

Regular Town Commission Meeting of the Town of Ocean Ridge held Monday, October 5, 1998 at 6:30 PM in the Town Hall Chambers.

Roll call was answered by the following:

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

Following the Pledge of Allegiance, Atty Nicoletti read an invocation.

### **Additions, Deletions, Modifications and Approval of Agenda**

None

### **Consent Agenda**

1. Minutes of the Public Hearing and Regular Town Commission Meeting of September 14, 1998
2. Minutes of the Public Hearing of September 21, 1998
3. Minutes of the Special Meeting of September 24, 1998
4. Authorize Execution of Garbage/Trash Liens and Town Attorney to Have Same Recorded
5. Authorize Excess 1997/98 Funds to be Deposited into Beautification and Self-Insurance Account
6. Confirming Palm Beach County as Voting Delegate for Southern Building Code Congress Conference
7. Ocean Ridge Resolution No. 98-26; Supporting Revision #7 to the Florida Constitution and Encouraging all Municipalities to Educate Their Citizenry on the Importance of and Need for This Revision

Comm Stamos requested to amend the minutes of the September 14, 1998 meeting, page 7, next to the last paragraph, to reflect that the comment made was that of a resident and not his own.

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

Motion carried – yea 5.

**Announcements and Proclamations**

8. The Administrative Offices will be closed on Monday, October 12, 1998 for the Official Holiday
9. Proclamation by Mayor Kaleel Declaring October 23-31, 1998 as National Red Ribbon Celebration

Mayor Kaleel read the proclamation regarding National Red Ribbon Celebration.

**Public Comment** – (Fifteen minute maximum with three minute individual limit)

Jerry Magruder, 9 Ridge Blvd., advised that she has had problems with heavy equipment and speeding by those involved with the Ocean Harbour Estates project. She also questioned what they are going to do with all the dirt piled on the property. She suggested filling in the National Wildlife Property which has been donated to the Town. Mayor Kaleel asked if she had discussed any of these problems with the Town Manager or Director Hillery to which she advised that she had not. She added that the workers from Ocean Harbour are using Midlane to cut over to Woolbright to skip the light at A1A. The staff was directed to investigate the problems.

Comm Stamos advised that the supervisor of Ocean Harbour had informed him that the dirt would be available for the Town to use. Comm Bridges advised that the Town needs to look at the drainage before moving any of the dirt.

Dave Berger, 45 Bimini Cove Dr., commented that trash was not picked up on Tuesday and consequently the street looked really bad. Town Manager Dunham explained that he had written to Browning-Ferris Industries and put them on notice that the situation will be monitored for the next thirty days. He advised that if the complaints continue, the Town will return to the previous pick-up schedule.

**Regular Agenda**

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

**Action and Reports**

10. Action to appoint members to the Environmental Advisory Board

Mayor Kaleel read the list of volunteers and appointments made to the Environmental Advisory Board which were as follows:

- Jerry Lower, 2 Harbour Drive N
- Jerry Magruder, 9 Ridge Blvd.
- Victor Martel, 46 Harbour Drive S
- Barbara Souther, 5855 N Ocean Blvd A2
- Mary Sparks, 6007 Ridge Lane

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Bud Aaskov, 27 Hibiscus Way  
Charlotte Carle, 7 Harbour Drive N  
Jerry Goray, 130 Island Drive  
Joan Beck, 112 Island Drive South  
Kim Beaumont, 12 Sailfish Lane

Comm Bridges moved to accept the appointments to the Environmental Advisory Board as read, seconded by Comm O'Hare.

Motion carried – yea 5.

11. Action to appoint members to the Utilities Infrastructure Advisory Board

Mayor Kaleel read the list of volunteers and appointments to the Utilities Infrastructure Advisory Board which were as follows:

Jeffrey Willens, 9 Hudson Ave.  
Sandy Foster, 5910 N Ocean Blvd.  
Michael Nevins, 10 Inlet Cay Drive  
Peggy Smith, 63 Spanish River Drive  
Don Matheson, 5505 N Ocean Blvd., Monticello #204  
Domenick Pallaria, 5530 N Ocean Blvd., #214  
Craig Baskin, 6490 N Ocean Blvd.  
Greg Zink, 54 River Drive  
Barry Essig, 12 Inlet Cay Drive

Comm O'Hare moved to accept the appointments to the Utilities Infrastructure Advisory Board, seconded by Comm Aaskov.

