

REGULAR TOWN COMMISSION MEETING HELD MONDAY APRIL 7, 2003

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 7, 2003 at 6:30 PM in the Town Hall Meeting Chambers

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

Commissioner Bingham	Commissioner Kaleel
Commissioner Pugh	Commissioner Schulte
Mayor Aaskov	

Town Manager Dailey was absent with notice

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Mayor Aaskov requested to add a discussion on the south entrance sign to the Town and a few miscellaneous items to the agenda.

Consent Agenda

1. Minutes of Special Town Commission Meeting of February 25, 2003
2. Minutes of Regular Town Commission Meeting of March 3, 2003
3. Minutes of Special Town Commission Meeting of March 13, 2003

Comm Kaleel moved to approve the consent agenda, seconded by Comm Schulte.

Motion carried - yea 5.

Announcements and Proclamations

4. Special Meeting will be held on April 29, 2003 at 4:00 PM to discuss Amendments to Code regarding Dune Vegetation

Public Comment

None

Public Hearings

None

Regular Agenda

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Actions and Reports

5. Action to Fill Appointments to Board of Adjustment and Planning and Zoning Commission (Postponed) By: Karen E. Hancsak, Town Clerk

Town Clerk Hancsak advised that resumes were received from George Berlin and Stormet Norem for the Board of Adjustments.

Comm Kaleel moved to appoint Mark Hanna and Rich Lucibella as regular members and Stormet Norem and Barbara Souther as alternate members, seconded by Comm Pugh.

Comm Kaleel moved to appoint Mauro Walker and Jeff Lee as alternate members to the Planning and Zoning Commission, seconded by Comm Schute.

Motion carried - yea 5.

6. Presentation RE: Injection Well Feasibility Study By: Lisa Tropepe, Shalloway, Foy, Rayman, Newell, Inc.

Town Engineer, Lisa Tropepe, SFRN Inc., advised that there are two possible methods that she would be discussing for the South End phase of the drainage project. Ms. Tropepe stated that her company was hired to conduct a flood control study by the Town and that the pump system was already chosen and the Federal, State and Regional permits are in place for the South End phase and Hudson phase of the project. Ms. Tropepe mentioned that the estimated cost of the South End and Hudson phases was 4.4 million dollars and that 1.2 million has been issued in grant money. Ms. Tropepe stated that a low interest loan application has been submitted to the Florida Department of Environmental Protection so that the balance of the project could be paid for by a low interest loan.

Ms. Tropepe mentioned that another possible method is using storm water injection wells instead of pumping wells. Ms. Tropepe stated that South Florida Water Management has permitted injection wells primarily in Dade County and that the system is moving north into urban area. Ms. Tropepe commented that the injection wells can be permitted and used and also mentioned that the Hydrogeologist, who was not present at the time, could explain the technical aspect if the Commission requested further information on the injection wells.

At this time Ms. Tropepe handed out graphs describing the pumping wells vs. the injection wells regarding the costs, long term usage, Town disruption and maintenance, and permitting information.

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Ms. Tropepe explained that if the Commission decided to conduct a test with an injection well the cost would be approximately \$20,000 to be sure that the system would work. Ms. Tropepe advised that the pump force wells maintenance is low but would cost approximately \$959,000 to construct. She also stated the disruption to the Town would be high because there would be a forty-eight inch pipe put four feet into the ground along A1A.

Ms. Tropepe stated the construction time is approximately nine months and also that the permitting for the force wells is complete. Ms. Tropepe advised that the life expectancy for the force wells is fifty years, the technology has been proven, and it is standard use in the industry.

Ms. Tropepe explained that using the injection wells as an alternative would cost approximately \$415,000 to 535,000 depending on whether a pvc or steel based pipe is used. She explained that the disruption to the Town would be low but there would have to be a modification made to the permit already applied for. Ms. Tropepe stated that the life expectancy is not as long and there is not a long term track record because it is not standard in the industry.

Ms. Tropepe advised her recommendation would be to use what is standard in the industry. Ms. Tropepe stated she was mentioning the injection well possibility because she felt it could be used and wanted the Commission to be aware of another alternative. Ms. Tropepe added that if the Commission wanted to go forward with the injection wells the next step would be to construct a test well which would cost \$20,000.

Ms. Tropepe mentioned that there are several wells in Ocean Ridge and they are currently working. Comm Kaleel asked Ms. Tropepe if the pilot test for the injection well worked would she recommend the injection well rather than a force well. Ms. Tropepe advised that if a test injection well worked that she would probably suggest using the injection well rather than a force well to reduce the disruption to the Town. She also reminded that it is a \$20,000 risk. Ms. Tropepe advised that representatives from the Department of Environmental Protection and the South Florida Water Management District have already accepted the system and will permit injection wells.

