

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 11, 2002
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

INVOCATION:

Deputy Mayor Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Haynie
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Carol Hanson (arrived after start of meeting)

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

PROCLAMATIONS:

Boca Raton and Florida Atlantic University Amateur Radio Club Field Days – 6/22 & 6/23/02

The proclamation was accepted by Sean Smythe.

AWARDS/RECOGNITIONS:

There were no awards/recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of May 28, 2002
Minutes of the Regular Meeting of May 29, 2002

Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson was not present for the vote.

Council Member Hanson arrived prior to consideration of Regular Business – Part I.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment and Appeals – (1) vacancy for a general contractor to complete the term expiring 02/15/04.

There were no applicants. The vacancy will be re-advertised.

- b. Library Advisory Board – (1) vacancy due to resignation of Mary Ann Billing. Term expires 08/10/03.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to appoint Robert Keltie. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

- c. Noise Compatibility Committee – (2) vacancies, 1-year term. (A new committee established by the Airport Authority).

Council Member Hanson nominated John Anderson and John Skobern; Council Member Freudenberg nominated Richard Russo; and Mayor Abrams nominated Robert Brewster. Nominations were then closed without objection.

In the voting: Mayor Abrams and Council Member Hager voted for Richard Russo and Robert Brewster. Deputy Mayor Haynie and Council Member Freudenberg voted for John Anderson and Richard Russo. Council Member Hanson voted for John Anderson and John Skobern.

Richard Russo and John Anderson were appointed.

- d. Pearl City Blue Ribbon Committee – (1) vacancy due to resignation of Bonnie Dearborn, (Historic Preservation Board representative). Term expires 02/13/04.

Motion was made by Council Member Hanson, seconded by Council Member Freudenberg, to appoint Merle Haber to the position. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Merle Haber was appointed.

- e. Special Master – (2) vacancies, due to term expirations of Cormac Conahan and Richard Gescheidt. Terms expired 03/21/02.

Council Member Hanson nominated Cormac Conahan and Richard Gescheidt; Council Member Hager nominated Mitchell Kirschner. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Haynie, and Council Member Hanson voted for Cormac Conahan and Richard Gescheidt. Council Member Freudenberg voted for Cormac Conahan and Mitchell Kirschner. Council Member Hager voted for Richard Gescheidt and Mitchell Kirschner.

Cormac Conahan and Richard Gescheidt were reappointed. Their terms will continue from March 21, 2002 through March 21, 2004.

Mayor Abrams acknowledged the presence of State Representative Jeff Atwater.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.a.1. – Hauling and Disposal of Spent Lime) A memo was provided. The City Manager explained that three companies bid for the contract; information on the companies and their respective bids was included in the memo. Soil Tech Distributors, Inc. was the low bidder with a cost of \$5.05 per ton, which was down from last year's contract price of \$5.54 per ton.

(Consent Agenda Item No. 3.c.2. – Printing and Distribution of Utility Bills) An e-mail was provided. The contractor is Better Business Forms, located in Pompano Beach. It was noted that the printing and mailing of bills is performed by a subcontractor, Automated Direct Mail, Inc., which is located in Riviera Beach.

(Consent Agenda Item No. 3.g. – Resolution No. 60-2002 / Revocable License Agreement with Boca Technology Center) A memo was provided, which stated that this resolution does not grant any additional rights to allow for a driveway along Military Trail.

3. Consent Agenda:

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to approve the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

a. Sealed Bids

- | | | |
|----|---|-----------|
| 1) | Hauling & Disposal of Spent Lime
Requested by Utility Services
Soil Tech Distributors, Inc. | \$110,350 |
|----|---|-----------|

b. Sealed Renewals

- | | | |
|----|---|-----------|
| 1) | Tree Trimming/Pruning Services and
Tree Removal/Stump Grinding Services
Requested by Recreation Services
Municipal Services
Arbor Tree & Land, Inc. | \$331,833 |
|----|---|-----------|

c. Competitive Sealed Proposals

- | | | |
|----|--|-----------|
| 1) | Uniform Rental Service
Requested by Recreation Services
Municipal Services, Utility Services, Financial Services
Fire-Rescue Services
Warren Uniform Company | \$164,545 |
| 2) | Printing and Distribution of Utility Bills
Requested by City Manager
Better Business Forms | \$90,000 |
| 3) | Custodial Maintenance Services
Requested by Municipal Services, Utility Services,
Recreation Services
Cleaning Systems Inc. | \$71,711 |

d. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Installation of Vehicle Detection Loops
Requested by Municipal Services
The Signal Group Inc. | \$30,000 |
| 2) | Pavement Markings
Requested by Municipal Services
United Rentals Highway Technologies, Inc.
and Transmark Inc. | \$66,000 |
| 3) | Batting Cages
Requested by Recreation Services
Recreational Design & Construction, Inc. | \$147,837 |

e. Sole Source

- | | | |
|----|--|----------|
| 1) | Radio Controlled Irrigation Equipment
Requested by Recreation Services
Contemporary Controls and Communication, Inc. | \$27,743 |
|----|--|----------|

f. Change Order

- | | | |
|----|---|----------|
| 1) | Resource Recovery Services
Requested by Municipal Services
Atlas-Lox-Road, Inc. | \$50,146 |
|----|---|----------|

g. Resolution No. 60-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Boca Technology Center, LLC ("BTC") for the purpose of allowing BTC to construct roadway improvements as contemplated in BTC's Development Order prior to the conveyance of the property to the Federal Department of Transportation for roadway purposes; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 93-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Charles J. Narvin for the purpose of engaging the services of a Tennis Professional at the Swim and Racquet Center; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 94-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of the State, Division of Library and Information Services, for a downtown library; authorizing the Mayor to execute said grant application; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 95-2002

A resolution of the City of Boca Raton urging the Florida Board of Education to approve, at its June 18-19, 2002, meeting, a Campus Development Agreement between the Florida Board of Education, acting for the benefit of Florida Atlantic University, and the City of Boca Raton, and to authorize the Chancellor to sign and execute the Campus Development Agreement upon its approval by the City; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Orders

- 1) Code Enforcement Board
 - a) CEB Case No. 90-204E
 - b) CEB Case No. 97-869
 - c) CEB Case No. 98-5458
- 2) Special Master
 - a) SM (G) Case No. 97-5170

l. Receive and File Board Minutes – June 11, 2002

- 1) Community Appearance Board
 - April 30, 2002
 - May 7, 2002
- 2) Community Relations Board
 - March 18, 2002
 - April 15, 2002
- 3) Education Advisory Board
 - April 22, 2002
- 4) Financial Advisory Board
 - April 1, 2002
- 5) Historic Preservation Board
 - April 16, 2002
- 6) Pearl City Blue Ribbon Committee
 - April 25, 2002
- 7) Special Master
 - April 10, 2002

(If you are planning to speak during any of the following public hearings, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any hearing under Part II will be governed by the "quasi-judicial procedures" attached to this agenda.)

REGULAR BUSINESS – PART II – QUASI-JUDICIAL PUBLIC HEARINGS:

4. Resolution No. 90-2002

A resolution of the City of Boca Raton granting conditional use approval for the Royal Palm Yacht & Country Club Clubhouse located at 199 Royal Palm Way as described more particularly herein;

granting a technical deviation for off-street parking; providing for severability; providing for repealer; providing an effective date (CA-02-02)

The City Attorney explained the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who planned to speak on the petition.

Council Member Hager recused himself from voting on this issue.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, stating that this petition called for the demolition and reconstruction of the Royal Palm Yacht & Country Club clubhouse, located at 199 Royal Palm Way. He provided zoning information and identified the locations of homeowners who objected to this application. This clubhouse would be built on a 2.6-acre parcel and include a golf cart parking area, a basement, locker rooms, pro shops, grills, a lounge, an office and other club facilities. Per code, 149 parking spaces are required, and a technical deviation for off-street parking to permit 127 spaces is being requested. The City's Traffic Engineer reviewed the parking analysis and supported the technical deviation. Mr. Annunziato then provided information relating to building heights.

On May 2, 2002, the Planning and Zoning Board conducted a public hearing on this application. Several people spoke in support of the clubhouse; several people spoke in opposition. The main objection to the proposed clubhouse was the location, which would be approximately 70 feet north of the current location. The Planning and Zoning Board voted 6-1 to recommend approval, subject to the conditions listed in the resolution. The Board also requested that the project architect study the feasibility of moving the clubhouse 35 feet to the south and advise Council of the impact of same. Staff recommended approval, subject to the conditions listed in the resolution.

