

Regular Town Commission Meeting of the Town of Ocean Ridge held in the Town Hall Meeting Chambers at 6:30 PM on Monday, July 10, 2000

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

Commissioner Bingham  
Commissioner Kaleel  
Mayor Aaskov  
Commissioner Bridges  
Commissioner Willens

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

Additions, Deletions, Modifications and Approval of Agenda

None

Consent Agenda

1. Minutes of Town Commission Meeting of June 5, 2000
2. Minutes of Special Town Commission Meeting of June 20, 2000
3. Ocean Ridge Resolution No. 2000-14: Authorizing the Town Manager to enter into a three year contract with Bell South to provide local telephone service

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

Motion carried – yea 5.

Public Comment

Vera Klein, 7 Sailfish Lane, commented that the staff had to use a vacation day in order to have time off on Monday, July 3, 2000. She urged the Town Commission to give the staff the day off as a holiday and not a vacation day.

Mrs. Klein also questioned what would happen if the Norfolk Pines growing on her street would fall down during a hurricane to which Comm Bridges explained that there was nothing the Town could do regarding the removal of Norfolk Pines on private property except possibly notify the property owner of the potential hazard. Mayor Aaskov stated that she had put a small article in the Ocean Ridge Reporter regarding trimming trees in Town.

Public Hearings

4. An application submitted by David and Merrilee Lundquist, 777 E. Atlantic Ave., Suite 2 PMB 346, Delray Beach, FL 33483, requesting a variance from the provisions of the Buildings and Building Regulations,

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Article II, Technical Codes and Other Construction Standards, Section 14-27, Floor Elevations, Sub-Paragraph (c) Maximum Elevation and the Land Development Code, Article VII; Coastal Construction Code, Section 26-108; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback Line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new single family home, with a maximum finished floor elevation of 22' (replacing a demolished structure), pool and patio area which would extend 186' east of the Coastal Construction Control Line located at 6277 N Ocean Blvd. or legally described as the North 181.93' of South 450' of Unnumbered Block Lying Immediately North of Edith Street and East of Ocean Blvd., in the Boynton Beach Park Subdivision

Town Clerk Hancsak read the application by title. It was noted for the record that all the fees had been paid and there was no additional correspondence.

Francisco Perez, architect, advised that he was present to represent the applicants.

Comm Bridges moved to approve the application at a maximum finished floor elevation of 21' as opposed to the 22' being proposed. He added that he felt dune elevations should have been included on the surveys distributed for the application. Mr. Perez stated that the dune height is 22' on the property to the south and 20' on the property to the north. He stated that the dune varies from 20' – 22' on the property in the application. Comm Bridges stated that he felt 21' would be a good compromise. Comm Bingham seconded Comm Bridges' motion to approve the application at 21'.

Comm Bingham stated that she was concerned that the house next door would get flooded because of the height. Mr. Perez stated that they will not be raising the existing dune and; therefore, the drainage would remain the same.

Frank McKinney, developer of the property, stated that the survey filed with the first application, approved by the Town Commission in January, indicated a dune height of 22'. He stated that the current application places a home with a smaller footprint on a larger lot at the previously approved elevation of 22'. He stated that DEP has approved of the 22' height, as they do not want the new home to cut into the dune. Comm Bridges stated that the Town Commission wants to excessive homes from heights of the homes along A1A. Comm Kaleel pointed out that the Town Commission approved 22' in January on a larger house on a smaller piece of land. Comm Bridges stated that he felt the Town Commission was amiss in approving the application in January.

Comm Willens stated that he felt the Town Commission should be provided the information regarding dune height on surveys for these types of applications in the future adding that he felt the Town Commission should be consistent since they approved the FFE at 22' in January.

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Comm Bridges withdrew his motion to approve at 21' and moved to approve the application as submitted. Comm Bingham withdrew her second from the first motion and Comm Willens seconded the new motion.

Motion carried – yea 5.

### Regular Agenda

### Actions and Reports

#### 5. Update on flood control study – Shalloway, Foy, Rayman and Newell, Inc.

Town Manager Dunham stated that at the last meeting, the Town Commission gave direction to the engineers to possible phasing opportunities and land acquisition. Lisa Tropepe, Shalloway, Foy, Rayman and Newell, Inc., stated that they had met with DEP to discuss stormwater funding. She advised that this would be the first year for DEP to fund low interest loans for stormwater improvements for small municipalities for which they have approximately \$180,000,000 available for 3.57% interest.

Ms. Tropepe stated that they would begin surveying the north end of Town on July 17<sup>th</sup>.

