

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 1, 1999 at 6:30 PM 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 Stamos

Commissioner Kaleel
Mayor Aaskov

It was noted for the record that Comm Bridges was absent with notice.

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

Additions, Deletions, Modifications and Approval of Agenda

Comm Stamos requested to add a personal statement as Item #18.

Comm Kaleel requested to add a comment under the announcements as item #9a.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of October 4, 1999
2. Minutes of the Special Town Commission Meeting of October 15, 1999
3. Authorize Execution of Alarm Monitoring Liens and Town Attorney to File Same
4. Ocean Ridge Resolution No. 99-21; Supporting Permanent and Consistent Funding for Regional Planning Councils
5. Ocean Ridge Resolution No. 99-22; Approving Contract with Lewis, Longman and Walker for Town Attorney Services
6. Staff Recommendation that the January 2000 Regular Meeting be held one week later on January 10, 2000
7. Authorize Trimming of two windows on Dune Vegetation at 5514 Old Ocean Blvd. Submitted by Bernard Turner representing M/M McIntyre

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

Motion carried – yea 4.

Announcements and Proclamations

8. The administrative offices will be closed on Thursday, November 11, 1999, Thursday, November 25, 1999 and Friday, November 26, 1999 for the official holidays.
9. Proclaiming November 1999 as National Epilepsy Awareness Month

Town Clerk Hancsak read the above announcements.

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9a. Light the Lights

Comm Kaleel advised that the annual Light the Lights extravaganza would be held on Friday, December 3, 1999 from 6 – 7 PM. He encouraged everyone to attend.

Public Comment

Randy Allen, 18 Adams Rd., stated that he wanted to know what the Town was doing regarding the drainage problem in the town. He stated that he is concerned that the current drainage is inadequate and that new properties are being built at higher elevations and therefore draining onto his property. Mayor Aaskov advised that the Town is aware of the drainage problems and is working towards a solution.

Patricia DiStefano, 14 Tropical Drive, advised that she was also concerned about new homes being built at higher elevations and using her property as a catch basin.

Cheryl Olanoff, 566 David Lane, stated that she was concerned that the Town is not moving quickly enough to solve the problems and added that the lot next to her has also been elevated and subsequently drains on her lot. She suggested that special considerations be given to property owners in her situation.

Bruce Gimmy, 12 Ocean Ave., stated that a new house is being built next to him and he has the same elevation concerns.

Gregory Van Vliet, 17 Tropical Drive, stated that the problem occurs on his street when the tide is high and suggested that the Town invest in a lift station. He stated that he believed one pump would greatly help Tropical and the other streets in the south end of Town.

George Bierlin, 26 Hudson Ave., stated that he was speaking on behalf of Doug Hauck, 8 Hudson Ave. who could not be present at this meeting. He stated that the property across from Mr. Hauck is still under water from Hurricane Irene. He thanked the Town Manager for moving on this issue so quickly. He added that Hudson Ave. has been deteriorating over the years and the Town has not maintained it.

Town Manager Dunham stated that the Town has experienced more flood problems due to an increase in storms over the past year. He advised that the Town is currently being surveyed. He stated that funds were found after the storms last November for the start of the floodplain management which was not originally budgeted. He stated that the Town is now getting technical services for surveying and mapping in conjunction with the Army Corps of Engineers. He explained that the information will be digitized onto a floodplain map showing the worst areas and then a civil engineer will give alternatives for each area of Town. He advised that the staff would then evaluate the alternatives in regards to time and cost. Regarding the elevations of new construction, he explained that these problems are occurring all over Florida as the SFWMD Director states that the

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drainage system was designed for two million people and is serving six million. He advised that he and Atty Spillias are reviewing the code to see what changes can be made.

Atty Spillias stated that permits for new construction must show that they can retain the first inch of rainfall and that fill permits must show that the slope will not adversely affect the neighboring properties. He advised that the law states that a property owner is allowed reasonable use of their land. He added that they would be reviewing federal laws during the recodification process.

Town Manager Dunham stated that the staff is already looking into purchasing some larger pumps. He explained that he spoke to an engineer who advised that a pump would help in regards to Tropical Drive and David Lane.

