

REGULAR TOWN COMMISSION MEETING HELD OCTOBER 03, 2005

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 3, 2005 at 6:00PM 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 Bingham
Mayor Kaleel
Commissioner Hogan
Commissioner Pugh

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham requested to pull item #4 as item #9. She requested to also add Ocean Avenue Landscaping as item #18, and Issues Forum as item #19.

Comm Allison requested to leave at sundown to observe the holiday.

Comm Hogan requested to discuss a letter she received from the City of Boynton asking to serve on a committee as #20.

Mayor Kaleel suggested moving the security signs draft ordinance (#10) to the Consent Agenda. The Commission concurred.

CONSENT AGENDA

1. Minutes of Public Hearing/Regular Town Commission Meeting of Sept. 6, 2005
2. Minutes of the Final Budget/Executive Session Meeting of Sept. 13, 2005
3. Authorize the Mayor and Town Clerk to Executive Garbage/Trash Liens and Record Same
10. Discuss recommendation of P & Z Commission Regarding Permitting Security Signs

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

ANNNOUCEMENTS AND PROCLAMATIONS

5. Mayor Kaleel announced that the administrative offices will be closed on Monday, October 10th, 2005 for the official holiday, Columbus Day.

PUBLIC COMMENT

Ernie Varvarikos, 5582 N.Ocean Blvd, stated that a motion was passed at the Planning & Zoning Commission on Sept. 19th regarding redevelopment, and asked when it was going

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to be brought up by the Town Commission. Atty Spillias advised it would be brought up under his comments.

George Breyer, 4 Coconut Lane, thanked the Commission for trying to find a solution to the flooding on Coconut Lane. He showed recent pictures of the flooded properties on Coconut Lane from recent rains. He requested that the swales be addressed, and also the crest in the middle of the road. He thanked the Town for the work already started on the ROW's. Mayor Kaleel agreed that there is a flooding problem on Coconut Lane and that the town was in the process of addressing it and forming a solution to solve it.

Joe Belmonte, 5572 N. Ocean Blvd, thanked the Town for the Beach Clean-up but advised that four needles and vials of blood had been found at the last clean-up. He was concerned of the danger caused by not having garbage receptacles available on the beach and suggested the tip over cans.

Manager Mathis said that he was told in the past the Town had plastic trash cans that would get caught in high tide and spill over so the new 300-400 lb trash receptacles were placed west of the crossovers.

Comm Bingham mentioned that if needles and such were being found on the beach that it was medical waste that was being dropped off at sea, and those items should be turned in and tracked back to the source.

Mayor Kaleel requested that Manager Mathis price up the cost of the tip over cans.

George Berlin, 26 Hudson Avenue, stated that the drainage on Hudson Avenue was working well, however there were 5 vacant lots that needed to be filled on the South Side. He thought the property owners should be fined as incentive to fill, and it had been a year already. Manager Mathis stated that he was trying to work with two homeowners, and some fill had been dropped off but it was too wet to proceed at that time.

Terry Cudmore, 5 Coconut Lane, asked if there was a resolution from the Special Workshop on September 26th, 2005, and what the next step would be and a time line. Mayor Kaleel said that SFRN was going to address the swales and regrading, and determine where improvements could be accomplished and added that the right-of-ways were being cleared.

6. Town Manager

Manager Mathis gave an update of the Stormwater Drainage Project – South Phase. He advised that A1A will be closed for a week during the month of October between Woolbright Road and Ocean Avenue and that he would be out of state from October 4th, to October 31st.

7. Town Attorney

Atty Spillias gave an update of the Planning & Zoning Meeting on September 19th, 2005. He asked if the town would want to implement a Code Revision that would be an incentive for builders or developers to raise the old motels and change to town homes or multi-family uses that have less density but exceed current code requirements. It was presented to Planning & Zoning as an overlay or amending the Grandfather Code. They recommended density waivers in Plan Residential Zoning Districts rather than straight subdivision changes and explained a legitimate reason must be presented to consider it. Before a drafting is done, he requested a consensus from the Commission. A downside to the waiver: 1) It would require an amendment to the comprehensive plan, which would take a significant amount of time and probably would be done in a regular cycle of the comprehensive plan amendment process. 2) It would be applicable to anyone who has a potential for a PRD in all residential medium density districts. He added that the quickest process to accomplish the goal would be through the grandfathered section of the code.

