

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 2, 2001 at 6:30 PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov
Commissioner Bridges
Commissioner Bingham
Commissioner Willens
Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bridges requested to add an Item #8 regarding the recreation of the old Town Hall.

Town Manager Dunham requested to add an Item #9 regarding the Florida League of Cities (FLC) Conference and an Item #5A of a request by DOT for extended working hours.

Consent Agenda

1. Minutes of Town Commission Meeting of June 4, 2001

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

Motion carried – yea 5.

Announcements and Proclamations

2. The Administrative Office will be closed Wednesday, July 4, 2001 for the official holiday.

Mayor Kaleel read the above announcement.

Public Comment

George Bierlin, 26 Hudson Ave., stated that he was submitting a petition from his neighbors regarding their request for beach access. He stated that they were requesting that the east Edith St. right-of-way be returned to public use. He added that a walkway could easily be placed down this right-of-way. The Town Commission advised that this issue would be discussed under Item #3. Town Clerk Hancsak advised that there were 9 signatures on the petition.

Actions and Reports

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

3. Discuss Edith St. Encroachments By: Gregory L. Dunham, Town Manager

Comm Willens advised that he had a conflict on this issue and would not participate in the discussion or voting.

Comm Bingham stated that she feels the Town needs to stand up and take back all the rights-of-way. She suggested that some of them be paved for bike paths and boat launches.

Comm Bingham moved that the Town not allow any right-of-way to be completely blocked, seconded by Comm Bridges.

Comm Bridges suggested that the Town start using and maintaining the right-of-way and have a clear policy that no one can use the right-of-way.

Comm Bridges suggested that the motion be amended to allow a resident to maintain and use a right-of-way which is alongside a paved road.

Atty Spillias stated that the Town Commission could legally treat a right-of-way along a paved road different than those which are unimproved. Very often residents place landscaping in a right-of-way in front of a home.

Mayor Kaleel stated that he still believes that the Town Commission needs to look at these on a case by case basis. He stated that he felt any encroachments on the Edith St. right-of-way on the east side of A1A need to be cleared of all obstructions so that a path can be cleared to the Ocean. Regarding the right-of-way on the west side of A1A, he stated that if the Town Commission has clear plans for the use of it, letters should be sent to the residents to remove their obstructions. He added that if the Town has no plans for its use, then he has no problem with allowing the residents to keep their obstructions.

Comm Aaskov questioned how the Town Commission could ask everyone with an obstruction on the east side of A1A to remove their obstructions from the Edith St. right-of-way if they were supposed to evaluate this on a case by case basis to which Mayor Kaleel stated that the residents had a specific period of time to apply for the use and no one did. Comm Aaskov stated that the residents should be allowed to make their application regardless. Mayor Kaleel asked why the residents should be made to go through the application process if the Town Commission has already decided that they are going to deny use of any particular right-of-way.

Comm Bingham withdrew her motion and Comm Bridges withdrew his second.

Comm Bridges moved to send notifications to those who have obstructions in the rights-of-way that they are in violation and will need to apply for its use or appear before the Special Master, seconded by Comm Aaskov.

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

Motion carried – yea 4 (Willens abstain).

Mr. Bierlin questioned if a tree in a right-of-way would be considered an obstruction as well as a fence or a wall to which Atty Spillias stated that to the extent that anything impairs the ability to go down a right-of-way, it would be considered an obstruction.

Mayor Kaleel questioned that the Town Commission was agreeing that they were willing to hear all applications even though they may not grant any for a certain right-of-way. Comm Bridges stated that the Town Commission would need to work with the Planning and Zoning Commission on plans for the rights-of-way that they will not allow the residents to use.

Director Hillery stated that the Corrine St. beach right-of-way has a 4' wide walkway on it which could also be done with Edith St. He questioned if the description of an obstruction would include a hedge or a fence that has a gate.

Mayor Kaleel reiterated that the Town would need to have plans or goals for the Edith St. right-of-way on the west side of A1A if they are going to deny all applications for obstructions in that area.

Atty Spillias stated that the idea behind requiring the resident to apply for the obstruction is so that the Town has a plan from the resident to ensure that what they have done to the right-of-way is what was approved by the Town.

Town Clerk Hancsak suggested that if it was the intent of the Commission to deny any applications for an obstruction, then the resident should just be sent notification to remove the obstruction within 30 days or appear before the Special Master.

Bruce Gimmy, 12 Ocean Ave., stated that the Planning and Zoning Commission had decided that all rights-of-way should be free of obstructions and maintained by the Town for utility use.

Director Hillery advised that if the public starts using these rights-of-way to walk to the Intracoastal, the Department of Public Safety would receive numerous calls from residents about strangers walking through the Town.

Town Manager Dunham clarified that the Planning and Zoning Commission did not agree to maintain the right-of-way between Hudson Ave. and Ocean Ave. and the right-of-way between Ocean Ave. and Coconut Lane, but only not to abandon it. He stated that the only motion passed by the Planning and Zoning Commission was for the Town to reasonably maintain the rights-of-way.

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

4. Selection of Engineering Firm for the purpose of storm water management design By: Gregory L. Dunham, Town Manager

Mayor Kaleel advised that the Town had only received one RFQ and that it was from Shalloway, Foy, Rayman and Newell.

Comm Aaskov moved to authorize the staff to negotiate a contract for the design of the stormwater drainage improvement alternative for the south end for ultimate approval by the Town Commission with Shalloway, Foy, Rayman, & Newell, seconded by Comm Bingham.

Motion carried – yea 5.

5. Reconsideration of release of unity of title for Lot 44, Inlet Cay Subdivision (Deferred Item)

Mayor Kaleel advised that there was no one present at the meeting to discuss the issue.

Comm Aaskov moved to deny the request for release of unity of title for Lot 44, Inlet Cay Subdivision, seconded by Comm Willens.

There was no further discussion.

Motion carried – yea 5.

- 5A. Request by DOT for work hour extension

Eric Padrone, Project Engineer for DOT, stated that the contractor for the project at the Boynton Inlet has requested permission to work on Sundays to save on costs and time. He stated that the Sunday work would be quiet work such as painting, possibly minor sandblasting, slope repair and cleaning.

Town Manager Dunham reminded the Town Commission that the project is actually in the County and this request is merely a courtesy.

Comm Bridges moved to allow the contractor for the Boynton Inlet project to work on Sundays, seconded by Comm Bingham.

Motion carried – yea 5.

Mr. Padrone stated that the Town needed to decide on a color for the bridge to which Mayor Kaleel stated that it should be a color consistent with the design of the buildings at the Inlet Park. Town Manager Dunham stated that he would work with DOT on that issue.

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

Resolutions

6. Resolution No. 2001-09; Relating to requiring and collecting permit fees from providers of communications services and increasing the local communications services tax; providing for intent; providing for election not to require and collect permit fees; providing for election to increase local communications services tax; providing for notice to Department of Revenue

Mayor Kaleel read Resolution No. 2001-09 by title only.

Atty Spillias explained that the State had taken away individual municipal authority for franchise fees and that the State would now collect taxes for all telecommunications. The Department of Revenue has given each municipality the tax rate that it would need under this new law to generate the same amount of revenue as the fiscal year 1999. He stated that this rate for Ocean Ridge would be 1.1%, but that municipalities could go as high as 5.1%.

Atty Spillias explained that Resolution No. 2001-09 advises that the Town has elected not to collect the permit fees for utilities to use the rights-of-way, but rather to impose a .12% telecommunication tax.

Atty Spillias explained that Resolution No. 2001-10 advises that the Town will also start imposing a 1.88% tax, which will combine with the previous .12% to total a 2% tax, and will generate a revenue equal to or a little higher than the revenue from the previous year. He added that this tax rate could be changed on a yearly basis.

Atty Spillias advised that two additional benefits would be that the Town would now have zoning authority over wireless towers and receive a percentage of the State tax on wireless.

Comm Bingham moved to approve Resolution No. 2001-09, seconded by Comm Aaskov.

Atty Spillias advised that there was a typo in the resolution and that the heading should read Resolution No. 2001-09.

Motion carried – yea 5.

7. Resolution No. 2001-10; Relating to increasing the local communications services tax rate; providing for intent; providing for increased local communications services tax rate; providing for notice to the Department of Revenue

Mayor Kaleel read Resolution No. 2001-10 by title only.

Comm Willens moved to approve Resolution No. 2001-10, seconded by Comm Bridges.

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

Mayor Kaleel stated that he wanted to know how much revenue this would raise to which Town Clerk Hancsak advised that last year the Town received approximately \$16,000 and should receive a little more than that with the 2% tax. Town Manager Dunham added that the staff had budgeted to receive \$20,000 in the next fiscal year.

Roll call was taken on Comm Willens' motion.

Motion carried – yea 5.

First Reading of Ordinances

None

Second Reading of Ordinances

None

Town Commission Comments

8. Old Town Hall Recreation By: Commissioner Bridges

Comm Bridges stated that the Town Commission had previously decided to do something regarding a replication of the Old Town Hall. He suggested that a recreation of the old Town Hall be built on the opposite side of the property with a new Department of Public Safety attached to it. He added that the two buildings could be joined by an archway. He stated that his company would design the new building at no cost. He suggested that the Town start mitigating now to get rid of some of the mangroves near the property.

Mayor Kaleel stated that he thought it was a great idea and that he would like to see some plans containing these suggestions. He added that he would also like to landscape the property to the north of the Town Hall.

9. Florida League of Cities Meeting By: Town Manager Dunham

Town Manager Dunham advised that the FLC is having their annual meeting for elected officials and has offered the Town a \$1,000 stipend for someone to attend. He explained that this stipend was offered as the Town has never sent a representative to this meeting.

Mayor Kaleel suggested that the staff write a letter to FLC advising that an official from the Town would attend the meeting and the Town Commission would decide who would attend before the meeting.

REGULAR TOWN COMMISSION MEETING HELD ON JULY 2, 2001

Adjournment

The meeting was adjourned at 7:50 PM.

Mayor Kaleel

Commissioner Aaskov

Attest By:

Commissioner Bingham

Town Clerk

Commissioner Bridges

Commissioner Willens