

REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA
HELD IN THE TOWN HALL ON MONDAY, NOV. 4, 1996 AT 7:00 P.M.

The meeting was called to order by Mayor Digby Bridges. Following the
Pledge of Allegiance, roll call was answered by the following:

Commissioner Aaskov	Commissioner O'Hare
Commissioner Kaleel	Commissioner Stamos
Mayor Bridges	

IV. Requests for Additions, Withdrawals, Arrangement of Items

Atty Nicoletti requested to discuss a letter received from Richard McDuff,
our insurance attorney, pertaining to the Price lawsuit as Item VIII(J).
Comm. Kaleel suggested rearranging Item VII to the end of the meeting.
Mayor Bridges requested a discussion regarding Adelpia Cable as Item
VIII(I) (6).

V. PUBLIC HEARING

A. An Application Submitted by Suzanne E. Rice, 6161 North Ocean
Blvd, Ocean Ridge FL 33435, Requesting a Variance from
the Provisions of Chapter 26; LAND DEVELOPMENT CODE,
Article VII; CONSTRUCTION & EXCAVATION SETBACK LINE; (A)
SETBACK LINE ESTABLISHED to Permit Installation of a
Bulkhead Which Would Be Within 10' of the Coastal
Construction Setback Line at the Legal Description of Lots
3,4,& 5, Block 3,4, & 5, of the Amended Plat of Boynton
Subdivision (Quasi-Judicial - Requiring Sworn Testimony)

Town Clerk Hancsak advised that all the proper paperwork and fees have
been submitted and recorded.

Mayor Bridges advised that he did not feel the need for anyone to be sworn
in for testimony because after reviewing the materials submitted he felt
the drawings were complete. He added that this bulkhead would actually
be an extension of a variance granted in Jan. 1995 for the neighboring
property. He then asked if any of the Commissioners or public had any
questions.

Comm. Stamos stated that he was in favor of the wall but he requested
assurance that the dune would be replanted after the heavy machinery was
removed.

At this point Suzanne Rice was sworn in by the Town Clerk. Atty Kathryn
Jakabcin, representing Ms. Rice, advised that her client was proposing
to install a sub-terranean bulkhead. The bulkhead does not require State
approval because it is east of the Coastal Construction Control Line
(CCCL), however, the Town Code requires approval of any construction within
10' of the CCCL. Ms. Jakabcin stated that the dune would be replanted
with sea oats and normal native vegetation.

Comm. O'Hare clarified that sheet piles would be driven and also
complimented the detail on the drawings. He then questioned how the Rayman
seawall and her seawall would be joined to which Ms. Rice advised she

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was unsure but they would be joined because the same company is completing both walls.

Comm. Stamos questioned who would inspect the construction to which he was advised that Gary Lanker would provide the inspections.

There was no public comment regarding this variance.

Comm. Stamos moved to permit the installation of the bulkhead as submitted, seconded by Comm. Kaleel.

Motion Carried - Yea 5.

Comm. Kaleel moved to rearrange the Agenda as discussed on Item V, seconded by Comm. O'Hare.

Motion Carried - Yea 5.

- VI. CONSENT AGENDA
- A. Minutes
 - 1.Regular Meeting of Oct. 7, 1996
 - B. Reports
 - 1. Town Manager
 - a.Beaches and Shores Meeting
 - b.Update on Bridge Construction
 - c.Palm Beach County Municipal League
 - d.Meeting with City Manager of Boynton Beach
 - e.Approval of Change to Landscape Contract
 - f.Town Manager's Absence 11/6-11/11/96
 - 2. Director of Public Safety
 - a.Monthly Activity Report
 - C. Misc. Correspondence
 - 1.Authorize Mayor and Town Clerk to execute 1 Lot Mowing Lien and 3 Alarm Monitoring Liens and the Town Attorney to Have Same Recorded
 - 2.Authorize Mowing of Two Lots and Liening Same
 - D. Announcements
 - 1.Administrative Office will be closed Monday, Nov. 11, 1996, and Nov. 28, 1996 for the official holidays.

