

Henry Heller provided illustrations to show how the crossover was designed. He explained that the crossover was kept as close to the grade of the dune as possible keeping the natural flow of the dune. He further explained that the crossover would be constructed to accommodate the handicapped and therefore had to be kept at a certain grade.

Grant Thornbrough explained that the area of natural vegetation is large and that it has some areas of sea grapes of over 12' high. He further explained that they would be adding to the natural dune vegetation with sea grapes and sea oats to fill in pathways. He maintained that at the crest of the dune, the sea grapes may be only 3' high, but at lower areas it is as high as 7'.

Mr. Thornbrough advised that Mayor Bridges had requested additional palm trees so 20 more Coconut Palms were added to the plan.

Comm Kaleel inquired if the primary ramp of the crossover could be used as the handicap crossover to which he was told by Mr. Thornbrough that it would not conform to the Handicap Code.

Comm O'Hare stated that the plans show 46 plants per 100 sq. ft. some of which are 2" plugs and inquired as to whether this was adequate. Mr. Thornbrough replied that it is 300% above the State requirements and that sea oats grow better as plugs.

Comm O'Hare inquired as to who would be responsible for the Palm Trees. Mr. Thornbrough replied that the installer would guarantee them for at least one year.

Comm O'Hare asked if there was a lighting plan done to which Mr. Thornbrough stated that there was not because of the turtles.

Comm O'Hare asked how the elevation of the patio deck related to the Finished Floor Elevation (FFE) of the house to which Mr. Thornbrough replied that the FFE of the house is 18' and the deck is a step down.

Betty Bingham, 1 Ocean Ave., stated that at one time the sea grapes on the property were trimmed back drastically. She questioned how much vegetation had been removed and how close the crossover would be to the neighboring property. Henry Heller stated that the ramp extended out from the house, thus meeting all side setbacks.

Grace Brawner, 1 Ocean Ave., asked how close the A/C Units were to the property line according to the drawing. Town Manager Lanker replied that they were further than the required 15' setback.

Vice Mayor Aaskov advised that the plans for the house had already been approved and that she did not believe that anyone knew how much of the vegetation had previously been removed.

Town Manager Lanker stated that the proposal met the 40-60% requirement for the sea grape portion of the code which allows for some sea grapes to grow and some to remain cropped.

Comm O'Hare moved to approve the application as submitted contingent upon State approval, seconded by Comm Kaleel.

Motion Carried - Yea 3.

VI. CONSENT AGENDA

A. Minutes

1. Regular Meeting of November 4, 1996

B. Reports

1. Town Manager
 - a. Property Appraisals
 - b. Status of Bridge Projects
 - c. Status of Sand Replenishment Project
 - d. Status of Phase II Water Improvement Project
 - e. Proposal from First Union - Additional Funding
 - f. Ocean Harbour Estates
 - g. Beaches and Shores Meeting
2. Director of Public Safety
 - a. Monthly Activity Report

C. Announcements

1. Administrative Office will be Closed on Wednesday, Dec. 25, 1996 and Wednesday, Jan. 1, 1997 for the Official Holidays.
2. Holiday Lighting at Town Hall will take place on Friday, Dec. 6, 1996 from 6:30 - 7:30 PM.
3. 1997 Municipal Election
 - a. Date of Election is February 11, 1997
 - b. Two Commission Seats for Three Year Terms
 - c. Candidate Filing Dates are Dec. 31, 1996 through 3 PM Jan. 22, 1997

Comm Kaleel moved to approve the Consent Agenda as submitted, seconded by Comm O'Hare.

Motion Carried - Yea 3.

Town Clerk Hancsak read the announcements to the public and welcomed everyone to attend the Lighting of the Lights on Friday, December 6, 1996.

VII. PUBLIC REQUESTS

- A. Request to trim Seagrapes and Saw Palmetto on the Dune at 5907 Old Ocean Blvd. - Liv. Designs, Inc., representing Edward Garnett

Louis Vlahos, Liv. Designs, Inc., presented the vegetative trimming plans for the property at 5907 Old Ocean Blvd and advised that he had previously gotten approval for the Gottlieb property, which is adjacent to this request. He stated that the majority of the work would be removing Brazilian Pepper and limbing up or trimming a small portion of the sea grapes.

Vice Mayor Aaskov inquired as to how the Saw Palmettos would be windowed to which Mr. Vlahos stated that they would not be touching anything from the crest of the dune seaward.

Comm O'Hare asked what Saw Palmetto would be touched to which Mr. Vlahos replied that only the Saw Palmetto under the Brazilian Pepper would be disturbed. Comm O'Hare asked what would be replacing this and Mr. Vlahos informed him that Sea Grapes would be planted there.

Vice Mayor Aaskov asked if the public had any comment to which there was none.

Comm O'Hare moved to approve the request as submitted, seconded by Comm Kaleel.

Motion Carried - Yea 3.

VIII. COMMISSION ACTION

- A. Appointments to Town Boards (Postponed Item)

Comm Kaleel advised that he had spoken to Bob Cunningham who agreed to have his name submitted as an alternate to the Board of Adjustments.

Comm O'Hare stated that he had spoken to Barbara Souther of Portifino who had also expressed an interest in serving. He added that since Comm Kaleel spoke first, he would defer to his suggestion of Bob Cunningham who he believed to also be a good choice.

Vice Mayor Aaskov stated that she also believed both to be good choices.

Comm Kaleel moved for Bob Cunningham to serve as an alternate to the Board of Adjustments, seconded by Comm O'Hare.

Motion Carried - Yea 3.

B. Ordinances

1. 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 (2nd Reading and Adoption)

Comm O'Hare advised the public that this Ordinance did not pertain to the revisions that the Consultant has been working on for the Town, but rather an Ordinance that would assist the Department of Public Safety in enforcing the Codes already in effect.

Atty Nicoletti explained that the basic goal of the Ordinance was to disallow someone's property to deteriorate and become sub standard.

Betty Bingham, 1 Ocean Ave., asked if someone was looking after the property on Ocean Ave. by the bridge owned by the State that has been allowed to overgrow. Atty Nicoletti said that there are avenues that the Town can take to have the State look after the property.

Haley Mills, 11 Harbour Dr. N, agreed that the Ocean Ave. property does look overgrown.

Comm Kaleel suggested sending a letter to the State politely telling them how the Town feels.

Emmett Pace, 5550 N Ocean Blvd., stated that he appreciated the intent of the Ordinance although the wording can be confusing. He explained that a deficiency on pg 3 is not considered a violation; however, on pg 9 it is. He also commented that on pg 8 Sec A1 states the word evidence where in Sec 2 substantial evidence is stated.

Atty Nicoletti stated that in reference to the word evidence, the first one encompasses many items where the second one only relates to specific items. The difference was intentional.

Emmett Pace questioned whether the last sentence under deficiencies on pg 9 regarding one principal color should be under deficiencies. Atty Nicoletti agreed that it should be moved.

Emmett Pace also questioned if one principal color included the roof. Atty Nicoletti advised that the whole sentence states exemptions for architectural features which includes a roof. Regarding Mr. Pace's concern over what he thought to be a conflict with the word deficiency, Atty Nicoletti explained that when a deficiency becomes more than 25%, it is then considered blighting. Atty Nicoletti advised that a notice may be given to a resident before something becomes a violation.

Comm Kaleel suggested that the term deficiency is not mutually exclusive.

Betty Bingham, 1 Ocean Ave., stated that she believed several people are suing the Town over changes that are being made. She asserted that many houses are more than one color and that she can see how this wording may cause problems. She also asked if gravel driveways were included in this Ordinance. Vice Mayor Aaskov stated that gravel driveways were included.

Comm O'Hare asked Atty Nicoletti if changing the language regarding color would stop the second reading. Atty Nicoletti stated that it would necessitate bringing the Ordinance back to first reading.

Vice Mayor Aaskov state that she did not feel 100% comfortable with the Ordinance as submitted.

Comm Kaleel inquired as to the section regarding harmonious colors. He stated that this section gave latitude to the residents regarding color and suggested that the sentence on one color could be eliminated. Atty Nicoletti advised that sentences could be deleted and the Ordinance could still be adopted for second reading.

Emmett Pace inquired as to who would be the judge of what is considered harmonious. Comm Kaleel stated that the whole sentence must be read to understand that the intent is to disallow graffiti.

Haley Mills suggested that the sentence regarding harmonious and uniform colors be deleted. Comm O'Hare also suggested that the sentence be deleted and Atty Nicoletti said that the Ordinance would be enforceable without it.

Comm O'Hare moved to approve the Ordinance with the exceptions of deleting the words harmonious and uniform colors on pg 8 and the last sentence of pg 9 Sec B, seconded by Comm Kaleel.

Comm Kaleel inquired if this language could be found anywhere else in the Ordinance to which Atty Nicoletti advised that it was not.

Motion Carried - Yea 3.

C. Discuss Parking Fine Fee Schedule

Town Manager Lanker explained that he had distributed a copy of the fee schedule for Palm Springs along with one from Ocean Ridge illustrating that the Town's fees were very low.

Vice Mayor Aaskov stated that she felt the fees needed to be increased.

Comm O'Hare questioned what the Town's policy on towing is to which Lt. Katz replied that towing was only used in hazardous situations such as parking in front of a fire hydrant or on the

dune.

Comm O'Hare stated that he believed \$30 to be in line with today's economy. He also asked if the violations were still applicable or if any were antiquated. Atty Nicoletti advised that the Officer can check off the correct violation on the Parking Ticket without having to write it out.

Comm O'Hare suggested that the fees be raised to \$30 with an additional \$10 late fee.

Comm Kaleel moved to have the Town Attorney draft a new Ordinance with the fees increased to \$100 for parking in a handicapped zone and \$30 for all other violations and to include the inflated rates, seconded by Comm O'Hare.

Motion Carried - Yea 3.