Comm Kaleel questioned the difference of efficiency for the force well and injection well. Ms. Tropepe advised that the pumping capacity would be the same. Ms. Tropepe stated that even during high tide the pumps would kick on and the pumping capacity would be the same. She explained that the water would drain into the Woolbright A1A area, to the outflow and would travel down Ixora Way. She added that during high tide the detention area water would sit until it reached a level to seep out.

Comm Schulte questioned what the hesitation was for using the injection well. Ms. Tropepe advised that the hydrogeologist was not sure if the layer underneath the ground is confining. She explained that the underground layer must be hard because if the area is not confining the water will not flow back up when pumping.

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Ms. Tropepe also stated that the detention pond water is pretreated but the water in an injection well is not pretreated.

Comm Kaleel asked if other municipalities have had success using the injection system. Ms. Tropepe stated the hydrogeologist would be better able to answer the injection well questions. Comm Schulte asked if Ms. Tropepe could bring back more research information at the next meeting.

Comm Kaleel stated that it would be foolish not to further investigate the injection wells as there is a half a million dollar difference. Ms. Tropepe stated she did not want to bring the hydrogeologist to the meeting unless the Commission was interested in the injection well system but that the hydrogeologist would be available to come to the next meeting and discuss the technical issues.

There was a consensus for Town Engineer Tropepe to obtain further information and research on the injection well system and to bring the hydrogeologist to the next meeting.

Don Pallaria, president of a waste water treatment facility for Crown Colony, advised that there are two injection wells in use approximately 2 to 3 hundred yards south of Woolbright Road at his facility. Mr. Pallaria stated that one well is eighty feet deep and the other is one hundred feet deep and that there has never been a problem with the system. Mr. Pallaria also mentioned that they have an injection well in place that is twenty-five years old and working fine.

7. Authorize Shalloway, Foy, Rayman, and Newell, Inc. to proceed with the construction phase for the South End and Hudson Avenue Drainage Projection in an amount not to exceed \$197,450 plus direct office administrative fees, to be funded from the Capital Projects Fund

Town Clerk Hancsak summarized the memo from Town Manager Dailey advising the Staff recommendation to approve the Consulting Services Contract with SFRN for the construction phase of the drainage project.

Comm Schulte questioned if there was a review of standard fees. Town Clerk Hancsak stated she was not certain if Town Manager Dailey researched the fees or if standard fees were used.

Town Engineer Lisa Tropepe stated that the figures are based on approved hourly rates that are standard in the industry. Ms. Tropepe also advised that between four to seven percent of the construction cost is standard.

Comm Kaleel moved to approve staff recommendation to authorize SFRN to proceed with the construction phase for the South End and Hudson Aveue drainage project, seconded by Comm Schulte.

Motion carried - yea 5.

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Mayor Aaskov advised Item #8 would be postponed temporarily until landscaper Rob Barron arrived.

9. Request for obstruction of paved parking area and four foot high aluminum fence/landscaping in right-of-way east of 6017 Old Ocean Blvd.
By: Lothar Mayer, 6009 Old Ocean Blvd and owner of 6017 Old Ocean

Attorney Jared Cooper, representing Mr. Mayer, stated that former Town Manager Gregory Dunham had approved the permit with the obstructions in the right-of-way previously submitted by Mr. Mayer and they felt the approval is binding. Attorney Cooper advised that a paved area does not exist and there is no public interest or need for the land. He also stated that other residents along the street have obstructions in the right-of-way. Attorney Cooper also mentioned the vegetation that was removed is being kept at a nursery and the Mayer's feel those plantings should be placed back in the original position. Attorney Cooper stated that Mr. Mayer was requesting a formal acknowledgement of former Town Manager Dunham's approval.

Lothar Mayer, 6009 Old Ocean Blvd, distributed photographs of the property. Mr. Mayer stated the plans that were approved for installation of an aluminum fence can be replaced with hedges, trees, etc. and that their main concern was preventing the area from becoming a public parking lot. Mr. Mayer also mentioned that they would be happy to place a fence, hedge or anything that would be acceptable by the Commission as long as something is placed there.

Comm Schulte questioned why staff recommended against an aluminum fence and asked for clarification of what the staff was recommending. Town Clerk Hancsak advised that staff was recommending that the aluminum fence and the magnitude of the proposed landscaping not be approved.

Mr. Mayer stated that he is willing to negotiate what is put in the twenty-foot right-of-way and does not understand why the Town would want nothing in the area.

