

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 4, 2005 at 6:00 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 Allison
Commissioner Hogan

Commissioner Bingham

Mayor Kaleel

Comm Pugh was absent with notice.

Pledge of Allegiance

Mayor Kaleel requested to switch the order of items 4 & 5, and also to remove item 10, regarding a regular appointment to the Board of Adjustment & item 11, discussion regarding Recreation and Beach Committees.

Mayor Kaleel also advised that the Town Hall Open Meeting scheduled for April 12th would have to be rescheduled because there is a meeting scheduled for the south phase drainage project.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of March 7, 2005
2. Authorize Fee Increase for Special Master/Hearing Officer Effective Oct. 1, 2005

Comm Bingham moved to approve the agenda and consent agenda as amended, seconded by Comm Allison.

Motion carried - yea 4.

Announcements and Proclamations

3. Town Commission will hold an Open Town Hall Meeting on Tuesday, April 12, 2005 from 6:00 PM to 7:30 PM
- 3.a Proclamation Declaring Week of April 10-16, 2005 as "VICTIMS' RIGHTS WEEK IN PALM BEACH COUNTY"

Mayor Kaleel read the above announcements.

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Public Comment

George Bierlin, 26 Hudson Ave., asked Chief Hillery to speak about the fire that occurred at the Ocean Ridge Yacht Club. Chief Hillery advised that the City of Boynton Beach now handles the fire department and a report could be obtained from them.

Public Hearings

5. An application submitted by Marcia & Steven Rayman, 6155 N. Ocean Blvd., Ocean Ridge FL 3343, requesting a development permit from the provisions of the Land Development Code, Chapter 67; Buildings and Building Regulations, Article 2; Coastal Construction, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback Line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a 1st and 2nd story addition to western portion of the home consisting of expanding a small bedroom and bathroom and constructing a library, a home office, and a powder room that would extend 59.5' east of the CCCL and also a 2nd story addition of a new exercise room that would extend 146' east of the CCCL at 6155 N Ocean Blvd. or legally described as Lots 6,7 and north 26' of Lot 8, Blk 3, Boynton Sub Amended Subdivision (exact legal description located in the Clerk's Office)

Atty Spillias requested that anyone speaking in regards to the application be sworn in.

Architect Douglas Root stated that his clients Mr. & Mrs. Rayman were requesting to build an addition east of the coastal construction line for an office and an exercise room at 6155 N Ocean Blvd. He added that the addition would not be extending any further east than the existing structure and would be remaining within the existing footprint.

Comm Bingham questioned if any of the proposed building would be encroaching on any setback lines. Mr. Root advised that it would only be crossing the coastal construction line. Comm Bingham also suggested that the office addition be referred to as a den.

Comm Hogan moved to approve the request for a development permit for construction of an addition east of the coastal construction line, seconded by Comm Allison.

Motion carried - yea 4.

4. An application submitted by Digby Bridges, Marsh & Assoc., Inc., 124 NE 5th Ave., Delray Beach, FL 33483, representing owner, Brian Fitzgerald, requesting a development permit from the provisions of the Land Development Code, Chapter 67; Buildings and Building Regulations, Article 2; Coastal Construction, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a one story addition to the master bedroom extending 61.89' east of the Coastal

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Construction Control Line (CCCL) and an addition to the living room that would extend 104.26' east of the CCCL at 6845 N. Ocean Blvd., Unit 4N & 5N or legally described as the north 195.58' of the south 4153.93' of Acreage Section 22 (exact legal description located in the Clerk's Office)

Mark Marsh, Digby Bridges and Marsh, stated that his clients were requesting an addition and expansion east of the coastal construction line at 6845 N Ocean Blvd, Unit 4N.

Comm Hogan moved to approve the request for a development permit for an addition and expansion east of the coastal construction line at 6845 N Ocean Blvd, Unit 4N, seconded by Comm Bingham.

Motion carried - yea 4.

Regular Agenda

Reports

6. Town Manager

Manager Mathis advised that the South Phase Drainage project was ready to begin and that Chaz Equipment Co. has a notice to proceed on April 18, 2005. Manager Mathis stated that A Classy Cut has made several landscaping improvements and were doing a tremendous job.

Comm Bingham questioned when the new signs would be complete. Manager Mathis stated that Old Ocean is finished and the signs will begin to be installed from the North to South end of Town.

7. Town Attorney

Atty Spillias stated that the Special Master Hearing for the Abercrombie case was very extensive. He advised that the Attorney's were asked to submit written closing arguments by the end of the month.

Public Comment

David Berger, 45 Bimini Cove Dr., asked Atty Spillias what the outcome of the Special Master Hearing was regarding the Abercrombie case. Atty Spillias advised that no decision was made yet.

8. Police Chief

Chief Hillery advised that the police department is preparing for the next hurricane season by making sure roof tiles are secured and fences were repaired. He suggested that the residents be prepared and proactive to avoid problems.

