

Regular Meeting of the Town Commission of the Town of Ocean Ridge held on Monday, May 7, 2001 in the Town Hall Meeting Chambers at 6:30 PM.

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

Commissioner Aaskov	Commissioner Bingham
Commissioner Bridges	Commissioner Willens
Mayor Kaleel	

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham stated that she would like to remove item #9 from the consent agenda and discuss it as the first item under actions and reports and that she would also like to add item #20 to discuss the 50' of Town property south of the Boynton Beach dune.

Atty Spillias stated that he had a correction to the minutes from April 2, 2001. He stated that on the first page, fifth paragraph, it should state a ninety-nine year lease and not a ninety year lease.

Comm Bridges stated that he would like to add an item #21 regarding frivolous structures in the setback.

Consent Agenda

1. Minutes of the Town Commission Meeting of April 2, 2001
2. Minutes of Special Commission Meeting of April 27, 2001
3. Request for thirty day extension of Code Enforcement action regarding dune trimming modification at 6301 N Ocean Blvd. By: Gregory L. Dunham, Town Manager
4. Authorize additional funding to Independence Plants, Inc. for inspection and acceptance of the Ocean Ave. Bridge landscaping project in an amount not to exceed \$715.00 from budgeted funds
5. Authorize \$1,650 from the contingency account for emergency roof repairs to the police lobby entrance
6. Authorize Lewis, Longman & Walker, PA for total re-write of Code of Ordinances in an amount not to exceed \$35,000 from the contingency account
7. Permission request for creation of obstruction in Edith Street right-of-way – Greg Young, new proposed home at 15 Hudson Ave. (Postponed item)
8. Request for Code Enforcement lien reduction for 5907 N Ocean Blvd. – Atty Blasi, representing Florida Family Mutual Insurance Company (Postponed item)

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Comm Aaskov moved to approve the consent agenda as amended, seconded by Comm Bridges.

Motion carried – yea 5.

Announcements and Proclamations

10. The administrative office will be closed Monday, May 28, 2001 for the official holiday
11. Proclamation that the month of May be declared as Civility Month

Public Comment

None

Regular Agenda

Actions and Reports

9. Action to fill appointments to Planning and Zoning Commission

Comm Willens moved to appoint the members as proposed (approving the same three regular members of Ward Northrup, Peggy Smith and Craig Baskin and approving Mauro Walker and Luis Vinas as the alternate members), seconded by Comm Bingham.

Motion carried – yea 5.

Comm Bingham stated that she felt the public should be aware of who is approved as board members and that these items should not be placed on the consent agenda.

12. Request for Code Enforcement lien reduction By: Carl Forbes, 32 Spanish River Drive

Carl Forbes, Coral Springs, stated that in November 2000, he purchased three lots in the Inlet Cay Subdivision including 32 Spanish River Drive and an adjacent lot. He stated that he felt the title company did not complete their due diligence in discovering a code enforcement lien on the property. He advised that he engineered the plans to correct the violations on the property and paid the administrative fees involved in the Code Enforcement hearing. He explained that the tenant on the property, Ed Garnett, erected the fence and gates across the easement and placed rock in the swale area.

Comm Aaskov asked if he would have recourse against the title company to which Mr. Forbes replied that his attorney had recommended that he request a lien reduction before taking action against the title company. Town Manager Dunham advised that the Code Enforcement hearing in which the Special Master gave the fine was in January after the purchase of the property.

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Town Clerk Hancsak advised that attempts were made to notify both Ed Garnett and James Geiger of the Code Enforcement hearing in January. She stated that James Geiger was still listed at the time as the owner by the Palm Beach County Property Appraiser's Office. She explained that delivery was attempted three times for the certified letter to Mr. Garnett and returned unclaimed and the certified letter to Mr. Geiger was returned for forwarding order expired. She stated that the Special Master was made aware at the January meeting that there may be a new owner. Special Master Torcivia advised the Town staff at the time that in accordance with Ordinance No. 530, it would be the responsibility of Mr. Geiger and/or Mr. Garnett (being the tenant) to inform any new owner of a violation.

Comm Aaskov stated that she would be opposed to reducing the fine as the problems with this property have taken a lot of time from the Department of Public Safety.

Comm Aaskov moved that the lien on the property at 32 Spanish River Drive not be reduced, seconded by Comm Bridges.

Comm Bridges suggested that Mr. Forbes take action against the title company for not informing him of the lien to which Town Clerk Hancsak reminded him that this lien was not imposed at the time of the purchase of the property. Mayor Kaleel advised that at the time of the sale of the property, the owner would have signed an affidavit stating that there is nothing pending against the property which may cause fines. He stated that the previous owner misrepresented the sale of the property.

Roll call was taken on Comm Aaskov's motion.

Motion carried – yea 5.

13. Request for release of unity of title By: Carl Forbes, 32 Spanish River Drive

Town Manager Dunham suggested that the "Partial" release of Unity of Title be contingent on the satisfaction of any liens on all three parcels, the removal of the dock within a time certain with a surety bond of \$3,000 to the Town in the event the dock was not removed.

Mayor Kaleel stated that he did not see why a partial release would be necessary and suggested that the fines be paid and the dock removed before the unity of title is released.

Comm Bridges moved that the unity of title be released once the fines have been paid and the dock removed from Inlet Cay Lot 44, seconded by Comm Willens.

Motion carried – yea 5.

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14. Permission request for creation of obstruction of fence in right-of-way at 36 Sabal Island Drive – Digby and Gay Bridges

Comm Bridges stepped down from the podium for this item because of the conflict of interest. Town Clerk Hancsak advised that a voter's conflict form would be prepared for his signature.

Gay Bridges, 36 Sabal Island Drive, stated that they would like to erect a fence which would be 11' into the Town's right-of-way otherwise the fence would be very uneven and unattractive. She advised that both neighbors have vegetation in the right-of-way. She stated that the fence would be a white, Bermuda picket fence.

Comm Bingham asked if there was a swale in that right-of-way to which Town Manager Dunham stated that the fence would not be going through the low point of the swale.

Comm Willens moved to approve the request contingent upon the applicant's knowledge that if the Town needs the right-of-way at any time, the applicant will be required to remove the obstruction, seconded by Comm Aaskov.

Mayor Kaleel suggested that the applicant provide an indemnity provision to which Atty Spillias stated that it is part of the standard agreement for temporary use of a Town right-of-way.

Town Clerk Hancsak clarified that Comm Willens could make the motion in this case as he had to excuse himself from all discussions relating to Ordinance No. 528 which discusses obstructions in the right-of-way to which Atty Spillias advised that Comm Willens could make the motion as he would not benefit from its approval.

Roll call was taken on Comm Willens' motion.

Motion carried – yea 4 (Bridges abstain).

15. Designating voting delegates and alternates for the Palm Beach County League of Cities, Inc. By: Gregory L. Dunham, Town Manager

Town Manager Dunham recommended that the Town appoint Mayor Kaleel as the Town's voting delegate to the Palm Beach County League of Cities and the rest of the Commissioners and the Town Manager as the alternates so that the Town would always have a delegate present at the meetings.

Comm Bridges moved that Mayor Kaleel be appointed as the Town's voting delegate to the Palm Beach County League of Cities with the other Commissioners and the Town Manager as alternates, seconded by Comm Aaskov.

Motion carried – yea 5.

16. Discuss the purchase of Mosquito Magnets By: Comm Willens

Comm Willens suggested that the Town staff coordinate with the retailer of the Mosquito Magnet for purchases by the Ocean Ridge residents. Town Manager Dunham stated that the staff who work in the area behind the Town Hall have noticed a difference with the use of the Mosquito Magnet although two machines would really be needed for an area of that size.

David Vickers, DAK Industries, was present at the meeting to answer any questions regarding the machine.

Mayor Kaleel stated that there are some units on the south end of Town which are different from the one being used behind the Town Hall to which Mr. Vickers explained that those in the south end are the residential units. He stated that they would be better for use up north where there is less salt in the air and that he would recommend the commercial unit for this area. He advised that there is a one-year warranty with a forty-five day money back guarantee (less a 25% restocking charge).

Comm Bingham asked if the catch rate decreases over time to which Mr. Vickers stated that it would as the unit decreases the female population.

Dave Berger, 45 Bimini Cove Drive, questioned how the units work to which Mr. Vickers explained that they burn propane into CO₂ which attracts the bugs to the unit and eliminates them. Mr. Berger asked if there was any danger in using the unit to which Mr. Vickers explained that there was none as it produced no heat, noise or smell and even if it fell over, it would turn itself off.

Mayor Kaleel stated that the issue was brought up to see if the residents of Ocean Ridge could get a discount and suggested that Mr. Vickers meet with the Town Manager to see what could be worked out. Mr. Vickers stated that he would not be able to give a good idea of any type of discount possible unless he had an idea of the quantity of units that would be purchased.

17. Discuss Adelphia Cable Service

Mike Ligouri, General Manager for Adelphia Cable, was present at the meeting.

Mayor Kaleel stated that the residents are having lots of problems with the service being given to the Town. Comm Bridges stated that he felt the service was appalling. Comm Willens added that he felt the quality of the signal was terrible.

Comm Aaskov stated that she knows that Adelphia is rewiring the Town and questioned why the entire Town had to be completed before any upgrades could take place. Mr. Ligouri responded by stating that they were currently waiting for more fiber optic cable to finish the Town adding that the new cable would allow for fewer houses to be effected when the line goes down.

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Comm Aaskov stated that she had a bill for \$611 in irrigation repairs that had to be made at one of the condos for damage done by the cable company when putting in the new lines. She questioned if Mr. Ligouri could help with reimbursement for these repairs to which he stated he could and asked for a copy of the bill.

Mayor Kaleel stated that he felt the Town should look into its own cable service and omit Adelphia's service from the Town. He suggested that the Town Manager research opening the Town's cable to competition. Atty Spillias advised that the current agreement with Adelphia was until 2006 and that now would be the right time to look into other options.

Comm Willens moved that Town Manager Dunham proceed with inquiries into various options to the current cable service, seconded by Comm Bingham.

Comm Bingham stated that she would also like a way to control the subcontractors of the cable company who are destroying property in Town and a swift way to resolve the problems. Mayor Kaleel stated that when something happens with a sub contractor, the resident should inform the Town Manager who will inform Adelphia Cable of the problem and monitor the response. Director Hillery stated that those who have been damaged have been contacting the Department of Public Safety and filling out a report to document the damage.

Mayor Kaleel stated that the Town Commission would revisit this issue in ninety days.

Roll call was taken on Comm Willens' motion.

Motion carried – yea 5.

Rich Lucibella, 7 Beachway N, stated that the service provided by Adelphia is terrible for cable modem users also. He advised that the technology in the modems is a decade behind and it is only a one way cable modem which requires that he still use a phone line to send information out from his computer. He added that the service has been down for most of the past two weeks.

Resolutions

None

First Reading of Ordinances

18. No. 533; Amending the Code of Ordinances at Chapter 2, Administration, Article VI, Finance, Division 1, Generally, Section 2-216, Establishing a purchasing and bidding threshold for the purchase of commodities and/or contractual services

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Mayor Kaleel read Ordinance No. 533 by title only.

Town Manager Dunham explained that the ordinance would increase the spending threshold for the Town Manager from \$2,000 to \$10,000 for budgeted items. He stated that the \$2,000 limit was set in 1976. He added that this limit slows down some purchases.

Comm Willens moved to approve Ordinance No. 533 on first reading, seconded by Comm Bingham.

Motion carried – yea 5.

19. No. 534; Amending Chapter 16, Code Enforcement, Article II, Supplemental Code Enforcement Procedures, Section 16-24 of the Code of Ordinances, establishing a schedule of fines for Code Enforcement citations

Mayor Kaleel read Ordinance No. 534 by title only.

Town Manager Dunham stated that this ordinance would allow Public Safety Officers to write instant citations for code enforcement violations or allow the violation to go before the Special Master.

Comm Bridges moved to approve Ordinance No. 534 by title only, seconded by Comm Aaskov.

Earl Jones, 14 Sailfish Lane, reminded the Town Commission that he was never in favor of the use of the Special Master and now he was against this ordinance which would give the individual officers the ability to write citations against the residents. He stated that he thought the ordinance was unfair. Atty Spillias stated that the officers already have the ability to write citations and this ordinance would just control the amount of the fines. He stated that someone receiving a fine could still protest it in County Court similar to traffic tickets.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 5.

Second Reading, Public Hearing and Adoption of Ordinances

None

Town Commission Comments

20. Town Owned 50' Property Adjacent to Boynton Beach Dunes By: Comm Bingham

Comm Bingham stated that Boynton Beach had cleared an area of the dune where they bring their beach cleaning equipment onto the beach on the Town owned property. Town Manager Dunham stated this area has always been used for beach access by the County (for turtle patrol) and Boynton Beach. Director Hillery stated that the area is also used by the Ocean Ridge Department of Public Safety for beach access using the ATV. Mayor Kaleel stated that he felt there was a northern access used until the beach restoration began and perhaps they could use that again now that the restoration has been completed. He suggested that Town Manager Dunham speak to those using the access and see what are the alternatives.

Comm Bingham stated that there has been a picnic table and burner added in the area by Boynton Beach and they have also built up one area so high that it is possible to look over the wall into the neighboring yard. Mayor Kaleel stated that the Town Manager and Director would look into these issues and bring back their findings and alternatives to the Town Commission.

21. Structures in the setback By: Comm Bridges

Comm Bridges stated that he felt this was an issue that the Planning and Zoning Commission could review. He explained that he would like to place an arch over the gate of the fence that he was constructing, but that he wouldn't be allowed under the current code, as the arch would be higher than 4' even though it was merely an enhancing architectural feature. He added that the Planning and Zoning Commission could also review the issue of gazebos which are currently not permitted in the setback areas. Mayor Kaleel agreed adding that some landscape and architectural structures should be encouraged.

It was the consensus of the Town Commission to present this issue to the Planning and Zoning Commission for their review and recommendations.

Adjournment

The meeting was adjourned at 7:35 PM.

Attest:

Town Clerk

Mayor Kaleel

Commissioner Aaskov

Commissioner Bingham

Commissioner Bridges

Commissioner Willens