Regarding phasing the project, Ms. Tropepe stated that the Town would need to proceed with property acquisition and determining the Town's rights on certain streets. She stated that implementing the engineering and permitting for the alternatives along A1A would come after that. Town Manager Dunham advised that funds would be proposed in the FY 00/01 budget for drainage engineering, permitting and land acquisition. He added that there are also funds available in the Lake Worth Lagoon Grant. He explained that the Town would have twenty-four months to finish the project with a possible twelve-month extension for the Lake Worth Lagoon Grant. He explained that the Town would be applying for this grant in the next fiscal year and for state funding in 2001/02.

Comm Bridges suggested that the study be done so that A1A can be improved at the same time that DOT is making their changes to it. Ms. Tropepe stated that it was the suggestion of the engineers to do A1A first because of the problems of legal accessibility of the other streets. Comm Kaleel stated that the Town knows that DOT is going to rip up A1A in 2007 and it would be less expensive to do it at the same time. Comm Bridges questioned if DOT could move up their schedule to coordinate with our plans to which Comm Kaleel stated that it would be a good idea to talk to DOT to see if this could be done. Comm Bridges suggested a workshop with the Town Commission, Shalloway and DOT. Town Manager Dunham stated that he felt it would be difficult to get DOT to change their schedule and questioned if the Town Commission would want to wait until 2007 if they did not change. Comm Kaleel stated that he felt they would want to wait because of the amount of money they would save.

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Comm Willens stated that he did not think that the Town should only work on A1A to which Ms. Tropepe explained that if A1A was fixed it would connect the infrastructures along the other streets and assist to solve the flooding problem.

Comm Kaleel stated that the Town Commission needed a proposed budget and plan for this including a break down of how much money would come from grants, loans and taxpayers.

Ms. Tropepe advised that the deadline for applying for the Lake Worth Lagoon Grant is August 15<sup>th</sup> and would be approved by February 1<sup>st</sup>. Town Manager Dunham stated that the budgeting for this grant would be included in the FY 01/02 budget.

Atty Spillias stated that in each drainage alternative considered by the Town Commission, there is a need for land acquisition specifically the Kelso property. He stated that he needed direction from the Town Commission on how to proceed with this process. He advised that the Town would need an appraisal done on the property before proceeding with the eminent domain process.

Comm Willens moved to approve expenditures not to exceed \$5,000 from the contingency account for the purpose of appraisals and other necessary evaluations, seconded by Comm Kaleel.

Comm Bridges stated that he felt the Town would need either all or part of this property for the drainage improvements to which Ms. Tropepe stated that she felt all of the property would be needed.

Mr. Jones stated that he felt the area at the end of Hersey Drive or the area within the Turtle Beach Condos could be used as retention areas as opposed to using the Kelso property. He stated that he believed that the average height of the Kelso property is closer to between 6' and 8' as opposed to the 2' that the engineering firm is claiming. He added that he believed there was hard rock underneath the property and the water would flow off it as opposed to into the property. Comm Kaleel agreed that the engineers should research the feasibility of using the area around Turtle Beach for retention. Ms. Tropepe stated that they had researched the use of the Hersey property, but it was not feasible because the property is upstream of the outfall pipe. She also explained that a retention pond needs to be built at a 4:1 slope and may take more property than is available at Turtle Beach. Comm Bridges stated that he felt once A1A is properly swaled, all water will flow directly to the Kelso property.

Comm Kaleel questioned if Turtle Beach could be reviewed to see if their flooding is creating some of the problems and by utilizing their property could solve some of the problems. Comm Bridges suggested that the original plans for Turtle Beach be given to the engineers for review of that issue.

Mr. Jones stated that the engineering firm would need to evaluate the costs associated with turning the Kelso property into a detention pond to which Ms. Tropepe explained

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that estimates were given for this and although they did not have the legal opportunity to go onto the property, the engineers have given an evaluation and they have had a biologist look at the area surrounding the property.

Roll call was taken on Comm Willens' motion.

Motion carried – yea 5.

Comm Kaleel moved to have the original plans for Turtle Beach reviewed by the engineers to see if the drainage was installed properly, seconded by Comm Willens.

Motion carried – yea 5.

Patricia DiStefano, 14 Tropical Drive, stated that she had read in the newspaper that the Town had purchased a pump for the flooding problem and questioned who the residents notify when it floods. Comm Kaleel advised her to call the Department of Public Safety when her street begins to flood. Comm Kaleel suggested that the Town track the flooding for the next six months of where the pump is used and the man hours needed.

Mr. Jones advised that the vacant land within Turtle Beach has been foreclosed on again and is now owned by a bank.

Comm Kaleel moved to have the Town Atty research the owner of the property at Turtle Beach and put them on notice as to the drainage problems, seconded by Comm Willens.

Motion carried – yea 5.

6. Presentation of final report from Utilities Infrastructure Advisory Board –  
Peggy Smith

Peggy Smith read from a brief report submitted to the Town Commission regarding the Utilities Infrastructure Advisory Board. She advised that the board has covered issues relating to storm drainage, sewers and waste treatment, buried utilities, potable water sources and eradication of no-see-ums. Regarding storm drainage, the board reviewed the history of drainage problems in the Town and spoke with residents regarding specific problems and concluded that the issue be passed on to the Town Commission to be addressed immediately.

