

Public Hearing and Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 3, 2001 at 6:30 PM.

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

Comm Aaskov stated that she would like to add a discussion about Light the Lights as item #9.

Mayor Kaleel stated that he would like to add a discussion about the Palm Beach County Delegation Reception as item #10.

Consent Agenda

1. Minutes of the Public Hearing and Regular Town Commission Meeting of November 5, 2001
2. Minutes of the Special Executive Meeting of November 21, 2001
3. Ocean Ridge Resolution No. 2001-17; 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 12, 2002 election and to canvass returns of such election including the absentee ballots and assigning the Supervisor of Elections to handle the absentee ballots

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

Motion carried – yea 4.

Announcements and Proclamations

4. The administrative offices will be closed on Tuesday, December 25, 2001 and Tuesday, January 1, 2002 for the official holidays

Mayor Kaleel read the above announcement.

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5. 2002 Municipal Election
 - a. Date of election is February 12, 2002
 - b. Two Commission Seats for a three-year term
 - c. Candidate filing dates run December 31, 2001 through 3:00 PM on January 24, 2002

Town Clerk Hancsak read the above announcement.

Public Comment

Peggy Smith, 69 Spanish River Drive, thanked the Town staff for planting the new trees on the Inlet Cay Bridge adding that there was no irrigation set for them. Town Manager Dunham stated that the irrigation would be taken care of.

Mayor Kaleel questioned if the Town would be planting anything besides seagrapes where the Australian Pines were removed at the south end of Town suggesting that some Coconut Palm trees would be nice. George Bierlin, 26 Hudson Ave., advised that new Australian Pines are growing where the old ones were removed. Town Manager Dunham explained that he had spoken to the other property owner who had removed Australian Pines in that area regarding the replanting the previous week.

Public Hearings

6. 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 (Postponed item)
 - A. Resolution No. 2001-15: 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. 2001-16; 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

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Town Manager Dunham stated that the item had been postponed from the previous meeting so that the Town Attorney could review some issues.

Regarding selling the abandonment of a right-of-way or alleyway, Atty Spillias stated that since the abandonment decision would be a legislative act on the part of the Town Commission, the Town can not charge or profit for doing its legislative duties.

Atty Spillias explained that the right-of-way and alleyway were dedicated on the original plat.

Regarding the abandonments requested, Atty Spillias stated that the Town Commission would need to determine if there is a continuing need for the properties. He stated that the alleyway doesn't have any other use than one for the property owner. He stated that the right-of-way has a public interest since it runs to the Intracoastal, but that this interest could be served by the property owner who would like to improve half of it for a walkway to the Intracoastal to be used by the public. He summarized that the Planning and Zoning Commission recommended approval of Resolution No. 2001-15, but not No. 2001-16.

Mr. Drotos explained that his client was only requesting the south 15' of the right-of-way and would give it back to the Town as a public utility and access easement. Mayor Kaleel questioned why the applicant did not seek a variance as opposed to requesting abandonment to increase the lot size to which Mr. Drotos explained that he felt getting approval for the variance would be difficult.

Mayor Kaleel stated that the agreement states that the applicant would install the walkway and he questioned whether they would also maintain it to which Mr. Drotos advised that they would.

Dominic Pallaria, resident of Crown Colony and member of treatment plant committee, stated that he felt the contractor or the planning department should have contacted him about this proposed development. He went on further to explain what he felt would be potential problems with the introduction of a new septic tank so close to their treatment plant.

Town Clerk Hancsak explained that the meetings for these issues for both the Planning and Zoning Commission and the Town Commission were advertised in the newspaper as required by law and also in the shadowboxes in Town, one of which is located in Crown Colony. She further explained that there are no site plans available yet as the potential property owner is only requesting an abandonment at this time and a site plan is not necessary.

Town Manager Dunham further explained that no plans have been submitted to the Town and that all septic requirements would be under the jurisdiction of the Palm Beach County Health Department who would evaluate whether the area could handle another septic system. Mr. Pallaria advised that the Health Dept. has a forum for public comment

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on proposed developments and he would be voicing his opinion then as well. Regarding the notification, he advised that as a snowbird he did not have access to the local newspaper or the shadowboxes.