Town Attorney Spillias stated that several legal issues were raised. Attorney Spillias mentioned that former Town Manager's approval acting as a zoning administrator does not constitute the authority to continue to approve anything in violation of the code. Attorney Spillias also advised that property owners are presumed to know what the law is and the code states obstructions cannot be put in the right-of-way. Attorney Spillias stated that he does not have a survey of encroachments for the other residents and if they are in fact in violation it is not a legal basis for the Town to allow further violations of the code.

Town Attorney Spillias stated if landscaping was in the right-of-way it is not grandfathered. Attorney Spillias advised the right-of-way is the Town's right-of-way and obstructions are subject to the Town removing them. Attorney Spillias suggested "no parking" signs be placed in front of the property.

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Attorney Spillias stated he reviewed the City of West Palm Beach code addressing landscaping in the right-of-way and the language is similar to Ocean Ridge code. He mentioned the code allowed for trees and shrubs with City permission and that walls, fences, and hedges that completely block access create liability to the Town even with indemnification agreements.

Mayor Aaskov asked to hear from the landscaper for the Mayer residence and stated as long as there was not a fence, hedge, or wall that she was in favor of plantings.

Mark Valant of Green Edge, Inc., Landscaper for the Mayer residence, stated that they could attempt to abide by regulations but removing the landscaping would not look aesthetically pleasing because the landscaping would all be pushed to the pool and there would be a twenty-foot grassed area.

Mayor Aaskov questioned what Mr. Valant planned to put in the right-of-way. Mr. Valant advised that native vegetation that was removed would be put back such as the seagrapes, silver buttonwoods, coconut palms, etc.

Attorney Cooper stated that their plan was to put in a hedge along the length of the wall and put the landscaping on the other side of the hedge.

Comm Kaleel asked if they would want to plant a hedge along the property line. Mr. Mayer advised he did not want to do that. Mr. Mayer also stated that he had no problem signing an indemnification agreement but if the Commission would not approve a fence or hedge then he would not sod and grass the right-of-way because it is not his.

Comm Schulte advised he was willing to work with Mr. Mayer on something that would be mutually beneficial and that did not interfere with any legal restrictions.

Comm Bingham advised the new code states hedges must be planted a certain amount of feet from the road. She also stated that if a hedge grows into the right-of-way it would cause a hazard to the area because it prevents walkers from getting through without going into the road. Mr. Mayer advised that the area in question is a one way street and they want a barrier to prevent people from parking there. Mr. Mayer also mentioned they did not have a problem putting a hedge up to five feet from the road as long as there is something put there.

Comm Kaleel advised that this right-of-way should be preserved and there is a need for the Town to retain it for public use. Attorney Cooper advised that if it is determined that the Town needs this right-of-way in the future for some use then it should be utilized, however there are no immediate plans and therefore his clients should not be prevented use of the right-of-way. Attorney Cooper also mentioned that the Town has granted permission to other homeowners to put obstructions in right-of-way and to deny Mr. Mayer the same is selective enforcement.

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Comm Kaleel stated he was not in favor of putting the fence in. Mayor Aaskov stated she did not understand what the objection would be to planting trees or having something other than a fence, hedge, or wall. Comm Schulte stated he appreciates all the comments but questioned if the area had to be unscreened. Comm Kaleel advised if the Town did not have a use for the right-of-way than it should be abandoned but if an obstruction is permitted then all obstructions will have to be allowed.

Comm Kaleel stated that there is a use for this right-of-way and that he would be willing to allow some plantings but not a hedge that blocks off the right-of-way. Comm Kaleel also mentioned that the nature of the right-of-way should be reserved.

Attorney Cooper suggested that the hedge could be planted in intermediate sections to allow for someone to be able to walk through onto the right-of-way but also still prevent cars from parking.

Town Attorney Spillias suggested that Mr. Mayer work with staff on a resolution and come back to the Commission on the May 5th meeting. Mr. Mayor advised that he would prefer a decision now. Attorney Spillias stated that unless Mr. Mayer was prepared to design a plan tonight the only other option was to work with staff and bring it back to the Commission. Comm Kaleel mentioned a plan would also have to be consistent with the Commissions comments.

Comm Schulte suggested staff work with the homeowners on a reasonable solution that would be agreeable to Mr. and Mrs. Mayer and the Town. Mayor Aaskov clarified that the eight coconut palms and the original native vegetation could be included in the landscaping plan.

Comm Bingham stated she was concerned with the shrubs and proper maintenance to prevent them from growing into the road. Comm Schulte recommended that the plan be approved for vegetation only and that a fence or hedge cannot be put in. Attorney Spillias suggested approving the concept of the idea of trees and shrubs planted no more than five feet from the road and to delegate staff to work with the landscaper. Attorney Spillias also stated that if there are areas of disagreement they could be brought back to the Commission.