Town Manager Lanker advised that his item regarding the landscape contract involved a minor change in the cuttings per month during the winter months and added that by approving the Consent Agenda the contract change would also be approved.

Comm. O'Hare moved to approve the Consent Agenda, seconded by Comm. Aaskov. The Consent Agenda was approved by unanimous vote.

- VIII. Commission Action
- A.Appointments to Town Boards (Postponed Item)

Since none of the residents had requested or volunteered to be a member of this board, this item was deferred to the next meeting.

B. Ordinances

- 1.No. 488; Establishing Chapter 16 of the Town Code of 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 (2nd Reading and Adoption)

Town Clerk Hancsak read Ordinance No. 488 by title only.

Mayor Bridges explained that this ordinance would provide a means of enforcement for code violations instead of going through the court system.

Betty Bingham, 1 Ocean Ave., questioned why this new arm of government was not presented to the residents as a whole. She added that she would be in favor of the ordinance provided the enforcement was minimal. Mayor Bridges explained that the Special Master would be an outside party to hear both sides of the violation. He also stated that the violations would be cited as they have in the past and that the town has not hired a code enforcement officer. He added that he too would not be in favor of a code enforcement officer.

Comm. O'Hare moved to adopt Ordinance #488 on second reading, seconded by Comm. Kaleel.

Motion Carried - Yea 5.

- 2.No. 490; Amending Chapter 14, Buildings and Building Regulations, By Establishing a New Article V, Building Standards; to be Entitled "Minimum Property Standards", to Include a Definitions Section; Maintenance and Appearance Standards, Provisions for Unsafe Dwelling Units, and Other Structures; Allocation of Maintenance Responsibilities, Enforcement and Inspections (First Reading)

Town Clerk Hancsak read Ordinance No. 490 by title only.

Atty Nicoletti advised that the Planning & Zoning Commission and staff have had several meetings regarding this ordinance and this version carries the recommendations of the P & Z Commission.

Comm. O'Hare commented that he was not in favor of the one color requirement on Page 8 #2 and requested that it be deleted. Comm. Stamos advised that he did not interpret the paragraph to mean one color for all structures. Atty Nicoletti advised that Comm. Stamos was correct and that the P & Z had even changed the language to become broader. The Commission agreed not to change any of this language.

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Comm. O'Hare also suggested that Page 8 #3 include paving units. The other Commissioners concurred.

Comm. O'Hare questioned whether this ordinance pertains to improved properties only to which Atty Nicoletti advised it did and added that historically the codes have not been enforced in the Preservation Conversation District.

Comm. Kaleel questioned Page 12/13 relating to the Requirements Relating to the Safe and Sanitary Maintenance of Premises Adjacent to Structures and where the responsibility was for the adjacent property. Atty Nicoletti advised that the nuisance provisions would be tailored after this ordinance is adopted.

Mayor Bridges expressed his concern that the code was still being revised piece meal. Atty Nicoletti advised that he has reviewed the code and he does not feel there are any conflicts.

Comm. Stamos advised that upon reviewing this ordinance he believed it to be accurate and stressed the need for the detail in order to provide guidelines for the Special Master. Atty Nicoletti reminded the Commission that this ordinance is the direct result of request by the Commission.

Comm. O'Hare moved to approve Ordinance #490 on first reading with the amendment to add paving units to Page 8 #3, seconded by Comm. Aaskov. Comm. Stamos questioned whether there was any height limitation on shrubbery to which he was advised the limitation only applies to Australian pines and grass.

Motion Carried - Yea 5.

3.No. 491; Amending Chapter 10 of the Code of Ordinances, by Establishing a New Article V, "Use of Rights of Way", Creating Reasonable Regulations and Fees with Reference to construction, Installation and Maintenance Upon Public Right-of-Ways (First Reading)

Town Clerk Hancsak read Ordinance #491 by title only.

Atty Nicoletti advised that this ordinance came about as a result of a letter received from AT & T requesting information on the use of right-of-ways. He added that he had a minor addition to the bottom of Page 1 by adding landscape and paving. He advised that this ordinance would require a permit for anything that involved town owned right-of-ways.