Regarding sewers and waste treatment, the board concluded that currently moving the Town from septic fields to a community sewage treatment approach would be cost prohibitive. The same conclusion was drawn by the board regarding buried utilities.

The issue of potable water is one that the board would like the Town staff to continue to monitor as the Town could possibly operate a water facility as a profit center and use the profits generated to underwrite the costs of other environmental and infrastructure improvements.

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The board recommended that the Town continue to monitor the activities regarding the no-see-ums as there has not been an affordable and reliable alternative at this time. In conclusion, the board suggested that the Town combine the two advisory boards into one, meeting as needed to assist the Town Commission and staff.

Mrs. Smith extended the board's appreciation to Comm Kaleel for his leadership at Focus 2000 and helping to identify the wants and needs of the Town. She thanked the Town Commission and Town Manager as well.

7. Presentation of final report of the Environmental Resources Advisory Board – Chairman Aaskov

Chairman Aaskov read from the final report submitted to the Town Commission from the Environmental Resources Advisory Board. He reviewed all of the issues which the board considered, their recommendations for action and short and long term issues which need further review. Among the issues considered by the board included seagrape trimming recommendations, entrance signs, sign pollution, landscaping and traffic calming.

The areas which the board recommended action included the installation of a passive park at Woolbright and A1A, a uniform sign style for entrance and Old Ocean Blvd signage, the supervision of the maintenance personnel by the Town Manager and the Corrine Street restoration site.

Other areas in which the board members agreed are that the seagrape-trimming ordinance did not have to be amended, the uniform plant list would be the same or similar plant species as the Ocean Ave. bridge landscaping, the landscape obstructions on the sidewalks have been mostly corrected and that increased horticulture knowledge would be addressed by either the hiring of a new maintenance employee or contracting out services beginning in the next fiscal year.

The Environmental Resources Advisory Board also recommended that the two advisory boards be combined to one board for long term planning.

Chairman Aaskov stated that the primary concern of the board was to incorporate an image for Ocean Ridge and that it would be the responsibility of the Town Commission to follow-up on what the board started. He also wanted to thank the Town Manager for his hard work.

Comm Kaleel stated that he felt both of the boards did a great job. Town Manager Dunham stated that the staff was preparing a recommendation to the Town Commission regarding the future use of these boards.

8. Authorize amount not to exceed \$15,000 for impact fee requirements for Ocean Ave. irrigation

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Town Manager Dunham explained that the impact fee for the water meters from the City of Boynton Beach to irrigate Ocean Ave. according to the original plans would be \$107,000. DOT has since determined that all of the vegetation around the retention ponds could be irrigated by using well water and thus decrease the impact fee to approximately \$10,000. DOT has advised the Town that an impact fee is considered a user fee and would have to be paid by the Town. He advised that Atty Spillias has reviewed the agreement with DOT and determined that any challenge to it would only delay the landscaping and include a potentially high cost to fight.

Comm Bingham stated that she did not believe this should be the responsibility of the Town, but rather that of DOT as it is their road. Town Manager Dunham stated that impact fees were not considered at the time of the original agreement.

Comm Bingham stated that she has noticed many problems with the landscaping that has been installed so far noting that she feels it has been poorly planted. Clara Scott, project manager for DOT, stated that the planting has not been completed adding that she would be happy to meet with Comm Bingham to discuss her concerns.

Comm Kaleel questioned if the contractor was required to pay any other fees in relationship to this project to which Ms. Scott advised that DOT would have paid all applicable permit fees. Comm Kaleel stated that he felt this fee should have been included in the overall project. Ms. Scott advised that this was different than the other permit fees as the landscaping was installed at the request of the Town to which Comm Kaleel replied that the landscaping was forced on the Town by DOT with the maintenance ultimately being the responsibility of the Town. Ms. Scott stated that the plants were chosen by the Town.

Comm Bridges questioned how impact fees could not have been considered if drainage and irrigation was considered in the original plans.

Comm Kaleel advised that the agreement with DOT calls for all disagreements to be brought before the DOT District Secretary and suggested that be the route for the Town to follow in this case.

Ms. Scott reiterated that it is the policy of DOT not to pay for impact fees because it is a user fee and the Town is the user.

Comm Kaleel moved that Atty Spillias contact the secretary of DOT to settle the disagreement. There was no second to this motion.

Bruce Gimmy, 12 Ocean Ave., questioned how the well would impact the irrigation to which Ms. Scott explained that the use of the well is what decreased the estimated impact fees from \$107,000 to \$10,000. Mr. Gimmy questioned if the Town could use strictly well water for the irrigation of the project to which Town Manager Dunham explained that there was concern that the well water would not only have a sulfur smell to it, but

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stain the sidewalk as well. Comm Bingham stated that she has been using well water for forty years and has never noticed a smell, but admitted that it does stain.

