

Public Hearing and Regular Commission Meeting of the Town of Ocean Ridge held on Monday, November 6, 2000 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 Kaleel
Mayor Aaskov
Commissioner Bridges
Commissioner Willens

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bridges requested to add an item regarding a discussion of blowers as item # 17. Comm Bingham requested to amend item #16 to read non-contiguous.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of October 2, 2000
2. Minutes of the Special Commission Meeting of October 2, 2000
3. Staff Recommendation that the January 2001 Regular Meeting be held on January 8, 2001 due to New Year's Day

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

Motion carried – yea 5.

Announcements and Proclamations

4. The Administrative Offices will be closed on Friday, November 10, 2000, Thursday, November 23, 2000 and Friday, November 24, 2000 for the Official Holidays
5. Proclaiming November 2000 as National Epilepsy Awareness Month
6. Holiday Lighting at Town Hall will be held on Thursday, November 30, 2000

Town Clerk Hancsak read the above announcements and reiterated that the January Regular Town Commission Meeting will be held on January 8, 2001 instead of January 1, 2001.

Public Comment

7. Request to discuss abandoned house at 4 Coconut Lane, drainage on Coconut Lane, and Coconut trees dying on Coconut Lane – Linda Geisler, 37 Coconut Lane

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Mrs. Geisler thanked Mayor Aaskov for walking the street with her and observing her complaints. She stated that the street floods very badly adding that there is no swale from her property to the end of the street so the water is retained there. Regarding the residence at 4 Coconut Lane, she advised that it is a big concern for all the residents on the street and they are aware there have been code violations, but that it has still not improved. She concluded by advising that something is killing all of the Coconut Trees on her street.

Town Manager Dunham explained that the residence at 4 Coconut Lane has been under constant code enforcement and that the property owners wish to make improvements once they secure a loan which they can not do until they satisfy current liens the Town has on the property. He advised that the staff is continuing to monitor the property and will soon be sending a letter to the property owner regarding the current violation of the lawn. Regarding the trees, he advised that a representative from Palm Beach County ERM feels there could be lethal yellowing and someone from the University of Florida is going to come and give a second opinion.

Justus Brown, 39 Coconut Lane, advised that he planted most of the trees on Coconut Lane and that they are diseased because unknown companies come and trim the seeds and coconuts off. He advised that he has been spraying the trees to help them and that he also feels some of them may have been hit with lightning. He stated that he is also worried about the standing water at the end of the street.

Town Manager Dunham explained his item #13, which was the update on the flood control study. He advised that Shalloway, Foy, Rayman and Newell would present their evaluation of soil conditions, existing elevations and environmental impacts during the December 4, 2000 Regular Town Commission Meeting. He advised that they will present alternative solutions for stormwater management, discuss corresponding levels of service for specific solutions and provide their estimates regarding the associated costs of the solutions. He added that they would also discuss drainage issues relating to the Waterways of Ocean Ridge subdivision.

Stan Padlo, 6310 N Ocean Blvd., advised that he believed that the Coconut trees did not have lethal yellowing, but rather weeping stem disease, which is caused by cutting the trees with used utensils. Regarding the flooding of Coconut Lane, he advised that he felt it was caused by the two gullies added at the end of Ocean Ave near the new bridge. Comm Bridges advised that the Town would notify DOT regarding the gullies.

George Bierlin, 26 Hudson Ave., asked if the engineers could have a question and answer period at the December meeting to which he was told that they would be available to answer questions from the residents. He also advised that the contractor was working on the bridge project that evening after the Town's working hours.

Jerry MaGruder, 9 Ridge Blvd., suggested that any new residential development be required to meet with the engineering firm for the Town to ensure that the drainage for the development conforms to the drainage plan for the entire Town citing Ocean Harbour

Estates as an example of where this should have been implemented. She added that she felt the homeowner should absorb the cost for this. Comm Bridges advised that Ocean Harbour Estates has been notified in writing that they needed to consider that the area was a historic catch basin and make any adjustments necessary.

Dan Marantz, 6285 N Ocean Blvd., advised that he had received a letter of violation from the Town regarding his Australian Pines. He advised that he requested an extension for the hearing date, as he would be out of Town the day of the scheduled Special Master hearing. He stated that he felt there should have been some flexibility on the part of the Town as he had to incur a greater expense since the project had to be done while he was out of Town. Director Hillery advised that he had spoken to Mr. Marantz and suggested that he have someone represent him at the hearing and request the extension. Director Hillery stated that under most circumstances the Special Master will ask when the applicant believes the violation will be corrected and then gives an extension to that date with fines accruing after that time. Mr. Marantz advised that he believes everything was done in accordance to Town Codes, but that it could have been more flexible. Comm Kaleel suggested that Atty Spillias develop a stipulation for settlement form so that this type of extension can be done through the mail.

Mrs. Geisler questioned what is being done to the property owners at 4 Coconut Lane to which Town Manager Dunham explained that the owners do want to improve the lot. Comm Willens questioned if the Town Commission could make it a pre-condition that the lot be cleaned up before considering any reduction in the lien placed on the property to which Town Manager Dunham advised that it could possibly be added with a new stipulation for settlement.

Public Hearings

8. Resolution No. 2000-19; Evidencing its intent to vacate and abandon its interest in an unimproved twenty foot wide, platted right of way located on the property within the Town of Ocean Ridge situated westerly of lots tracts 41 and 42 and easterly of tracts D and E of amended plat of part of Boynton Subdivision, recorded in Plat Book 12, Page 45; the right of way is more particularly described herein; providing for recording of this resolution

Atty Spillias advised that the owner of the property is using this site as offsite mitigation for a development permit in the Town of Highland Beach. In order for a conservation easement to be accepted by the South Florida Water Management District, the road right-of-way encumbrance must be released or vacated. Town Manager Dunham advised that the right-of-way runs north and south between the unimproved rights-of-way of Thompson Street and Corrine Street where the staff does not anticipate a need for a public right-of-way. He recommended approving the resolution.

Bill Sklar, atty for the property owners, advised that the right-of-way would need to be abandoned by the Town in order for the mitigation easement to be accepted. He stated

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

that it is highly unlikely that it will ever be developed as a right-of-way because the area is mostly wetlands. He added that if this property was not accepted as a conservation easement, the right-of-way would return to the Town.

Comm Kaleel advised that he was concerned and suggested having a reverter clause in the agreement. Mr. Sklar advised that the County will not accept the conservation easement with any encumbrances on the property including a reverter clause. He advised that he would have no objection to it, but the County would find it unacceptable. Comm Kaleel stated that the Town should work with the District to protect the Town's interests adding that he didn't think the Town should give it up unless it is certain it will return to the Town if the easement is not accepted by the District. Mr. Sklar reiterated that the property owners would want the Town to get ownership back.

Mr. Bierlin advised that he was deeply offended. He stated that he has requested abandonment of a particular right-of-way twice and been denied twice. He questioned why the Town would abandon this one and not his request. Comm Bingham advised that the right-of-way on Hudson could further aggravate the flooding problem if abused. She added that she would request a stipulation on the one requested in the resolution that it not be built on. Comm Kaleel added that they were only looking out for what is in the best interest of the Town as a whole and that the Town could be getting more for this right-of-way if it is turned over to the County eventually.

Comm Bridges questioned if the area could go straight under County jurisdiction or if it had to go to the SFWMD first and what effect this would have on the Town's relationship with the County. Mr. Sklar advised that he felt the control would ultimately go to the County, but that it is beyond his control if it goes to SFWMD first or not. He advised that the applicant would have to properly restore the area to wetland and monitor it for five years to ensure that it continues to meet the standards. He stated that the intent would be that the County will monitor it at the cost of the applicant.

Mr. Sklar explained that if the abandonment does not take place before November 14, 2000 they would not be able to make the District's December meeting. He added that the District does not want title, but only control over the mitigation plan.

Earl Jones, 14 Sailfish Lane, questioned who the title goes to if it does not go to the District to which Mr. Sklar advised that it would go to the applicant and then to the County in five years.

The public hearing was closed as there was no more public comment.

Comm Kaleel moved to accept Resolution No. 2000-19 on the condition that the Town has a contract from the developer that he will return the right-of-way to the Town if the easement is not accepted by the district and that the owner request of the district that the easement run in favor of the Town as well as the District, seconded by Comm Willens.

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Atty Spillias advised that since the resolution does not specifically include these conditions, the clerk will not file it until the applicant can show that they have been met.

Comm Kaleel added that he would like Mr. Sklar to ask the district if this is absolutely necessary as the Town has other property being used for mitigation in which the right-of-way was not abandoned. Mr. Sklar advised that he has been told that it is absolutely necessary, but that he would bring this inconsistency to their attention.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 5.

Comm Kaleel stated that he would like Mr. Sklar to work with Atty Spillias on this matter to which Mr. Sklar advised that he would report to Atty Spillias the next day after speaking with the District.

9. An application submitted by Patricia Pugliese, 800 Andrews Ave., #8, Delray Beach, FL 33483, requesting a variance from the provisions of the Buildings and Building Regulations, Article II, TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS, Section 14-27, Floor elevations, Sub-Paragraph (a)(3) Maximum Finished Floor Elevation (FFE) shall be no higher than 1' above the established minimum FFE, Sub-Paragraph (a)(5) Garages are not prohibited provided that all enclosed areas shall have a minimum FFE of not less than 8' above zero elevation and no artificial filling of land is used to create same 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 17.3' and a garage with a floor elevation of 7.3' which would extend approximately 140' east of the Coastal Construction Control Line located at 35 Hersey Drive (extreme southeast end of Hersey Dr.) or legally described as the Southerly Portion of Lot "A" and Lot "B" of Shoreview Subdivision (POSTPONED ITEM)

Town Manager Dunham advised that the staff has made a recommendation, but that he believes the applicant may be requesting a postponement.

Jeff Kurtz, atty for Patricia Pugliese, advised that the Town Commission considered two variances at the previous meeting for the FFE of the garage and first floor and for construction east of the CCCL. He advised that he received a copy of the staff's recommendation on Friday regarding the height of the building. He stated that Atty Spillias is going to give an opinion on whether a variance is needed for the first floor FFE and whether a variance or appeal is needed for the garage FFE. He stated that he was requesting a postponement of the hearing until the opinion is rendered so he will know if the applicant needs to be seen before the Town Commission or the Board of Adjustment.

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Atty Spillias stated that through more extensive examination of the code, there have been discussions over what may be more appropriate to be heard by the Board of Adjustment. He explained that he did not think there would be any prejudice to postponement of the variance so that they are sure proper procedure is being followed. He advised that he would get the full opinion to Atty Kurtz as soon as possible. Atty Spillias suggested that the Town Commission also postpone item #10 (Request for Unity of Title – Patricia Pugliese, 35 Hersey Drive).

Comm Kaleel moved to postpone items #9 and #10, seconded by Comm Bingham.

Motion carried – yea 5.

Atty Kurtz advised that Town Commission that the staff has been very responsive to him regarding this matter.

Earl Jones questioned if the staff report would be available to the public to which Town Manager Dunham replied that it would.

Regular Agenda

Actions and Reports

11. Discuss the posting of construction permit signs By: Comm Bingham (Postponed item)

Comm Bingham questioned if there was an alternate solution to the small construction signs, which are placed in the Town. Town Clerk Hancsak advised that the signs are placed so that notification can be given that a building permit has been approved for a residence. Comm Kaleel stated that he felt notification still needed to be made once a permit has been approved or the Town could be liable. Town Manager Dunham commented that possibly an amendment could be made that signs are only posted when zoning changes are made. Comm Kaleel suggested that the staff review the issue and make recommendations.

Anthony Lanza, 31 Hersey Drive, stated that the Town has a responsibility to maintain the utilities in the Town and by allowing Mrs. Pugliese to build her desired house at 35 Hersey Drive would cause drainage problems for others on the street. He added that he felt the Town would be liable if his house flooded as a result of her construction. Atty Spillias advised that the public hearing has been closed for Item #9 and asked that Mr. Lanza refrain from saying anything that may influence the Town Commission in case the issue goes to Court.

12. Update on Ocean Ave. bridge By: Gregory Dunham, Town Manager

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Town Manager Dunham explained that due to a small fire at the construction area, the newest date for the opening of the bridge could be the end of December 2000 the latest.

13. Update on flood control study By: Gregory Dunham, Town Manager

Town Manager Dunham explained that he had given the update during item #7.

Resolutions

None

First Reading of Ordinances

14. No. 530; Amending Chapter 16 of the Code of Ordinances, Concerning code enforcement procedures; establishment of a Special Master; establishment of supplemental enforcement procedures; authorizing suits to recover the amount of a money judgment on a Special Master lien; exempting certain property from application of certain money judgment provisions

Town Clerk Hancsak read Ordinance No. 530 by title.

Atty Spillias advised that this was back for first reading since there is a new Florida Statute which would allow the Town to seek a money judgment rather than a lien meaning that the Town could go after other property owned by the resident rather than simply placing a lien on their Ocean Ridge property.

Comm Kaleel moved to approve Ordinance No. 530 on first reading, seconded by Comm Bridges.

Motion carried – yea 5.

Second Reading and Adoption of Ordinances

15. No. 531; Amending the Code of Ordinances at Chapter 14, Article I, Section 14-1, Regarding responsibility for construction site maintenance and appearance; providing for additional remedies; Article I, Section 14-3, regarding the removal and securing of roof tiles and other construction materials during tropical storm and hurricane warnings and watches, providing for the tie-down of roofing materials during hurricane season.

Comm Bridges moved to adopt Ordinance No. 531, seconded by Comm Bingham.

There was no comment from the public.

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Comm Kaleel clarified that the intent of Section 14-1 (d) on the second page, reference off-street parking, is that it be reasonable and not impede traffic flow to which Atty Spillias advised that the ordinance allows for a certain element of discretion to the Department of Public Safety.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 5.

Town Commission Comments

- 16. Discuss directing Planning and Zoning Commission to review code relating to non-contiguous lots By: Commissioner Bingham

Comm Bingham suggested that the Planning and Zoning Commission review how the FAR effects non-contiguous lots and possibly give a new concept for this situation. Comm Kaleel suggested that this be done with the code revisions that the Town is currently doing to which the Town Commission concurred.

- 17. Discussion of blowers By: Commissioner Bridges

Comm Bridges stated that he has watched two properties on Corrine Street blow their rubbish from one lot to another every week. He stated that he wanted the Town to adopt an ordinance that it be containerized instead.

Town Manager Dunham stated that the staff is already researching this issue and will pass on a recommendation.

Adjournment

The meeting was adjourned at 8:00 PM.

Mayor Aaskov

Commissioner Bingham

Commissioner Bridges

Attest By:

Town Clerk

REGULAR TOWN COMMISSION MEETING HELD ON MONDAY, NOV. 6, 2000

Commissioner Kaleel

Commissioner Willens