Comm. Kaleel moved the adoption of Ordinance #491 on first reading, seconded by Comm. Stamos. Dorothy Knehr, 5505 N. Ocean Blvd., questioned whether the ordinance includes utility easements and what type of installations it involved. Atty Nicoletti advised that it involved only public right-of-ways and consisted of any type of poles, antennas, pipes, tanks, etc. Comm. O'Hare asked whether the right-of-ways included swale areas and he was advised they did.

Motion Carried - Yea 5.

C. Resolutions

- 1.No. 28; Approving Purchase Agreement for Lot 14, Block 4, Boynton Beach Park Subdivision with FL Dept. of Transportation

Atty Nicoletti advised that this item was being brought back to the Commission after they requested that a reverter clause be written into the purchase agreement in the event the bridge was not completed at the Ocean Ave. location. He stated that FDOT advised that according to their rules and policies they could not provide a reverter clause unless it was a donation.

Atty Nicoletti advised that the \$85,000 offer was several thousand dollars higher than previous offers received and recommended approval of the resolution and authorizing the Mayor to execute the documents when necessary.

Mayor Bridges advised the public that he felt the offer was fair and reiterated that it was higher than any previous offers and added that the property would remain in its natural state.

Comm. Stamos stated that he was previously opposed to anything involving FDOT, however, he is aware that they have already purchased at least one other property on Ocean Ave., therefore, he was now in favor of the sale.

Comm. O'Hare questioned whether the town should rezone the parcel back to Public Ownership to which Atty Nicoletti advised that the town may wish to wait until the sale actually occurs. Comm. O'Hare also questioned the clause addressing when the transaction would be closed. Atty Nicoletti advised the closing should occur within 60 days and added that Mr. Cameron, FDOT, stated he would order the check once the resolution was adopted.

Mayor Bridges stated that there was an item later in the agenda regarding the property surrounding the Town Hall that indirectly involves the existing Ocean Ave. parking and parking for Boynton's beach.

There were no comments from the public.

Comm. O'Hare moved the adoption of Resolution No. 28 and the authorization for the Mayor to execute the necessary documents as soon as possible, seconded by Comm. Aaskov.

Motion Carried - Yea 5.

D. Authorize Extra Thanksgiving Vacation Day

Comm. Kaleel moved to permit the administrative staff to utilize a vacation day and close the administrative offices the day after Thanksgiving, seconded by Comm. O'Hare. Comm. Stamos clarified that the staff would be using their own vacation time.

Motion Carried - Yea 5.

E. Discuss Conversion of Old Ocean Blvd. Into One Way Street

Town Manager Lanker stated that this issue was presented by Comm O'Hare at the last meeting and that Director Hillery had done some research on prices for striping and marking the pavement. He also explained that the streets intersecting Old Ocean Blvd. would remain two way as opposed to the one way as depicted on the overhead illustration.

Comm O'Hare suggested that this change would eliminate many of the signs that are currently on Old Ocean Blvd.. Director Hillery agreed and added that an informational sign would be necessary on the side streets and many signs on Old Ocean Blvd. could be eliminated.

Bernard Ratner, 32 Harbour Dr., Betty Bingham, 1 Ocean Ave., Pat Frick, 5880 N Ocean Blvd., Vera Klein of 7 Sailfish Lane, and Emitt Pace of 5550 N. Ocean Blvd., expressed that they were not in favor of turning Old Ocean Blvd. into a one way street. Their reasoning included that less restrictions were favored, it would serve the purpose of just a few, and there were no problems with Old Ocean Blvd. as it is.

Susan Clark, 7 Fayette Dr., expressed that she liked the idea of turning it into a one way in that it would be safer with pets and children on the street.

Earl Jones, 14 Sailfish Lane, stated that he would be in favor of the proposal if the whole street were made one way as opposed to just a portion of it.

Silvia King, 11 Tropical Dr., stated she was concerned where the people would be exiting off of Old Ocean Blvd..

Comm O'Hare stated that his concern is that with the increasing number of residents changes needed to be made before something serious happened. He added that this change would affect less than half of Old Ocean Blvd. Earl Jones replied that he believed it to be more than half.

