

Regular Town Commission Meeting of the Town of Ocean Ridge held in the Town Hall Chambers on Monday, June 1, 1998 at 7:00 PM.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

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

Pledge of Allegiance

Additions, Deletions or Modifications, and Approval of Agenda

Comm Stamos requested to add an item concerning the State Attorney's findings of alleged Sunshine Law violations as item #19.

Comm O'Hare requested to add an item concerning the issue of docks on the Intracoastal Waterway as item #20.

Mayor Kaleel requested to add an item concerning the Fourth of July fireworks as item #21.

George Bierlin, 26 Hudson Ave., advised that he thought when a resident submitted an agenda item, it would be placed on the regular agenda as opposed to being added to the public comment portion. Atty Nicoletti explained that the Town Commission and staff control the agenda and the public can not add to that portion of it.

Comm O'Hare moved to accept the agenda as amended, seconded by Comm Stamos.

Motion carried – yea 5.

Consent Agenda

1. Minutes of the Special Town Commission Regular Meeting of April 27, 1998
2. Minutes of Regular Town Commission Meeting of May 4, 1998
3. Minutes of Special Town Commission Meeting of May 19, 1998

Comm O'Hare moved to approve the consent agenda, seconded by Comm Stamos.

Comm O'Hare asked for clarification of the minutes of May 4, 1998, if the ratification of the hiring of Mr. Robert Barron for the Corrine St. walkover included approval of the plans to which Town Manager Lanker replied that the plan would still come before the Town Commission for approval.

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Roll call was taken on Comm O'Hare's motion.

Motion carried – yea 5.

Announcements and Proclamations

None

Public Comment – (15 minute maximum with three minute individual limit)

A. Banana Boat Noise – George Bierlin, 26 Hudson Ave.

Mr. Bierlin advised that there would be a meeting in Boynton Beach on Thursday, June 4, 1998 regarding this issue. He advised that there was noise again the previous weekend. He asked if Boynton Beach had been given any type of exemption to Ocean Ridge's noise ordinance when they have their "Tunes in Town" at the Oceanfront Park to which Town Manager Lanker replied that they had not. Mr. Bierlin asked what recourse he would have against any violations coming from these concerts to which Atty Nicoletti advised that it would be the same as against any resident of the Town. Mr. Bierlin asked if he would be able to sell food and alcohol from his property similar to what is done at the park to which he was told that the sale of alcohol and food was a special exemption given to Boynton Beach in an area zoned Public Ownership.

B. Abandonment of 15' alleyway between Hudson Ave. and Ocean Ave. – George Bierlin, 26 Hudson Ave.

Mr. Bierlin advised that in November, he had requested the abandonment of the alleyway and he was told that the Planning and Zoning Commission would be reviewing the issue. He stated that to date, this alleyway had not been reviewed. Town Manager Lanker advised that the Planning and Zoning Commission planned to cover this alleyway in their next meeting.

Additional Public Comment

Robert Moffie, 6260 N Ocean Blvd., advised that he was told by the Department of Public Safety that he would have to cut his hedge or face a possible fine. He stated that while he was away from his home, his father cut down the hedge after being told by the Department of Public Safety that it must be removed. He stated that a resident further down the alley, installed a hedge which completely blocks the alleyway. Mayor Kaleel asked if he had spoken to the Town Manager or Atty yet to which he replied that he had not. Mayor Kaleel suggested that he speak with Town Manager Lanker, Atty Nicoletti, and Director Hillery. Mr. Moffie added that he felt all the residents should be made to follow the codes.

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Comm Stamos questioned how this alley would be used in relation to the new bridge construction. Director Hillery advised that FP&L had expressed their desire to run their main line under this alleyway. Comm Stamos advised that he would like uses of the alleyway such as this to be brought before the Town Commission. Atty Nicoletti added that the Town has granted a franchise to FP&L which gives them the use of the rights-of-way in Town.

Betty Bingham, 1 Ocean Ave., stated that she felt the alleyway had been encroached upon by Mr. Moffie's and other resident's hedges. She explained that Mr. Moffie's hedges were so large that vehicles had to drive on her property to pass by.

Korrine Postma, 23 Coconut Lane, advised that she had written another letter regarding the noise at the Banana Boat. Mayor Kaleel suggested that she also attend the meeting in Boynton Beach on Thursday.

Public Hearings – None

### Regular Agenda

(Items which require Town Commission action that must be filed with Town Clerk one week prior to meeting – Public comment permitted)

Actions and reports

4. Action to Discuss Procedure for Town Manager Replacement  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that Richard Black from the International City/County Management Association was present at the meeting to present what his organization can provide in the search for a new Town Manager.

Mr. Black described the Range Rider program and advised that twenty-four states have this plan. He advised that the program in Florida has six representatives with over two hundred years government experience. Mayor Kaleel asked what municipalities he has previously been involved in locating new managers for to which Mr. Black replied that he has worked with Gulf Stream, Greenacres, Davie, Dania, Tamarac and Oakland Park. Mr. Black explained the options available to the Town and decisions that will need to be made regarding the application process.

Comm O'Hare questioned if Mr. Black would be able to assist the Town if a consultant was also hired. Mr. Black advised that although it would be a unique experience, he felt certain he would be able to work with a consultant.

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Mayor Kaleel asked Mr. Black if he helped find the current City Manager in Gulf Stream to which Mr. Black replied that he did. Mayor Kaleel asked if he worked with a consultant in that instance to which he replied that he only worked with the staff in Gulf Stream.

Town Clerk Hancsak advised that she had advertised in the Datagram, the Florida City/County Manager's Association newsletter and the Palm Beach Post with a cut off date of June 26 for applications. She added that she did not advertise in the Sun Sentinel as it was too cost prohibitive.

Comm Stamos asked Mr. Black why he provides this service. Mr. Black explained that in his thirty-five years, he had some great experiences and he feels he has something to give back to the profession.

Mayor Kaleel advised that Mr. Baenzinger had brought a revised proposal before the Town Commission. Comm O'Hare suggested that he be allowed to present any new information. Mr. Baenzinger advised that he has the utmost respect for Mr. Black and what he does. He advised that he took his previous proposal and broke each item down. He advised that he believed his greatest contribution would be in the area of picking out the top resumes and talking to those candidates. He explained that he believes he judges people well.

Comm Stamos asked if it would be possible for someone without any municipal experience, but with an MPA to do this job. Mr. Baenzinger replied that it would be possible, although it is preferable to have someone with municipal experience.

Mayor Kaleel advised that he believed the staff did a good job in the last search for a new Town Manager and welcomed any help that Mr. Black could provide. Comm O'Hare stated that he would hate to lose the help of Mr. Baenzinger especially if he already has someone in mind for the position. Comm Stamos advised that he was concerned with the use of the "old boy" network in government and advised that someone whose livelihood depends upon his or her judgement in his or her recommendations may be better than one whose livelihood does not.

Mr. Black advised that the most crucial step would be the evaluation of the applicants and that his organization would be able to help in this phase.

Mayor Kaleel suggested that Town Manager Lanker and Town Clerk Hancsak meet with Mr. Black and send a memo to the Town Commission on the steps that they will take.

5. Action – Building Board of Appeals- Request for variance to permit construction of additional basement (storage) area under the home affecting Section 14-27(5)(a) with a finished floor elevation that is less than 8' above 0' elevation – Dr. and Mrs. John Smith, 125 Marlin Drive

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Dr. Smith advised that they were requesting a basement under the slab of their current home. Town Manager Lanker explained that the entire basement has already been dug out and that there would be possible code violations if this variance is not approved. Atty Nicoletti advised that fill has already been scooped out and will decrease the FFE from 8' an additional 5'-6'.

Comm Stamos advised that the site plan shows a proposed addition on the side and the rear. Mrs. Smith advised that they are in the process of finishing that addition involving a family room and bathroom. Comm Stamos advised that he was very upset as the addition was encroaching into the setback. Mrs. Smith explained that the variance was approved by the Board of Adjustment and the addition does not encroach into the setback which most of the other homes on the street were built to.