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Mayor Kaleel questioned if the Chief spoke with any of the residents regarding the fire at the Yacht Club. Chief Hillery mentioned that this was the first fire in Town since the City of Boynton Beach became the Fire Department. He also mentioned there were positive lessons learned. Mayor Kaleel also thanked the City of Boynton Beach Fire Department.

Public Comment

Mark Marsh, 14 Hudson Ave., questioned if a list of contractors who are certified to cut trees near powerlines could be made available. Mayor Kaleel stated that the information would be obtained from FPL when they conduct an audit of areas that need to be trimmed.

9. Town Engineer (SFRN, Inc.) – Drainage Update

Engineer Tropepe stated that the South Phase drainage construction is scheduled to begin April 18th. She also advised that there is 5 weeks left in the legislative session for the Lake Worth Lagoon Grant and that she will keep the Commission updated. Engineer Tropepe also mentioned that a red valve will be installed on Spanish River Drive and described the functions of the red valve. Manager Mathis added that the Town has contracted with Barnacle Busters to clean and maintain the other red valves in Town to keep up with the drainage.

Action Items

12. Appoint Commissioner to the Palm Beach Countywide Coastal Council By: D. Bill Mathis, Town Manager

Comm Bingham and Comm Hogan both volunteered for the Palm Beach Countywide Coastal Council.

There was a consensus to nominate Comm Bingham with Comm Hogan as an alternate to the Palm Beach Countywide Coastal Council and to remove Manager Mathis as an alternate.

Resolutions

13. Ocean Ridge Resolution No. 2005-09; Declaring the public necessity of providing for a process to rebut the presumption of prejudice from ex parte communications

Atty Spillias explained the Resolution and stated that the procedure is not changing. He stated that the resolution pertains to Commissioners having discussions or visiting sites with applicants. Comm Allison questioned if it was beneficial to Commissioners to visit sites or have discussions with applicants. Atty Spillias stated that the law does not require that sites be visited or discussions be made with applicants but that you can acknowledge that you can make a decision based on facts presented.

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Comm Bingham moved to approve Resolution No. 2005-09, declaring the public necessity of providing for a process to rebut the presumption of prejudice from ex parte communications, seconded by Comm Allison.

Motion carried - yea 4.

First Reading of Ordinances

14. Ordinance #555; Amending Chapter 66 of the Code of Ordinances, Environmental Regulations, by Amending Division 3, Section 66-151, Tree Permits, By adding a New Subsection 66-151(b)(7), Providing for Trimming and Maintenance of Trees Adjacent to Overhead and Utility Lines

Atty Spillias stated that the ordinance was incorporating the guidelines from Florida Power & Light. He explained that the ordinance would only be a guideline to what types of trees and plants are better to plant near power lines and to make sure trees are trimmed and not obstructing power lines.

Comm Allison questioned if the ordinance would refer to existing trees and Atty Spillias advised that it could.

Public Comment

George Bierlin, 26 Hudson Ave., stated that the Commission was considering an ordinance that they have not enforced themselves. He mentioned that there are still Australian Pines located in the right-of-way near his home that he requested be removed. Mr. Bierlin did not feel that the Commission should not put additional boundaries on residents.

Justus Brown, 39 Coconut Lane, questioned if there was a height limit on trees and he was advised that the only height limitation is for Australian Pines.

Comm Bingham moved to approve Ordinance #555 on first reading, seconded by Comm Hogan.

Motion carried - yea 4.

Town Commission Comments

15. Report on the Successful Citizen Advisory Board Training Seminar By:
Comm Allison

Comm Allison advised that Florida League of Cities held a day long seminar on Successful Citizen Advisory Boards that she and Comm Hogan attended on April 1st. She summarized the points of interest and felt the seminar was very informative.

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Comm Bingham mentioned that usually elected Boards receive a book on the sunshine law that has a lot of good information and guidelines. She also objected to the way boards are chosen and felt that resumes should be submitted and a ballot be written for a vote.

Public Comment

Lothar Mayer, 6009 Old Ocean Blvd, questioned what the purpose of the concrete groins were that lead towards the ocean. Mayor Kaleel advised that they help prevent beach erosion and save enormous amounts of sand. Mr. Mayer questioned if some of the older groins that were put in by residents still had a purpose. Mayor Kaleel suggested that Mr. Mayer have an expert look at the groin and review it.

Sheryl Mendel, 25 Douglas Drive., stated that there is a problem with speeding on her street and she has been placing a portable sign out daily to calm traffic while her child plays outside. She stated that an officer came to her house and was rude when he advised her that it was a violation to put the sign out. Mayor Kaleel suggested putting the small truck markers or cones out while children are playing because it draws attention to the area and slows traffic.

Meeting adjourned at 7:15 PM

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Hogan

Commissioner Pugh