Mrs. DiStefano stated that she has spoken to an engineer to try and determine who maintains the drains on Tropical Drive, as it is a private road. Town Manager Dunham stated that the Town cleans the drains and prepares them for storm events as they empty into the Town's system on A1A. Mayor Aaskov stated that the Town was unsure of who owns the drains and actually who owns which parts of the road. Mrs. DiStefano suggested that the Town use eminent domain and take over the control of the road. Mayor Aaskov stated that she did not feel that most of the owners wanted to give control over to the Town.

Comm Kaleel suggested that the residents of Tropical Drive hire a lawyer to determine all of the owners of the street and form a homeowner's association to discuss their problems and concerns.

Comm Bingham questioned if the Town could fix the street to which Atty Spillias stated that there is a provision in the code that the owners maintain their road and if they do not, the town can make repairs after proper notification has been given to the owners. He stated that there may be a liability issue.

Comm Kaleel stated that he felt this should be a joint effort between the owners on Tropical Drive and the Town staff to research the owners.

Public Hearings

None

Regular Agenda

Actions and Reports

10. Update Report RE: Garbage and Trash Collection Services Provided by BFI By: Dan McGinnis, BFI

Mayor Aaskov stated that she would like to commend BFI for their timeliness in removing the trash after Hurricane Irene. Mr. McGinnis stated that typically three loads are picked up weekly in the Town and in the week after the storm twenty-eight loads were picked up with fourteen the week after that. He stated that he feels BFI has improved especially in regards to not throwing the garbage bins back into the driveways. Comm Stamos stated that he has noticed a better attitude in the drivers.

Town Manager Dunham stated that he felt their response to the Town after the storm regarding waste removal was excellent.

Mr. McGinnis stated that BFI has an obligation to the Town adding that there will be continued improvement.

11. Update Summary Report Submitted by the Utilities Infrastructure Advisory Board By: Jeffrey Willens, Chairman

Chairman Willens read his interim report which covered the topics of storm drainage, sewers and waste treatment, buried utilities, potable water sources and eradication of noseeums.

Comm Kaleel complimented the report and stated that both the Utilities Infrastructure Advisory Board and the Environmental Resources Advisory Board are accomplishing what he envisioned. Chairman Willens stated that he felt there was great membership on this committee.

12. Action to appoint two members to the Utilities Infrastructure Advisory Board and one member to the Environmental Resources Advisory Board By: Karen E. Hancsak

Town Clerk Hancsak advised that two members were needed for the UIAB which meets on the third Wednesday of the month and one for the ERAB which meets on the fourth Wednesday. She advised that the members of the ERAB would like to nominate Tom Horton, 4 Coconut Lane, to fill the vacancy on their board.

Comm Kaleel moved to approve Tom Horton as a member of the ERAB, seconded by Comm Stamos.

Motion carried – yea 4.

Comm Kaleel suggested that the UIAB suggest some residents for the two vacancies on their board.

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Town Clerk Hancsak questioned if the boards needed a majority of six members present in order to nominate new appointments to which Atty Spillias replied that they could informally make nominations.

13. Action to appoint Town Manager as Supervisor of Maintenance personnel per recommendation by Environmental Resources Advisory Board

Town Manager Dunham explained that this was a suggestion by the ERAB which is being contemplated by the staff for the next fiscal year. He stated that the staff is currently assessing the impact of the new landscaping on Ocean Ave. The Town Commission concurred to defer the item until the next fiscal year.

Resolutions

14. Resolution No. 99-23; Authorizing the Mayor and Town Clerk to Execute the Police/Fire Mutual Aid Interlocal Agreement Between the Town of South Palm Beach, Town of Manalapan, and the Town of Ocean Ridge

Town Clerk Hancsak read Resolution No. 99-23 by title only.

Comm Kaleel moved to adopt Resolution No. 99-23, seconded by Comm Stamos.

Motion carried – yea 4.

First Reading of Ordinances

15. No. 525; Amending the Code of Ordinances at Chapter 14, Article I, Section 14-1, Regarding Construction Site Maintenance and Appearance; Providing for the Maintenance of Construction Sites; Requiring Building and Construction Sites to Provide Removal or Disposal of Debris and Other Trash by Onsite Burning; Requiring Off Street Parking for all Personal Vehicles and Construction Equipment at Construction Sites; Requiring the Removal of Soil Tracked or Deposited From Construction Sites onto any Public or Private Road Surfaces; Providing for Notices to Comply, Stop Work Orders and Appeals to the Construction Board of Adjustments and Appeals; Amending the Code of Ordinances at Chapter 14, Article I, by Adding a New Section 14-3, Regarding the Removal and Securing of Building Materials During Hurricane Warnings and Watches

Town Clerk Hancsak read Ordinance No. 525 by title only. She advised that “construction Board of Adjustment” would need to be changed to “Special Master.”