Comm Bridges advised that he looked at the house adding that the storage space would be approximately 1' above mean high sea level. He suggested that drawings be prepared to show that only one slab will be involved because if another slab is installed the space could be used for a purpose other than storage. He added that the Town Commission is being asked to grant an elevation of which they are unsure. He commented that he sympathized with the Smith's, as the space may effect no one else, but that he would like to know the drain field location of the neighboring septic systems so they can be protected.

Comm O'Hare questioned why this request is different from Portofino, the Ocean Club, and 6301 N Ocean Blvd which all have FFE under 8' and were not required to have Town Commission approval. Town Manager Lanker advised that the FFE at 6301 N Ocean Blvd is over 8' and that he was not aware of the others. Town Clerk Hancsak advised that Portofino, too, was above 8'.

LeAnn Innet, 126 Marlin Dr., advised that her property, adjacent to the Smith's, has been effected by this construction. She stated that a wall has been placed on the property line which did not have a permit and appears to be only pressure treated wood. She stated that she was concerned over both her and the Smith's septic systems. She added that she supported their variance request for the family room and bathroom, but that she was not in support of this request. Mrs. Smith advised that the wall was built to replace a wall that was damaged during the construction. She added that Town Manager Lanker had allowed them to replace the wall and that it did not become a problem until there were complaints from the neighbors. Town Manager Lanker advised that he spoke with Dr. Smith at an early stage regarding the storage area and told him that what was previously existing may be acceptable. He added that he never imagined that the excavation would be continued to the extent it is now. Dr. Smith advised that he was under the impression that a larger storage area would be acceptable and that a variance would only be necessary if they wanted to have a basement.

Comm Stamos moved to reject the variance request.

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Mayor Kaleel asked Dr. Smith if he would like to withdraw the request to which Dr. Smith advised that he would like to table it until he can bring it back with additional information.

Comm Stamos moved to table the variance request until brought back by the Smith's.

Comm Stamos stated that he believes that the legal issue regarding the approval of the variances for the family room and bathroom additions needs to be addressed. Atty Nicoletti advised that he was less concerned about the granting of the variances as to this being a basement at sea level. He added that he would like to see approval from the health department. Comm Stamos advised that he would like a guarantee from the Town Attorney that the variances are allowed by code.

Comm Bridges seconded Comm Stamos' motion to table.

Motion carried – yea 5.

6. Action – Request for Site Plan Modification at the Waterways at Ocean Ridge for a reconfiguration of the project entrance drives and guardhouse, additional landscape features and islands to both cul-de-sacs, and a revision to the “Proposed Channel Cross-Section” – Joe Pike, EnviroDesigns, representing Ocean Harbour Estates at Ocean Ridge

Wen Hood advised the Town Commission that they have been moving along well with construction and sales response has been good. He stated that they looked at the entrance drive for the best presentation.

Joe Pike, EnviroDesigns, stated that he did not believe these changes needed to come before the Town Commission, but that he was aware of the problems before and they were sensitive to the desires of the Commission to be made aware of any changes. He added that they were also going to be pulling back the wall to 25' from the intersection at Midlane so that it can be at a height of 6'.

Comm Stamos questioned if this type of retaining wall was being used anywhere else in Florida to which Mr. Pike advised that it was. Mr. Hood stated that there is a 13' wall of this type in West Boca and that Disney has used it in a lagoon retaining wall. Comm Stamos asked if the wall required any pilings to which Mr. Pike advised that it did not. Comm Stamos questioned if it had any tie-backs to which Mr. Pike explained that it utilized a geo-mesh for stability. Comm Stamos commented that he felt the wall looked weak to which Mr. Pike explained that it is a rock base placed on very sturdy footing. He added that he was very concerned in the beginning, too, but that he had been assured by the engineer that this could be secure up to 40' and they are only asking for 4'-6'.

Comm Stamos questioned the reason for this different type of wall to which Mr. Hood advised that the cost is comparable, but aesthetically this one is better.

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Comm Aaskov asked if there was any landscaping planned for the 6' wall and the corner area to which Mr. Pike advised that the area 8' from the pavement would be green space maintained by the homeowner's association.

