

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 2, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 2, 2009 at 6:00 PM in the Town Hall Meeting Chambers.

Pledge of Allegiance

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

Commissioner Bingham	Commissioner Brown
Commissioner Pugh	Commissioner Allison
Mayor Kaleel	

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Oct. 5, 2009

ANNOUNCEMENTS AND PROCLAMATIONS

2. The administrative offices will be closed on Wednesday, Nov. 11, 2009 and Thursday, Nov. 26th and Friday, Nov. 27th for the official holidays.

Comm. Pugh motioned to approve the consent agenda as presented. Seconded by Comm. Allison.

Motion Carried - yea 5.

PUBLIC COMMENT

Nancy Hogan, 37 Hibiscus Way, stated her concern for her neighbor's abandoned property and pool, as one of the trees was lying on a wire which is now down. Although the grass had been mowed, she asked the Commission to check with the bank in regards to its other maintenance, and noted that the City of Delray does mow the lawn of any abandoned properties and did not allow them to degrade.

Brandon Caldwell, 66 Spanish River Drive reiterated his concerns of the Floor Area Ratio and the building of his new home. He was working through steps to address the Town to reform the Code to determine FAR by the interior walls not the exterior walls. He was also concerned that he had not been allowed a permit to rebuild a dock because his lot was vacant and felt the Code regarding maintenance of the dock should permit him to repair it.

Clerk Hanscak clarified that a Planning & Zoning Meeting was scheduled for November 20th, 2009 to review the Zoning Code and becoming more "green". She also stated that depending on their decision, he may still not be able to build his home to his plans. Atty. Spillias explained that his FDEP permit was to remove the old 5ft dock, repair the seawall and then rebuild a new 6ft dock. Our code does not allow him to build a dock without a structure. When he demolished the house, he brought his dock into non-compliance. He could leave the dock as-is with a stipulation that a home be rebuilt within 6 months, or he could remove the dock and wait for the construction of his new home to build a new dock. He was only being permitted to rebuild the sea-wall at this time. He also explained that we use the Florida Building Code, and that within the next 4 years it would be changed to allow for greener materials. Atty. Spillias agreed to set up a time to review the dock permit with Mr. Caldwell if so desired.

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Clerk Hancsak explained that Planning & Zoning had met 2 times, and they had voted not to change the FAR. A computer disc had been just been received within the last couple of months, and Planning & Zoning was reviewing it regarding the “green” initiatives.

PUBLIC HEARINGS

3. An application submitted by the City of Boynton Beach, 100 E. Boynton Beach Blvd., Boynton Beach FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, 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 ratify the replacement of the three (3) existing lifeguard towers that were replaced after Hurricane Wilma without a State DEP or Town Permit that extend a maximum of 225' (+/-) east of the Coastal Construction Control Line located at 6415 North Ocean Blvd. or legally described as being all of the south 986.93' of Government Lot 5 Lying East of Ocean Blvd. (SRA1A) and West of the Town of Ocean Ridge Erosion Control Line #1091 Lying in Section 22 (exact legal description located in the Clerk's Office)

Atty. Spillias explained that this was a quasi-judicial hearing and asked the Commission if they had any ex parte communications with the applicant. There was none. He then swore in those who wished to give testimony. Clerk Hancsak explained that all fees had been paid and no additional correspondence had been received.

Jodi Rivers, representative from the City of Boynton Beach explained that as a result of a FEMA audit, it was discovered that permits had not been pulled for the reconstruction of 3 lifeguard towers that were damaged during Hurricane Wilma.

Comm. Brown motioned to approve the application submitted by the City of Boynton for the construction of the 3 lifeguard towers contingent upon approval of FDEP. Comm. Allison seconded the motion.

Motion Carried – yea (5).

Mayor Kaleel asked when the City of Boynton would be starting the work on the crosswalks at Boynton Beach Park, he also requested if the signage could be reduced at the park. Ms. Rivers reported that it would start within the next month, and be 11 months for completion. It was planned to reduce the signage at that time.

REGULAR AGENDA

REPORTS

4. Town Manager

Manager Schenck reported the following: 1) New Town Hall – The additional \$32,000 from FEMA had been received. 2) Coconut Lane Drainage-This project is on hold until the Commission decides whether or not to proceed depending on the availability of funds. 3) Ocean Ave. Landscape – With budget constraints we are working with our landscape company to do some fill in plantings in lieu of the original proposal. 4) Island Drive Bridge - Construction has started and one lane would remain open at all times. The project is expected to take about 6 to 7 months and is on schedule. 5) Old Ocean Blvd - The Garden Club Dune Committee is assisting us with this effort, and will be working with the State and DERM and will present the plan to the Commission for approval. 6) Zoning Code Recommendations - The Planning and Zoning Board is scheduled to meet on November 20th, 2009 to discuss possible changes in the zoning code. 7)

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Pedestrian Street Signs- The permit application has been submitted to FDOT, and has been verbally approved. And they are writing the permit and maintenance memorandum for the signs. 8) Police Report – The September report is attached. 9) Harbour Drive Plantings – The County is ready to submit our request to do some landscaping at Harbour Drive and N. Ocean Blvd. They first want a commitment from us that we will complete the project.

Manager Schenck added to his report that FP&L had performed a survey of light poles in Ocean Ridge. They were going to adjust our billing of street lights as it was discovered that that were 17 additional poles that we were not being billed for and 34 poles that we were billed for, but should not have been. The pending credit would go back a year. Comm. Allison asked for a time frame as to when they would remove the old wooden poles. Manager Schenck stated there was a problem with some of the wooden poles as they still had cable lines that needed to be relocated also, but that FP&L would repair the sidewalks once the work was complete.

