

Regular Town Commission meeting of the Town of Ocean Ridge held in the Town Hall meeting chambers on December 7, 1998 at 6:30 PM.

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

Commissioner Bridges Commissioner O'Hare
Vice Mayor Aaskov

It was noted for the record that Mayor Kaleel and Commissioner Stamos were absent with notice.

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Town Manager Dunham requested that a request from FDOT for relief from the restriction regarding working hours be added as Item 5d and an appointment to the South Lake Worth Inlet Management District Committee be added as Item 7a.

Comm O'Hare requested that a brief discussion of Hurricane Mitch be added as Item #11.

Consent Agenda

1. Minutes of the Joint Commission Meeting of October 28, 1998
2. Minutes of Town Commission Meeting of November 2, 1998
3. Resolution No. 98-28; Designating the Supervisor of Elections as a member of the canvassing board to be in attendance for the testing of the computer electronic systems tabulating equipment to be used for the February 9, 1999 and to canvass returns of such election including the absentee ballots and assigning the Supervisor of Elections to handle the absentee ballots

Town Clerk Hancsak advised that there was a correction to the minutes of November 2, 1998 on the last paragraph of the fifth page, it should read that Comm Bridges discussed the Intergovernmental Coordination Meeting.

Comm Bridges moved to accept the consent agenda as amended, seconded by Comm O'Hare.

Motion carried – yea 3.

Announcements and Proclamations

4. The administrative offices will be closed on Friday, December 25, 1998 and Friday, January 1, 1999 for the official holidays
5. 1999 Municipal Election
 - a. Date of election is February 9, 1999
 - b. Two Commission Seats for a three year term
 - c. Candidate filing dates are December 28, 1998 through January 20, 1999

- 5d. FDOT request for exception to ordinance restricting work hours

James T. Steelman, Jr., of Archer Western advised that he was the contractor for the bridge project. He explained that Ocean Ave. was basically a dead end street with the nearest home being 500' from the site as most of the work will be on the waterway. He stated that they were requesting to work one hour earlier and one hour later each day or from 7AM to 7PM, Monday through Saturday.

Comm O'Hare asked if the homeowners on Ocean Ave. were made aware of this request to which Town Manager Dunham stated that they were not as the Town was just made aware of this request that day. Mr. Steelman advised that the houses at the west end of the street which are owned by FDOT will also help to act as buffers against the noise.

Comm O'Hare suggested that permission be granted on a temporary basis to be rescinded if there are complaints from the residents on Ocean Ave. to which Comm Bridges agreed.

Vice Mayor Aaskov asked if Boynton Beach had given permission for them to work additional hours to which Mr. Steelman advised that they were allowed to work from 7AM to 9PM in Boynton Beach.

Vice Mayor Aaskov questioned when they would want to begin the extended hours to which Mr. Steelman advised that they would be starting demolition on the Boynton Beach side on the coming Wednesday and would like the extended hours in Ocean Ridge to start shortly thereafter.

Betty Bingham, 1 Ocean Ave., stated that she did not feel the Town should allow extended hours which are not extended to even the Town's own residents. She added that the construction noise would also be a nuisance to those holiday guests of the residents in the area of the bridge.

Comm Bridges advised that the Town wants the bridge to be finished as soon as possible and the extended hours will help accommodate this. Comm O'Hare stated that similar exceptions were made for the beach renourishment and other projects which are a benefit to the Town.

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Comm O'Hare moved to allow the FDOT relief from the time restrictions for working in Town and allow them to work from 7AM to 7PM, Monday through Saturday for a trial period to last until the next Town Commission meeting on January 4, 1999. Comm Bridges advised that he could not second the motion as he felt the Town Commission needed to hear from the affected residents first. Comm O'Hare withdrew his motion.

Comm O'Hare moved to allow the FDOT relief from the time restrictions for working in Town and allow them to work from 7AM to 7PM, Monday through Saturday for a trial period to begin January 2, 1999 to the following Town Commission meeting on February 1, 1999, seconded by Comm Bridges.

Bruce Gimmy, 12 Ocean Ave., stated that he felt the arrangement suggested by Comm O'Hare was fair and would give the residents an opportunity to experience the change and comment on it during the February Town Commission meeting.

Roll call was taken on Comm O'Hare's motion.

Motion carried – yea 3.

Public Comment – (fifteen minute maximum with three minute individual limit)

Peggy Smith, 69 Spanish River Drive, questioned if the work being done at the Hammock Park was complete as she felt the current condition looks terrible. Town Manager Dunham stated that the County Forester had explained to him that they are allowing the vegetation to deteriorate in its natural state. Comm Bridges advised that although he also thought the park looked bad that it was best to allow it to remain in the natural state. He added that the standing water is runoff from the dune and not as a result of the work being done.

Comm O'Hare stated that he was confused as he thought Paul Davis, DERM, had indicated that new trees would be planted to which Comm Bridges advised that they were not finished with that phase and still intended to plant trees.

Ms. Bingham advised that this was the last natural dune in this area and that it would be best to allow the dune to restore itself.

Public Hearings

None

Regular Agenda

(Items which require Town Commission action that must be filed with Town Clerk one week prior to meeting – public comment permitted)

Actions and Reports

None

Resolutions

(Possibly requiring discussion)

None

First Reading of Ordinances

6. Ordinance No. 515; Regulating the growth of Australian Pine trees and other plant species, by amending Chapter 26 of the code of ordinances, Land Development Code at Article III, supplemental regulations, Section 26-47, restriction on height of certain trees to change the maximum allowable hedge height from six feet top ten feet; and amending Article XVI. General provisions, by adding a definition for "hedge," amending Chapter 34 of the Code of Ordinances, nuisances, at Section 34-6. Removal of rubbish, stagnant water and weeds (First reading)

Town Clerk Hancsak read Ordinance No. 515 by title only.

Town Manager Dunham explained that the ordinance provides a definition of a hedge and a requirement for Australian Pines, Brazilian Peppers and Melaluca to be removed before January 1, 2006 with the exception of Australian Pine trees used as a hedge.

Town Manager Dunham explained that he had spoken to the County forester on the issue of Australian Pines being used as a hedge and was told that the trees were not as bad if they were not allowed to grow to their full, mature height.

Atty Nicoletti stated that the current height limitation for a hedge is 6' and that if they were permitted over 10', there could be a problem in a storm. He added that the Town Commission had previously felt that the deadline for removal of January 2000 was too soon and would also be too costly for the Town's removal.

Comm Bridges stated that he felt there needed to be a definition of width. Atty Nicoletti explained that it would depend on how the hedge would be used and that he did not feel that any definition would be applicable. Comm Bridges stated that he believed a maximum 4' width would be appropriate to which Atty Nicoletti replied that if the Town Commission agreed to the change, it could be added to the definition section without affecting second reading.

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Comm O'Hare questioned if Director Hillery had reviewed the ordinance for enforceability to which Town Manager Dunham stated that Director Hillery had conveyed to him that the ordinance could be enforced at whatever height is chosen by the Town Commission. Vice Mayor Aaskov explained that the ordinance was not previously enforced as the Town Commission was still discussing changes to it. Town Manager Dunham added that if this ordinance is passed, there would be warnings given to residents before they are cited. Comm O'Hare questioned if a grace period should be included in the ordinance to which Vice Mayor Aaskov stated that it should be left to the Director's discretion.

Comm O'Hare commented that the ordinance for exotic removal was originally passed in September 1996 which gave residents three years to prepare and questioned why that was not enough time. Vice Mayor Aaskov stated that the County's deadline is January 2006 and that she also felt the Commissioners were shocked over the expense for removing the Town's exotics. Town Manager Dunham suggested budgeting portions of the amount every year rather than doing it all at once. Comm Aaskov stated that she felt the Town's exotics could be banded or injected as a less costly and easier alternative. Comm Bridges stated that he felt the Town could use mitigation for the removal. He added that postponing the deadline until 2006 would allow the Town to look into this option.

Comm Bridges moved to approve Ordinance No. 515 on first reading, seconded by Vice Mayor Aaskov.

Comm O'Hare questioned if it would be possible to get an estimate for the cost of banding the Town's exotics before the next meeting to which Town Manager Dunham stated that he would.

Don Pallaria, 5530 N Ocean Blvd., stated that Crown Colony has a 10' – 12' Australian Pine hedge around their treatment plant which has been very effective in subduing the noise of the plant. He stated that he would be in favor of allowing hedges up to 10' because if they were forced to replace their current hedge, it would take time until a new hedge is effective.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 2 (Aaskov, Bridges)
nay 1 (O'Hare)

7. Ordinance No. 516; Amending Chapter 30 of the Code of Ordinances, licenses and business regulations; by adding a new Article VIII, Special Events, defining and regulating special events within the Town (first reading)

Town Clerk Hancsak read Ordinance No. 516 by title only.

Town Manager Dunham stated that the intent of the ordinance was not to prevent special events, but to allow the Town to regulate them.

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Vice Mayor Aaskov questioned if the inclusion of the term “fireworks” in the ordinance meant that the Town might allow them in the future. Atty Nicoletti explained that he was trying to include all types of events even though the Town does not currently allow fireworks. He added that it could be removed if the Town Commission desires.

Comm Bridges stated that he preferred the events handled on a per event basis as they are now and that he was not in favor of this ordinance. Atty Nicoletti explained that there was concern that someone might want to have a very large gathering in Town and there is nothing in the current code to disallow it. He added that the Town does not want to over-regulate which is why events with less than five hundred people are not included. He stated that he agreed with Vice Mayor Aaskov to strike the word “fireworks.”

Vice Mayor Aaskov questioned if this would affect the *Tunes in Town* to which Atty Nicoletti explained that he did not believe these events had more than five hundred people.

Comm O’Hare stated that he did not feel that the ordinance prohibited events, rather set forth regulations that the Town could review. He commented that this review process would give the Town the opportunity to deny the event or ask the applicant to modify the event.

Comm O’Hare moved to approve Ordinance No. 516 striking the word “fireworks,” seconded by Vice Mayor Aaskov.

Ms. Bingham questioned how many parking spaces there are in the Town to which Comm Bridges stated that he estimated that there are 463 total parking spaces in the Town.

Craig Baskin, 6490 N Ocean Blvd., questioned what would happen if only 450 people wanted to have an event involving motor homes. Atty Nicoletti explained that there are two thresholds for the necessity of a permit, one is the number of people being over five hundred and the other is the need for Town services which would be the case in 450 people with motor homes in Town.

Comm O’Hare advised that he liked that the applicant would have to pay for any overtime costs for additional officers needed. He questioned what Director Hillery’s comments were regarding the ordinance. Town Manager Dunham explained that Director Hillery’s biggest concern is parking as an applicant must prove that there is adequate off-street parking for the expected number of vehicles.

Comm O’Hare stated that he would like to compliment Atty Nicoletti for a very clear ordinance.

Comm Bridges commented that as a result of the discussion of the ordinance, he feels it is worth a try.

Roll call was taken on Comm O'Hare's motion.

Motion carried – yea 3.

7a. Appointment to South Lake Worth Inlet Management District Committee
Mayor Kaleel arrived at the meeting at 7:30 PM.

Town Manager Dunham stated that the Town had received a letter from DERM indicating that the Town representative's term had expired last June. He advised that Comm Stamos was the Town's representative, but he had respectfully declined the reappointment.

Mayor Kaleel volunteered to take the appointment.

Comm O'Hare moved for Mayor Kaleel to be the Town's representative to the SLWIMD Committee to serve a term at the pleasure of the Town Commission, seconded by Comm Bridges.

Motion carried – yea 4.

Second reading, public hearing and adoption of ordinances

None

Town Commission comments

(Information Items Only –three minute limit per item)

8. Discuss Beach Clean Up

By: Commissioner Bridges

Comm Bridges stated that while this subject has been brought up before, he wanted to know what the Town could do about it as he has found the medical waste on the beach to be very troubling. He added that he felt the medical waste could be traced. Town Manager Dunham stated that he felt the Director should get in touch with other agencies regarding tracing the medical waste.

Mayor Kaleel suggested that a Task Force be formed to discuss ways to handle the situation with other Oceanfront communities. He also suggested that the Town work with the County (who owns most of the easements on the beach) and work towards having a professional beach cleaner.

Comm Bridges stated that he felt it was most important for Director Hillery and others to find the source of the medical waste.

9. Discuss drainage at Waterways

By: Commissioner Bridges

Comm Bridges advised that as a result of the consequences of the last big rain and his review of the drainage drawings, he did not feel the drawings would provide for adequate drainage along A1A in front of the Waterways. He stated that he did not believe the developers have provided enough for the loss of the historic basin adding that he was worried for the residents to the south of the project.

Vice Mayor Aaskov advised that there was dirt running under the wall at the corner of Midlane and Hibiscus a few days prior. She stated that this dirt washes into the Kohl's driveway at 24 Hibiscus Way and blocks their drain.

Comm Bridges reiterated his concern for the drainage along A1A. Joe Pike, Envirodesigns, Inc. and engineer for the project, stated that they had installed trenches outside the wall systems which drop water into their drainage area. Regarding the corner at Midlane, he stated that additional soils have been placed there and that once the drainage system is completed, these issues should be taken care of. Regarding Tropical Storm Mitch, Mr. Pike explained that it was an event which only happens once every one hundred years and although there is not good drainage anywhere along A1A, the area in front of the project was still passable.

Mr. Pike advised that they have addressed everything as required by code and that DOT has acknowledged that they are to blame for the drainage problems as their water is also draining on the site. Comm Bridges stated that if DOT has acknowledged responsibility, they need to take action to correct the problem.

Town Manager Dunham stated that he had written a letter to DOT about this issue, but has not received a response as of yet.

Wen Hood stated that they have been working on the drainage and that he believes it is as good or better now than when the project started. He apologized for any inconvenience this has caused the Town and residents adding that he felt they have tried to address and respond to all issues brought to them.

Vice Mayor Aaskov commented that no one has responded to her complaints of new cracks at her home since someone was out to take pictures and inspect in June. Mr. Hood stated that their general contractor visited the residents and took their complaints and that he would look into the issue also.

Comm Bridges again reiterated that he feels the drainage problem along A1A is going to continue. Mr. Hood replied that he would have Mr. Pike review all the data from the permitting and report back to Comm Bridges.

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Richard Kohl, 24 Hibiscus Way, advised that the water from his street used to drain onto the development site. He stated that he found the developers to be very good “yes men,” but not very good at getting anything accomplished. He stated that due to the increasing elevations of the new homes, he feels a berm built along his property would push any water out into the lagoon. He added that he feels there may be lawsuits involved if nothing is done to improve the situation.

Rick Slider, structural engineer, advised that he did the inspections of residences who had complaints regarding cracks. He stated that he intended to do a comparison between the first inspection and an inspection when the project is completed. He added that Vice Mayor Aaskov’s house was unique in that both the house and the pool were on pilings adding that there would be additional inspections done.

Mayor Kaleel stated that the Town has been the catalyst for communication between the contractor and the residents and that he felt the situation needed to be resolved before the residents took legal action against the contractor. He added that there is very little the Town can do in this situation.

Richard Lucibella, 5 Beachway N, stated that he felt any action might have to involve the Town as the Town has acted as a mediator thus far. He advised that the Town Commission had previously discussed drainage problems and the cracks. He suggested that the Town Commission and the contractors meet to resolve these problems and not just discuss them further. Mayor Kaleel stated that Atty Nicoletti would have to advise the Town Commission if that was their responsibility to initiate such actions. Atty Nicoletti advised that when damage occurs which is not as a result of a permit, the Town should not interject itself in the legal actions between the residents and the contractors. He added that the Town could act as a facilitator, but could not take action.

Mr. Kohl questioned if it was the Town which granted the increased finished floor elevations to which Atty Nicoletti replied that the Town was required by the federal government to permit the requested FFE.

Comm O’Hare questioned if these were problems of the construction site or if they would be permanent issues to which Mr. Pike advised that they were temporary issues adding that he felt there was a misconception regarding what the drainage was before the project. Atty Nicoletti questioned the Kohl’s problem to which Mr. Pike explained that they can not control the tidal influence and that older homes which have lower FFE will always have problems.

10. Discuss Signs

By: Commissioner Bridges

Comm Bridges advised that he has received complaints about the new sign at Emerald Shores. He questioned if signs are grandfathered to which Atty Nicoletti explained that signs which are just painted have not been required to conform to the current code.

11. Discuss Tropical Storm Mitch
By: Commissioner O'Hare

Comm O'Hare advised that on the evening of November 4, 1998 he had received a phone call from a tenant on Tropical Drive whose apartment was flooding from the storm. He read an excerpt from Director Hillery's synopsis of the events of the evening which outlined the numerous calls received from residents and non-residents regarding concerns over the rainfall. He stated that he felt the four officers and dispatcher working that evening deserved extra thanks for coming to the aid of the residents. Vice Mayor Aaskov added that she was very impressed by the officers and their aid to the residents and non-residents who became stalled on A1A.

Town Manager Dunham stated that he would like to express his thanks to the Garden Club, maintenance department, staff and officers who helped make the third annual "Light the Lights" a success.

Adjournment

The meeting was adjourned at 8:35 PM.

Mayor Kaleel

Vice Mayor Aaskov

Commissioner Bridges

Attest By:

Town Clerk Hancsak

Commissioner O'Hare

Commissioner Stamos