Comm Bingham moved that the staff pursue the use of well water for all of the irrigation on Ocean Ave., seconded by Comm Willens.

Motion carried – yea 5.

9. Approval of proposed signage on Old Ocean Blvd. in the amount of \$22,100 from budgeted funds in the environmental account

Town Manager Dunham explained that these signs have been recommended by the Environmental Resources Advisory Board that will start with Old Ocean Blvd. and eventually be placed on A1A as well. He stated that the \$22,100 would be for thirty new signs (including traffic control) to replace the ninety plus signs that are currently along Old Ocean Blvd.

Comm Willens moved to authorize \$22,100 from budgeted funds in the environmental other contractual services account for signage on Old Ocean Blvd., seconded by Comm Kaleel.

Comm Bingham stated that on the signs at the beach entrances, she wanted the line regarding not destroying dune vegetation at the top of the sign.

Comm Kaleel stated that he would like to see a sign as opposed to a picture of it and that he would like to see the cost for signs all over the Town. He commented that he felt the Town Commission needed more information regarding these signs.

Comm Bridges stated that he felt the price for the signs was high.

Comm Kaleel advised that if he were asked to vote on this without more information, he would vote it down. Mr. Gimmy stated that he felt the Town Commission should have been given more competitive bids to choose from.

Comm Willens withdrew his motion and Comm Kaleel withdrew his second.

Comm Kaleel suggested that the Town Manager do more research on this request.

Resolutions

None

First Reading of Ordinances

None

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Second Reading of Ordinances

10. No. 527; Amending the Code of Ordinances at Chapter 16, Article I, Section 16-9, concerning procedures to request that fines of liens be reduced

Town Clerk Hancsak read Ordinance No. 527 by title only.

Comm Kaleel moved to adopt Ordinance No. 527, seconded by Comm Bingham.

Mr. Jones questioned what the ordinance changed to which Town Manager Dunham advised that once a lien is filed against a property, a reduction request for that fine would come before the Town Commission.

Motion carried – yea 5.

11. No. 528; Amending the Code of Ordinances at Chapter 34, nuisances, by the addition of a new Article IV regarding obstruction of roads or rights-of-way, adopting the provisions of Sections 861.01 and 861.011, Florida Statutes, declaring for a procedure to request permission to continue the obstruction

Town Clerk Hancsak read Ordinance No. 528 by title only.

Atty Spillias advised that there was a typographical error on page three, the last line of the top paragraph and that “ninety-day period” should be “one hundred eighty day period.”

Comm Willens advised that he has a conflict regarding this issue and excused himself from the discussion and vote.

Comm Kaleel moved to adopt Ordinance No. 528, seconded by Comm Bingham.

There was no comment from the public.

Motion carried – yea 4 (Willens abstain)

12. No. 526; Providing for an advisory referendum vote; establishing a date for the advisory referendum vote; enacting a moratorium on the enforcement of Chapter 26, Article XIV, Section 26-222(b) of the code of ordinances

Town Clerk Hancsak read Ordinance No. 526 by title only and advised that the Town Commission had tabled this ordinance in May to a time certain of July.

Mayor Aaskov advised that she had a conflict with this issue and passed the gavel to Vice Mayor Bingham.

There was no motion from the Town Commission.

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Town Manager Dunham advised that the staff would be making a recommendation regarding the commercial issue at the August Town Commission meeting. Comm Kaleel stated that Comm Bridges would not be attending the August meeting and that he felt it should be tabled until the entire Town Commission is present at the meeting. The Commission concurred.

Town Commission Comments

13. Discuss hedge height By: Comm Bingham

Comm Bingham stated that she felt the Planning and Zoning Commission should review the issue of hedge height again. She commented that residents are allowing their Ficus hedges to continue to grow and become trees.

Comm Kaleel moved to send the issue of hedge height to the Planning and Zoning Commission for their review, seconded by Comm Willens.

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

Comm Bridges advised that Palm Beach does not have a restriction on hedge height and Mayor Aaskov stated that there are some beautiful Ficus hedges in Palm Beach.

Gay Bridges, 36 Sabal Island Drive, stated that she feels the residents should be allowed to decide their hedge height.

Comm Bingham commented that the Ficus would look fine if they were kept as a hedge and not allowed to grow into trees.

Adjournment

The meeting was adjourned at 9:05 PM.

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Mayor Aaskov  
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Commissioner Bingham  
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Commissioner Bridges  
\_\_\_\_\_  
Commissioner Kaleel  
\_\_\_\_\_  
Commissioner Willens

Attest By:

\_\_\_\_\_  
Town Clerk