Mayor Kaleel questioned the weight restriction of the Island Bridge during construction. He had noticed several heavy trucks and cranes going over the bridge. Chief Hillery stated that they had spoken with the engineer who assured them that the construction did not reduce the weight limit. Lieut. Yannuzzi stated that the main problem was the width restriction. An extra-wide truck had been turned away as it would not fit; and the contractor returned then with smaller trucks that accommodated the bridge.

5. Town Attorney
Atty. Spillias had nothing to report.

6. Director of Public Safety
Chief Hillery was proud to introduce two new officers to the Commission: Officer Vincent Mollica who served 16 years with New York City, and Officer John Giardino who had retired from the State Police in Massachusetts. The Commission welcomed them to Ocean Ridge and hoped that they would have many years of service.

7. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

8. Request to Obstruct the Right-of-Way on Ridge Blvd. (20-24'+/-) and also on Midlane Road (9'+/-) with Areca Palms By: Michelle Smith, 18 Ridge Blvd.

Comm. Pugh requested to recuse himself from this hearing as he served as her pool contractor. Atty. Spillias announced that Ms. Smith was scheduled to go before Code Enforcement in the morning for a different infringement, and that this decision would be conflict. Comm. Brown announced that he had spoken with Ms. Smith that morning but not in reference to this request.

Michelle Smith, 18 Ridge Blvd summarized her letter to the Commission requesting to leave her plantings in the right of way of Ridge Blvd & Midlane Road. She had planted her hedge 9 ft back from the edge of pavement, and felt she was beautifying the neighborhood and protecting her family and pets. She added other homes had plantings closer to the street.

Comm. Bingham stated that she had a problem with people ignoring the Town's ordinances, and asked if she had received a survey at time of purchase and knew where her property line was. Comm. Bingham was concerned that the Areca palm was a very aggressive plant, and felt there would be visibility issues on the corner and a constant code enforcement problem.

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Comm. Brown asked if this would carry over to the next buyer and questioned if Ms Smith had made her request to the Commission prior to the plantings, could the Commission require that a specific type of plant be used. He was advised that this could be carried over to the next buyer, if it was recorded and that the Commission could have requested specific plantings. Mayor Kaleel advised Ms. Smith that our code requires a 6ft setback clearance.

Comm. Brown motioned to approve the request to obstruct the right of way on Ridge Blvd (20-24' +/-) and also on Midlane Road (9' +/-) with Areca Palms by Michelle Smith, 18 Ridge Blvd., contingent on recording the document and maintaining a 6ft clearance.
Seconded by Comm. Allison.

Comm. Bingham stated her concern that this would be a constant code enforcement issue, and Ocean Ridge already had enough problems.

Motion Carried – yea 3, nae 1. Comm. Bingham voted nae. Clerk Hancsak advised she would provide the Conflict Form to Comm. Pugh.

9. Authorize \$1,500 Contribution to Support a Countywide Wellness Initiative from the Contingency Account By: Kenneth Schenck, Town Manager

The consensus was to not participate on this initiative.

10. Planting of Trees at Harbour Drive Entrances

Manager Schenck reported that Coconut Palms were being offered by resident, Jeff Lee, at no cost to the Town, including installation. Mayor Kaleel suggested that the property owners maintain this area instead of Ocean Ridge or Palm Beach County.

A consensus was made that the Town Manager get estimates for maintaining the trees and property, and determine if the property owners were willing to maintain the trees, and report next month.

11. Approve Lighting on Inlet Cay Island Bridge to be Funded by Residents and Subsequent Electric by Town

Comm. Pugh motioned to approve the lighting on Inlet Cay Island Bridge to be Funded by Residents, and subsequent electric by Town. Seconded by Comm. Allison.

Motion Carried – yea (5).

12. Discuss Light-the –Lights By: Karen Hancsak, Town Clerk

Clerk Hancsak informed the Commission that \$6000 had remained in the budget toward Light the Lights. The function is usually held on the first Friday in December. She added that the Tri-Cities BBQ by the PBC League of Cities would also be held on December 4th, and that the Boat Parade is on December 11th. She asked for direction from the Commission as to when and what would be offered to the residents since the BBQ has been removed.

A consensus was made to approve the evening of December 4th for Light the Lights, with Santa, Bounce House, and light refreshments inside the Town Hall Chambers.

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FIRST READING OF ORDINANCES

13. Ordinance #584; Providing for the Date of the Annual Town Election as the Second Tuesday in March; Providing for Codification; Providing for Repeal of all Ordinances in Conflict; Providing for Severability

Atty. Spillias explained that the Commission by Ordinance could set the date and move it to the 2nd Tuesday in March. It would provide for the extension of the commission seat from February to March. Mayor Kaleel reported that earlier this year, the Supervisor of Elections had announced that she would be charging the municipalities for their elections. Combining elections would reduce our costs. He also mentioned that Ocean Ridge would be responsible to serve as the canvassing board.

Comm. Bingham motioned to approve the First Reading of Ordinance #584, Providing for the Date of the Annual Town Election as the Second Tuesday in March; Providing for Codification; Providing for Repeal of all Ordinances in Conflict; Providing for Severability. Seconded by Comm. Allison.

Motion Carried – yea 5.

Adjournment at 7:05 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh