

Special Workshop Meeting of the Town Commission of the Town of Ocean Ridge held on Monday, October 22, 2001 at 5:30 PM.

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	

Mayor Kaleel stated that the meeting was to discuss the rights-of-way in general, but that it will concentrate on those by Hudson Ave. and Coconut Lane. He stated that after reading the past minutes from Town Commission and Planning and Zoning Commission meetings, he believes that it has always been the attitude of the Town not to abandon the rights-of-way.

Comm Aaskov stated that the Town Commission continually returns this issue to the Planning and Zoning Commission when they have already made their decision. She stated that the only people in favor of abandoning any of the rights-of-way are the residents who would directly benefit from the added property.

Mayor Kaleel stated that the Town had always suggested keeping and maintaining the rights-of-way, but they are not being maintained. Town Manager Dunham stated that the majority of the rights-of-way are heavily vegetated and stated that if the Town Commission wants them cleared, it would have to be included in the budget. He explained that when this was previously researched, the cost for clearing was over \$100,000. He also advised that some of the areas are jurisdictional wetlands. He added that many of the residents have this vegetation as a buffer from their neighbors and that they would not like it to be cleared.

Comm Bridges stated that the flooding on Hudson Ave. now mainly flows to one vacant lot. He stated that the north side of Hudson Ave. drains fine as it is, but that if Edith St. were abandoned to those on the south side, he feels there would be major drainage problems. He suggested that the south side of Hudson Ave. (Edith St) be graded so that it has a proper swale flowing down to the Intracoastal and not change the north side. Regarding the Coconut Lane right-of-way, he stated that he felt it should be cleared in areas where there is not jurisdictional wetland. He concluded that he felt the Town should keep all of the rights-of-way.

Lisa Tropepe, Shalloway, Foy, Rayman and Newell, stated that she agreed with Comm Bridges especially regarding the south side of Hudson Ave. She stated that it already appears that residents have altered the flow of the water and that if the right-of-way was abandoned, the residents would alter it further and cause more flow into the street.

Ms. Tropepe stated that if it were to be used as a utility easement, it would have to be mandated that the historical drainage could not be impeded. Mayor Kaleel questioned if a

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chain link fence would be an obstruction in this case to which Ms. Tropepe said that a fence would not be an obstruction as long as it did not have slats or could collect garbage against it.

George Bierlin, 26 Hudson Ave., stated that he felt decisions should not be made at this meeting. He suggested they wait until after the drainage improvement plans have been completed to see if they will be needed.

Justus Brown, 39 Coconut Lane, suggested that the right-of-way behind his street be abandoned and the residents made to maintain the current swale system. Mayor Kaleel stated that the Town Commission had previously suggested giving the residents a license to maintain the area when requested.

Bruce Gimmy, 12 Ocean Ave., stated that he was on the Planning and Zoning Commission which recommended that all the rights-of-way be kept and maintained by the Town and that he still feels strongly toward this recommendation. He stated that he felt the Town should keep the current infrastructure intact.

Bill Wheelen, 9 Inlet Cay Drive, stated that they have serious drainage and flooding problems at their home. Mayor Kaleel stated that this meeting was to discuss rights-of-way and that drainage problems could be discussed at the next regular Town Commission meeting on November 5<sup>th</sup> or he could speak with the Town Manager at a convenient time.

Dave Bertram, developer of 23 Coconut Lane, stated that all but one resident on the street were in agreement that they would like the Town to abandon the right-of-way and keep it as a drainage easement. He stated that the residents were concerned with clearing it and turning it into a bike path. He stated that he did not feel there would be any practical purpose to clearing the north side as it could not be cleared all the way to the Intracoastal because of the mangroves.

Richard Levenstein, attorney representing Corey Heith and Mr. and Mrs. Willens both of Hudson Ave., stated that previously the Town Commission had considered looking at the rights-of-way on a case by case basis. He stated that he felt it would be better if the rights-of-way were abandoned but the easement rights kept. Mayor Kaleel agreed adding that he felt it would still need to be a unanimous decision of the residents along a right-of-way before abandonment is considered.

Ty Fender, 41 Coconut Lane, stated that people have been coming over the Ocean Ave. bridge, then through the retention pond to his property and stealing things out of his garage. He stated that it is all muck behind his home and therefore could not be cleared for passage.

Ann Syring, 50 Coconut Lane, stated that she would recommend looking at each right-of-way on an individual basis and the Town should only keep them if they have a value such as being used for pathways or drainage.

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Comm Bingham stated that she felt the only people who would be using the pathways would be Ocean Ridge residents and therefore the residents should not use making a pathway as an excuse for not wanting the right-of-way cleared.

Comm Aaskov stated that she was opposed to abandoning the rights-of-way.

Comm Bingham stated that the flooding water on Hudson Ave. used to drain to the Intracoastal. She stated that if the residents were allowed to maintain the swale in the right-of-way, there would have to be fines in place for those who don't maintain the correct level of drainage.

Comm Bridges stated that he still felt the rights-of-way needed to be reviewed on a case by case basis. He suggested that the south side of Hudson Ave. (Edith St.) should be maintained with the proper swales and the Town have strict restrictions for the residents to maintain the swale. He suggested a design be made for Edith St.

Mayor Kaleel stated that he was prepared to adopt the recommendations of the Planning and Zoning Commission not to abandon the rights-of-way as a whole. He stated that he did not see any reason to abandon any of them at this time as there are still too many unknowns especially regarding drainage.

Comm Bridges questioned what the drainage plans for Hudson Ave. involved to which Ms. Tropepe stated that half of the water would flow to the swales in the rear of the properties and half to the street.

Mayor Kaleel stated that he was not prepared to suggest bike paths down any of the rights-of-way adding that he felt Comm Bingham was the only one in favor of them.

Ellen Wheelen, 9 Inlet Cay Drive, stated that she believed the pipe causing the drainage problems at her home is in the right-of-way and that she believes the Town could be liable for any damage done. Town Manager Dunham explained that her street has historically flooded this bad during this time of the year with the super lunar high tides. Mrs. Wheelen suggested that the drain be closed to which Town Manager Dunham explained that if it were closed and then failed during a storm, her house would be flooded and not just the street. Mayor Kaleel stated that the Town would have to research the historical aspect of her problem.

Atty Spillias advised that he would be meeting with the staff within a week to discuss the code revisions. He stated that within six weeks they would have to schedule either one very long meeting or two shorter joint meetings with the Planning and Zoning Commission.

Town Manager Dunham questioned the intent of the Town Commission on maintenance of the rights-of-way and how much clearing they would recommend. Mayor Kaleel suggested that the Town Manager bring his recommendations to the Town Commission.

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Greg Young, 15 Hudson Ave., stated that he was upset that the Town Commission was not doing anything to improve the drainage situation on his street to which Comm Bridges stated that the Town Commission has hired an engineer and plans have been developed for the drainage problems throughout the Town. Mr. Young reiterated that he felt nothing was being done right now. Ms. Tropepe advised that in May 2000, her firm presented the Town Commission with a flood control study. She stated that funds have been included in this fiscal year's budget to start some of the construction advising that it may begin as soon as six to eight months. She added that Hudson is one of the first areas that will be addressed.

The meeting was adjourned at 6:45 PM.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Aaskov

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Commissioner Bingham

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Commissioner Bridges

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Commissioner Willens