

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 6, 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 Bridges
Commissioner Kaleel	Commissioner Stamos
Mayor Aaskov	

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

Additions, Deletions, Modifications and Approval of Agenda

Comm Stamos requested to add a discussion of Tropical Drive as Item #13.

Atty Spillias requested to add the resignation of the Special Master as Item #14.

Town Manager Dunham advised that Item #9 is being removed at the request of the applicant.

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of Nov. 1, 1999
2. Ocean Ridge Resolution No. 99-24; 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 8, 2000 Election, and to Canvass Returns of Such election Including the Absentee Ballots and Assigning the Supervisor of Elections to Handle the Absentee Ballots
3. Ocean Ridge Resolution No. 99-26; Supporting the Continued Funding of the Eastward Ho! Initiative
4. Approve Appointment to Utilities Infrastructure Advisory Board

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

Motion carried – yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

5. The Administrative Offices will be closed on Friday, Dec. 24, 1999 and Friday, Dec. 31 for the Official Holidays
6. Reminder - The January Regular Town Commission Meeting will be held on Monday, Jan. 10, 2000 at 6:30 PM

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

7. 2000 Municipal Election
 - a. Date of Election is February 8, 2000
 - b. Two Commission Seats for Three Year Terms Each
 - c. Candidate Filing Dates run Dec. 27, 1999 through Jan. 19, 2000 at 3:00 PM

Town Clerk Hancsak read the above announcements.

Public Comment

Ellen Bierlin, 26 Hudson Ave., stated that she has been denied postal service due to the standing water on her street. She advised that she felt the Town's negligence is ruining her quality of life and endangering her safety. Town Manager Dunham explained that he had met with the residents of Hudson Ave. and presented a plan devised by an engineer to them which they found unacceptable. He stated that he was now waiting to meet with a contractor and one of the residents to begin a new plan involving raising just a portion of the street. Mrs. Bierlin stated that she felt this has been ongoing for too long and that something needs to be done.

Regarding the National Wildlife Federation (NWF) property in Item #9, Bob Katz, 5691 David Lane, stated that he has lived in Ocean Ridge for 27 years and is concerned over further strain to their drainage by new development. He stated that any new development and road extension would result in a loss to those in the neighborhood by way of property and landscaping and cause existing properties to become catch basins. He added that the new development would also result in destroying an animal refuge.

George Bierlin, 26 Hudson Ave., questioned what a property owner could do to force the Town to remedy a non-compliance such as the stagnant water on Hudson Ave. Atty Spillias stated that once the property owner notifies the Town that there is a violation, the Town then uses its own discretion in enforcement. He added that if the property owner is not happy with the response from the Town, he/she could pursue the matter civilly. Mr. Bierlin gave a notice of violation prepared by him to the Town Clerk advising of the stagnant water on Hudson Ave.

Town Manager Dunham reiterated that he had met with the residents of Hudson Ave. in November who did not approve of the solution brought to them by an engineering firm. He advised that the Town was now working towards raising the road as a short-term fix. Comm Bridges stated that the Town Commission had started positive action to fixing the drainage problems six months ago with Hudson Ave. as the top priority and even pulled this topic from the UIAB. He advised that raising the road would only be a temporary fix that would cause the water to then flow to the sides of the road and pool there and consequently be a waste of the Town's money. He stated that he would prefer that the road be fixed properly the first time.

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

Cheryl Olanoff, 566 David Lane, stated that when she bought her property twelve years ago, she thought the NWF Property was to remain in its natural state adding that trees would have to be destroyed in order to have a road built to that property. She advised that her drainage would also be effected by any new development on the property. Mayor Aaskov reiterated that the item regarding this property had been removed from the agenda and the Town Commission was not prepared to take any action on this issue at this meeting.

Bill Finley, 3 Beachway N, stated that since access was never made to this property, it was meant to remain natural and undeveloped. He suggested that the Town open discussions with the NWF on possibilities for the property.

Rich Lucibella, 5 Beachway N, suggested that the Town Atty research the ramifications of the Town sending a letter to the NWF requiring that they inform potential buyers that there is no access to this property.

Comm Bridges stated that he would like the Town Atty to look into rezoning that area for preservation/conservation and any opportunity the Town may have to purchase the property.