Mr. Drotos advised that he had no comment, as the issue of the septic system was not relevant to the discussion of abandonment.

There was no other public comment.

Comm Bingham moved to approve Resolution No. 01-15; seconded by Comm Aaskov.

Motion carried – yea 4.

Comm Bingham moved to reject Resolution No. 01-16; seconded by Comm Bridges.

Motion carried – yea 4.

Regular Agenda

Actions and Reports

7. Request for regulation exemption – In accordance with Chapter 26 of the Land Development Code of the Town of Ocean Ridge, Appendix B, an exception is requested from the Town Commission of the 20' minimum requirement for local street access, to a 10' minimum, as allowed in the Code of Ordinances, for the proposed single-family residence located on the property described as W220' of ELY 387.49' of N181.10' of S341.10' & W147' of 387.49' of N98.9' of S440' of TH PT of GOV LOT 3 LYG W of Ocean Blvd., Ocean Ridge, FL 33435 (generally described as the vacant property between Osprey Court and Beachway N and north of Beachway Dr.)

Town Manager Dunham explained that Mr. and Mrs. Kelso were requesting an exemption from the Town Code which requires the installation, construction and maintenance of an approved municipal street system before a permit will be issued. He explained that Section 26-B requires 20' for local streets and the Kelso's were requesting a 10' requirement. He advised that there is current litigation concerning the amount of access that exists.

Atty Spillias advised that he would be limiting his comments because of the current litigation. He explained that the Kelso's had made this same request prior to their purchase of the property, but withdrew the request. He advised that the Town Commission could deny the request without prejudice due to the current litigation and access disputes between Mr. and Mrs. Kelso and Robert Katz and Cheryl Olanoff. He stated that the Kelso's have yet to show that there is 10' of access available.

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Comm Bridges moved to deny the request without prejudice, seconded by Comm Aaskov.

There was no additional comment from the public or the Town Commission.

Motion carried – yea 4.

First Reading of Ordinances

8. No. 536; Amending the Code of Ordinances at Chapter 26, Article XV, Section 26-233, regarding Board of Adjustment; authorizing the Town Manager, prior to the expiration of the six month grace period following the granting of a variance, to grant an extension of time up to an additional six months to initiate building construction in accordance with the plans for which such variance was granted

Mayor Kaleel read Ordinance No. 536 by title only.

Comm Bridges moved to approve Ordinance No. 536 on first reading, seconded by Comm Bingham.

There was no additional comment from the public or the Town Commission.

Motion carried – yea 4.

Second Reading of Ordinances

None

Town Commission Comments

9. Light the Lights: Comm Aaskov

Comm Aaskov stated that she would like to compliment the staff for the Light the Lights and 70th Anniversary Party the previous weekend. She advised that everyone she had spoken to was thrilled with the party and suggested that the event be catered every year. The Town Commission concurred.

Mayor Kaleel stated that he would also like to thank the staff and the Garden Club.

10. Palm Beach County Delegation: Mayor Kaleel

Mayor Kaleel stated that he received a letter from the City of Boynton Beach that they were hosting the delegation in Tallahassee on January 9. He called Mayor Broening and asked if Ocean Ridge could co-host the event with them. He stated that he felt the Town needed to be more active and political now that we would be looking for grants. He

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explained that Boynton Beach has been soliciting contributions for their sponsorship and that co-sponsorship would not cost the Town more than \$5,000 and may not cost anything at all.

Comm Bingham moved to approve an amount not to exceed \$5,000 from the contingency account for co-sponsorship with Boynton Beach of the Palm Beach County Delegation function in Tallahassee, seconded by Comm Bridges.

Motion carried – yea 4.

Adjournment

The meeting was adjourned at 7:05 PM.

Mayor Kaleel

Commissioner Aaskov

Attest By:

Commissioner Bingham

Town Clerk

Commissioner Bridges