Comm Kaleel moved to adopt Ordinance No. 525 as amended, seconded by Comm Bingham.

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Atty Spillias stated that one other change would need to be made on page three, subparagraph h where the phrase “and appeals” should be removed.

Comm Stamos suggested that the ordinance be more specific in regards to securing trash so that it can be enforced without question. Atty Spillias stated that the language requires it to be safe during tropical storm and hurricane force winds. He added that it could never be so specific as to cover every situation.

Comm Kaleel stated that he felt the language was sufficient and suggested that construction site guidelines be distributed with permits for new construction. He suggested that the Ordinance cite the Insurance Industry Standards for when to secure a site as opposed to when a warning is issued. He also suggested that deliveries of construction material be stopped at this same time. He questioned what the consequences of not following the ordinance would be to which Atty Spillias stated that it would be treated as a code enforcement issue. He advised that other consequences could be added such as revoking the permit.

Comm Bingham questioned if there is anything that can be done to prevent insulation from blowing off the roofs at construction sites to which Town Manager Dunham stated that the construction sites have been getting extra attention from the Department of Public Safety regarding issues like that one.

Comm Kaleel withdrew his motion so the suggested changes could be made to the ordinance and Comm Stamos withdrew his second as well.

SECOND READING AND ADOPTION OF ORDINANCES

16. No. 522; Amending the Code of Ordinances at Chapter 26, Article III, by Adding a New Section 26-49, Regarding Underground Location of Utility Service Lines; Amending the Code of Ordinances at Chapter 26, Article VIII, Section 26-121, Amending the Definition of “Substantial Improvement” (2nd reading and adoption)

Town Clerk Hancsak read Ordinance No. 522 by title only.

Comm Bingham moved to adopt Ordinance No. 522, seconded by Comm Stamos.

Comm Kaleel questioned what effect the recent flooding had on the underground utilities to which Town Manager Dunham explained that most FP&L problems in the county were with underground utilities and not being able to locate the problems as quickly.

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Comm Kaleel stated that he spoke with an FP&L employee who informed him that the Town was not enforcing the guideline that trees can not interfere with top lines. He was told that most of the line breaks in the Town were as a result of overgrown trees. He suggested that an ordinance be adopted that would address this issue and that tree trimmings be in place before each hurricane season. Town Manager Dunham stated that the staff was currently reviewing other ordinances on this subject.

Justus Brown, 39 Coconut Lane, stated he did not believe that the size of the tree made a difference during Hurricane Irene because most of the damage was as a result of a tornado which came through Town. He commented that he would like to see something done about the flooding on his street, but added that he felt the response from the Town during the flood was very good. Town Manager Dunham stated that since Mr. Brown was not present earlier in the meeting when the Town's plans for the stormwater drainage was discussed, he would meet with him later to discuss what the Town is doing about the flooding.

Roll call was taken on Comm Bingham's motion.

Motion carried – yea 4.

Town Commission Comments

17. Discuss Invasive Plants on the Dunes By: Comm Stamos

Comm Stamos stated that he has noticed a lot of invasive species on the dunes and questioned if there was any way the Town could encourage the residents to take better care of their dune property. Town Manager Dunham explained that Xeriscape does give incentive to better maintain the dune, but does not require it. Mayor Aaskov suggested that Robert Barron, landscape architect, be asked for his opinion.

Comm Bingham suggested that an article be placed in the paper requesting those who own property on the dune to remove the exotics. The Commission concurred.

18. Personal Statement By: Comm Stamos

Comm Stamos announced that he would not be seeking a third term in the February election. He stated that he was not leaving and would still be active in the town, but that he felt it was time for someone new to sit on the Commission.

Atty Spillias stated that he wanted to thank the Town Commission for their vote of confidence in choosing him to be the permanent Town Atty.

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Adjourn

The meeting was adjourned at 7:56 PM.

Mayor Aaskov

Commissioner Bingham

Commissioner Kaleel

Commissioner Stamos

Attest By:

Town Clerk