Bernard Schulte, 5 Osprey Court, stated that he had attempted to purchase that property for eight years and wants it to remain natural and undeveloped.

Comm Kaleel stated that when the NWF donated the other parcel of land to the Town, he suggested that the Town purchase this parcel. He suggested that in the event that the Kelso's do not purchase the property, the Town try to purchase it. There was no further discussion regarding this property.

Public Hearings – None

Regular Agenda

Actions and Reports

8. Request for Unity of Title to Join Lot 23 with Lot 24/25 of Ocean Ridge Beach Subdivision (32 Hibiscus Way with 24 Hibiscus Way) for the Purpose of Demolishing Main Residence on Lot 24/25 but Keeping the Boathouse and Garage – John Caddell II, Property Owner

Town Manager Dunham explained that the applicant, Mr. Caddell, is requesting a Unity of Title for two properties so that he may demolish the main residence on one property, but keep the boathouse and garage. He stated that he would recommend approving the Unity of Title if Atty Spillias approves the legal format.

Comm Bingham moved to approve the Unity of Title, seconded by Comm Bridges.

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

Atty Spillias advised that he has reviewed the Unity of Title and found it be in order and suggested that the motion include permission for the Mayor to execute the agreement.

Comm Bingham amended her motion to include permission for the Mayor to execute the Unity of Title and Comm Bridges amended his second.

Comm Stamos questioned if Mr. Caddell would be able to build a guesthouse on the lot and then subdivide it back into two lots to which Atty Spillias advised that he would not. Town Clerk Hancsak advised that he would have to remove the boathouse and garage if he subdivided the lots.

Comm Stamos questioned what would happen in relation to the FAR requirements, if Mr. Caddell combined the two lots to expand the residence and then subdivided. Atty Spillias explained that the Town Commission could add a condition to the Unity of Title that the RSF regulations for the one lot apply to any development on the lot. He added that he did not believe that the Unity of Title creates one lot out of the two, but that he would research it. Comm Kaleel suggested that the Town Commission delay the vote until Atty Spillias evaluates this further.

Comms Bingham and Bridges withdrew their motion and second, respectively.

Comm Kaleel moved to defer the item until the next Town Commission meeting, seconded by Comm Bridges.

Motion carried – yea 5.

RESOLUTIONS

10. Resolution No. 99-27; Approving the Subdivision, Dedications for Ocean Harbour Estates and Authorizing the Mayor and Town Clerk to Execute the Workmanship and Materials Agreement

Town Clerk Hancsak read Resolution No. 99-27 by title only.

Town Manager Dunham explained that the subdivision regulations in the Town Code provide that required improvements to subdivisions are not considered complete until completion certificates by the developer's engineer have been furnished to, reviewed and approved by the administrative official. The certificates by the developer's engineers stated that the required improvements were installed under their responsible direction and that the improvements conform to the approved construction plans, code provisions and permitting agency requirements. In addition, the developer is required to execute an agreement guaranteeing the required improvements against defect in workmanship and materials for one year after acceptance of such improvements by the Town Commission. The agreement must be submitted along with the completion certificates. He advised that

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

he was recommending that the Town Commission approve the subdivision and the dedications to the Town.

Comm Bridges stated that he still questioned the drainage plan for the development and Comm Stamos stated that some residents are still objecting to the brightness of the lights in the development.

Joe Pike, EnviroDesigns and engineer for the project, advised that this would not be the last chance for the Town Commission to bring their concerns about the project to him. Regarding the drainage, he stated that he looked at the property after Hurricane Irene (the equivalent of a hundred-year storm event) and that while Portofino was under eight inches of water, Ocean Harbour was dry. He advised that A1A is banked to one side which pushes the water to their side of the street. He explained that the A1A drainage is the responsibility of FDOT and they have discussed this problem with FDOT. Comm Bridges stated that the current swale maintains a lot of water and advised that this would have to be maintained once the development is complete.

Comm Kaleel questioned if the internal streets of the development would be kept private to which Mr. Pike advised that they would.