Comm Bingham mentioned that Planning & Zoning had in the past tried to address this same issue with the town's intention to tear down old motels and build new or to combine lots to build larger single-family homes. Could the code specify only a certain area of town for this new amendment?

Atty Spillias stated that the old motels are scattered all over town and not in just one area. He mentioned that one way that they could keep their grandfather status, was if they reduced the density and at the same time also meet all present zoning codes. He stated that he would come up with three examples of this amendment for the commission to pick from.

James Bonfiglio, 5616 N.Ocean Blvd, said that he was part of the Planning & Zoning Commission and that the choice was difficult because he did not like the overlay. He thought that the town could control density better with the waiver because the town could decide what type of unit was replacing the existing unit.

8. Director of Public Safety

Chief Hillery had nothing to report at this time.

9. Town Engineer.

Engineer Tropepe gave an update of Coconut Lane and advised that since the Sept. 26th meeting they had scheduled crews to go into alleys to determine the encroachments and have them removed. She said the survey crews would shoot elevations in roadway swale areas. She also advised that FEMA had sent a letter requesting further information regarding the FEMA Grant. She added that they are also waiting to see if funding is available for an EPA (319) grant.

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She advised that the South Phase Project is moving as quickly as possible with the least conflict to the homeowners. They started putting in the water line on Tropical. Within the few months they would be in full force. At this time they were approximately 25-30% complete..

A Change Order was presented for the cost of construction delay of 16 days because BellSouth did not relocate their utility lines in a timely manner even after several calls and promises were made. The cost was \$32,000 (\$2000/day).

Mayor Kaleel requested that this cost be billed to BellSouth as it was their fault for the delay. It was decided that a letter would be drafted and signed by the mayor requesting that the town be reimbursed by BellSouth for this delay.

A second Change Order was presented in the amount of \$6168.00. There was an additional survey to reevaluate the 30ft buffer and along A-1-A. This survey was to determine which trees could be kept, and which had to be removed. The cost of that survey was \$1133.00. The cost to mobilize and remobilize was \$5035.00 to selectively clear that area for construction.

Mayor Kaleel said that for \$7000, they could have paid for re-landscaping that area with new trees. He requested that before any other extra monies were spent, to please present it to the Commission first, unless it was an emergency.

Engineer Tropepe stated that there would be no further landscaping issues at all. There was a time extension that the contractor was requesting for an additional 106 days, but at that time she did not recommend that it be approved.

Comm Bingham moved to approve the Change Orders for \$38,168.00. She also moved that a letter be sent to Bell South signed by the Mayor for reimbursement of the \$32,000.00, and seconded by Comm Pugh.

Motion Carried - yea 5.

11. Request to Reimburse Bernd Schulte in the amount of \$2,473.38 for remainder of legal expenses incurred.

Comm Bingham moved to approve the reimbursement of Mr. Schulte in the amount of \$2473.38 from the Contingency Account.

Comm Hogan asked if Atty Spillias had reviewed the bills that were submitted by Mr. Schulte, as it was the taxpayers money, and she wanted to proceed with due diligence. Town Clerk Hancsak reviewed the breakdown of the costs, and stated that part of the money had already been partially reimbursed. Atty Spillias also assured her that the documents were reasonable.

Motion Carried - yea 5.

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12. Discuss Formal Opinion Process in Regards to the Code of Ordinances By:
D. Bill Mathis, Town Manager

Manager Mathis suggested that town employees no longer provide any interpretation or opinion of the codes. He advised that the town would provide a copy of the code if requested by a builder or homeowner. The code could also be found on Municode.com if needed. But if any interpretation was requested, they need to seek legal advice. This will avoid any potential lawsuits of misinterpretations of the code. He also stated that the Town could provide a legal opinion at a cost to the requester.

Comm Bingham motioned the acceptance of a formal opinion process, seconded by Comm Pugh.

Motion Carried - yea 5.

