

Public Hearing and Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 5, 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
Mayor Kaleel

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

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

There were no modifications to the agenda.

Consent Agenda

1. Minutes of the Public Hearing and Regular Town Commission Meeting of October 1, 2001
2. Minutes of the Special Workshop Meeting of October 22, 2001
3. Authorize execution of alarm monitoring liens and Town Attorney to file same

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

Motion carried – yea 4.

Announcements and Proclamations

4. The administrative offices will be closed on Monday, November 12, 2001 and Thursday, November 22, 2001 and Friday, November 23, 2001 for the Official Holidays
5. Proclaiming November 2001 as National Epilepsy Awareness Month
6. Holiday Lighting at Town Hall will be held on Friday, November 30, 2001

Mayor Kaleel read the above announcements.

Public Comment

Peggy Smith, 69 Spanish River Drive, questioned the status of replacing trees on the Inlet Cay bridge to which Town Manager Dunham stated that they would be up within two weeks.

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Lynn O'Fee, 1 Ixora Way, stated that she would like a special meeting in the Town Hall in early December to discuss disaster response. She stated that she already has Jeff Atwater and the American Red Cross committed to speak at the meeting. She questioned if the Town has emergency plans in place with the County services to which Director Hillery advised that the County has excellent plans to cover every situation.

Mayor Kaleel stated that he has been involved with counter terrorism meetings with the EOC and Ocean Ridge has been determined not to be a high target area. He stated that possibly the EOC can be called in to speak at the December regular Town Commission meeting, but that the residents will not learn any more than they have already gotten from the media. He stated that the best thing to do would be to know your neighbor and be on the lookout for anything suspicious. He added that Mrs. O'Fee could arrange a meeting that would be open residents at the Town Hall.

Director Hillery agreed stating that especially in Florida it is important to know your neighbors since it is such a transient population. He advised that the Town has a protocol with the County which it is already following with regards to anyone finding or suspecting hazardous substances within the Town. He further explained how the Town staff is responding in regards to opening mail and packages sent to the Town Hall. He added that the Department of Public Safety would no longer be holding packages for residents who are out of Town, but rather would contact someone to pick up the package at the residence.

Rich Lucibella, 5 Beachway N, stated that at a previous meeting he had commented that the Town was not edging its property along Old Ocean Blvd. properly. He stated that he has since found out that it was not Town property and apologized for the accusation. However, he felt that the Town Code enforcement needed to look into the residents who are not taking care of their property to the level that the residents expect. He added that he felt one of the Commissioners should take this issue up personally and see to it that proper code enforcement is in place. Comm Bingham stated that she felt some residents were planting too close to the road or sidewalks and that it needed to be cleaned up and volunteered to assist in this endeavor.

Mayor Kaleel stated that he hoped within the next few months the Town owned property would be cleaned up and that Code Enforcement on the private property would be researched by the Department of Public Safety. He also suggested that when residents suspect a Code Violation on a neighboring property that they should notify the Department of Public Safety. Comm Bridges stated that he felt things like this should just be taken care of with the neighbors speaking to each other and not involving the Department of Public Safety.

Public Hearings

7. Consideration of abandonment of 15' alley and south 15' of the Chickasaw right-of-way – Presented by James Drotos, for Shah, Drotos and Associates, PA, representing John Hawley, contract purchaser
 - A. Resolution No. 2001-13: Evidencing its intent to vacate and abandon its interest in an unimproved fifteen foot wide, platted alley located on the property within the Town of Ocean Ridge situated westerly of Lot 9 and easterly of Lots 1, 2, 3 and 4 of Briny Breezes Addition No. 2 Plat recorded in Plat Book 14, Page 62; the alley is located generally near the end of Chickasaw Avenue
 - B. Resolution No. 2001-14; Evidencing its intent to vacate and abandon its interest in the southern fifteen feet of the unimproved thirty foot wide, Chickasaw Avenue platted right-of-way located on the property within the Town of Ocean Ridge situated north of Lots 1, 9, 10 and 11 of Briny Breezes addition No. 2 Plat recorded in Plat Book 14, Page 62; the right-of-way is located generally between Ocean Ridge Yacht Club and Crown Colony in the 5500-5600 block of SR A1A

Town Manager Dunham explained that the Planning and Zoning Commission had heard these same requests on October 15, 2001 and unanimously agreed to recommend that the applicant be allowed the alley as named in Resolution No. 2001-13, but not the abandonment of the right-of-way in Resolution No. 2001-14.

Jim Drotos advised that the applicant would like to place landscaping and a walkway along the remainder of the Chickasaw right-of-way.

Mayor Kaleel questioned if the builder would need the abandonment of the alleyway to build to the size that they want to which Mr. Drotos said that they didn't need it for size, but rather so the buildings will not be so narrow.

Town Manager Dunham stated that he recommended approval of both resolutions. He stated that he felt the Planning and Zoning Commission did not want to approve the abandonment of the alleyway because they were apprehensive about giving up property so the developer could build a larger building and in the event it was needed for utility purposes in the future. He added that the land would never be used for any other purpose but his development.

Comm Aaskov stated that she would be very upset if the Town Commission gave up half of Chickasaw as she felt that Crown Colony would be opposed to the abandonment.