Comm Kaleel moved to direct staff to work with the landscaper to approve a landscape plan consistent with the Commission comments and to approve the plan at an administrative level as suggested by Attorney Spillias, seconded by Comm Schulte.

Motion carried - yea 5.

8. Request for Dune Trimming on Lot B owned by the Ocean Shore Estates/Ocean Ridge Beach 52 Homeowners

Mayor Aaskov stepped out during the discussion.

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Mr. Rob Barron stated that the Australian Pines were previously removed and the plan is to fill the area back in as it previously existed in the records and photographs from 1935.

Comm Schulte moved to approve the plan as submitted, seconded by Comm Pugh.

Town Clerk Hancsak stated that requirements were a \$500.00 bond check which is returned after the inspection and also proper temporary irrigation procedures. Mr. Barron stated the vegetation would be hand watered and there were volunteer homeowners that would be properly irrigating the dune. Mr. Barron also mentioned that the Department of Environmental Protection would not allow installation of an irrigation system and that temporary irrigation would have to be used.

Comm Schulte amended his motion to include the \$500.00 bond check and proper temporary irrigation.

Motion carried - yea 4. (Mayor Aaskov to fill a voter conflict form)

10. Authorization to solicit request for qualifications for Architectural Services and report back recommendations By: Kathleen Dailey, Town Manager

Town Clerk Hancsak summarized the memo by Town Manager Dailey to proceed with seeking Architectural Request for Qualifications for the approved \$55,000 budget item for the renovation of Town Hall and for staff to present recommendations at a future meeting.

Comm Bingham moved to approve recommendation as summarized by Town Clerk Hancsak, seconded by Comm Pugh.

Motion carried - yea 5.

11. Discuss correspondence from FDOT Re: Ocean Ave properties By: Kathleen Dailey, Town Manager

Mayor Aaskov suggested that the lot on the south side be renegotiated with the Florida Department of Transportation. Comm Bingham stated when she sat on the Bridge Committee the FDOT stated the last lot on Ocean Avenue would be turned into a park. Town Clerk Hancsak advised that a park was mentioned during the Bridge Committee meeting but when the plans were developed further at the Town Commission level she believed it was changed. Comm Kaleel stated that he is in favor of retaining the lands as minimally as possible.

All agreed the item would be tabled.

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12. Discuss relocating Town south entrance sign

Mayor Aaskov stated that Town Manager Dailey researched the feasibility of relocating the south entrance sign into Town and the cost to relocate the sign would be \$3,100 and a raised planter would need to be put around the sign. Mayor Aaskov also stated that the electrical installation in either location would cost an additional \$1,700 and if the sign is relocated it should be moved prior to the electric installation.

Comm Kaleel stated he is in favor of moving the sign but suggested the relocation be postponed until the appearance of the sign is modified.

There was a consensus to postpone relocating the south entrance sign and to direct Town Manager Dailey to research modification of the sign.

13. Discussion of trash receptacles for the beach

Barbara Barlage, 35 Anna St, former President of the Ocean Ridge Garden Club, stated that the Garden Club was granted a \$300 check from Shell Oil to subsidize efforts to keep the beaches clean in Ocean Ridge. She also advised that last year the Town agreed to match the Garden Club spending in an amount not to exceed \$3,000. Mrs. Barlage mentioned that the Garden Club has intended to utilize the money to upgrade the trash receptacles in certain traffic areas that lead to the beach. Mrs. Barlage advised that if the grant money is not used by June 1, 2003 it must be returned to Shell Oil.

Mrs. Barlage stated that the Garden Club has researched and chosen trash receptacles from the Wausau Tile Book, pg 9, style TF1022, 24"x36" in size, B6 brown color, weighing 640 lbs, and a 24 gallon holding capacity. Mrs. Barlage also advised that the words "Town of Ocean Ridge" and two color turtle logos would be placed on the side.

Mrs. Barlage stated that the cost for each receptacle would be \$337 plus shipping and logo costs and if at least six were purchased there would be a discount.

Comm Kaleel moved to approve 9 trash receptacles based on this cost with the Town purchasing 4 ½ and the garden Club purchasing 4 ½, seconded by Comm Schulte.

Motion carried - yea 5.

Mr. Lothar Mayer questioned if the lighting along Old Ocean Blvd could be lowered similar to it is in Delray Beach. Town Clerk Hancsak advised that Town Manager Dailey intended to discuss this matter further with Mr. Mayer because of concerns on maintenance and repair costs to the Town. She added that she also planned on speaking to him regarding underground lines.

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Adjournment

Meeting was adjourned at 8:45 PM

Attest By:

Town Clerk

Mayor Aaskov

Commissioner Bingham

Commissioner Kaleel

Commissioner Pugh

Commissioner Schulte