

Public Hearing and Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 4, 2000 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 Willens

Commissioner Bridges  
Mayor Aaskov

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

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham advised that she would like to remove Item #3 from the consent agenda for discussion.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of November 6, 2000
2. Ocean Ridge Resolution No. 2000-20; 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 13, 2001 election and to canvass returns of such election including the absentee ballots and assigning the Supervisor of Elections to handle absentee ballots

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

Motion carried – yea 4.

3. Authorize purchase of utility trailer for emergency stormwater equipment storage in the amount of \$1,200 from the Contingency Account

Town Manager Dunham explained that it is very time consuming to connect all the discharge hoses for the pumps and that it would be much quicker to simply pull them off of a trailer if they were already connected. Comm Bingham questioned how much time this would save to which Director Hillery explained that time would be saved from loading the hoses onto trucks and rolling them out to be connected. He advised that it would probably have the pumps working forty minutes sooner.

Comm Bingham moved to approve an amount not to exceed \$1,200 from the contingency account for the purchase of a utility trailer for emergency stormwater equipment storage, seconded by Comm Willens.

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Motion carried – yea 4.

Announcements and Proclamations

4. The administrative offices will be closed on Monday, December 25, 2000 and Monday, January 1, 2001 for the official holidays.
5. Reminder – The January Regular Town Commission Meeting date will be Monday, January 8, 2001 at 6:30 PM.
6. 2001 Municipal Election
  - a. Date of Election is February 13, 2001
  - b. One Commission Seat for a three year term
  - c. Candidate filing dates run January 2, 2001 through January 24, 2001 at 3:00 PM

Town Clerk Hancsak read the above announcements.

Public Comment

Cheryl Olanoff, 566 David Lane, advised that she would like to thank the Department of Public Safety as her house was saved from flooding recently because of the use of the pump. She added that her neighbors would also like to volunteer to assist with setting up the equipment. Town Clerk Hancsak advised that she would check the liability issue on this. Mayor Aaskov suggested that Mrs. Olanoff and her neighbors contact Director Hillery to set up a training meeting.

Don MaGruder, 9 Ridge Blvd, suggested that the Town require a completion bond from those doing demolition work so the Town can have a project completed if it is abandoned by the contractor. He distributed pictures of a home on Hibiscus Way which was being demolished, but had not been completed. Mr. MaGruder also suggested that the easements at the lot on the corner of A1A and Woolbright be marked and cut down. He stated that the residents could then get together on a weekend and drag the trees to a vacant lot where the Town can have someone turn the debris into mulch. Comm Bridges suggested that the Town hire someone to kill the trees instead as he feels that although it may take longer than Mr. MaGruder's suggestion, it was better for the trees.

Robert Katz, 5691 David Lane, commented that he has found some positive results from the flooding of his neighborhood. He stated that the neighbors have been helping each other and the Department of Public Safety and the Town Commission is working hard to meet the demands of the residents. He added that he would also like to thank the Department of Public Safety.

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PUBLIC HEARINGS

7. 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)

REGULAR AGENDA

(Items Which Require Town Commission Action That Must Be Filed With Town Clerk 1 Week prior to Meeting – Public comment Permitted)

ACTIONS AND REPORTS

8. Request for Unity of Title – Pat Pugliese, 35 Hersey Drive (POSTPONED ITEM)

Mayor Aaskov advised that the applicant is requesting another postponement of Items #7 and #8.

Comm Willens moved to postpone Items #7 and #8 until January 8, 2001, seconded by Comm Bridges.

Motion carried – yea 4.

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9. Request for lien reduction resulting from Special Master Code Enforcement Action – Dr. DePalma, owner of 4 Coconut Lane

John Bowles, contractor for 4 Coconut Lane, advised that the Code Enforcement notices were sent to the address at 4 Coconut Lane when Dr. DePalma was living in Delray Beach. He stated that the trees that Dr. DePalma was fined for were not even on the property of 4 Coconut Lane. Town Clerk Hancsak advised that the letters were sent to the address listed with the Tax Collector's Office of Palm Beach County. She explained that at the Special Master hearing, a time certain was given for violations to be cleared and it was not corrected until 31 days after that date. Mr. Bowles advised that it was very time consuming getting all the plans together for the remodeling that Dr. DePalma wants to do to the residence to which Mayor Aaskov advised the remodeling was not the issue.

Town Clerk Hancsak summarized the events as they occurred from the first report of violation through the Special Master hearing and subsequent correction of violation.

Comm Bridges moved to deny the request for lien reduction as he felt the Special Master was put in place in order to "give teeth" to the Department of Public Safety, seconded by Comm Bingham.

Bruce Gimmy, 12 Ocean Ave., advised that he lives behind this residence and has noticed rats all over the property and added that the property has been in disarray for a long time.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 4.

10. Update and report on flood control study By: Shalloway, Foy, Rayman and Newell, Inc

Mayor Aaskov recommended that the Town Commission have a workshop meeting on this issue as well as the presentation at this meeting. Town Manager Dunham stated that they would be presenting the portion of the study including the north end of Town including costs and level of service.

Dan Shalloway advised that they have already secured a \$500,000 matching grant for the south end of Town. He explained that none of the solutions presented will protect from hurricane type flooding problems and that there will need to be some soil boring done as there is a lot of underlying muck in most areas of Town.

Lisa Tropepe advised that she would be discussing the Harbour Drive, Spanish River and Ocean Ave. areas. She explained that in order to be consistent throughout the survey, the elevation data of NAVD88 (North Atlantic Vertical Datum – 1988) used by the US Army Corps of Engineers would be used although Palm Beach County and most local surveyors use NGVD 1929 (National Geodetic Vertical Datum of 1929). She stated that a finished floor elevation of 8.0' NGVD is approximately 6.4' NAVD88.

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Ms. Tropepe explained that they had met with representatives of FDOT who had no road plans for A1A. Survey information regarding only 1.3 miles of A1A was obtained from the US Army Corps of Engineers. She advised that there appears to be only eight catch basins along the 2.6 miles of A1A in Ocean Ridge and no apparent swale system within the right-of-way. She explained that FDOT would need to be involved in any construction plans within their right-of-way and should be included in cost sharing responsibilities.

Regarding the Harbour Drive area, Ms. Tropepe explained that there are only two roads included which are Harbour Drives North and South and that the road centerline grades range from 2.03' to 5.03'.

Comm Willens left the meeting at 7:10 PM.

Ms. Tropepe then outlined the three alternates for the Harbour Drive area. The first alternate would involve "slip-lining" (inserting a smaller pipe into the current one if it is damaged in areas), cleaning, televising the pipes and start of an annual maintenance program. This alternate would have an initial cost of \$57,000 to \$69,000 with an annual maintenance cost of \$3,000 to \$6,000. The second alternate would be for the purchase two additional pumps similar to the ones previously purchased by the Town along with all that is involved in alternate one. This would be an additional \$34,000 to the cost of alternate one. The third alternate is to remove the entire road and reconstruct it at a higher elevation with a new swale system. This alternate would cost \$825,000 to \$990,000.

Ms. Tropepe reminded the Commissioners that the figures were based on worst case scenario and may not be that high once soil testing has been completed.

Town Manager Dunham questioned if consideration was given to increasing the size of the outfall pipes to which Ms. Tropepe stated that they did not advise increasing the size of the pipes or installing new ones at this time.

Comm Bridges questioned the odds of alternate one working so that the Commission would know before spending funds on it as opposed to just going to alternates two or three to which Ms. Tropepe explained that alternate one would have to be completed before either two or three. She stated that one 100' section of pipe was cleaned last week and although it took four and a half-hours to complete, the pipe was found to be secure.

Ms. Tropepe described the Spanish River area as a 25-acre manmade island surrounded by the Intracoastal. Although there is an apparent drainage infrastructure, there are silted conditions in several catch basins. She explained that there are seawalls located around the waterway perimeter with an average top seawall elevation of 3.16'. The seawall appears to be compromised in areas where outfall pipes are located. She advised that pipes were located between Ridge Homes and Ocean Cay condos and in the Inlet Cay area between N Ocean Blvd. and the Intracoastal. She explained that the legal accessibility to these pipes would need further research.

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Ms. Tropepe then explained the three alternates for the Spanish River area which were similar to those of the Harbour Drive area, but with the purchase of three pumps instead of two in alternate two. She advised that the estimated cost for alternate one would be \$100,000 to \$125,000 with an additional \$5,000 to \$11,000 for annual maintenance. The estimated cost for alternate two would be approximately \$51,000. The cost of alternate three which would be the reconstruction of the road and a new swale system would be \$1,800,000 to \$2,200,000. She added that the cost of cleaning and televising the pipes would probably decrease if the Town were doing multiple areas.

Comm Bingham questioned the flooding on Bimini Cove to which Ms. Tropepe explained that they would be recommending a valve on the pipe to prevent the backflow into the pipes. Comm Bridges questioned if there were red valves already in place in Town to which Ms. Tropepe replied that she has observed some, but that they do not close completely and are clogged with barnacles. Mr. Shalloway suggested that the red valves be cleaned every month in the summer and less in the winter.

Ms. Tropepe explained that the Ocean Ave area would include only Hudson Ave. and Coconut Lanes as Ocean Ave. is currently under construction due to the bridge project. She advised that there is no drainage infrastructure or consistent swale system on Hudson Ave. although some homes provide a front swale system which remains wet most of the time. She added that portions of this road have appeared to have subsided. She stated that Coconut Lane is similar in its lack of drainage infrastructure and swale system although it does contain a "stand pipe" system at the end of the cul-de-sac which is used as a manual relief for drainage.

Alternate one for Hudson Ave. would involve continuing the periodic overlay of the asphalt road as the Town has currently implemented, but includes the maintenance of the rights-of-way. This alternate would also include the trimming and clearing of the mangroves adjacent to lot 12 and the implementation of a contiguous swale system. The estimated cost for this alternate would be \$190,000 to \$225,000 not including the continual overlay necessary from time to time. Alternate two for Hudson Ave. would involve reconstruction of the road and a new swale system. She advised that soil borings would need to be taken to determine the type of construction and/or demucking needed to provide a new higher elevation road/swale system. She stated that the estimated cost for this alternate would be \$640,000 to \$760,000 basing the figure on 5' deep of muck.

Regarding Coconut Lane, Ms. Tropepe explained that since many of the homes are extremely low, there is no option of raising the road. Alternate one consists mainly of maintenance of the road right-of-way and continuing to use the manual "stand pipe" system. She explained that the cost for this alternate would be minimal. Alternate two would involve providing a sump/temporary pump system so water can be accumulated and discharged. She stated that the cost for this alternate would be \$22,000 to \$35,000.

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Town Manager Dunham commented that a lot of the flooding of these two streets are as a result of excess from N Ocean Blvd. to which Ms. Tropepe reiterated that FDOT needs to be involved in the construction in order to determine their responsibility.

Comm Bingham questioned if the drainage on Ocean Ave. would be adequate when the bridge is finished to which Ms. Tropepe stated that DOT received approval for the drainage plans from SFWMD. Town Manager Dunham explained that a letter has been sent which states that the drainage is unacceptable as is. Comm Bingham advised that water is flooding from Hudson Ave. to Ocean Ave.

Earl Jones, 14 Sailfish Lane, stated that when the last home was built on Hudson Ave. there was a lot of muck in the area and in some areas may be as much as 35'.

George Bierlin, 26 Hudson Ave., advised that there is a maintenance concern at the west end of Hudson Ave. as the seawall is deteriorating and the seawater is getting underneath it. Mr. Bierlin stated that he has seen figures for mitigation at between \$17,000 and \$45,000 per acre and asked if this was correct. Mr. Shalloway explained that those figures would be for freshwater wetland. Comm Bridges stated that the Town may have to consider using the land at Corrine St. for mitigation.

Bruce Gimmy, 12 Ocean Ave., stated that the Spanish River used to flow through to Hudson Ave. and that is why there is so much muck in that area.

Ann Syring, 50 Coconut Lane, questioned why a permanent pump could not be installed in some areas to which Mr. Shalloway explained that the problem would be that there is generally not enough right-of-way available to place a permanent pump and electricity would have to be available for it. He stated that permanent pumps would increase the cost estimates and they also need to be exercised regularly.

Ms. Tropepe explained that the first suggestion would be to clean the pipe system in its entirety which may be all that is necessary for areas such as Spanish River.

Ty Fender, 40 Coconut Lane, stated that it floods twice a day at high tide where he lives to which Town Manager Dunham explained that the maintenance department was looking into his particular problem.

The Town Commission thanked Ms. Tropepe and Mr. Shalloway for their presentation.

11. Update on Ocean Ave. Bridge By: Gregory Dunham, Town Manager

Town Manager Dunham advised that currently the bridge is scheduled to be open at the end of December.

Resolutions

None

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First Reading of Ordinances

12. No. 532; Amending the Code of Ordinances at Chapter 34, Nuisances, Article I, Section 34-6, Concerning the required trimming of Coconut Trees

Town Clerk Hancsak read Ordinance No. 532 by title only.

Comm Bingham stated that she realized the intent of the ordinance, but all palm trees have limbs which could be dangerous in a storm. Town Manager Dunham explained that the ordinance does not address any limbs, only the nuts on the tree.

Mayor Aaskov stated that she has heard a lot of complaints from residents about the coconuts and Town Manager Dunham explained that this ordinance is a result of that concern. Mayor Aaskov suggested that the ordinance be amended to read that a tree be free of mature coconuts during hurricane season.

Mr. Bierlin stated that a tree could be trimmed in August and still have coconut blooms in November.

The Commission concurred that this ordinance could not be approved as presented.

Town Manager Dunham stated that the staff would review this ordinance.

Second reading and adoption of ordinances

13. 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 only.

Comm Bingham moved to adopt Ordinance No. 530.

Mr. Jones questioned what the ordinance meant to which Atty Spillias advised that the ordinance would bring the Town Codes in regards to the Special Master up to date with Florida statutes in terms of rules of evidence and examining witnesses. Atty Spillias added that fines by the Special Master are currently filed as liens against their property in Town and the Town can not foreclose on homesteaded property. This ordinance would allow the Town to seek a money judgment against other assets of the property owner.

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Comm Bridges seconded Comm Bingham's motion.

Motion carried – yea 3.

Town Commission Comments

14. Discuss signs on public property By: Commissioner Bingham

Comm Bingham stated that she would like to know what authority the Town has regarding the number of exit signs in Oceanfront Park and various signs in the parking lot of the Town Hall. Atty Spillias advised that he would review the code and get back to her.

Mr. MaGruder stated that there is a hedge at the end of his street where it intersects with Midlane Rd. He advised that this hedge has cut down on the driver's visibility at the corner. Director Hillery advised that he would look into the matter and get in touch with Mr. MaGruder.

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 Willens

Attest By:

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