

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 7, 2002 at 6:30 PM in the Town Hall Meeting Chambers

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

Commissioner Aaskov  
Commissioner Willens

Commissioner Bingham  
Mayor Kaleel

It was noted for the record that Commission Schulte was absent with notice.

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Aaskov stated that she would like to add an item #10 regarding the code re-write.

Atty Spillias advised that he would like to add an item #11 regarding an executive session.

Mayor Kaleel advised that he would like to add an item #12 regarding the Light the Lights for this year.

Consent Agenda

1. Minutes of the Public Hearing and Town Commission Meeting of September 10, 2002
2. Minutes of the Special Town Commission Meeting September 17, 2002
3. Authorize Shalloway, Foy, Rayman and Newell to develop the GIS System for the Town from budgeted funds By: Kathleen M. Dailey, Town Manager
4. Authorize evaluation study regarding the three alleys and Edith Street in Boynton Beach Park Subdivision in an amount not to exceed \$3250 from contingency account By: Kathleen M. Dailey, Town Manager

Comm Bingham stated that she would like page 6 on the September 10, 2002 minutes to reflect that she stated that if the Gumbo Limbo trees could not be saved on the property, they should be moved or mitigated.

Comm Bingham moved to approve the minutes as amended above, seconded by Comm Aaskov.

Motion carried - yea 4.

Announcements and Proclamations

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5. Administrative Offices will be closed for the official holiday on Monday, October 14, 2002
6. Proclamation celebrating 100 years of service for the Children's Home Society
7. Proclamation declaring November 2002 as National Epilepsy Awareness Month

Mayor Kaleel read the above announcements.

### Public Comment

Earl Jones, 14 Sailfish Lane, stated that there is a house under construction in Town in which he believes the second floor to be over 100% of the floor area of the first floor. He stated that this illustrates how much help the staff needs in their zoning. He advised that he is on the Board of Adjustment which recently denied an application to a resident who wanted to add more living space to their second floor on the basis that it did not meet the hardship requirements and that the applicant would have something that is not available to other residents. He stated that this application was for a residence across the street from the home under construction which in his opinion, was approved with a 100%+ second floor to first floor ratio. He concluded that he believes the applicant should receive a re-hearing.

Atty Spillias stated that part of the code was ambiguous on how a garage area should be interpreted like it was on the house in question and will be corrected in the code revisions. He added that it would also help to have a professional zoning official on staff for review of plans.

Betty Kelso, 16 Sailfish Lane, stated that the trees across from the Capri hang very low down over the road and suggested that there be a minimum height overhang requirement for seagrapes.

Bruce Gimmy, 12 Ocean Ave., stated that he has a problem with noisy motorcycles driving in Town. Atty Spillias advised that the difficulty in enforcing a noise ordinance is that the equipment and maintenance necessary is expensive and that an officer has to be there at the time of the violation. Jerry MaGruder, 9 Ridge Blvd., stated that she also felt the noise from the motorcycles was horrendous and suggested writing more citations and getting the media involved.

Patrick Savage, Ocean Terrace Condo, stated that two new "Children at Play" signs were posted near his residence at the request of other residents. He stated that he felt there were too many signs already in Town. Mayor Kaleel stated that there is a company in Sarasota that makes portable signs that parents could place in their yards when the children are playing and that staff would look into this issue.

### Regular Agenda

Actions and Reports

8. Designate member in the PBC Intergovernmental Coordination Program – Clearinghouse By: Kathleen M. Dailey, Town Manager

Comm Aaskov suggested that Town Manager Dailey be the member to which Town Manager Dailey stated that the Town actually needs two representatives, one who can speak on behalf of the Town at the Issues Forum and the other who can object on behalf of the Town to Final Forum.

Comm Aaskov moved that Comm Willens be the member who can speak on behalf of the Town at the Issues Forum and Town Manager Dailey be the member who can object plan amendments, seconded by Comm Bingham.

Motion carried - yea 4.

9. Discuss Building Official and Zoning Administration Contract By: Kathleen M. Dailey, Town Manager

Town Manager Dailey advised that upon reviewing the contract with the County, the Town would have to keep the current arrangement until September 2003 with notification of cancellation by April 2003. She stated that she needed direction on whether to hire Hy-Byrd for zoning review for now and if they wanted the County notified of the Town's intent to cancel the contract after September 2003. Comm Bingham questioned what the cost would be for zoning review to which Town Manager Dailey advised that it would be \$250 a week adding that Hy-Byrd would also be able to help with the code revisions.