D. Select Public Hearing Date to Discuss Land Development
Code Revisions

Town Manager Lanker stated that it became obvious at the last meeting that this issue has generated a tremendous amount of interest. Mr. Lanker suggested January 13, 1997 for a meeting date since more of the residents would be here and both Atty Nicoletti and Hank Skokowski of Urban Design Studios would be available to attend. Mr. Lanker also advised the Commission that the contract with Mr. Skokowski, Urban Design Studios, was up and that additional funding would be required for Mr. Skokowski to be present at the meeting.

Vice Mayor Aaskov suggested that Mr. Skokowski may not be needed to present and inquired as to how much money would be required for him to come to the meeting. Town Manager Lanker stated that it would be \$2500.

Comm Kaleel stated that he felt that Mr. Skokowski's presence was necessary although he disagreed with the \$2500.

Comm O'Hare expressed that he felt that the Commission was qualified to discuss the philosophy behind the changes and that they could explain the revisions.

Atty Nicoletti questioned the Commission if they would want Mr. Skokowski at his hourly rate of \$125 to which the Commission concurred.

Comm Kaleel moved that the Public Hearing to Discuss Land Development Code Revisions be set for January 13, 1997 at 7:00 PM, and to invite Hank Skokowski at his hourly rate not to exceed 4 hours, seconded by Comm O'Hare.

Town Manager Lanker stated that there are other code conflicts which need to be discussed and asked if they would be making any decisions at the January 13, 1997 meeting.

Comm Kaleel stated that the Commission should be permitted to interact and listen at this meeting and possible act on this information at the February Regular Meeting. He suggested that an agenda be prepared for distribution beforehand for the residents to study.

Motion Carried - Yea 3.

E. Authorize Advertisement of Bid for Technical Advisor

RE: South Lake Worth Inlet District not to Exceed \$10,000 from the Contingency Account for the Hiring of Same

Town Manager Lanker advised that as part of the sand transfer settlement agreement, the Town is required to provide a representative for a study on what will happen in the future to the South Lake Worth Inlet and also to pay for 10% of the cost for this study. Mr. Lanker advised that there was nothing in the budget to cover this and that the Town of Manalapan had budgeted \$20,000 for this same situation. Mr. Lanker stated that the representative would have to be a Coastal Engineer of which there are only approximately 10 in the State.

Atty Nicoletti explained that the technical review was placed into the settlement agreement because Ocean Ridge wanted a review board for any major changes. He stated that its usefulness would be dependent upon the State's reaction and because of this, the Town can not be sure of how much it will cost at this point.

Comm Kaleel questioned if the Commission was just approving the bid at this time to which Town Manager Lanker stated that he would also like them to approve the funding of this item in the budget.

Comm O'Hare stated that the Town would not necessarily be going with the lowest bidder, but rather the most qualified and asked how much this would cost.

Town Manager Lanker stated that Manalapan had budgeted \$20,000 and the State said that this would probably not be enough. Atty Nicoletti stated that \$10,000 would cover this year.

Comm Kaleel inquired as to why the Town could not just hire an engineer as opposed to taking bids. Atty Nicoletti replied that the State Law required bids if it was over a certain amount of money.

Comm Kaleel asked if the Engineer served at the request of the Commission or if the services were contractual to which Town Manager Lanker stated that the Commission would not have an obligation to retain the engineer from year to year.

Comm O'Hare moved to authorize advertisement of a bid for a technical advisor RE: South Lake Worth Inlet District and not to exceed \$10,000 from the Contingency Account for the hiring of same, seconded by Comm Kaleel.

Motion Carried - Yea 3.

F. Items by Commissioners

1. BFI Trash Hauling at Night

Comm O'Hare stated that he had been receiving complaints that BFI was picking garbage and trash up as late as 8:30.

Town Manager Lanker advised that he spoke with John Archambo of Browning-Ferris Industries (BFI) who informed him that a truck had broken down the week prior, was repaired at the location and finished collecting late, but that should be the only instance. Mr. Archambo offered to attend the next Town Commission meeting if needed.

Comm Kaleel disagreed with Mr. Archambo stating that in the Island Dr. area the trucks are always running after dark. Comm Kaleel added that he is also concerned with the speed of the trucks.

Vice Mayor Aaskov suggested that a representative from BFI come and speak at the January Town Commission meeting to which Town Manager Lanker replied that he would ask Mr. Archambo to come.

IX. Public Comment

Betty Bingham, 1 Ocean Ave., stated that she was concerned with the signs that Boynton Beach has up in Ocean Ridge advertising their Christmas functions.

Comm O'Hare asked Atty Nicoletti if the Town had any authority over other municipality's signs. Atty Nicoletti read from the section from the sign code which states that governmental signs are exempt.

Comm Kaleel moved to authorize the Town Attorney to draft an Ordinance regulating temporary signs, including governmental.

Haley Mills, 11 Harbour Dr. N, asked if there would be a fee for sign permits to which she was advised there would be.

Comm O'Hare seconded Comm Kaleel's motion.

Motion Carried - Yea 3.

PUBLIC HEARING AND REGULAR MEETING ON DECEMBER 2, 1996

X. Adjournment

The meeting was adjourned at 8:50PM.

Vice Mayor Aaskov

Commissioner Kaleel

Commissioner O'Hare

Attest By:

Town Clerk