Comm Kaleel suggested that for future developments, the Town require a guarantee of more than one year and also have the Town hire an engineer as a double check for the development. Comm Stamos stated that any persistent problems which exist after a year would still be the responsibility of the developer. Town Manager Dunham advised that in the review of the code with Municipal Code Corp., this length of the guarantee would be included. He added that it is not unusual for towns with their own engineers to rely on the certification of the engineer of record.

Mr. Pike advised that the reflectors on the lights had been modified so that they do not reflect outside the development, but that it is an issue they will continue to work on once they receive additional feedback.

Comm Stamos moved to approve Resolution No. 99-27, seconded by Comm Bingham.

Atty Spillias advised that he had worked closely with the Atty for the developer on this resolution and has found it to be acceptable.

Motion carried – yea 5.

FIRST READING OF ORDINANCES

11. 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 Code Enforcement Special Master; 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

Comm Kaleel moved to approve Ordinance No. 525 on first reading, seconded by Comm Bridges.

There was no public comment.

Motion carried – yea 5.

SECOND READING AND ADOPTION OF ORDINANCES

None

TOWN COMMISSION COMMENTS

12. Discuss Posting of Construction Permit Signs By: Mayor Aaskov

Mayor Aaskov advised that signs are posted for construction permits for thirty days after the issuance of the permit. She explained that this includes a permit for an A/C changeout which may be completed in one day, but the sign remains for thirty days. She also advised that when there are multiple permits issued in a condo, there are signs for each permit cluttered and posted in front of the building. Town Clerk Hancsak advised that currently all construction permits are treated the same and they are up for thirty days because that is the time period for appeal of a permit. Mayor Aaskov stated that she wanted the Commissioners to think about this issue for further discussion at a later meeting.

13. Discuss Tropical Drive By: Comm Stamos

Comm Stamos stated that he felt this area was a hazard and suggested that the Town Commission consider condemning the property for public ownership. He suggested that Atty Spillias look into the least expensive way to achieve this. He stated that he has

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

spoken to some of the Tropical Drive residents and does not feel that they will be able to agree on any solution for the street. He suggested that the Town consider purchasing the vacant lot on the street for a possible location to place a lift station for future problems.

Atty Spillias stated that he has done a deed search for the owner of the road in front of the Pace lot which contains a large pothole and found that in 1964 the lot was sold, but not the section of road in front of it. He advised that he believes that owner still owns the portion of the road.

Comm Kaleel suggested that the Town just fix the pothole. Atty Spillias advised that the Town could do that, but would have to give proper notification to the last known owner of the property first and, if there is no response, fix the road and send a bill to them also.

Comm Kaleel stated that he felt Comm Stamos' suggestion has merit and that the Town should accept those who want to deed the sections of road to the Town and then condemn the rest. He stated that he first felt a survey of the road would need to be completed.

Comm Bridges questioned how losing this section of property would effect the FAR of the lots on Tropical to which Atty Spillias advised that the definition of a lot does not include roads and easements in the calculations.

Comm Stamos advised that he would like Atty Spillias to research how the Town could condemn the area by default and just publish and ad in the paper notifying of the condemnation as opposed to researching all of the property owners. Comm Kaleel stated that the Town would still have to research the owners and those who can not be served, may be noticed by a newspaper advertisement.

Comm Stamos stated that there is a speed bump covering half of the road which he believes is a hazard to which Director Hillery explained that the speed bump is on private property and the Town can not force its removal.

The Town Commission concurred that Atty Spillias should research how the Town can go about fixing the pothole in front of the Pace lot.

14. Special Master Resignation By: Atty Spillias

Atty Spillias advised that Randy Zeldin, Code Enforcement Special Master, has tendered his resignation due to personal time constraints. He advised that Mr. Zeldin agreed to attend the Code Enforcement Hearing scheduled for December 14, 1999. Atty Spillias suggested that the issue of a replacement be placed on the Special Town Commission meeting agenda for December 13, 1999 so that a replacement can be found before the January Code Enforcement hearing. The Town Commission concurred.

REGULAR TOWN COMMISSION MEETING HELD ON DECEMBER 6, 1999

Adjournment

The meeting was adjourned at 8:00 PM.

Mayor Aaskov

Commissioner Bingham

Commissioner Bridges

Commissioner Kaleel

Commissioner Stamos

Attest By:

Town Clerk