Comm Stamos stated his concern with the complaints regarding the number of signs on Old Ocean Blvd. and added that he has no objection to signs as they advise people of the rules.

Comm Aaskov stated that she was opposed to making the street one way and suggested that the people on Old Ocean Blvd. be asked how they felt about this proposal. She added that she felt that there are too many signs on Old Ocean Blvd. and that some signs needed to be beautified.

Comm Kaleel stated that he would be in favor of a boardwalk in the Town if there was sufficient area to allow everyone to park and enjoy it, although realistically he does not see this as a possibility.

Comm O'Hare reiterated that he believed it is the duty of the Commission to see a problem developing and doing something to prevent it. He added

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that if there are only a few cars on Old Ocean Blvd., then only a few people will be inconvenienced.

Mayor Bridges suggested that the Town Manager send letters to the residents in the area that would be affected and put a notice in the local paper about the discussion.

Town Clerk Hancsak suggested that the item could be presented as a straw ballot question for the February election to which the Commission agreed that this was a good idea.

Comm Stamos suggested seeking some engineering help beforehand if this was included as a straw ballot. Mayor Bridges disagreed citing that he did not believe money should be spent until the results of the straw ballot was available.

Comm O'Hare moved that the proposal of one way traffic reconfiguration on Old Ocean Blvd. be put as a straw ballot question on the February election, seconded by Comm Kaleel.

Mayor Bridges asked for public comment on the motion.

Dorothy Knehr, 5505 N. Ocean Blvd., commented that many people are dropped off at the crossovers who would then have to cross in front of traffic to which Mayor Bridges replied that this situation would be addressed by the engineering service if passed.

Brian King, 11 Tropical Dr., commented that one can only go South on Old Ocean Blvd. if travelling east of A1A from Woolbright thereby causing additional traffic on Douglas and Tropical Dr. He added that Tropical Drive was a private street. Comm Aaskov agreed that this was a good point and mentioned that she had heard that the residents wanted to block off Tropical. Atty Nicoletti added that he needed to talk to those residents before they spent any money unnecessarily because he did believe the Town must have public access.

Bernard Ratner, 32 Harbour Dr., objected to the straw ballot stating that many of the residents would not know enough to make a well-informed decision.

Comm Stamos noted that they should not put this on a straw ballot without plans and suggested that they table this and bring it back when there are plans available.

Comm Stamos moved to table discussion until the next meeting so a final proposed plan can be presented to the Commission before consideration of a straw ballot, seconded by Comm Kaleel.

Comm O'Hare noted that if there is no support for this issue, he believes that it should not be done.

Motion carried - Yea 5.

F. Discuss Town Position RE: Coastal Construction Control Line

Mayor Bridges advised that he and Town Manger Lanker attended a meeting with other coastal municipalities to discuss where the State was relocating the Coastal Construction Control Line (CCCL). Town Manager Lanker advised that if any coastal community voted against the County regulating the line the control would automatically revert to the State. He stated that South Palm Beach had already voted against the County.

Mayor Bridges suggested that a letter be sent to the State advising that the Town objected to the change of the CCCL. He added that the result to the Town would be that everything East of A1A would require State approval.

Emmett Pace, inquired as to when this change would become effective to which Mayor Bridges replied early next year. He added that it has been his experience that getting approval by the State could take anywhere from 2 to 3 months. Town Manager Lanker stated that Palm Beach was one of the last 2 counties to be affected by the State's changes.

Comm Aaskov moved that Mayor Bridges write a letter to the State objecting to any change in the CCCL, seconded by Comm O'Hare.

Mayor Bridges asked for public comment.

Lillian Ratner, 32 Harbour Drive So, inquired as to whether this change would affect property values. Town Manager Lanker replied that construction would still be permitted, it would just have more stringent regulations. Atty Nicoletti stated that he has found that this has not adversely affected property values. Mayor Bridges added that building can still take place, but it will require meeting the standards of the State which are the same as the Town currently uses. The only difference would be that it would take longer to get approval.

Betty Bingham suggested that the Town Manager write an article for the Ocean Ridge Reporter citing how these changes would affect insurance. Town Manager Lanker replied that he could address changes to the building requirements but not changes to insurance.