Comm Bridges moved to approve the site plan modifications as requested in the letter submitted by Joe Pike and for a revision to the southwest wall to be at a height of 6' to include additional landscaping, seconded by Comm O'Hare.

Grant Thornborough, Landscape Architect, advised that the perimeter wall will have heavy landscaping on the inside of the wall and that the 4' walls adjacent to the guardhouse and near the central island would also have heavy landscaping. He added that there would also be pavers installed in this area. Comm Bridges commented that he liked the plans.

Comm Stamos questioned what type of trees would be planted along the north wall to which Mr. Thornborough replied that they were required at a previous meeting to have a series of 16' Buttonwood Trees with 18' centers.

Walter Aaskov, 27 Hibiscus Way, advised that he had requested specific information to proposed changes at the last Board of Adjustment hearing. He questioned what the distance would be of the tangential line from the interception of the two property lines to the point where the wall would be to which Mr. Pike advised that it would be approximately twenty feet.

Comm Stamos questioned if the faux gatehouses would be used to which Mr. Pike advised that they would not. Mr. Thornborough advised that one of the faux gatehouses might be used as a meter room for the sprinkler system and for switches to the septic. Comm Stamos advised that there was air conditioning on the schedule for the gatehouses to which Mr. Thornborough advised that the schedules were generic and that the gatehouses were not intended to be manned.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 4 (Aaskov, Bridges, O'Hare, Kaleel)  
nay 1 (Stamos)

Comm Stamos stated for the record that his only objection was for the retaining wall.

7. Action to authorize appointment to the Board of Adjustment and Planning and Zoning Commission (Postponed item)  
Staff: Karen Hancsak, Town Clerk

Town Clerk Hancsak advised that there were positions available for a regular and an alternate member to the Board of Adjustment and for a regular member to the Planning and Zoning Commission. Mayor Kaleel added that he would be suggesting the addition of two committees which were introduced at the Focus 2000 meeting. Comm Bridges

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suggested that the Town Commission make their recommendations while keeping in mind the possible future committees. Comm O'Hare questioned if those selected for the new committees would have to be excluded from the current boards to which Mayor Kaleel advised that they would not.

Comm O'Hare moved that Dr. Martel be moved from alternate member to regular member of the Board of Adjustment, seconded by Comm Stamos.

Mayor Kaleel advised that he would like to see Dr. Martel on another board as Dr. Vinas is already on the Board of Adjustment and lives very close to Dr. Martel.

Dr. Martel advised that when he accepted the alternate position to the Board of Adjustment, he thought it was with the understanding that he would move to a regular position when one became available. Comm O'Hare asked Dr. Martel if he had served on a Board of Adjustment hearing to which Dr. Martel replied that he had served on the previous month's hearing.

Comm Bridges commented that he sat with Dr. Martel during the Focus 2000 meeting and that as a result, he felt Dr. Martel would better serve the Town on the Planning and Zoning Commission. Dr. Martel advised that while he would be privileged to serve on either board, he would be more comfortable on the Board of Adjustment where he has experience.

Roll call was taken on Comm O'Hare's motion.

Motion carried – yea 5.

Comm O'Hare advised that Mr. Geoff Pugh had previously applied for the alternate position to the Board of Adjustment.

Comm O'Hare moved that Mr. Pugh be appointed as an alternate member to the Board of Adjustment, seconded by Comm Stamos.

Motion carried – yea 5.

Comm O'Hare moved to appoint Mr. Terry Brown as an alternate member to the Board of Adjustment.

Comm Bridges nominated Mr. Tom Dyer for the alternate position to the Board of Adjustment.

Comm O'Hare advised that Mr. Dyer had not submitted a resume for the position as previously requested of other candidates by Comm Bridges. Comm Aaskov stated that she felt everyone in Town knows Mr. Dyer. Comm O'Hare reiterated that he felt the Town Commission should have a resume from Mr. Dyer.

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There was a ballot for the position as there were two nominations from the Commission. Mr. Brown received four votes from Comms Bridges, O'Hare, Stamos, and Mayor Kaleel. Mr. Dyer received one vote from Comm Aaskov.

