

Regular Town Commission meeting of the Town of Ocean Ridge held on Monday, February 1, 1999 at 6:30 PM.

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

Commissioner Aaskov
Commissioner Stamos

Commissioner Bridges
Mayor Kaleel

It was stated for the record that Comm O'Hare was absent with notice.

Following the Pledge of Allegiance, an invocation was read by Comm Stamos.

Additions, Deletions, Modifications and Approval of Agenda

Comm Bridges requested to add a discussion of the traffic signs on A1A as Item #11.

Comm Stamos requested to add a personal comment as Item #12.

Town Clerk Hancsak requested to add an item concerning a Separation Luncheon and Gift for Marie Fioto as Item #6a.

Comm Stamos also requested that Item #3 be pulled from the consent agenda and discussed as Item #6b.

Consent Agenda

1. Minutes of Town Commission Meeting of January 4, 1999
2. Ocean Ridge Resolution No. 99-01; Supporting Proposed Legislation Relate to Pawnbrokers; Providing for Amendments to Sections 539.001(15) and (20), F.S. Which would require pawnbrokers to convey misappropriated goods to a valid claimant upon proof of ownership and allow pawnbrokers to recover their costs from the customer conveying the misappropriated goods; further providing that political subdivisions may enact ordinances more restrictive than the State Law; Encouraging all municipalities to educate their citizenry on the importance of and need for the passage of this bill by the Legislature of the State of Florida
4. Consideration of a compromise agreement between the Town of Ocean Ridge and Mr. And Mrs. Jens Hartung and Successors in Interest RE: Seaview Motel

Comm Bridges moved to adopt the consent agenda as amended, seconded by Comm Stamos.

Motion carried – yea 4.

Announcements and Proclamations

- 5. 1999 Municipal Election
 - a. Date of Election is February 9, 1999
 - b. Town Commission Seats for Three Year Terms

Mayor Kaleel read the above announcement. Town Clerk Hancsak advised that the polls would be open from 7AM until 7PM on the day of the election.

Public Comment – 15 minute maximum with a three minute individual limit

George Bierlin, 26 Hudson Ave., advised that he has previously introduced the issue of drainage on Hudson Ave. adding that he felt the item was going to be addressed with the previous budget. He explained that the Town code indicates that standing water is considered a nuisance and that for twenty-three days in January there was standing water on Hudson Ave. He added that there was water in a hole on the south side of the street every day of the month. He stated that he wanted to know when the Town Commission would address the issue.

Town Manager Dunham stated that he had spoken to Mr. Bierlin and explained that the newly formed Utilities Infrastructure Advisory Committee (UIAC) has drainage as one of their top priorities and that the Town needed to be looked at as a whole for the solution.

Comm Bridges suggested that an engineer be hired right away to look into solutions and that the Commission not wait for the UIAC to present a plan. He stated that he felt there were four areas in town which needed immediate attention which included Hudson Ave., lower Inlet Cay, south end, and A1A. He requested an item on the next agenda to discuss the hiring of an engineer to address the issue.

Comm Stamos agreed stating that the residents of Hudson Ave. have been promised action and that something needs to be done.

Public Hearings

None

Regular Agenda

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

Actions and Reports

- 6. Consider petition requesting extended work hours during construction of the Ocean Ave. bridge submitted by Dezie Lerner, 19 Ocean Ave.

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Dezie Lerner, 19 Ocean Ave., advised that she would like the town to give the same extended hours to the bridge contractor as have been granted by Boynton Beach. She stated that she did not feel the noise level would increase, as they are already working on the Boynton Beach side. She added that the Ocean Ave. residents were the most directly affected.

Gail Matrunola, 56 Ocean Ave., stated that she wanted the hours extended so the bridge construction would be over as quickly as possible. She added that the only choice for ambulances to enter town would be Woolbright and that they could possibly be delayed if the bridge were up.

Ms. Lerner stated that she could not understand why anyone would want to prolong the bridge construction any longer than necessary.

Pat Doyle, 18 Hudson Ave., stated that the residents of his street are also inconvenienced by the construction and that he did not feel there should be the further inconvenience of additional construction noise. He added that the contractors were aware of the town's ordinances regarding work hours and denying the extended hours should not cause undue hardship. He suggested that the contractor hire additional people if hours are the problem.

Jeffrey Willens, 9 Hudson Ave., advised that since the previous meeting when the Town Commission took a strong stand on the working hours, the construction noise has decreased.

Comm Bridges questioned what the effect would be if only one hour extra in the evening was approved as opposed to the two total extra hours per day requested. Mr. Doyle stated that the extra hour in the evening would effect his family during their dinnertime.

The consensus of the Town Commission was to deny the petitioner's request to grant the extended hours.

6a. Separation Luncheon and Gift for Town Hall part-time employee

Town Clerk Hancsak advised that Marie Fioto who will be replaced by a full-time employee sometime in March has been working in the town hall since June of 1986. She stated that she would like to request \$300 for a luncheon and a gift.

Comm Stamos moved to approve \$300 from the contingency fund for a luncheon and gift for Marie Fioto, seconded by Comm Bridges.

Motion carried – yea 4.

Mayor Kaleel requested that the Commissioners be contacted with the date and time of the event so that they may also attend.

Resolutions

(Possibly requiring discussion)

- 6b. Ocean Ridge Resolution No. 99-02; Approving the Second Addendum to Contract for Sale and Purchase with John Gurino – Removed from Consent Agenda by Comm Stamos

Comm Aaskov moved to approve Resolution No. 99-02, seconded by Comm Bridges.

Comm Stamos stated that he did not feel the property was worth the \$75,000 being offered and that the two appraisals of \$100,000 for the land were wrong. He added that he felt Mr. Gurino should have donated the land for the tax credit. He suggested that the town offer \$10,000 for the property and be very careful about the money they are spending.

Comm Bridges stated that he agreed with Comm Stamos as he felt the Town Commission had wanted to have more use of the land.

Atty Nicoletti explained that the town could have use of 35% of the land without impacting the environment and more than 35% with mitigation.

Mayor Kaleel stated that he was in favor of the land purchase as he feels it would be a big advantage to the town. He added that he would be in favor of having the land donated, but that it was not possible in this case.

Vera Klein, 7 Sailfish Lane, stated that she also felt \$75,000 was too much and that she felt between \$45,000 and \$50,000 would be fair.

Mayor Kaleel stated that he felt the issue had been discussed enough and that it was time for the Town Commission to take action.

Roll call was taken on Comm Aaskov's motion.

Motion failed – yea 2 (Aaskov, Kaleel)
nay 2 (Bridges, Stamos)

Comm Bridges stated that he felt there needed to be additional negotiations. Comm Bridges moved to make a counteroffer of a maximum of \$50,000, seconded by Comm Stamos.

Phil Barlage, 35 Anna St., stated that the \$100,000 listed in the appraisals were the opinions of professionals who took into consideration all related factors. He stated that he felt the commissioners were making their own opinions regarding the value of the property which was in conflict with the opinion of professionals.

Atty Nicoletti added that the appraisals included the fact that only 35% of the land was usable without mitigation. He stated that when he had received the information regarding

the amount of usable land, he counteroffered \$56,000 when Mr. Gurino was still asking for \$100,000. He explained that negotiations from there arrived at the \$75,000 being presented.

Comm Bridges reiterated that he felt there should be more negotiations and withdrew his motion.

Comm Stamos withdrew his second to Comm Bridges' motion.

There was no further action or discussion on this item.

First Reading of Ordinances

7. Ordinance No. 516; Amending the Code of Ordinances at Chapter 16, Article I, by adding a new Section 16-3, Establishing an Expedited Procedure for bringing a case in front of the Hearing Officer for Code Violations

Mayor Kaleel read Ordinance No. 516 by title only.

Town Manager Dunham explained that the ordinance would help to expedite cases to the Special Master and aid in having cases presented. Atty Nicoletti added that it would codify the process currently being used.

There was no further discussion by the Town Commission and no comment from the public.

Comm Stamos moved to approve Ordinance No. 516 on first reading, seconded by Comm Aaskov.

Motion carried – yea 4.

8. Ordinance No. 517; Amending the Code of Ordinances at Chapter 34, Article I, by amending and adding certain provisions to Section 34-6, Removal of Rubbish, Stagnant Water and Weeds; and at Article III, by repealing the existing article and re-enacting a new Article III with amended provisions, revising the procedure to remove Junked, Wrecked and Abandoned Property

Town Clerk Hancsak read Ordinance No. 517 by title only.

Atty Nicoletti explained that the ordinance would inject a uniform procedure for removal of junked or abandoned rubbish on public or private property. He stated that there would be one change which would be the removal of the third line on page two, paragraph F under Public Emergency.

Comm Bridges moved to approve Ordinance No. 517 on first reading, seconded by Comm Aaskov.

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Comm Stamos advised that he was concerned with the police power inherent in the ordinance. He stated as an example that the police would be able to classify a car with an expired tag as abandoned. He questioned the town's liability if a vehicle with an expired tag was removed which may have been overlooked by a family away on vacation. Director Hillery explained that the case would still have to be brought before the Special Master before any action is taken.

There was no further comment from the Town Commission and no comment from the public.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 4.

9. Ordinance No. 518; Amending the Code of Ordinances at Chapter 14 by adding new Sections 14-161 through 164 therein; Establishing additional procedures for the repair and/or demolition of unsafe and unfit buildings

Mayor Kaleel read Ordinance No. 518 by title only.

Town Manager Dunham stated that this ordinance would strengthen the town's code regarding unsafe buildings.

Comm Aaskov moved to approve Ordinance No. 518 on first reading, seconded by Comm Bridges.

Comm Stamos stated that he felt this ordinance was very powerful in the authority it gives the building official. He questioned if it would be prudent to have a back-up building official in addition to the County official. Atty Nicoletti advised that the Standard Building Code already gives this authority to the building official and that any issue would still have to be brought before the Special Master before any action is taken.

There was no further discussion by the Town Commission or comment from the public.

Roll call was taken on Comm Aaskov's motion.

Motion carried – yea 4.

10. Ordinance No. 519; Amending the Code of Ordinances at Chapter 26, Article XVII, by amending and adding a provision regarding private stormwater management systems, by requiring a maintenance plan, maintenance, inspections, reports, and providing for violation

Town Clerk Hancsak read Ordinance No. 519 by title only.

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Town Manager Dunham explained that the ordinance had been developed under federal and state requirements. He stated that the NPDES permit requires maintenance and proper operation of private stormwater management systems that discharge into the town's system.

Comm Stamos moved to approve Ordinance No. 519 on first reading, seconded by Comm Aaskov.

There was no discussion from the Town Commission or public comment.

Motion carried – yea 4.

Second Reading, Public Hearing and Adoption of Ordinances

None

Town Commission Comments

(Information Items Only – 3 minute limit per item)

- 11. Discuss traffic signs along A1A
By: Commissioner Bridges

Comm Bridges stated that he did not like the signs which were just wrapped with black plastic and left up along A1A. He requested that the Town Manager speak to DOT regarding this issue to which Town Manager Dunham advised that he would.

- 12. Personal Comment
By: Commissioner Stamos

Comm Stamos stated that he was sorry Comm O'Hare was not present at the meeting and that he felt that the residents appreciate what he has done for the town especially concerning the landscaping on Ocean Ave. and donating the decorative stones for the interior bridges.

Adjournment

The meeting was adjourned at 7:25PM.

Attest By:

Town Clerk

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