Motion Carried - Yea 5.

G. Authorize presentation of Phase II Water Improvement Bid Document

Town Manager Lanker summarized his memo by stating that he and the Mayor met with Carrie Parker, City Manager of Boynton Beach and Pete Mazella of the Boynton Beach Utility Department regarding the directional drilling. At this meeting it was agreed that Boynton Utilities would draw up a list of required conditions that would allow construction of a directionally drilled HDPE pipeline underneath the waterway. The issue of certain organic contaminant exposure was introduced, however, Barker, Osha and Anderson conducted an investigation and concluded that the possibility was remote. BOA estimated \$680,000 to complete Phase II

construction. Town Manager Lanker advised that there is approximately \$460,000 remaining which leaves a shortfall of \$220,000. He requested authorization to pursue information for a loan similar to the one just received for bridge reconstruction.

Bernard Ratner, 32 Harbour Dr., commented that he was concerned with the Town being in another unfortunate experience with a contractor and thought that the legal documents should be tightened up.

Mayor Bridges agreed with Mr. Ratner and explained that Delray Beach had done research on the chemicals in pipes and that he believed this to be the best route to pursue.

Comm Aaskov questioned if Phase II had to be completed before the Ocean Ave bridge and why. Town Manager Lanker replied that no one knows where the exactly the water line is on Ocean Ave. and the bridge construction may damage the line.

Comm Stamos stated that he believed Boynton Beach was causing the Town to throw away a lot of money by asking for new meters and valves that he thought to be excessive. He suggested that the Town Manager write a letter to Boynton Beach conveying his feelings that the Town is being forced to waste money. Mayor Bridges stated that he did not believe the meters and valves to be excessive as they will alert the Town if something breaks down. Mayor Bridges added that he felt that Boynton Beach has been fair to the Town and the only disagreement that he has had is over cutting off the Ocean Ave. line.

Comm Stamos moved to authorize funding of \$6,500 from the Water Improvement Fund for the bidding process and not to pay for chemical testing, seconded by Comm O'Hare.

Motion carried - Yea 5.

Comm O'Hare inquired as to the reliability of the valves. Town Manager Lanker replied that having a meter on each end of the line would alert the town if there was an uneven flow in the system.

Town Manager Lanker asked how the Commission wanted him to proceed on acquiring the additional funding. It was decided that the Town Manager would look into increasing the loan amount from Moyle, Flanigan, Katz, and Sheehan without incurring additional costs and report back to the Commission.

H. Discuss Property Surrounding Town Hall

Town Manager Lanker summarized his memo regarding the properties adjacent to the Town Hall owned by Boynton Beach. The memo concluded that the legalities of several issues, including the redrawing of the Town Hall expansion plan, and the appraisals of properties remain to be done before a proposal can be made to either the Ocean Ridge or Boynton Beach Town Commission.

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There was some discussion on whether or not Boynton Beach would want some of the area to be used as beach parking to which Town Manager Lanker said that he believed they would.

Comm O'Hare questioned as to the value of the parcels owned by Boynton Beach. Town Manager Lanker replied that approximately 10 years ago the property was appraised at \$350,000.

Com O'Hare suggested possibly selling the 50' parcel on the ocean and use the revenue towards the purchase of the Boynton Beach parcel/s. Town Manager Lanker and Mayor Bridges replied that they believed that Boynton Beach would still try to mandate that part of the parcel/s be used for parking. Comm Kaleel suggested purchasing the land outright therefore having the ability to control the use of the land.

Comm Stamos inquired about getting an appraisal to which Town Manager Lanker replied that Boynton Beach is having one completed now. Comm O'Hare suggested that the Town get its own appraisal to compare with Boynton Beach's. The Commission concurred.

Mayor Bridges mentioned that Boynton Beach would like to open a restaurant at the public beach with an open air deck.

Comm O'Hare questioned when Boynton Beach's appraisal would be done to which Town Manager Lanker replied that he believed it to be already finished.

Comm Stamos moved to authorize an appraisal of three properties including the two Boynton Beach owned properties and the 50' right of way, in the amount not to exceed \$3,000.00 from the Contingency Account, seconded by Comm Kaleel.

