

Public Hearing and Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, September 20, 1999 at 5:01 PM in the Town Hall Meeting Chambers.

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

Commissioner Bingham
Commissioner Kaleel

Commissioner Bridges
Mayor Aaskov

It was noted for the record that Comm Stamos was absent with notice.

Pledge of Allegiance

Public Hearing

A. Fiscal Year 1999 – 2000 Budget

1. Consideration of adopted Tentative Budget and Proposed Millage Rate for Fiscal Year 1999-2000

Mayor Aaskov announced that the millage rate of \$4.0000 will exceed the rolled back rate of \$3.5408 by 12.97%.

Vera Klein, 7 Sailfish Lane, questioned why the professional services account for general government increased \$144,000 from the previous year to which Town Manager Dunham explained that the additional funds were for engineering and surveying services for stormwater maintenance. Mrs. Klein also questioned the increase in the repair and maintenance account for general government to which Town Clerk Hancsak explained that \$15,000 was added for Y2K improvements which included new software and equipment. Mrs. Klein also questioned the funds which were budgeted for the land purchase. She advised that the Town Commission should consider the 50' of beachfront property that the town currently owns when negotiating for property surrounding the town hall to which Town Manager Dunham replied that the town's beachfront property is being considered. Town Clerk Hancsak replied that the \$250,000 budgeted for land purchases is the same amount budgeted in the current year and does not mean that the entire amount will be spent.

2. Adopt Final Millage Rate for Fiscal Year 1999-2000

Comm Bingham moved that a final millage rate of \$4.0000 per \$1,000 of assessed valuation be adopted for the 1999-2000 general operating revenues, and that a millage of \$.4418 per \$1,000 of assessed valuation be adopted for the 1999-2000 bond debt service for the General Obligation Water Improvement Bonds of 1991, seconded by Comm Bridges.

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

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Motion carried – yea 4.

3. Resolution No. 99-18; Making a Tax Levy Based on the 1999 Assessment Roll

Town Clerk Hancsak read Resolution No. 99-18 in its entirety.

Comm Kaleel moved to approve Resolution No. 99-18 making a tax levy based on the 1999 Assessment roll be adopted, seconded by Comm Bridges.

Mark Kruger, 8 Ridge Blvd., questioned what the figures were based on to which Town Clerk Hancsak explained that the taxes were based on the assessments made by the Palm Beach County Property Appraiser's Office.

Motion carried – yea 4.

4. Adopt a Final Budget for Fiscal Year 1999-2000

Comm Bridges moved that the Ocean Ridge Budget for fiscal year 1999-2000 be finalized at \$2,649,072 for operating expenses and \$145,426 for the General Obligation Water Improvement Bonds of 1991 in the Debt Service Fund, seconded by Comm Kaleel.

Steve Romanowski, 23 Hudson Ave., advised that he was concerned that funds be set aside for Hudson Ave. repairs. Town Manager Dunham explained that he will be making a recommendation to the Town Commission at the October 4th meeting to fix the road with funds from the contingency account. He added that there will be a town-wide drainage analysis done this coming fiscal year. Comm Bridges stated that he felt Hudson Ave. was a high priority for the upcoming year. Town Manager Dunham stated that the planning for this project has already begun so it should move along quickly.

5. Ordinance No. 524; Adopting an Annual Budget for the Year Beginning October 1, 1999 and Ending September 30, 2000; Providing for Repeal of Conflicting Ordinances; Providing for Severability; and Providing an Effective Date

Town Clerk Hancsak read Ordinance No. 524 in its entirety.

Comm Bridges moved that Ordinance No. 524 appropriating funds for the Fiscal Year 1999-2000 be adopted, seconded by Comm Bingham.

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

Motion carried – yea 4.

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6. Resolution No. 99-19; Updating Funds for the Capital Projects Fund for the Fiscal Year Beginning October 1, 1999 and Ending September 30, 2000.

Town Clerk Hancsak read Resolution No. 99-19 in its entirety.

Comm Kaleel moved that Resolution No. 99-19 reappropriating funds for the Capital Projects Fund for Fiscal Year 1999-2000 be adopted, seconded by Comm Bingham.

There was no comment from the public.

Motion carried – yeas 4.

Comm Kaleel advised those present that the town does have a large amount in savings and investments. He stated that there is a commitment of the part of the Town Commission to take care of some of the problems within the town including drainage.

Ruth Vanze, 16 Ridge Blvd., stated that there is a Banyan Tree near her property which she believes is in a town right-of-way which she would like the town to cut back or remove. Town Manager Dunham advised that he would talk to Mrs. Vanze after the meeting.

Special Meeting Items

7. Report on Commercial Zoning Issues By: Ken Spillias, Interim Attorney

Town Manager Dunham explained that he would like to postpone this item until the October 4th meeting when a certain resident and his representative will be available. Comm Kaleel advised that he would still like to discuss the issue.

Interim Atty Spillias advised that this issue had resurfaced due mainly because of the property at 5011 N Ocean Blvd which is a mixed use at the south end of town. He explained that the town's code requires commercial to be phased out 40 years after the commercial use was permitted. He stated that 5011 N Ocean Blvd has a commercial termination date of June 2000 and that the representatives for this property intend to file to stop the town from this enforcement. He stated that he has been told that there may be a desire of the residents to keep a small amount of commercial in the town and he would need to research what affects this would have. He advised that the property owner of 5011 N Ocean Blvd was aware of this ordinance when he purchased the property in 1992 and that he is confident that the town would prevail if a suit is filed.

Interim Atty Spillias advised that if the town wanted to retain some commercial use, they would have to repeal the 1969 ordinance and grandfather all current commercial property which could continue its present use. He stated that another alternative could be to designate certain areas as commercial or mixed use zoning which would necessitate a

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Comprehensive Plan amendment. He stated that he did not believe either of these changes would allow those who previously terminated their commercial uses in town to sue because the decision made in 1969 was what the Town Commission then thought was best for the town just as this change would be what this Town Commission thinks is best for the town.

Comm Bingham questioned if the property could revert back to the County. She stated that Blue Ocean subdivision had been annexed into the town with certain restrictions and the Town Commission should seriously consider what type of town they want. Interim Atty Spillias advised that there are procedures to de-annex back into the County, but it would take the permission of the property owners, the Town and the County.

Patrick Doyle, 18 Hudson Ave., questioned if it is the Town's intention to shut down all commercial uses to which Interim Atty Spillias replied that is the intent of the 1969 ordinance.

Comm Bridges stated that he did not believe this could be done on a case by case basis and suggested that they discuss what will work best for the entire town.

Comm Kaleel stated that he felt unless there was an overwhelming response of the residents to change, he did not feel the ordinance should be changed. He added that the property owners of 5011 N Ocean Blvd purchased the property with full knowledge of the ordinance that they would have to cease commercial use.

8. Authorize Funds from the Economic Environment Professional Services Account to Provide Engineering Study RE: Hudson Ave. Drainage Problem

Town Manager Dunham stated that this was discussed earlier adding that he would like to analyze documents that the town currently has as a new engineering study may not be necessary.

Comm Kaleel moved to authorize funds in an amount not to exceed \$5,000 from the economic environment professional services account for an engineering study, seconded by Comm Bridges.

George Bierlin, 26 Hudson Ave., submitted a duplicate of the petition from the previous week with four additional signatures on it.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4.

9. Award Recodification of Code of Ordinances to Municipal Code Corporation and Authorize Budgeted Funds for Same

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Comm Kaleel moved to award the recodification of Code of Ordinances to Municipal Code Corp. in an amount not to exceed \$14,000 and authorize budgeted funds for same, seconded by Comm Bridges.

Town Manager Dunham stated that he was very happy with the agreement with Municipal Code Corp.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4.

Resolutions

10. Resolution No. 99-16; Authorize Execution of Joint Project Agreement to Install Outfall Pipe at Island Drive from SR A1A to the Intracoastal Waterway for Joint Use with the Florida Dept. of Transportation By Gregory L. Dunham, Town Manager

Town Clerk Hancsak read Resolution No. 99-16 by title only.

Town Manager Dunham explained that there was one change from the copy of the agreement the Commissioners received a week ago and that change extends any warranties or guarantees given to FDOT to the Town.

Comm Kaleel moved to approve Resolution No. 99-16, seconded by Comm Bingham.

Comm Bingham questioned whose right-of-way the pipe was in to which Town Manager Dunham advised that it was the town's. Town Manager Dunham explained that he was planning on hiring an engineer as well to consult for the town on the project. He explained that they would be closing the existing pipe and installing the new one next to it.

Comm Kaleel stated that he would like to see DOT maintain responsibility for the pipe for the first year or two and/or that the warranty from the contractor include one or two year's maintenance.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4.

FIRST READING OF ORDINANCES

11. No. 521; Amending the Code of Ordinances at Chapter 26, Article XIV, Nonconforming and Grandfathered Uses, Creating an Oceanview Special Area for Certain Small Lots; Creating a Town Floor Area Ratio Overlay

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for Residential Lots of Less than 7,500 Square Feet (ADDITIONAL
CHANGES)

Town Clerk Hancsak read Ordinance No. 521 by title only.

Comm Kaleel moved to adopt Ordinance No. 521, seconded by Comm Bingham.

Comm Kaleel questioned if this ordinance settled the density issue to which Interim Atty Spillias replied that it did with the added language on pages 2 and 4.

Comm Kaleel questioned if an architectural review could be set up for this new area to which Interim Atty Spillias stated that they would have to create a rationale for why it would be needed for only this area and that he would have to research that issue. Comm Bridges stated that he would be in favor of an architectural review for the whole town. There was no further discussion.

There was no public comment.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4.

12. No. 522; Amending the Code of Ordinances at Chapter 26, Article III, by Adding a new Section 26-49, Regarding Underground Location of Utility Service Lines

Town Clerk Hancsak read Ordinance No. 522 by title only.

Town Manager Dunham stated this was as a result of a suggestion from Comm Stamos and would require underground utilities for new construction or substantial improvement and he read the definition of substantial improvement from the code.

Comm Kaleel inquired what the typical cost would be for a residence to which Town Manager Dunham stated that it would be between \$150 and \$300 for electric, phone and cable.

Comm Bridges suggested that “appraised value” be changed to “assessed value” for the definition of substantial improvement so appraisals would not have to be done for permits. Comm Kaleel agreed suggesting that market value be defined as the property appraiser's assessed value.

It was the consensus of the Town Commission to defer first reading of this ordinance until the October 4th meeting so it can be reviewed.

13. No. 523; Amending The Code of Ordinances at Chapter 2, Article VI, Finance, Division 2. Fees, Providing an Official Filing Fee and Deposit

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Against Extraordinary Costs and Expense for Application for
Administrative Variances, Increasing the Deposit Against Extraordinary
Costs and Expenses for Applications and Petitions for the Town
Commission, the Planning and Zoning Commission, the Zoning Board of
Adjustment and the Construction Board of Appeals

Town Clerk Hancsak read Ordinance No. 523 by title only.

Town Clerk Hancsak advised that this ordinance would apply a fee to the new
administrative variance and it increases the deposit for costs for all variances.

Comm Kaleel moved to approve Ordinance No. 523, seconded by Comm Bingham.

Comm Bridges questioned if the town is making money from these fees to which Town
Clerk Hancsak explained that there is a \$100 filing fee and all other money is for related
expenses such as postage and newspaper ads. Comm Kaleel stated that the town needed
to review its fee schedule to assess if a higher fee is needed. Town Manager Dunham
stated that the staff would do a fee survey. Interim Atty Spillias advised that a fee can
only be equal to or less than the cost of the actual work behind the variance otherwise it
would be considered a tax.

There was no public comment.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4.

Second Reading of Ordinances

None

Town Commission Comments

14. Discuss Zoning Regulations By: Comm Bridges

Comm Bridges advised that he had discussed this under item #7.

15. Discuss Invasive Plants as Hedges By: Comm Bingham

Comm Bingham stated that the invasive species are growing over the sidewalk. She
suggested that a hedge height limit be placed on invasives especially ficus to prevent
them from growing into the rights-of-way. She stated that the roots can grow out of
control and also extend into neighboring yards. Comm Bridges stated that he felt
ensuring that hedges do not grow into trees would be a matter of enforcement. Town
Manager Dunham explained that currently the only hedge limit is on Australian Pine

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hedges and the Town Commission would either have to add other invasive species to that limitation or limit all hedge heights.

Mayor Aaskov suggested that the Town Manager look to the code for any references to vegetation growing out over the sidewalk to which he said that he would.

Comm Kaleel advised that there will be a seminar in Ft. Lauderdale at FAU for land use and zoning issues for public officials. He suggested that the members of the Board of Adjustment and Planning and Zoning Commission be invited to attend. Town Clerk Hancsak advised that she would contact the committee members.

Town Manager Dunham stated that he was proud of the staff in their preparations for Hurricane Floyd. He stated that it wasn't until 4PM that the Town was told that there would be an evacuation for 7PM. He added that he felt it was a good exercise for the staff and that he is very confident in their ability for this and any future emergencies.

Adjournment

The meeting was adjourned at 6:45 PM.

Mayor Aaskov

Commissioner Bingham

Commissioner Bridges

Commissioner Kaleel

Attest By:

Town Clerk