Comm O'Hare moved to appoint Mr. Brown to the alternate position of the Board of Adjustment, seconded by Comm Stamos.

Motion carried – yea 5.

Comm O'Hare nominated Mr. Dawson as a regular member to the Planning and Zoning Commission. Comm Stamos asked Mr. Dawson if he was a full-time resident to which Mr. Dawson advised that he was.

Comm Bridges nominated Mr. Dyer as a regular member to the Planning and Zoning Commission. Comm O'Hare advised that Mr. Dyer had not requested the Planning and Zoning Commission to which Comm Bridges stated that he felt Mr. Dyer would serve on either board.

Ballots were collected on the two nominations. Mr. Dawson received two votes from Comms O'Hare and Stamos. Mr. Dyer received three votes from Comms Bridges, Aaskov, and Mayor Kaleel.

Comm Bridges moved to appoint Mr. Dyer as a regular member of the Planning and Zoning Commission, seconded by Comm Stamos.

Comm O'Hare advised that he did not feel right appointing Mr. Dyer to the Planning and Zoning Commission when he had not requested it and did not supply a resume. Mayor Kaleel advised that Mr. Dyer had told him that he would serve on any board.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 5.

8. Action to schedule special meeting to discuss emergency medical service  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that the Mayors and Town Managers of South Palm Beach and Manalapan had met with Mayor Kaleel and himself to discuss their proposed agreement with AMR and they would like our Town to expedite their decision on whether or not they would like to be included in the agreement. Mayor Kaleel stated that he had met with the Mayors and Managers of South Palm and Manalapan and suggested that it would be worthwhile for the Town to meet with AMR as there has been no response from Boynton Beach regarding future costs.

Comm Bridges moved to schedule a special meeting to discuss emergency medical services, seconded by Comm Aaskov.

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Comm Stamos suggested that the meeting be held in the evening so that more residents would be able to attend. He also suggested that representatives from the County and Boynton Beach be invited to attend to give presentations. Mayor Kaleel suggested that anyone who wants to participate be encouraged to attend including possible representatives from Delray Beach.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 5.

9. Action to approve new employee appointment procedure  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that in response to the Town Commission's desire to have a formal employment procedure, he was offering that the Town Commission be supplied with a brief resume and job description for new applicants. He added that the staff will point out any restrictions on continued employment that might be involved such as background checks, probationary period, and graduations from academies. He stated that while he did not feel additional information would be necessary, the staff would try to answer any questions or concerns of the Town Commission on any applicants.

Comm Stamos moved that the new employee procedure outlined in the Town Manager's memo as stated: "In the future, staff will prepare a brief resume of the new applicant and provide a job description of the position being filled. Staff will also point out any restrictions on continued employment that might be involved such as background checks, graduation from Fire Academy and probationary period," be approved, seconded by Comm Aaskov.

Motion carried – yea 5.

10. Action – Confirmation of Inclusion of Dock at West end of Anna St.  
Right-of-Way In FY 1998/99 Budget  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that the Planning and Zoning Commission had requested at their November 24, 1997 meeting that a dock be constructed at the end of Anna St. at the Intracoastal. He stated that he was requesting approval for the dock to be included in the next fiscal year's budget.

Town Manager Lanker advised that he had received a letter from John and Miranda Andrews, lot near the corner of Anna St. and N. Ocean Blvd., advising that they were against the installation of a dock at that location.

Mayor Kaleel advised that the only issue before the Town Commission was whether or not to include it in the next budget.

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Vera Klein, 7 Sailfish Lane, questioned why the Town would pay for this dock to which Mayor Kaleel advised that the dock would be for public use.

Betty Bingham, 1 Ocean Ave., advised that the Planning and Zoning Commission began looking at the rights-of-way in Town to determine what would be the best use for them. She explained that they believed that a dock at this location would give more opportunity for activity for the younger residents.

Mr. Bierlin asked if this project would take precedence over other areas of need in Town such as the flooding problem on Hudson Ave. Comm Bridges advised that he would be asking for the funding for the Town's drainage problems to be included in the next budget.