Motion carried – yea 5.

Town Clerk Hancsak asked if the volunteers needed to be registered voters to which Atty Nicoletti explained that they only needed to be residents and not registered voters.

12. Report on miscellaneous engineering services  
By: Gregory L. Dunham, Town Manager

Town Manager Dunham advised that he was directed to return to the Commission recommendations regarding the hiring of a Town Engineer. He advised that he would not recommend contracting with an engineer until such time as the Utilities Infrastructure Advisory Board, the Environmental Resources Advisory Board and the staff have had an opportunity to identify capital projects which would require an ongoing need for engineering services. He added that the current budget does allow funding for engineering services and consulting for the committees and staff.

Comm Bridges advised that he agreed with Town Manager Dunham's position that the Town wait before contracting with any engineers. The other Commissioners concurred.

**Resolutions**

(possibly requiring discussion)

13. No. 98-25; Authorizing the acquisition of certain parcel of real property owned by John Gurino in the amount of \$130,000 plus reasonable closing costs

Mayor Kaleel read the resolution by title.

Town Manager Dunham advised that the Town Commission had directed Atty Nicoletti to negotiate for the acquisition of the property. He stated that Mr. Gurino had originally asked for \$225,000, but after two appraisals were completed estimating the value of the property at \$100,000. Mr. Gurino agreed to \$130,000. Atty Nicoletti advised that although the appraisals were for \$100,000, \$130,000 was a fair price as the cost of condemnation would be greater than that. He added that the actual price would be a bit higher than that as the Town would be paying for closing and related costs.

Comm Bridges questioned if it had been taken into account whether the mangroves can be removed. He added that the property would not be worth purchasing if the Town can not use it. He also inquired if Mr. Hall who owns land adjacent to the north Boynton property had been contacted. He suggested that these issues be investigated before the purchase is made.

Comm Stamos commented that he felt Atty Nicoletti had done a good job with the negotiations adding that he too felt the mitigation question was very important. He suggested that the land purchase might be premature, as the Town Commission does not yet have a master plan.

Comm Bridges stated that he felt there was a very good chance that the land might be usable, but that the right people needed to be contacted for information. He suggested that the issue be placed on the back burner for now.

Comm O'Hare stated that he felt the property would never be less than the current negotiated price adding that he also felt Atty Nicoletti did a good job in the negotiations.

Mayor Kaleel suggested that approval could be made contingent upon environmental approval. Atty Nicoletti stated that he was unsure if the Town would lose the deal by adding the contingency, but that he was confident Mr. Gurino would grant them an additional ninety days to make a decision.

Mayor Kaleel stated that the Town would want to purchase this land eventually.

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Comm Stamos advised that he is concerned about the situation. He stated that they would be spending money even though they do not know if the land can be used. He stated that the use would also be dependent upon Boynton Beach's cooperation which is risky. He suggested that the Town have a comprehensive plan first.

Comm Bridges moved to approve the purchase of the land contingent upon environmental use of at least 75% of the landmass to be done within 90 days, seconded by Comm Aaskov.

Comm O'Hare advised that he has a problem with the 75% site approval adding that he felt there should be a master plan in place first.

Mayor Kaleel questioned if they needed to define "use" for the motion to which Atty Nicoletti advised that they will not if the Town can have the property declared exempt, but they may otherwise.

Comm Bridges stated that he felt the plan was to use the property for parking so that the Boynton Beach property is not used for that purpose. Comm O'Hare commented that he felt if a "grand" plan was in place, the owner might increase the asking price.

Atty Nicoletti advised that Mr. Gurino had implied to him that he was considering placing a single-family residence on the property.

Mayor Kaleel stated that he did not feel there would be anything wrong with proceeding with their due diligence and entering into a contract. He stated that with a broad sense of the term "use," he felt it was a good idea. Atty Nicoletti added that there was also the possibility of going for an exemption.

Mayor Kaleel stated that he felt the Town needs to purchase the property in order to be in control of its own destiny. He added that he felt the Town has a justifiable need to own the land surrounding Town Hall.

Comm Stamos advised that he wanted a guarantee that the land would be usable to which Comm Bridges replied that the motion was contingent upon that.

Comm O'Hare suggested that the motion be amended to reflect that the term "use" be at the Town's discretion to which Comm Bridges agreed to amend his motion as did Comm Aaskov.

Town Manager Dunham questioned if 120 days would be better than 90 days to complete the transaction and due diligence to which Comm Bridges amended his motion to 120 days. Comm Aaskov agreed.

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Roll call was taken on Comm Bridges' amended motion.

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

**First Reading of Ordinances**

None

**Second Reading, Public Hearing and Adoption of Ordinances**

14. No. 508; 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 certain invasive plant species without a permit

Mayor Kaleel read Ordinance No. 508 by title only.

Comm Stamos moved to adopt Ordinance No. 508 on second reading, seconded by Comm O'Hare.

Atty Nicoletti advised that the ordinance would allow for a resident to clean up the dune on their property by obtaining a no-fee permit from the Town. Charlotte Carle, 7 Harbour Drive S, questioned why the title of the ordinance stated that removal would be allowed without a permit if a no-fee permit had to be obtained. Atty Nicoletti advised that the title was incorrect on the agenda and should read "with a no-fee permit."

There was no further public comment.

Roll call was taken on Comm Stamos' motion.

Motion carried – yea 5.

15. No. 510; Amending Chapter 26 of the Code of Ordinances, Land Development Code at Article VI Marinas, Docks and Bulkheads by amending Section 26-93, Location and Height of Docks to Further Regulate Docks and Dolphin Pilings

Mayor Kaleel read Ordinance No. 510 by title only.

Comm Bridges moved to adopt Ordinance No. 510 on second reading, seconded by Comm Aaskov.

There was no public comment on the ordinance.

Motion carried – yea 5.

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16. No. 512; Amending the Code of Ordinances at Chapter 30, Article III by adding Section 30-61 and at Chapter 30, Article VII by adding Section 30-156 Exempting Pest Control Services from the Mandatory Requirements found in Such Articles

Mayor Kaleel read Ordinance No. 512 by title only.

Comm O'Hare moved to approve Ordinance No. 512 on second reading, seconded by Comm Aaskov.

Comm Stamos advised that he was not in favor of the ordinance adding that he was aware that it is a state law that the Town must follow. He stated that he felt it was an example of a special favor made to lobbyists.

Mrs. Carle questioned what this would exempt pest control companies from to which Town Manager Dunham explained that they would no longer be required to register their companies with the Town. Mrs. Carle advised that she was opposed to this exemption and questioned why the Town does not fight it. Mayor Kaleel stated that it has already passed the Florida Legislature and it would not be feasible for the Town to fight it at this point.

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

Motion carried – yea 3 (Aaskov, O'Hare, Kaleel)  
nay 2 (Bridges, Stamos)

**Town Commission comments**

(Information items only – three-minute limit per item)

Town Manager Dunham advised that the diesel generator which was previously running around the clock at Ocean Harbour Estates is no longer needed and has been removed.

Town Manager Dunham advised that Hank Skokowski of Urban Design Studios could be available for a combined meeting with the Town and Planning and Zoning Commissions on either October 21<sup>st</sup> or 28<sup>th</sup> to discuss the issue of the south end of Town.

Mayor Kaleel questioned if it were necessary for Mr. Skokowski to be present at the meeting as he felt he had already given the Town his recommendations for the south end. Town Clerk Hancsak advised that in reviewing the minutes of previous meetings involving Mr. Skokowski, she was unable to find any specific recommendations.

Comm O'Hare stated that he felt it would be good to have a professional monitor the meeting. Mayor Kaleel reminded the Commission that they would need to allocate some funds for him at a future meeting.

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It was decided that the Clerk would poll the members of the Town and Planning and Zoning Commissions for a meeting date.

**Adjournment**

The meeting was adjourned at 7:35 PM.

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Mayor Kaleel

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Commissioner Aaskov

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Commissioner Bridges

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Commissioner O'Hare

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Commissioner Stamos

Attest By:

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Town Clerk