Mr. Annunziato answered questions raised in the workshop: 1) the existing clubhouse is comprised of approximately 21,000 square feet; the new clubhouse would be approximately 24,000 square feet, 2) the owner of the property is Royal Palm Yacht and Country Club, Inc., and 3) the existing fire hydrants in combination with the proposed fire hydrants will adequately serve the clubhouse. Mr. Annunziato mentioned that additional information, given to staff by Attorney Kerry Schwenke, was available on the dais, as well as a fax from the appraiser. He then answered questions from Council relating to building heights, parking and club membership.

Attorney Robert (Rimmie) MacLaren, representing Royal Palm Yacht and Country Club, Inc., responded to questions that arose during the workshop yesterday. He explained that Royal Palm Improvement Association (RPIA), Inc. controls the use and development of homes in the community; Royal Palm Yacht and Country Club, Inc. is a separate entity, which controls the golf facility. Mr. MacLaren clarified that residence in the subdivision was not required for membership in the golf club and added that the RPIA approved and fully endorsed the proposed project. On the issue of fire hydrants, Mr. MacLaren stated that an on-site inspection of same was conducted; they are all painted in the standard colors of red and silver. Regarding additional parking space, the Yacht Club, which is approximately 1/8 of a mile south of the proposed clubhouse, and also owned by Royal Palm Yacht and Country Club, would be available for overflow, through a valet.

Mr. MacLaren then addressed the issue of moving the facility to the south, saying that the architect has determined that it would not be feasible or beneficial. The proposed clubhouse has a larger footprint to accommodate inside storage of golf carts and equipment; a move of 35 feet to the south would change the layout and reduce parking. Mr. MacLaren then provided information on building heights, the architectural style of the clubhouse, square footage and green space. He concluded by stating that his client has committed to providing additional landscaping in whatever reasonable manner may be requested by the homeowners.

Bill Hanser and Bob Thomas, project architects, provided additional detailed information on the clubhouse and answered questions from Council, as requested.

Attorney Kerry Schwenke, the owner of Lot 6, stated that, while he was unaffected by this project and had not been professionally retained by anyone regarding this petition, he was speaking on behalf of five affected homeowners. Mr. Schwenke explained that, should the clubhouse be constructed in the new

proposed location, the properties of the affected homeowners would be devalued by approximately \$150,000 each. He suggested that the Royal Palm Yacht and Country Club, Inc. go "back to the drawing board," or provide enough landscaping to mask the building.

Vincent Sgrosso and Sam Stevenson, residents of Royal Palm, and Ben Kennedy, a member of the RPIA Board of Directors, all spoke in support of the resolution.

Attorney Charlie Pickett, representing the owner of Lot 5 (Mrs. Murphy), opposed the petition, stating that the golf course view would be altered, diminishing the property's value. He advocated moving the building to the south. Mr. Pickett conceded that the view of the golf course from Lot 5 would not be totally expunged, but would not be what it is now.

Grant Thornbrough, Chairman of the Community Appearance Board, provided information to Council, as requested, relating to landscaping.

Under cross-examination, Mr. Pickett requested a current rendering of the view for Lot 5 be shown. Mr. MacLaren advised that he could not accommodate that request. Mr. Schwenke asked Mr. MacLaren if Royal Palm Yacht and Country Club, Inc., would enter a written agreement with the owners of Lots 1-6. Mr. MacLaren replied affirmatively.

Under rebuttal, Mr. MacLaren closed by stating that his client has attempted to be a good neighbor and address the homeowners' concerns in an appropriate manner. He reiterated that his client was willing to provide additional landscaping for anyone who requested it.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Resolution No. 90-2002, as amended.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Freudenberg, to amend Resolution No. 90-2002, to add a new condition generally consistent with the following: "Pavers shown on the eastern portion of the site plan within the right of way for Sabal Palm Drive shall not be installed and shall be replaced with a golf cart crossing area, subject to review and approval by Staff." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hanson voting yes.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Freudenberg, to amend Resolution 90-2002, to add a new condition generally consistent with the following: "The club shall not conduct nor permit meetings, events, or social gatherings, to occur or continue on the site after 11:00 p.m. on any day of the week." Motion failed 2-2 on a voice vote; Deputy Mayor Haynie and Council Member Freudenberg voted yes. Mayor Abrams and Council Member Hanson voted no.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to amend Resolution No. 90-2002, to add a new condition generally consistent with the following: "In the event, within 36 months after the certificate of occupancy for the project, the lost owners of an of Lots 1 through 6 desire additional landscaping to be installed on their property or any such property owner determines additional screening on the Club site is desirable, the applicant shall provide such additional landscaping, subject to review and approval by the Community Appearance Board. In addition, within the 36 month period referenced above, any landscaping installed by the applicant to minimize adverse impacts to any of lots 1 through 6 shall, at the request of the affected property owner, be removed." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hanson voting yes.

Motion was made by Mayor Abrams, seconded by Council Member Hanson, to amend Resolution No. 90-2002, to add a new condition generally consistent with the following: "All landscaping installed shall be mature specimens upon installation." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hanson voting yes.

The vote on the main to adopt Resolution No. 90-2002, as amended, carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4638 (As revised)

An ordinance of the City of Boca Raton relating to Transportation Demand Management (“TDM”) within the downtown (as defined in Ordinance No. 4035) only; creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring developments of a specified size to obtain approval of, and to implement, a TDM plan; providing for scope of Division 8; providing for definitions; providing for application for TDM plan approval; providing for contents of application; providing for TDM plan approval; providing for modification of TDM plan approval; providing for exempt developments, enlargement and renovation; providing for fee in lieu of participation, which fee in lieu of participation shall be paid instead of obtaining approval of, and implementing, a TDM plan; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that no presentation would be made today, as staff was currently working on revisions to the draft document. He asked that this item be opened and continued.

Mayor Abrams opened the public hearing on Ordinance No. 4638. Seeing no one come forward to speak, the public hearing was then closed.

Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to continue the public hearing on Ordinance No. 4638. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

6. Ordinance No. 4653

An ordinance of the City of Boca Raton amending Section 10-60, Code of Ordinances, entitled “Animal Noises”, to provide, in addition to all current remedies, for enforcement by the City Manager based upon one sworn Affidavit of Complaint and a video tape of the activity complained of; providing for severability; providing for repealer; providing for codification; providing an effective date

Inspection and Compliance Supervisor Ken Massalone gave the presentation, explaining that this ordinance would amend Code Section 10-60. This ordinance would provide an alternate means of bringing forward a complaint by allowing one sworn affidavit and video evidence. Currently, two affidavits signed by two unrelated individuals living in the vicinity of the alleged violation are required before an investigation may take place. Certain details, including the name and address of the owner of the animal; date, time and location of the violation; and a description of the animal, would be required on the video. Mr. Massalone concluded his presentation and responded to questions from Council. The term, “close vicinity,” was defined as being within hearing distance and not a geographical location. Mayor Abrams clarified that this ordinance would simply act as a tool to identify a problem; the current legal process and safeguards would remain in place.

Mayor Abrams opened the public hearing on Ordinance No. 4653. Seeing no one come forward to speak, the public hearing was then closed.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to adopt Ordinance No. 4653. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

7. Ordinance No. 4654

An ordinance of the City of Boca Raton creating Section 6-15, Code of Ordinances, to require delivery of copies of state-mandated campaign reports to the City Clerk on filing days; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hanson stated that its purpose of this ordinance is to promote accountability among candidates by requiring campaign reports to be hand-delivered to the City Clerk by 5:00 p.m. on filing days; reports could no longer be mailed. Her argument is that mailed reports, particularly those filed the Friday prior to the election, delay public access to the information

Robert Ross came forward and spoke in support of the ordinance.

The issues of flexibility and convenience were focused on during discussion.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to adopt Ordinance No. 4654. Motion failed 2-3; Deputy Mayor Haynie and Council Member Hanson voting yes. Mayor Abrams, Council Members Freudenberg and Hager voted no.

8. Ordinance No. 4655

An ordinance of the City of Boca Raton creating Section 13-73, Code of Ordinances; providing that all leases of City property shall contain a clause whereby the lessee affirms that neither: (a) the lessee, nor (b) any current or former officer (if corporation), partner (if partnership) or equivalent authorized person (if other type of legal entity) of lessee, has been convicted of a public entity crime, as defined in Section 287.133, Fla. Stat.; providing that all solicitation of responses involving a lease of City property shall inform potential responders of this requirement; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hanson explained that the purpose of the ordinance was to include a disclaimer in City contracts relating to the leasing of City property, which states that the City will not do business with an individual convicted of a crime or an entity convicted of a crime. Ms. Hanson explained that these contracts do not go through the Purchasing Department, which currently includes language to that effect in its agreements. The City Attorney clarified that the ordinance only applies to offenses against public entities, namely, the State of Florida, its departments or agencies, or any public/political subdivision. She also clarified that the ordinance does not pertain to the sale of City property.

Robert Ross spoke in support of the ordinance.

Discussion focused on whether an amendment to the ordinance should be made to include the sale of City property. Ms. Frieser advised that the ordinance could be considered as is and another ordinance drafted to address the sale of City property; or, the current ordinance could be deferred and a new ordinance created to include the sale of City property. Ms. Hanson requested Council move forward with the ordinance tonight and a new document drafted to address the sale and purchase of City property.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to adopt Ordinance No. 4655. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART IV - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 4656

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as more specifically described herein, from C

(Commercial) to RM (Residential Medium) granting a technical deviation to Chapter 23, Code of Ordinances; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-01-02SC)

The ordinance was introduced by Council Member Freudenberg.

10. Ordinance No. 4657

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as described more particularly herein, from R-B-1 (Motel-Business District) to R-3 (Medium Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-01-02ZC)

The ordinance was introduced by Deputy Mayor Haynie.

11. Ordinance No. 4658

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by amending Policy LU.1.1.1 relating to intensity regulations for commercial and industrial uses; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-02-01)

The ordinance was introduced by Mayor Abrams.

12. Ordinance No. 4659

An ordinance of the City of Boca Raton designating the area generally located north of Northeast 10th Street, south of Northeast 12th Street, east of Dixie Highway and west of Federal Highway, as described more particularly herein, also known as Pearl City, as a historic district; providing for severability; providing for repealer; providing an effective date (SC-01-05)

The ordinance was introduced by Council Member Hanson.

13. Ordinance No. 4660

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.01 acres, more or less, located at 5101 Congress Avenue, as more specifically described herein, from IL (Light Industrial) to N (Conservation); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-02-03)

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART V - PUBLIC REQUESTS:

Joe Rabino and Mae Gentile spoke to the issue of duplexes being converted into 4-plexes in their neighborhood, voicing safety concerns and stating that the area is deteriorating. They explained that Code Enforcement has been visible and is aware of the problems in the area of NE 36th Street and 5th Avenue; however, Council's help was needed. Mr. Ahnell advised that the City is aware of the problem, and one individual has already been cited. Code Enforcement is also identifying other duplexes, which are being or have been converted; appropriate action will be taken. Mayor Abrams added that, if any corrective ordinances require review, Council would do so.

Deputy Mayor Haynie mentioned that a resident had contacted her to report that duplex conversions are also taking place in Paradise Palms.

John Stetz came forward and stated that, on May 30, 2002, a trident missile was seen in the air over Boca Raton. He asked Council to look into the matter.

REGULAR BUSINESS - PART VI - RESOLUTIONS AND OTHER BUSINESS:

There was no other business for consideration.

APPEAL OF BOARD DECISIONS:

14. Zoning Board of Adjustment Decision – Case No. BA-02-06
Joan and Guy Stavola
601 NW 7th Terrace

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. He explained that the building in question was a single-family residence on a corner lot and zoned R-1-D. The petitioners were requesting a 15-foot variance for the rear-yard setback in order to construct a new covered porch. Currently, the code requires a 25-foot setback. If the variance were to be granted, the rear-yard setback would be 10 feet. Mr. Annunziato stated that staff did not recommend overturning the Zoning Board's decision for the following reasons: 1) no special or unique conditions were demonstrated to exist by the applicant, 2) the applicant is not being deprived of rights commonly enjoyed by homeowners with similar properties, 3) the applicant has reasonable use of the property as it currently exists, and 4) granting the variance may have a negative impact on the property to the west. The Zoning Board of Adjustment conducted a public hearing on the matter on May 9, 2002, and subsequently voted 5-1 to deny the variance. Mr. Annunziato concluded by stating that no justification exists to grant the variance. He then answered questions from Council.

Steven Utrecht, Chairman of the Zoning Board of Adjustment, explained the Board's reason for denial.

Joan Stavola came forward and provided reasons as to why a hardship has been incurred, stating that her property has more restrictive setbacks on three of the four sides than other similar properties. In addition, the rear yard currently acts as a side yard. She then answered questions from Council.

The petitioner's architect, Eric Anderson, also spoke in support of the variance. Mr. Anderson answered questions from Council.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to grant the appeal. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

15. Lake Worth Drainage District – Request that City assume canal maintenance obligations and flood protection responsibilities.

The City Manager reported that the Lake Worth Drainage District (LWDD) has requested that the City take over maintenance of canals south of Yamato Road and east of I-95. Mr. Ahnell then provided the cost estimates involved to do so, which were considerable.

Motion was made by Mayor Abrams, seconded by Council Member Hager, to respectfully decline the LWDD's offer to acquire/maintain the canal system and continue to work cooperatively with them. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had no reports.

MAYOR AND COUNCIL MEMBER REPORTS:

16. Request for support of amended drawbridge regulations.

Mayor Abrams referenced the letter received from the Town of Palm Beach, dated May 16, 2002, requesting the City's support in promoting greater coordination of drawbridges along the Intracoastal, in the interests of maximizing the efficiency of boat traffic and alleviating traffic congestion on the roadways. Council agreed to support the initiative.

Council Member Freudenberg questioned whether a standard operating procedure exists for the Community Appearance Board (CAB) as it relates to the continuance of agenda items when applicants fail to appear. Following discussion regarding postponements and continuances, it was determined that CAB procedures would be reviewed to assure that there is no obstruction of applicants' due process right.

Deputy Mayor Haynie mentioned that some members of the Federation of Homeowners had asked that she host an informal meeting for property owners and residents in the North Federal Highway area of Boca Raton to discuss concerns and strategies for upgrading the vicinity. Council members voiced support for same.

Deputy Mayor Haynie stated that tomorrow she would be attending her first League of Cities Board of Directors meeting, and asked Council to advise her as to any topics she might bring forward for discussion. Council Member Freudenberg also commented that, in August, the League of Cities would be meeting in Boca Raton and asked whether the City was planning anything special in connection with same. Mayor Abrams advised that the City is coordinating with the League of Cities on this function.

Deputy Mayor Haynie explained that, as a member of the Treasure Coast Regional Planning Council, she would be attending a "new urbanism" conference in Miami on Thursday; Ms. Haynie will report back on items of interest.

Council Member Hager commented on the deteriorated condition of the building that housed the Amber Restaurant on Federal Highway. He inquired as to whether Council had the authority to condemn the structure, and if so, why it had not yet been demolished. The City Manager explained that the owner had been cited. Currently, the property is to be sold, with an expected closing date of September 1, 2002. The new owner has indicated that the building would be converted to office space and is working on plans to that effect. The City Attorney added that all code enforcement and building permit issues are proceeding accordingly; staff is monitoring the situation. Responding to Council Member Hanson, Ms. Frieser explained that an ordinance relating to vacant buildings is being drafted and will be presented upon completion.

Council Member Hager referenced the AMI building and voiced concern that the site continues to be a danger to the community, due to the presence of anthrax. He advocated putting more pressure on the federal government to clean up the building.

Mayor Abrams referenced the Boca Raton Elementary School gymnasium and explained that the committee formed to save the building has requested two letters of support from the City, relating to a grant application. The first letter would contain language stating that if the necessary renovations are made, the City is committed to receiving the deed for the property and to participating in the long-term maintenance and management of the property. Mayor Abrams then explained that, in order to be considered for the \$100,000 grant, the committee must show a local match in the amount of \$25,000. Therefore, the second letter would outline the City's commitment to match the \$100,000 grant, if awarded, and if the renovation occurs. Mayor Abrams asked for Council's input. Discussion followed relating to additional grants being requested by the committee from the Department of the Interior and use of the gymnasium as a community center by the City. It was decided that the dollar figures for maintaining and managing the property would be reviewed and appropriate language for the letters would be drafted and brought back to Council.

Mayor Abrams reported on his meeting with Senator Nelson's staff regarding the status of the investigation into biological and chemical testing at the former military base. According to the information obtained by the senator, the testing in Boca Raton was safe. While much of the back-up information is classified, a representative of the Department of Defense is to meet with Senator Nelson to verbally discuss some of this information. Senator Nelson will then update the Mayor. Mayor Abrams' stated that he has relayed his concern to Senator Nelson that the City not become the focus of this investigation into testing that took place approximately 50 years ago, and in light of recent events transpiring in the community, Senator Nelson's staff provided assurances that this investigation was part of a broader issue to strengthen health testing for veterans.

On the topic of the cleanup of the AMI building, Mayor Abrams stated that he had spoken with AMI's Washington lobbyist last week. He reported that AMI's position is that they're willing to give the building to the federal government in exchange for the government cleaning up the facility. He added that his intention is to send a letter to the congressional delegation in support of same.

ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 10:22 p.m. on Tuesday, June 11, 2002.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk