

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 7, 1999 in the Town Hall Meeting Chambers

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

|                      |                      |
|----------------------|----------------------|
| Commissioner Bingham | Commissioner Bridges |
| Commissioner Kaleel  | Commissioner Stamos  |
| Mayor Aaskov         |                      |

After the Pledge of Allegiance, an invocation was read by Comm Stamos.

### **Additions, Deletions, Modifications and Approval of Agenda**

Comm Stamos stated that he would like to discuss some general items as Agenda Item #12.

Comm Bridges stated that he would like to discuss some general items as Agenda Item #13.

Comm Bingham requested to remove Item #4 from the consent agenda for discussion.

Comm Bridges requested to remove Item #5 from the consent agenda for discussion.

### **Consent Agenda**

1. Minutes of Town Commission Meeting of May 3, 1999
2. Minutes of Special Town Commission Meeting of May 3, 1999
3. Ocean Ridge Resolution No. 99-11; Approving and Accepting a Grant of Easement from David Goldstein, as Trustee, for 6301 N Ocean Blvd., Ocean Ridge, FL

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

Motion carried – yea 5.

4. Ocean Ridge Resolution No. 99-12; Accepting a Unity of Control for Phyllis Carey to join units 10 and 11 within the Ocean Maisonettes, Inc.

Comm Bingham questioned the zoning which governs the Maisonettes and what the next step would be for the applicants. Town Manager Dunham explained that the Maisonettes are a co-operative and that they are requesting to join two of the units. Interim Atty Spillias explained that since it is a co-op, a unity of title can not be given, but rather they would receive, as lessees, a unity of control. In regards to the zoning regulations, he explained that a co-op may not be subject to the same zoning as single family.

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Comm Bridges advised that he was not in favor of joining the two units as he felt the residents would build something that might be too large.

Jim Ballerano, of Chapin, Ballerano & Armstrong, spoke on behalf of the applicants. He explained that the units were originally designed to be seasonal cottages, but the Careys are full-time residents. He added that joining the units would not effect the views of any other residents nor would it change any of the current setbacks.

Comm Kaleel moved to deny Resolution No. 99-12, seconded by Comm Bridges.

Motion carried – yea 5.

Comm Bridges stated that he would like to see the impact on the surrounding properties.

Comm Stamos commented that he was concerned that the lessees being referred to as owners was misleading. Mr. Ballerano advised that there are two different types of ownership. He explained that a person could either have fee simple title or lease hold estate. He explained that the Careys fall in the second category and that it is a legitimate type of ownership.

Comm Bingham questioned if the co-op has control over any aesthetic changes to which Mr. Ballerano advised that they did.

Comm Kaleel stated that the Commission might believe that they are granting permission to combine the two units, but the resolution is only for the unity of control. He suggested that the resolution be postponed until either a joint application is submitted or a letter of authorization from the co-operative is submitted in addition to a site plan. It was noted that the resolution had been denied by vote, but could be brought before the Town Commission again.

Mr. Ballerano advised that he would bring the petition that will be presented to the co-op for the next reading of the resolution. Comm Kaleel advised that he would also like to see an overall plan.

It was the consensus of the Commission to reconsider this resolution again at a future meeting.

5. Authorize funding for required relocation of water line running north and south on Ocean Ave. from contingency account

Comm Bridges questioned why the town would be funding this relocation. He stated that DOT had taken financial responsibility previously when a water line required relocation. He suggested that the Town Manager look into this further. Town Manager Dunham explained that he was counseled that it is the town's responsibility to relocate a water line if it is in DOT's right-of-way.

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Comm Bridges moved to authorize \$6,500 from the contingency account for the required relocation of water line running north and south on Ocean Ave., but at the discretion of the Town Manager after more research has been done regarding where the financial responsibility lies, seconded by Comm Kaleel.

Motion carried – yea 5.

### **Announcements and Proclamations**

Town Manager Dunham advised that the concrete pour for the bridge which was supposed to take place on Saturday, June 12<sup>th</sup> would be postponed and may possibly take place Saturday, June 19<sup>th</sup>. He advised that notices would be sent out prior to the pour.

### **Public Comment**

Pat Doyle, 18 Hudson Ave., advised that he is concerned about the new drainage pond on Ocean Ave. and questioned if it was included in the bridge plans. Comm Bridges advised that the pond was included in DOT's bridge plans. Town Manager Dunham explained that the water is deeper during the bridge construction and will not typically be at this level.

Comm Kaleel suggested that the town request DOT to place a construction fence around the pond. Comm Bingham also suggested that the town request a liability release from DOT if they do not fence it.

It was the consensus of the Commission that the Town Manager write a letter to DOT requesting a fence around the retention pond on Ocean Ave.

### **Public Hearings**

None

### **Regular Agenda**

#### **Actions and Reports**

6. Selection of July 1999 Regular Meeting and Special Meeting to set proposed millage for FY 1999/2000 budget

Town Clerk Hancsak suggested that the July regular meeting be held on Tuesday, July 6, 1999 at 6:30 PM since Monday, July 5, 1999 will be an observed holiday and also that the first budget hearing be held on July 19, 1999 at 5:01 PM.

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Comm Kaleel moved that the July regular Town Commission meeting be held on Tuesday, July 6, 1999 at 6:30 PM and the special meeting to set the proposed millage for FY 1999/2000 budget be held July 19, 1999 at 5:01PM, seconded by Comm Bridges.

Motion carried – yea 5.

7. Report on Environmental Resources Advisory Board recommendation for Beachway and SR A1A as a Passive Park and Authorization to Seek Consultant for the Park Planning

Town Manager Dunham explained that the Environmental Resources Advisory Board (ERAB) had researched the donated property and was recommending that it be used as a passive park to include pedestrian walkways, a butterfly park, a gazebo and a limited play area for children. He stated that the park would be screened from the major roads. He advised that upon approval by the Town Commission, the staff would like to start applying for grants for financial assistance. He explained that the Florida Recreation Development Assistance Program (FRDAP) grant deadline would be October 1999 for funds to be used in FY 2000/2001.

Comm Bingham questioned how much of the plan would need to be approved to receive grant money. Town Manager Dunham explained that there is no limit as grants are given in varying degrees. He stated that if the town only wanted a walkway, they could possibly receive a grant to cover the total cost.

Comm Stamos advised that he felt that the Town Commission should hear from the residents of that area to see what type of park they want. He explained that the exotics need to be removed, but felt it should remain a nice, natural area. He commented that he felt a park would attract a lot of unwelcome visitors to Ocean Ridge. Town Manager Dunham advised that in order to receive the grants, three public meetings are required and the area residents would be able to give their opinions then.

Comm Kaleel suggested that a consultant present a plan for the park. He stated that he had envisioned the park having an exploratory, educational area for children as opposed to a playground.

Vera Klein, 7 Sailfish Lane, asked if there would be parking available for visitors to which Mayor Aaskov advised that there were no plans to include a parking lot.

Bud Aaskov, 27 Hibiscus Way and Chairman of the ERAB, stated that he believes Comm Kaleel comes close to describing what the board wants at the park and that a use possibility study needs to be done. He advised that the ERAB is clear that they do not want the wooded area behind the homes disturbed with the possible exception of a pathway and that the small play area should go in the southern portion of the lot which is at the highest elevation. He explained that they would like a provision for one parking space for loading/unloading and for police use.

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Comm Stamos commented that the Woolbright bridge is a pathway for the public to come to Ocean Ridge and if there is a park, there will be new people coming to the town and the park. Mr. Aaskov stated that this has been considered by the ERAB and they planned to keep the park small, simple and out-of-sight.

Comm Bridges stated that he always envisioned the property to remain in its natural state with a few meandering walks and an educational area, but not a playground. He added that he felt part of it could be used for water retention.

Mr. Aaskov stated that they were only requesting that a study be done of the property. Comm Stamos stated that he wanted to allow the Town Manager to look for a park consultant to design a passive park without a gazebo or playground. Town Manager Dunham stated that he has an idea of what the Town Commission wants to do with the property and would bring back a contract with a park planner for approval.

Comm Bingham moved to allow the Town Manager to negotiate for a park planner for Town Commission approval, seconded by Comm Kaleel.

Motion carried – yea 5.

8. Approve and authorize funding from contingency account for new Old Ocean Blvd and beach crossover signs as recommended by the Environmental Resources Advisory Board

Town Manager Dunham explained that the ERAB would like to replace the approximately 100 signs on Old Ocean Blvd with sixteen new signs. He explained that on the stop signs leading to Old Ocean there would be a sign underneath with a new fish logo which would state: “Welcome to the beach” and “No parking.” He advised that the signs for the dune crossovers would include the same logo and state: “No dogs allowed on the beach” and “Do not trim or destroy dune vegetation.”

Comm Bridges stated that he would like a nicer type of sign, perhaps a wooden sign and post. Comm Kaleel agreed stating that they should not only be along Old Ocean Blvd., but all along the beach.

Comm Stamos questioned if an additional sign could be hung on a stop sign and still meet DOT standards to which Director Hillery stated that he would have to research that. Director Hillery requested that a small line be added to the bottom of the sign citing the Town Ordinance that the sign refers to.

Town Manager Dunham explained to the Town Commission that a wooden sign along the beach would be a high maintenance item. He stated that he would come back to the Town Commission with a new sign design from the ERAB.

**Resolutions**

None

**First Reading of Ordinances**

None

**Second Reading, Public Hearing and Adoption of Ordinances**

9. No. 509; Amending the Code of Ordinances at Chapter 26; Article XIV. Nonconforming and Grandfathered Uses, by amending the provisions regarding grandfathered uses, lots and structures; providing for codification; providing for repeal of all ordinances in conflict

Town Clerk Hancsak read Ordinance No. 509 by title only.

Comm Kaleel moved to adopt Ordinance No. 509, seconded by Comm Bingham.

There was no discussion or public comment.

Motion carried – yea 5.

10. No. 520; Amending the Code of Ordinances at Chapter 1, General Provisions and at Chapter 2, Article III. Departments, by amending the provisions regarding appointment and promotion of (Public Safety) Members; providing for repeal of all ordinances in conflict; providing for severability and providing for an effective date

Comm Kaleel moved to adopt Ordinance No. 520, seconded by Comm Bridges.

Comm Stamos commented that he moved to Ocean Ridge because of the security provided by the Department of Public Safety. He stated that there is no advantage to the residents to reduce the quality of the Public Safety Officers.

Comm Kaleel questioned how long the department has been at 75% dual certified level to which Director Hillery stated that when he started at Ocean Ridge, it was less than 75% (approximately 50%), but has increased since then to more than 75%.

Comm Bridges stated that he felt Director Hillery would always try to improve the quality of the officers. He added that he was annoyed when he was told that Comm Stamos contacted the Mayor of Briny Breezes regarding their service and this ordinance. Comm Stamos responded that he had spoken to Briny's Mayor, but on a personal basis. Director Hillery clarified that it will always be the intent to have all the officers dual certified, however, a minimum of 75% will always be met.

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There was no public comment.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 4 (Aaskov, Bingham, Bridges, Kaleel)  
nay 1 (Stamos)

Town Commission Comments

11. Discuss speeding of motorcraft on Intracoastal Waterway By: Comm Bridges

Comm Bridges advised that he had received letters from residents of Ocean Ridge and surrounding communities who are upset with the speeding in the channels. He advised that he would like the Town Manager to investigate what authority the town would approach for this issue and how to install a slow speed zone in the channel from Delray Beach to the Inlet. He added that the staff should contact other coastal communities and possibly approach this issue in a joint manner.

12. Various Item By: Comm Stamos

Comm Stamos stated that he previously brought up the issue of the Planning and Zoning Commission meeting concerning the code revisions. He stated that the town has spent a lot of time and money on this issue and that the consultant does not have the revised codes prepared. Town Manager Dunham stated that the Planning and Zoning Commission have a meeting with the consultant scheduled for the next week and would have the code revisions ready to present to the Town Commission.

13. Various Items By: Comm Bridges

Comm Bridges stated that the town needed to look at converting the remaining commercial in town and the changes that will occur as a result of the hotels going to monthly rentals. He added that he wanted the Atty to look into the possibility of converting the 5011 N Ocean Blvd stores as he did not feel that they would be able to convert to residential with the current septic tank laws.

Comm Bingham stated that the town also needs to evaluate the fairness and consistency in regards to signs in town. She explained that hotels can have huge vacancy signs, but real estate signs can only be 40 square inches.

Interim Atty Spillias stated that the town has received a position letter from the Atty representing the 5011 stores who believes that the ordinance should not be applicable to their property. He advised that if the Town Commission wants to readdress the ordinance regarding commercial use, there might be legal issues and potential liability from those

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businesses which have left the town. The Town Commission directed Atty Spillias to review any commercial aspects and report back to the Commission.

Charlotte Carle, 7 Harbour Dr. S, stated that at the Focus 2000 meeting, she felt the majority of residents were in favor of allowing commercial in the town. Comm Kaleel explained that the question was brought before the participants on how they would rebuild the town if it were destroyed by a hurricane. He advised that many were in favor of a small amount of commercial if the town was rebuilt, but that they were not in favor of allowing commercial back into the current town.

Comm Bridges stated that although the Town Commission has passed a landscape ordinance, there is no provision to require residents to remove dead trees. Director Hillery stated that currently the only way to require a resident to remove a dead tree would be if the tree was about to fall on someone else's property. Comm Bridges suggested that the Town Manager and Atty review this issue.

Comm Bridges stated that the palm trees installed at 6301 N Ocean Blvd. were not the same type which was approved by the Town Commission with the plans for the walkover. Town Manager Dunham agreed, however, he advised the project is not completed at this time.

Adjournment

The meeting was adjourned at 8:25 PM.

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Mayor Aaskov

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Commissioner Bingham

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Commissioner Bridges

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Commissioner Kaleel

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Commissioner Stamos

Attest By:

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Town Clerk