There was no motion regarding this issue.

11. Action to repeal the ordinance pertaining to limiting the height of Australian Pines to 6'.  
By: Commissioner O'Hare

Comm O'Hare advised that the code restricts the height of Australian Pines to 6' and that at the recent evaluation meeting, he tried to determine why this code was not enforced. He stated that the Town Commission needed to decide how this can be enforced or have it removed from the code. Atty Nicoletti explained that Australian Pines are included in two sections of the code. He advised that one section prohibited the planting of Australian Pines, but allows an existing hedge to be kept at 6' or under and another ordinance required the removal of Australian Pine trees by January 1, 2000.

Comm Bridges moved to classify Australian Pines as all other hedges in the code and to move the date for removal of Australian Pine trees to closer to the deadline established by the County, seconded by Comm O'Hare.

Atty Nicoletti advised that Australian Pines are prohibited in another part of the code if the hedge grows into trees. He advised that the code works well the way it is written.

Comm Bridges advised that there is a problem with the Australian Pine hedge bordering the Ocean Club. Ms. Bingham reminded the Commission that the Ocean Club received permission for this hedge somewhere around 1972. She added that the Town Commission needs to decide if they want hedges to grow with undesirable plantings and when a hedge becomes a tree.

Comm O'Hare suggested that the ordinances be abolished since he believes they can not be enforced. Comm Aaskov suggested that the Town Commission wait until they have recommendations from the Planning and Zoning Commission before making any decisions.

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Charlotte Carle, 7 Harbour Dr S., advised that she has complained about the large hedge at Portofino.

Richard Lucibella, 5 Beachway North, advised that the Planning and Zoning Commission has problems of second-guessing themselves when making recommendations such as these. He stated that he felt they had a direction of wanting to discourage the growth and planting of exotics and encouraged the Town Commission not to go backwards on this issue.

Ross Marsh, president of Crown Colony, advised that they would do what the Town wants regarding their hedge, but that they would rather not tear it down if they do not have to. Town Manager Lanker advised that it can be kept until January 1, 2000 or trimmed down to 6' or below and kept indefinitely.

Mayor Kaleel suggested that the two sections of the code be cleaned up and recommendations be given to the Town Commission. Atty Nicoletti advised that the code is clear and that it has worked for years. He advised that any Australian Pine hedge can be kept anywhere on a resident's property if it is kept under 6'.

Comm O'Hare withdrew his second to Comm Bridges' motion.

Comm Bridges withdrew his motion.

12. Action to repeal the ordinance regarding the time schedule for trash pickup service  
By: Commissioner O'Hare

Comm O'Hare requested to withdraw this item.

13. Report on future of building department  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that the section of the code relating to fees and the "codes" being used need to be modified and approved by the Town Commission prior to the transfer of the building department functions to the county. He added that a typical interlocal agreement was distributed and that Atty Nicoletti is currently reviewing it with the County Attorney.

Town Manager Lanker advised that a special meeting would have to be held prior to June 23<sup>rd</sup> for second reading to take place at the regular July meeting.

Comm O'Hare moved to have a special meeting for first reading of the interlocal agreement and modifications to the code regarding the building department, seconded by Comm Aaskov.

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Comm Stamos questioned why there had to be a special meeting to which Atty Nicoletti explained that he did not have all of the information to present at this meeting and there would have to be a special meeting in order to have second reading at the July meeting.

Mayor Kaleel called to have a special meeting prior to June 23<sup>rd</sup>.

Resolutions

14. No. 98-10; Action to authorize extension of County, Manalapan and Ocean Ridge agreement  
By: Paul Nicoletti, Town Attorney

Mayor Kaleel read Resolution No. 98-10 by title only.

Comm O'Hare moved to approve Resolution No. 98-10 and authorize the Mayor and Town Clerk to sign the agreement, seconded by Comm Bridges.

Motion carried – yea 5.

15. No. 98-11; Action to adopt mission statement from Focus 2000 meeting  
By: Mayor Kaleel

Mayor Kaleel read Resolution No. 98-11 by title only.