Mr. Drotos stated that the property was currently unusable. He stated that his client would make it into a walkway that everyone could use. Mayor Kaleel stated that the Town would retain the easement rights for their half and the residents could use it.

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Comm Bridges stated that he was not convinced that the Town should abandon Chickasaw, but that he did not oppose the alleyway. He questioned if the Town could charge money for the right-of-way as it will allow the developer to increase the FAR. He added that as long as the Town retained drainage rights, he would not object to abandoning Chickasaw right-of-way. Atty Spillias stated that he would have to research if the Town could charge for an abandonment. Comm Bridges stated that since the Town Commission would be abandoning public property, he would like the public to benefit.

Mayor Kaleel stated that the resolutions would be placed on the agenda for the December regular Town Commission Meeting so that Atty Spillias would have time to research whether the Town could charge for the right-of-way and its history.

Bill Simmons, current owner of the property stated that the lots were originally platted very small and the current zoning prohibits use of the lots as single lots. He stated that the Town never originally paid for that property as it was deeded as access which is no longer needed and felt the 15' alleyway should at least be abandoned.

Regular Agenda

Actions and Reports

8. Discuss Adelphia Cable service with representative

Mike Ligouri, manager for Adelphia Cable, stated that the Town was switched to fiber optic cable on October 23 and that there had been seventy service calls since that time resulting from this switch of which only six are still outstanding. He added that he anticipates more calls once more seasonal residents return. He reiterated that Adelphia is replacing old wiring to homes at no cost to the resident.

Comm Aaskov stated that she would like a list of the new cable channels to which Mr. Ligouri advised that he would have them delivered to the Town Hall within the next few days.

Comm Bingham questioned the height the cable is supposed to be to which Mr. Ligouri advised that it is required to be at 16' for major roads and that it is even higher than that over A1A.

9. Request to support bill RE: De-annexation of 5011 N Ocean Blvd. from the Town of Ocean Ridge By: Kent Safriet, attorney representing Orlando and Lillian Sivitilli

Atty Spillias advised that the Town is currently involved in litigation with the Sivitilli's and that the court has ruled so far that the ordinance is constitutional.

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Atty Safriet stated that he feels the proposed bill would be beneficial to both the Town and the Sivitilli's and the Town's Ordinance could then be uniformly applied to the hotels and motels within the Town. He stated that Jeff Atwater is waiting to give his sponsorship until he knows the opinion of the Town Commission.

Mayor Kaleel stated that he did not feel it would be good government to de-annex this area adding that the Town would lose control of the area if it became part of the County pocket.

Comm Bridges stated that he too was opposed to de-annexing the area although he was personally not against the businesses at 5011 N Ocean Blvd. He suggested that possibly the Town could annex the County pocket in that area and make a small commercial area. Atty Safriet stated that he felt it was in the best interest of the Town that the businesses stay.

Comm Bingham stated that she was also against the de-annexation.

Comm Aaskov stated that she would not participate in the discussion as she has a business at 5011 N Ocean Blvd. and advised that she would complete a voter conflict form.

Mayor Kaleel advised Atty Safriet that he could inform his clients that the Town Commission is not in support of this bill and are researching alternate solutions.

Comm Bridges moved to send a letter to both the State and County delegation advising that the Town Commission was not in favor of the bill, seconded by Comm Bingham.

There was no public comment on this item.

Motion carried – yea 4.

Atty Spillias advised that he would need to meet with the Town Commission in another executive session to discuss this litigation at a time to be set by the Town Clerk after the Commissioners reviewed their calendars.

10. Discuss 70th Anniversary Party being held along with the Holiday Lights the Lights on November 30, 2001 and Authorize Funding for Same

Town Clerk Hancsak advised that the staff was suggesting the possibility of joining the anniversary celebration with the Light the Lights and that there was currently \$6,500 budgeted.

Town Clerk Hancsak added that the Town has received donations from Shalloway, Foy, Rayman and Newell and Browning-Ferris Industries and may receive others. She advised that the party will be noticed in the Ocean Ridge Reporter and the shadowboxes. She then outlined the festivities planned for the evening.

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Comm Bingham questioned how the staff will control people who are not residents stopping by to which Town Manager Dunham stated that he did not believe there would be that much drive by traffic.

The Town Commission concurred to hold both events on November 30th.

11. Authorize funding not to exceed \$8,000 for legal services RE: cable franchise to Leibowitz & Assoc., PA

Town Manager Dunham advised that these funds were included in the budget for reviewing the existing cable franchise and providing expertise regarding new television franchises. He advised that the firm of Leibowitz & Assoc. specializes in telecommunication agreements including cable, satellite, antenna and tower agreements. He advised that the current franchise agreement ends in 2006 and it would be a good idea to see now where the Town stands. He added that he would also like to explore amending the current franchise agreement.

Comm Bingham moved to approve an agreement between the Town of Ocean Ridge and the law firm of Leibowitz & Assoc., Inc. for cable TV consultation in an amount not to exceed \$8,000 from budgeted funds, seconded by Comm Bridges.

Motion carried – yea 4.

Adjournment

The meeting was adjourned at 8:05 PM.

Mayor Kaleel

Commissioner Aaskov

Commissioner Bingham

Commissioner Bridges

Attest By:

Town Clerk