Motion Carried - Yea 5.

I. Items by Commissioners

1. Discuss the Sale of Beer and Wine at Boynton Public Beach as a Non-Conforming Use - Comm Stamos

Comm Stamos reiterated that the Commission had previously approved the use of the park property. He added that the sale of beer and wine differs with what was previously approved and that he was upset by the sign advertising the beer on the corner of Boynton Beach Blvd and Seacrest.

Comm Stamos moved that the Mayor write a letter to Boynton Beach conveying that the sale of beer and wine is an expansion of the use approved by the Commission for this park and the use must stop.

Comm Kaleel commented that Boynton Beach was giving the opportunity to a non-profit organization to make the money and that in a conversation with Jenny Halper who heads these functions, she stated that Boynton Beach was thinking of changing this and selling the alcohol itself.

Atty Nicoletti stated that the Code has provisions for certain areas to allow the consumption of alcohol but not for the sale of alcohol. He

stated that the Commission needed to decide whether or not Boynton Beach should be allowed to sell alcohol.

Comm Aaskov questioned if the sale was only for special functions and if the Town Commission had given prior permission for Boynton Beach to sell it to which she was told that the Commission had approved it for the special functions.

Comm Kaleel informed the Commission that Boynton Beach has been losing money over this and may not be continuing these functions.

Comm Aaskov suggested going through one season and see what happens since the Commission had already given permission.

Atty Nicoletti commented that the ban on commercial use in the Town does not apply to public ownership and that there is nothing that dictates the sale of alcohol only where it can be consumed. He added that the Commission is within its rights to say that Boynton Beach can not sell it there.

Comm Kaleel questioned whether the intitial approval was based on a temporary provision that could change to which he was advised that it was temporary and could be changed.

Comm Kaleel suggested that the Commission wait to see if the functions even continue.

Mayor Bridges asked Atty Nicoletti if he felt that this is a conflict with the commercial ban to which Atty Nicoletti replied that he did not.

2. Discuss the Temporary Construction Barrier at Ocean Harbour Estates - Comm. Stamos

Comm. Stamos stated that he felt the barrier at Ocean Harbour looked very poorly and suggested that the Town Manager approach Gary Ross and request that they erect a less obtrusive fence. He then questioned why the barrier was erected at all. Town Manager Lanker advised that it was erected to protect the portions of the sidewalk from trucks driving over it right after Portofino repaired same. He added that he would speak with Mr. Ross to remove the barrier.

Comm. O'Hare questioned how long the trailer can remain without a construction building permit. Mr. Lanker stated he was unsure and he would need to review the code with the Atty.

3. Discuss Rear Yard Landscape on Canal Lots - Comm. Stamos

Comm. Stamos commented that a resident of Sabal Island complained to him regarding hedges being planted along the canal side of lots that block the views along the waterway for neighboring homes. He suggested that this issued be addressed at a future planning review.

4. Update on Holiday Lighting Plans - Comm. O'Hare

Comm. O'Hare advised that the Garden Club has formed a committee to plan a holiday event for the residents to attend. He distributed an outline of the event called "Light the Lights" consisting of an Open House which will take place on Friday, Dec. 6, 1996 from 6:30 - 7:30 PM. He added that there would be refreshments, music and a visit from Santa Claus who would draw the raffle for a lucky child to light the lights. He commented that the event would be a good opportunity for the residents to get together.

Rema Kaleel, 86 Island Drive So., Committee Chairperson representing the Garden Club, thanked the Commission for permitting the event to take place and offered a special gratitude to Comm. O'Hare for his participation and donating the lights. She added that the Garden Club would be working with staff to coordinate the evening and urged the public to attend.

5. Discuss Parking Fine Fee Schedule - Comm. O'Hare

Comm. O'Hare commented that he just recently became aware of the parking ticket fines and was surprised that they were so low and suggested revising the schedule to become more in line with other municipalities.

Comm. Stamos agreed and suggested raising the fee from \$10.00 to \$15.00.

Comm. O'Hare stated he felt the fee should be at least \$30.00 with an option for a late fee.

Comm. Stamos moved to increase the fee to \$30.00, however, the Commission then concurred to defer this item to the next meeting so that Director Hillery could provide the Commission with the current fee schedule.

6. Discuss Adelphia Cable - Mayor Bridges

Mayor Bridges stated that he had tried to contact Adelphia Cable about a complaint brought to him by a resident and they would not even talk to him. Mayor Bridges also stated his dissatisfaction with Adelphia Cable citing an instance where he wanted Adelphia to come out because of the poor reception and it took 2 days to respond. He added that he did not like the idea of having such a big window of time that a customer had to be home for them to respond and said an appointment would be a better option. He suggested that when the contract is renewed, the Town bring up all their points of dissatisfaction. He also suggested to the Commission that he write a letter to Adelphia explaining his displeasure about these incidents and the rate increases. Everyone concurred that Mayor Bridges should write a letter.

J. Discuss Price Lawsuit

Atty Nicoletti advised that he had received a letter from Richard McDuff, the insurance atty representing the town, regarding the scheduling of a negotiation meeting regarding the Price lawsuit. He reminded the Commission that the town had attempted to negotiate a settlement with Mr. Price, however, Mr. McDuff had rejected the settlement offer and advised not to settle. He then advised that after recent meetings with the Judge, Atty McDuff felt the town should possibly reconsider a negotiated settlement. Mr. Price's attorney is requesting that in

addition to the Town Manager, Town Attorney, and Insurance Attorney attending the meeting that a Commissioner also be present as an observer.

Comm. O'Hare moved that the staff be authorized to proceed with the negotiation process and that Comm. Kaleel represent the Commission, seconded by Comm. Stamos. Comm. Stamos questioned whether the Judge was pushing negotiation to which Atty Nicoletti advised that he was.

Vera Klein, 7 Sailfish Lane, questioned why the town would negotiate with someone who was at fault. Atty Nicoletti advised that the negotiations were under the advice of counsel.

Motion Carried - Yea 5.

VII. Public Requests

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

Hank Skokowski, Urban Design Studios (UDS), stated that he had another productive meeting with the Planning and Zoning Commission and distributed a handout that covered the revisions suggested thus far.

The first of the new revisions was the element of covered entries which would be limited to 15' from the eave line.

Another change pertained to the window/door coverage of houses in neighborhood 2 which are the large lots on the Ocean. The Planning and Zoning Commission suggested that the standard window provisions would not apply and that feature windows be permitted for all windows.

Another exception was for the front entrance openings to be permitted up to 15' high and 10' wide for neighborhood 2.

It was decided that the 75% second floor limit would be exempt for neighborhood 3.

Mr. Skokowski explained that he was currently in the process of putting all of this information on a disk that would incorporate the applicability chart on the handout and maps of the neighborhoods.

Mr. Skokowski summarized the previous proposed revisions to the current code which include area over 15' counting as double in the FAR (with the first 200' square feet being excluded), the maximum height for a one story being reduced from 32' to 28', the tie beam being reduced from 15' to 12', and the area of allowable flat roofs being increased to 15% with an additional 5% allowed for porch area.

Comm O'Hare inquired as to whether or not the computer package would be something that the Town could make available to architects who may be building in the Town to which Mr. Skokowski replied that it could be done and changes could be easily made and added it would not be copyrighted.

Gerald Goray, 130 Island Dr., stated that he was a member of the Concerned Citizen's Committee that had been recently formed over concerns of this specific subject matter. He read a statement on behalf of the Committee and stated that they had three concerns. The first concern was whether or not the Ordinance was really needed. The second concern questioned if the property values in the Town would be reduced as a result and finally, if these changes were something that the Town wanted or if it was just being pushed through by a few people. He added that he believed that this Ordinance affects the Freedom of Choice and that the revisions should be studied to see if they are creating a cure for a problem that does not exist. He requested that a broader based resident participation should be sought and another professional opinion obtained. He commented that he believed the Town to be moving towards "big government." He concluded by asking that the Commission evaluate whether there is a true need for these revisions, determine if these revisions enhance property values, and that they should obtain a broader based citizen participation.