13. Discuss Appointment of Alternate Member to the Board of Adjustment

Clerk Hancsak stated that at this time no one has applied for the position. It was recommended that it appear in the town newspapers publish on our website to recruit someone for the position.

FIRST READING OF ORDINANCES

14. Ordinance No. 560; Amending the Code of Ordinances, Chapter 1, Section 1-3, Amending the Definition of Residential Area and Adding the Definitions of Transient Housing Unit and Vacation Rental or Unit; Amending Chapter 64, Article I, Sections 64-1, 64-2 and 64-4, and Amending Chapter 64, Article II, Section 64-22, Providing for Prohibited Uses in Residential Zoning Districts

Atty Spillias stated that he wanted to add to the resolution a mention of the use of parking spaces for recreational vehicles and mobile homes except as expressly provided for in the Code. This would allow for temporary parking of visiting family members or friends. It would prevent the use of residences for commercial purposes.

Comm Pugh motioned that Ordinance No.560 be approved as amended, seconded by Comm Bingham.

Motion Carried - yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

15. Ordinance No. 558; Amending the Code of Ordinances at Chapter 64, Article III, Section 64-44(e), to Establish Where Chainlink Fences are and are not Permitted Within the Town

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Atty Spillias stated that there had been two changes. One change clarified the location of chain link fence and the other change specified that the chain link fence had a vinyl coating.

Comm Pugh motioned that Ordinance No.558 be approved, seconded by Comm Bingham.

Motion Carried - yea 5.

16. Discuss Banking Relationships and Investments.

Comm Hogan requested that our banks be reviewed for competitive interest rates. Clerk Hancsak reviewed the type of accounts and banks that the Town currently use. There was a discussion about going out to bid. It was noted however that since we are a municipality, that these banks must be a public depository bank and there was a consensus to periodically review the rates and types of banking options offered.

17. Discuss Beach Preservation Conference Recently Attended by Comm. Hogan.

Comm. Hogan mentioned that the Beach Preservation Conference was very enlightening and beneficial. It was mentioned at the conference that there was a shortage of sand, and the scientists had been trying to perfect the use of glass beaches. The glass would be ground up very fine and used in lieu of sand.

Mayor Kaleel stated that the approval of Federal Funding for the Beach Renourishment had been approved.

18. Update of Ocean Avenue

Comm Bingham advised that a few town residents had offered suggestions on landscaping for Ocean Avenue. It would be written up and distributed at future date.

19. Issues Forum

Comm Bingham stated that the Issues Forum is trying to bring affirmative action into the center of towns. They want high priced housing mixed with low cost housing. An infrastructure has not been decided yet. There would be a 50/50 balance of renters and homeowners.

20. Letter from City of Boynton Beach to Comm Hogan regarding serving on a committee to study improvements at the Boyntno Inlet

Comm Hogan read the letter requesting that she be on a committee regarding the improvement of the Boynton Inlet. Comm Hogan stated that she would like to be on the committee as a voice for Ocean Ridge.

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Mayor Kaleel had previously worked an advisory committee for the Boynton Inlet. He stated that the desire of the Committee was to have the Inlet Bridge removed and to widen the inlet, or have a draw bridge put in its' place. This would have a significant impact to Ocean Ridge. There was the potential of flooding and erosion of our beaches. He stated that this was not just a study, as a budget of \$160,000 had been designated for it. The City of Boynton had been pushing hard for a change as it would allow larger boats to come and go from the intracoastal. He highly suggested that Comm Hogan be on the committee to assure that Ocean Ridge has a say in any decisions and final outcome of the study.

Ernie Vavarikos, 5582 N Ocean Blvd, questioned the progress of the redeveloping of the motels that had been presented to Planning & Zoning. He was advised that it was still being reviewed by the attorney.

Mayor Kaleel had a meeting with Jim Wolfe, District Representative for FDOT, Engineer Tropepe and Manager Mathis regarding the approval for the generator. It is very close to being approved, they are very cooperative, and we have assurances that they will work with us. The Town of Ocean Ridge will submit to them requests for reimbursements costs caused from the construction delays and other related costs. Atty Spillias had met with their attorneys earlier that day, and spoke with them regarding these costs, and they were very cooperative.

Adjournment.

Meeting adjourned at 7:50 PM

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh