

Public Hearing and Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 1, 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 Bingham
Commissioner Bridges	Commissioner Willens
Mayor Kaleel	

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bridges requested to add a discussion of rights-of-way, houses and trees as Item #11.

Comm Bingham requested that a discussion of new flooding in Town be added as Item #12.

Consent Agenda

1. Minutes of the Public Hearing and Regular Town Commission Meeting of September 4, 2001
2. Minutes of the Final Budget Hearing/Special Meeting of September 11, 2001
3. Authorize execution of garbage/trash liens and Town Attorney to file same
4. Authorize excess 2000/2001 funds to be deposited into beautification and self-insurance account
5. Authorize distribution check to the American Red Cross from the donated September 11th relief contributions
6. Authorize withdrawing from Interlocal Agreement with the Municipal Public Safety Communications Consortium of Palm Beach County

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

Motion carried – yea 5.

Public Comment

Justus Brown, 39 Coconut Lane, stated that he had a petition with signatures from the residents of Coconut Lane and their request for the abandonment of the right-of-way. Mayor Kaleel advised that the petition could be considered at the next meeting.

Earl Jones, 14 Sailfish Lane, stated that he had voiced concerns over Town Code 26-31 about four or five months ago and the issue was supposed to go to the Planning and Zoning Commission for further review. He questioned when this meeting was going to be

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set up. Town Manager Dunham stated that a Planning and Zoning Commission meeting has been scheduled for October 15th and the item would be discussed then.

Kent Safriet, attorney for the Sivitilli's, advised that he wanted the opinion of the Town Commission on a bill to de-annex 5011 N Ocean Blvd. into the County. Mayor Kaleel stated that a discussion on this issue should be included as a regular agenda item and not under public comment. Mr. Safriet requested that it be added at the end of this meeting so that it could be discussed before he had to return to Tallahassee. Comm Bridges stated that he was not ready to discuss it at this meeting. Atty Spillias explained that he had requested a copy of the bill, but had not received it and therefore had not requested it to be added as an agenda item. Mayor Kaleel stated that it could be discussed at the November Town Commission Meeting.

PUBLIC HEARINGS

7. An application submitted by Randall Stofft Architects, 42 N. Swinton Ave., Delray Beach, FL 33444, representing Lothar and Carlyn Mayer, requesting a variance from the provisions of 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 single family home, pool and patio area, and perimeter wall, which would extend a maximum of 65' east of the Coastal Construction Control Line located at 6017 Old Ocean Blvd. or legally described as Lots 10 to 12, Block 9, of the Amended Plat of Boynton Subdivision

Town Manager Dunham stated that the request is for building east of the CCCL and that a preliminary review of the permit shows that it meets all zoning codes.

Town Clerk Hancsak advised that all fees had been paid and that there was no additional correspondence. There were no disclosures by the Town Commissioners nor was there any public comment.

Comm Bridges moved to approve the request, seconded by Comm Aaskov.

Motion carried – yea 5.

Regular Agenda

Actions and Reports

8. Consideration of Right of First Refusal – Houses at 21 and 60 Ocean Ave. owned by FDOT

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Town Manager Dunham explained that state law requires DOT to offer the right of first refusal to a municipality in which they have property located. He stated that sometimes the property can be donated to the municipality, but there are qualifications to the donation and may require some compensation when a large amount was initially paid for the property.

Susan Day, representing FDOT, stated that the Town would be given ten days to consider the property. She stated that FDOT paid \$700,000 for the properties.

Comm Bingham stated that she believed the property on the south was supposed to be part of a park and the house to the north would be resold. Comm Bridges stated that he did not recall the south side being a park, but that the southern house is not on pilings and he would not recommend selling it to anyone, nor did he feel the town needed it.

Mayor Kaleel stated that he felt the Town Commission should at least explore the option of acquiring the properties. Ms. Day stated that most municipalities would use the area for a type of Welcome Park. She stated that there is a liability to the FDOT to leave those homes vacant and would like to know how long it would take the Town Commission to decide.

Comm Bridges stated that he did not believe the Town should waste money exploring options or buying additional property. Mayor Kaleel reiterated that he felt the Town Commission should review their options and how the Town could possibly have the land donated to it. The Commission concurred it could take ninety days for a decision.

9. Discussion Regarding Beaches By: Gregory Dunham, Town Manager and Ocean Ridge Garden Club

Kim Willens, Vice President of the Garden Club, advised that the Garden Club has been doing beach cleanings, but that there has been confusion over what parts of the beach are public and which are private. She explained that there is a grant with Shell Oil to help fund the beach cleaning and she distributed a copy of the proposal to the Town Commission. She advised that since it is a matching grant, the Town would have to fund part of the project. She advised that the Garden Club would do all of the maintenance on the new garbage cans and bags provided by the grant project. She added that Town Manager Dunham has been very helpful in this process.

Mayor Kaleel questioned what the Garden Club was asking for from the Town to which Mrs. Willens stated that she only wanted to inform the Town Commission of their intentions knowing that the matching grant funds have already been included in the budget. She added that only about one in seven applications are approved.

Comm Bridges moved to endorse the project of the Garden Club and approve \$3,000 from budgeted funds for the matching grant program, seconded by Comm Willens.

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Lothar Mayer, 6009 Old Ocean Blvd., stated that they hire a private contractor to clean the beach in front of their house. He suggested that all homeowners hire private contractors so that the beach can be improved. He added that he would like to donate \$1,000 to the Garden Club project. There was applause from the audience.

Earl Jones, 14 Sailfish Lane, stated that he is concerned with the service which cleans the beach in front of Diamond Beach in that he believes they are only pushing the debris onto another portion of the beach and burying same.

Bruce Gimmy, 12 Ocean Ave., suggested that the Town owned 50' of oceanfront property be used for a bird sanctuary.

Comm Bingham stated that the Town needed to be careful about the tractors cleaning the beach, as she does not believe they are very careful about the birds and turtles.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 5.

10. Discuss Adelphia Cable Service with representative

Mike Ligori, representative of Adelphia Cable, advised that he had received a letter forwarded from the Town from one of the residents. He explained that the specific problem for this resident was that one fiber optic node had burned out and has since been replaced. He updated the Town Commission that the re-cabling of the Town has been completed although they are still doing some new home wiring for those that have older wiring. He added that these are being done at no cost to the resident. He stated that the two-way cable for the internet would be operational for the Town on October 23rd. Comm Aaskov stated that she has noticed that the service is better, but not perfect. Mr. Ligori advised that any fuzzy pictures, especially in the higher channels, is generally a problem with the home wiring.

Comm Bridges stated that Adelphia advertises that it will respond to problems within twenty-four hours, but that he has never gotten service that quickly. He stated that before he has been told that the node had blown for the whole island and today he was told that his troubles were due to sunspots. Mr. Ligori stated that twice a year the sun will be in a certain position in relation to the satellite and problems can persist for up to two weeks. Comm Bridges stated that Adelphia needs to give a more specific time for when they are going to do the repairs to which Mr. Ligori stated that he should have been given a two hour window and if no one was there during that time, he should receive a \$20 credit on his bill.

Town Manager Dunham advised that funds are included in the budget to investigate a new cable service and the existing franchise agreement in this fiscal year.

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Jerry MaGruder, 9 Ridge Blvd., stated that she had many problems with the subcontractor of Adelphia when she tried to add HBO to her cable system so she now has DirectTV.

11. Rights-of-way, houses and trees By: Comm Bridges

Comm Bridges stated that he wanted codes to protect the Banyan trees and to control the size of houses adding that he has suggested that these items be discussed three years ago and it has not been done yet.

Regarding the rights-of-way, Comm Bridges stated that the Town Commission needed to have a Special Meeting on this issue and not pass it on to the Planning and Zoning Commission as they discussed it already. Mayor Kaleel stated that notices would need to be sent out to residents regarding this meeting and suggested that it take place within two weeks. Regarding the issues of tree and building size, he added that the Town Code was supposed to be reviewed. Atty Spillias stated that within the next couple of weeks, he will have a format for the review of the code available and then set up Special Town Commission meeting.

Mr. Jones stated that everyone in Town would need to be notified of the meeting and not just those who live along a right-of-way. Comm Aaskov stated that the Ocean Ridge Reporter would be out mid month and it could be included in that.

12. Flooding By: Comm Bingham

Comm Bingham stated that she has observed new areas flooding in the Town and questioned if new homes were maintaining water as they are supposed to.

Comm Aaskov stated that when the Phase II waterlines were put in on Hibiscus Way, the water no longer flowed away.

Comm Bridges stated that the Town would need to ensure that the swales are holding the amount of water that they are supposed to. Atty Spillias stated that the code is now appropriate in asking new homeowners to maintain the first inch of rainfall and that it can not have an unreasonable adverse affect on the neighboring property. He advised that the question would be how much this could be enforced before it takes away the use of land from a potential new homeowner.

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Adjournment

The meeting was adjourned at 7:40 PM.

Mayor Kaleel

Commissioner Aaskov

Commissioner Bingham

Attest By:

Commissioner Bridges

Town Clerk

Commissioner Willens