Emmet Pace, 5550 N. Ocean Blvd., commented that he had read about the changes in the paper. He read that the purpose was to decrease the massing and he was unclear on how this was being accomplished. He stated that he believed this to be a severe invasion on what his house may look like on the inside as well as the outside. Regarding the restrictions on window size and coverage, he cited Dade County testings on resistant glass. He concluded with his feeling that these proposals cater to a small group and that what he does on his lot beyond setbacks and maximum height should be his business.

Bob Cunningham, 84 Island Dr S, commented that he has been in the real estate business for over 30 years and he believes that these revisions will reduce property values. He added that he also believed there should be more participation from the Town in that many people do not understand what is going on should be given the opportunity to understand. He concluded by stating that he did not feel the process was fair.

Betty Bingham, 1 Ocean Ave., replied that she believed the residents needed more clarification and should know the reason behind the revisions.

Bill McCauley, 6285 N Ocean Blvd, stated that he also believed that the process needed to be reviewed to see if these revisions are necessary. He added that he felt it was the job of the Town Commission to take this to the people so they are aware of what is going on.

Earl Jones, 14 Sailfish Lane, commented that he believed that the residents did not have the benefit of all of the information that the Commission had available to them.

Shelly Childers stated that she felt the revisions were loose enough to allow for many different types of design and that she felt the "human scale" aspect is a very good idea.

Comm Stamos advised that the Commission is only trying to do what they feel to be the best for the Community. He commented that other upscale communities are much more restrictive and that these revisions are

guidelines and exceptions can be applied for. He added that the goal of the Commission was to upgrade the Community, his Community.

Mayor Bridges stated that he would be willing to go to the meetings of the citizen groups on his own time and explain all of the revisions being proposed. He explained that they have not changed the size of the house or the FAR and that the purpose was just to stop the monumentality. He added that Gulf Stream is more restrictive than these proposed revisions and the property values in Gulf Stream have gone up. He commented that the goal of the revisions were to get rid of architecture that dominates and thus eliminates the neighborhood feel. He concluded by stating that the revisions will be a pamphlet type of supplement to the Code that outlines the style that the Town would like to keep.

Gerald Goray stated that he believed that they have not gotten to the heart of the matter in that they need to look at whether or not these revisions are necessary and if it will enhance property values.

Comm Kaleel commented that Mr. Goray's questions are important and should be answered. He stated that the concerns are the same for everyone in this matter in that it will affect them all and that possibly there should be a forum so that the specifics could be discussed. He concluded that if everyone had the information that it might possibly ease their minds.

Mayor Bridges suggested that the Commission go to the residents to explain the revisions. He explained that Gulf Stream and Palm Beach are very restrictive and their property values are increasing because of the quality of houses. Mayor Bridges offered his phone number so that they could set up a meeting.

Mr. Skokowski advised that he had started the finalization and should have that document ready in a week. He stated that he saw misinformation as a major problem. He explained that limits are not being placed on most architectural style and added that while it may restrict the very best design, it will protect from bad design. He also added that property values are increasing in communities that are restrictive.

Comm O'Hare asked how many meetings Mr. Skokowski had remaining in his contract and if he would be willing to participate in a meeting to explain the proposed revisions to the residents to which Mr. Skokowski replied that he believed that he had one meeting left in the contract and that he would be willing to participate.

Bob Cunningham, 84 Island Dr. So., mentioned that he has seen some very bad designs going up around Town and that he agrees that a review is necessary to prevent this. He stated that the residents need to be more informed.

Comm O'Hare stated that perhaps a special meeting should be scheduled in December to discuss changes. Town Manager Lanker suggested January when more residents are here.

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Comm Stamos commented that they would need to find a meeting place to would accommodate the number of people and it would be a good idea for Mr. Skokowski to give the presentation.

Mr. Skokowski stated that he is very open to input from the community.

X. Adjournment

The meeting was adjourned at approximately 11:10 PM.

Mayor Bridges

Comm Aaskov

Comm Kaleel

Comm O'Hare

Attest By:

Comm Stamos

Town Clerk