Comm Aaskov moved to adopt Resolution No. 98-11, seconded by Comm Bridges.

Motion carried – yea 5.

First reading of ordinances

16. No. 506 (1<sup>st</sup> reading/2<sup>nd</sup> time)

Amending Chapter 14 of the Code of Ordinances, buildings and building regulations at Article II, technical codes and other construction standards, Division 2, Administration and Enforcement by adopting a new section 14-56, posting of permits; Providing for repeal of conflicting ordinances  
Staff: Paul Nicoletti, Town Attorney

Mayor Kaleel read Ordinance No. 506 by title only.

Atty Nicoletti explained that since the code has been amended to cut off the right to appeal after thirty days, notice must be supplied regarding the issuance of building permits. He advised that he had looked at several options including requiring the applicant to advertise the permit approval. He concluded that the easiest solution would be for the Town to post the permits.

Comm Aaskov moved to approve Ordinance No. 506, seconded by Comm Bridges.

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Comm O'Hare questioned how Delray Beach has a 15 day limit on appeals and does not have an ordinance similar to this to which Atty Nicoletti advised that he did not believe their appeal ordinance would hold up in court.

Comm O'Hare advised that he thought the ordinance was ridiculous and questioned why the permits could not be posted in the shadow boxes. Atty Nicoletti advised that posting in the shadow boxes would not be proper notice.

Roll call was made on Comm Aaskov's motion.

Motion carried – yea 4 (Aaskov, Bridges, Stamos, Kaleel)  
nay 1 (O'Hare)

17. No. 508 (1<sup>st</sup> reading)

Amending Chapter 26 of the Code of Ordinances, Land Development Code at Article VII, Coastal Construction Code, by amending Section 26-109, Dune Preservation at Subsection 26-109 (g) (1) to allow for removal of prohibited plant species; providing for repeal of conflicting ordinances  
Staff: Paul Nicoletti, Town Attorney

Mayor Kaleel read Ordinance No. 508 by title only.

Atty Nicoletti explained that he had tried to make the ordinance more definite and added language regarding things such as spread of canopy. He added that he had included the input of both the Town Commission and the Planning and Zoning Commission.

Comm O'Hare moved to adopt Ordinance No. 508.

There was no second to the motion.

18. No. 509 (1<sup>st</sup> reading)

Amending Chapter 26 of the Code of Ordinances, Land Development Code at Article XIV, Non-Conforming and Grandfathered Uses by amending Section 26-221, Grandfathered Uses Lots and Structures at subsection 26-221 (e)(1) to clarify the intent of the Town Commission regarding permitted use additions to grandfathered structures, providing for repeal of conflicting ordinances  
Staff: Paul Nicoletti, Town Attorney

Mayor Kaleel read Ordinance No. 509 by title only.

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Atty Nicoletti explained that it was an addition to the section of the code which would address Mr. Pace's objection and clarify the code to allow the building department to follow it as was allowed in the past. He added that it allowed for modifications to be made within the footprint.

Comm O'Hare advised that in the memo from the Town Manager it was stated that he (Comm O'Hare) suggested that the code be modified. He stated that he did not make this suggestion.

Comm O'Hare moved to reject Ordinance No. 509.

There was no second to the motion.

Comm Bridges asked if this would allow for an addition without having to get approval from the Board of Adjustment. Town Manager Lanker explained that if the addition met all of the new code requirements, a variance would not be needed.

Comm Bridges moved to approve Ordinance No. 509, seconded By Comm Aaskov.

Comm O'Hare commented that he believed the ordinance attempts to legalize non-conforming areas and, in essence, repeals itself. Comm Stamos concurred. Atty Nicoletti explained that the ordinance attempts to explain what the Town has done and allowed in the past. Comm Bridges advised that other Towns are able to expand a building as long as it does not increase the non-conformity.

William Bak, 6740 N Ocean Blvd., advised that he has a small home with a garage that encroaches into the setback. He stated that he would like to enclose it into a bedroom and that he does not want to go before the Board of Adjustment for approval.

Comm O'Hare advised that the modification would not be allowed since it is changing storage space into living space. Town Manager Lanker advised that the modification would be allowed in the RSF district.

