stated that he felt that people should not vote for

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this until the school gives a plan on how the money is to be spent.

4. Discuss Availability of Rural Grants RE: Sewage Systems - Mayor Bridges

Mayor Bridges advised that he does not see the Town being forced soon to provide for sewage. Mayor Bridges advised that he spoke to individuals who advised that the Town may be eligible for a Federal Grant providing for up to 75% cost if they are forced to get their own sewage.

Shelly Childers, 22 Harbour Dr. S, inquired as to who was mandating that the Town get their own sewage system to which Mayor Bridges replied that the State was. Mrs. Childers stated that she would like to see a study on what this will do to the water. Town Manager Lanker stated that studies may be required in the not too distant future.

5. Discuss Swale Areas - Mayor Bridges

Mayor Bridges stated that he wanted to discuss this item with the Town Manager and would discuss on a later agenda.

6. Discuss Installation of Benches Along SR A1A - Comm Aaskov

Comm Aaskov stated that a resident had noted that people who were walking had to lean on trees to rest. Mayor Bridges said that they would discuss this item on a later agenda.

7. Discuss Old Ocean Blvd - Comm O'Hare

Comm O'Hare stated that he had noticed many people walking along Old Ocean Blvd. where the speed limit is 25 MPH. He proposed making Old Ocean Blvd. a one way street from Anna to Beachway to modify the traffic flow. Mayor Bridges concurred and suggested that the Town Manager review the cost and obtain public input.

8. Discuss Concrete Spillage on Beachway Drive - Comm Stamos

Comm Stamos stated that there is concrete spillage on Beachway and Old Ocean that had fallen off a concrete truck some years back. He explained that this could be a hazard and could possibly be broken up with a hammer and removed. He added that there are areas on Old Ocean Blvd. that need trimming, citing overgrown areas near the signs.

Mayor Bridges stated that these would be issues for the Town Manager to take care of. Town Manager Lanker stated that he could contact

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the County as part of the maintenance agreement, the residents for the adjacent private property, or the Town's maintenance men to correct the problem. Comm Stamos was advised that the Town maintenance men would add it to their schedule.

Comm Stamos stated that he was concerned with the dune crossover and would like to see the Town pursue maintenance of them.

9. Discuss Unfinished Roofs on Sabal Island Drive
- Comm Stamos

Town Manager Lanker was aware of the 2 roofs on Sabal Island Drive that Comm Stamos wished to discuss. One of the homes is grandfathered and the other has 6 months to finish.

10. Update South Lake Worth Inlet District Meeting
- Comm Stamos

Comm Stamos announced that they had discussed the area on the west side of the inlet and the plan to dredge the intracoastal. He added that the County is moving ahead on other items.

Comm Aaskov inquired about the vegetation on Beachway and Old Ocean Blvd. to which Town Clerk Hancsak replied that arrangements had been made, and it should be removed by Friday.

IX. Adjournment

The meeting adjourned at approximately 10:30 PM.

Mayor Bridges

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Commissioner Aaskov

Commissioner Kaleel

Attest By:

Commissioner O'Hare

Town Clerk

Commissioner Stamos