Mayor Kaleel stated that he would like to have a certain time period to see if the company can perform up to the expectations of the Town Commission to which Town Manager Dailey suggested a contract until the end of the fiscal year which could be cancelled with thirty days notice.

Atty Spillias advised that the contract approval could be included before the executive session meeting so as not to have to wait until the November meeting.

It was the consensus of the Commission to bring back a contract with Hy-Byrd Inc. at the next Commission meeting.

10. Code Re-Write

Mayor Kaleel stated that the Town Commission just had a meeting to go through the code page by page trying to correct shortfalls and close loopholes. He advised that some of the changes were that variances to the FFE would go before the Board of Adjustment now instead of the Town Commission and that there would be no more variances necessary for construction east of the CCCL which already must receive state approval.

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He stated that they anticipated first reading of the new code to be in December and questioned what the Town Commission wanted to do about the building permits between now and the approval of the new code.

Atty Spillias advised that the Town Commission could declare a zoning in progress to hold building permits until the code re-write is completed. He suggested that the Commissioners declare a zoning in progress and he would bring back a resolution to the November meeting.

Comm Bingham moved to declare a zoning in progress and have the Town Attorney bring a resolution back to the November meeting.

Atty Spillias advised that this would apply to all permits which are not currently in the "approval pipeline."

Comm Aaskov seconded Comm Bingham's motion.

Atty Spillias advised that the zoning in progress would apply to all new construction, additions and renovations.

Rich Lucibella, 5 Beachway N, questioned if only a notice of a moratorium could be given at this meeting until the November 4<sup>th</sup> meeting as opposed to a zoning in progress. He also questioned if the residents could read a copy of the changes thus far in the code revisions to which he was told that any resident could get a copy if they requested one.

Atty Spillias advised that the Town could still have a zoning in progress and except out any permits that have only to do with the Florida Technical Building Codes such as an a/c changeout and reroof.

Comm Bingham amended her motion to except out all permits from the zoning in progress that have only to do with the Florida Technical Building Code, seconded by Comm Aaskov.

Mrs. Kelso stated that when a moratorium was previously discussed, it was not done because of the uncertainty of when the code revisions would be completed. She stated that it could possibly be four months before the code re-write is approved. Mayor Kaleel stated that it would be four months that the Town is not approving permits which are not consistent with the intent of the code. Mrs. Kelso stated that she felt the Town should wait a short while so that they can still accept those permits which are close to application.

Mr. Jones questioned if people would be allowed to apply for permits which are required by law such as pool fences to which he was told that those permits would still be accepted.

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Mayor Kaleel stated that while he agreed with Mrs. Kelso, he felt the Town Commission was very close with the necessary changes right now and that the zoning in progress was a good idea. He stated that he felt there have been many permits which have “skated” the code.

James Bonfiglio, 5615 N Ocean Blvd., questioned if they could make the zoning in progress effective in a week to which Mayor Kaleel stated that the delay would defeat the purpose.

Atty Spillias stated that at the November meeting, the Town Commission will decide how long to extend their decision, if at all, and when it would expire.

Mr. Bonfiglio clarified that the Planning and Zoning Commission would meet to review the draft before the first reading by the Town Commission. Mayor Kaleel stated that he would like the Planning and Zoning Commission to have their draft by early November.

Roll call was taken on Comm Bingham’s motion.

Motion carried - yea 4.

11. Executive Session

Atty Spillias stated that he would need an executive session to discuss the Sivitilli, 5011 N. Ocean Blvd., issue. Mayor Kaleel advised that the meeting would be October 11, 2002 at 8:00 AM. Atty Spillias advised that they could also put the contract for zoning services on the agenda after the executive session.

12. Light the Lights 2002

Mayor Kaleel advised that the Town would be having a BBQ and picnic again like the previous year for the Anniversary Party. Comm Aaskov stated that the date of the event would be December 6<sup>th</sup>. Mayor Kaleel suggested that the Commissioners also look for sponsors for the event.

Adjournment

The meeting was adjourned at 7:50 PM.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Aaskov

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Commissioner Bingham

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Commissioner Willens