Rich Lucibella, 5 Beachway N, advised that the Town Commission needed to look at the intent of the ordinance. He stated that some smaller homes need to make changes that will maximize the use and value of their homes. He stated that he felt they should be allowed to make these changes.

Comm Stamos stated that there are laws and the Town should not start bending the rules.

Comm O'Hare advised that if Mr. Bak would be able to change his garage into a bedroom, he could be able to put living space in the upstairs of his apartment building. Atty Nicoletti advised that Comm O'Hare's modification would be an increase into the vertical setback and; therefore, not allowed.

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Mr. Bak advised that two large houses surround him and that he would not be building up or out of the footprint. Mayor Kaleel advised that the Town Commission is trying to allow requests such as his.

Comm Bridges withdrew his motion to approve until the ordinance is reviewed again.

Atty Nicoletti stated that he believed the interpretation of the ordinance was being purposely confused.

Mayor Kaleel suggested that the ordinance be adopted on first reading and Comm Bridges concurred.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 3 (Aaskov, Bridges, Kaleel)  
nay 1 (Stamos)  
(O'Hare abstain)

Atty Nicoletti advised that he did not feel that Comm O'Hare needed to abstain from the vote and Comm O'Hare stated that he believed this ordinance would allow him to convert his pitched roof area into additional living space which would be a benefit for him. Atty Nicoletti advised that even though he did not believe this would be allowed, it would not be a benefit specifically for him as it would apply to any and all owning property in the Town. Comm O'Hare still abstained from the vote.

19. Sunshine Law Violations  
By: Comm Stamos

Comm Stamos requested that the Atty Nicoletti contact the State Attorney regarding the outcome of the alleged violations to the Sunshine Law made in late 1997 involving some of the Commissioners.

20. Docks on the Intracoastal Waterway  
By: Comm O'Hare

Comm O'Hare distributed an article from the *Sun Sentinel* regarding regulating dock sizes and lengths along the Intracoastal Waterway (ICW). He stated that the Town Commission needed to consider this since it will effect those in Town living on the ICW. He suggested that the Town Commission draft a resolution which states the desire for protection for those living on the ICW.

Mr. Bierlin stated that the regulation is not anything new and that the State would hear comments for the next month before making a final decision.

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Mayor Kaleel questioned if this would effect the Town to which Mr. Bierlin advised that the State would exert their influence beyond the right-of-way and anyone north of Woolbright would be effected.

The Town Commission concurred that Mayor Kaleel would direct a letter advising that the Town feels no changes should be made and also contact the neighboring Mayors for their support.

21. Boynton Beach Fireworks  
By: Mayor Kaleel

Mayor Kaleel advised that he was contacted by Mayor Jerry Taylor regarding Boynton Beach's desire to shoot their fireworks from the Hammock Park. He advised that he had the Town Manager, Director Hillery and Atty Nicoletti look into it. He added that he had indicated to Boynton Beach that it is the opinion of the staff not to have the fireworks here.

Director Hillery explained the reasons for not having the fireworks in Ocean Ridge from a Department of Public Safety perspective which included parking problems and Ocean Ridge not having enough officers to support such an event.

Comm Stamos recommended that the Town indicate to Boynton Beach that they do not want the fireworks in the Hammock Park.

Mayor Kaleel advised the Town Commission that he believed the Boynton Beach City Manager was going to really try and push this location adding that a Boynton Beach representative had already reviewed the Town codes regarding fireworks.

Comm O'Hare questioned how many people attend the fireworks in Boynton Beach to which Director Hillery explained that there are thousands present to view the fireworks every year.

The Town Commission concurred that Atty Nicoletti should write a letter stating their position on this matter.

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Adjournment

The meeting was adjourned at 10:50 PM.

\_\_\_\_\_  
Mayor Kaleel

\_\_\_\_\_  
Commissioner Aaskov

\_\_\_\_\_  
Commissioner Bridges

\_\_\_\_\_  
Commissioner O'Hare

\_\_\_\_\_  
Commissioner Stamos

Attest By:

\_\_\_\_\_  
Town Clerk