

Special Town Commission Meeting of the Town of Ocean Ridge held on Tuesday, April 29, 2003 at 4:00 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

Mayor Aaskov advised that the meeting was being held as a workshop for the purpose of discussing Dune vegetation.

#### Action Items

3. Presentation by Florida Department of Environmental Protection regarding FDEP Policy on Dune Vegetation
4. Discuss Dune Vegetation Policies on Amending Code

Mark Taynton, FDEP, stated he represents Florida State beaches and was asked to attend tonight's meeting to discuss FDEP guidelines regarding dune vegetation. Mr. Taynton advised that Meghan Conti, Florida Fish and Wildlife Conservation Commission, was also present to assist in the questions and any discussion regarding the Turtle Program. Mr. Taynton distributed the current Sea Grape and Saw Palmetto Pruning Guidelines from FDEP.

Mr. Taynton mentioned that the dune needs to be protected and kept as strong as possible as it is a border and boundary between the land and ocean. He also stated that many of the issues are usually regarding what can be done with the sea grapes. Mr. Taynton advised that the FDEP guideline explains how to trim the sea grapes and what can be done.

Mr. Taynton explained that sea grapes are used as stability and retention of sand to protect the dune from wave action, water runoff, drainage, and erosion control. He also stated that sea grapes are also used as a wall barrier to protect the sea turtles from light exposure. Mr. Taynton said the guideline states that sea grapes can be trimmed 1/3 of the height or 1/3 of the leaf area annually, not to expose any additional light projected to the beach. Mr. Taynton clarified that the intent of the guideline was to allow reasonable sea grape trimming.

Mr. Taynton advised that there are two ways in which to avoid additional light exposure on the beach. He stated the first is to not cut the sea grapes and the second is to remove the lighting or bring the lights down to the ground so that they do not travel across the dune onto the beach.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Mr. Taynton stated that there are unprotected street lights and heavy residential lighting in Town that could be easily corrected to allow more sea grape trimming on the dune. Mr. Taynton advised that the guidelines were developed for state wide use. He stated that in his opinion there were some sections in the guideline that make it difficult to work with strictly in Ocean Ridge. Mr. Taynton also stated that he felt in extremely fast growing vegetation areas in Town, a permit could be issued for trimming more than once per year.

Mr. Taynton explained that the guidelines state that the property owner will evaluate the lighting, however, he would be willing to inspect and assist with the lighting concerns. Mr. Taynton also mentioned that he could issue a "field permit" which is actually an approved guideline from the State.

Mr. Taynton mentioned that if he observes exotic vegetation while inspecting a dune for sea grape trimming he would add a stipulation to the permit that the exotic vegetation be removed. Mr. Taynton explained that he is trying to encourage people to work together to protect the dune and sea turtles on a positive basis. He also advised that the Town could create a tougher sea grape trimming ordinance than FDEP but it would be strictly regulated by the Town if it is beyond the State guidelines. Mr. Taynton stated that if the Town created a sea grape trimming ordinance it would still have to meet State regulations and he cautioned putting together ordinances that would cause confusion. Mr. Taynton advised he would be happy to assist the Town and would like to encourage using the State guidelines as they are the only regulations he can enforce.

Mr. Taynton stated that the majority of sea grape trimming requests he has received have been from Old Ocean Blvd. He explained that there are some issues concerning beach views and issues regarding sea grapes in the Town right-of-ways. Mr. Taynton stated that in order for him to give authorization for trimming he requires consent from the property owner. He also mentioned that if the Town owns the property he cannot issue a permit for trimming without the Town's approval.

Mr. Taynton explained that currently there is a concern with the 52 Association because there is no real authorized board member to approve sea grape trimming. Mayor Aaskov stated that a committee had been formed with six members that have signed a contract to take responsibility.

Mayor Aaskov also questioned what could be done for sea grapes that are on one resident's property but are growing over onto another resident's property. Mr. Taynton stated that regarding property line issues he would need authorization from the property owner where the sea grape is planted in order to grant a permit to trim according to the guidelines. Mr. Taynton mentioned that he would encourage neighbors to come to an agreement as a courtesy regarding trimming of the sea grapes near property lines.

Meghan Conti, Environmental Specialist for Florida Fish and Wildlife Conservation Commission, advised she was a lighting coordinator throughout the State and encourages managed lighting in order to protect the sea turtles. Ms. Conti mentioned that there are several solutions to correcting lighting problems on the beach and that street lights are the number two cause for sea turtle disorientation throughout Florida.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Ms. Conti mentioned that the City of Boca Raton has started an innovative project that may be applicable for the Old Ocean Blvd area. Ms. Conti explained that the lights on Spanish River and A1A in Boca Raton were embedded in the roadway where the light is needed and the overhead street lights are turned off. She stated that some of the lighting from the 30' light poles in Ocean Ridge are visible from the beach and have probably caused problems for the sea turtles. Ms. Conti also said that if the lights are lowered it would potentially allow for the sea grapes to be trimmed lower. She mentioned that the lighting being used in Boca Raton is a light-omitting-diode which is a self contained lighting system that emits the light and is used to delineate the navigational lanes. Ms. Conti stated that this project has eliminated the sea turtle disorientation and also lowered the cost of electricity. Ms. Conti advised she would be happy to work with the Town on a plan to rectify the lighting problem.

Comm Kaleel stated that the dune vegetation guidelines seemed subjective and questioned if there was a Statute to reinforce the guidelines. Mr. Taynton stated that there is one Florida State Statute that states "one shall not damage a sea grape" and that the FDEP is responsible for the protection of the dune and vegetation. Mr. Taynton also stated that he does not enforce the guidelines but there are inspectors for the State of Florida that enforce the guidelines and issue violation notices.

Comm Kaleel questioned how often the guidelines are updated or modified by FDEP. Mr. Taynton stated that the guidelines and information have been the same for the four years that he has been involved. Comm Kaleel also questioned if it would be difficult for the Town to objectively enforce the guidelines. Mr. Taynton stated the Town would be authorizing enforcement of their ordinance and that any consistent and effective enforcement of a standard program would not be crystal clear.

Mayor Aaskov questioned if the Town could mandate that property owners remove the exotic vegetation on the privately owned dunes. Mayor Aaskov also questioned what can be done to enforce beautification to the Town. Mr. Taynton advised he encourages removal of exotic vegetation with good public contact and education.

Mr. Taynton explained that removal of exotics is exempt from permitting but to replant the cleared areas does require a permit. Mr. Taynton mentioned that he is willing to work with property owners by issuing field permits for good vegetation to avoid going through the State permitting process which is timely and costly.

Comm Bingham questioned how the Town could encourage or remove the saw palmetto and other invasive vegetation. Mr. Taynton stated that property owners are not required to remove invasive plants but removal could be encouraged.

Mr. Taynton also stated that he is willing to inspect and authorize full removal of native dune plants that are embedded with invasive vegetation in extreme cases.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Public Comment

Cheryl Olanoff, 566 David Lane, questioned if grass is allowed on the dune. Mr. Taynton advised that Florida State regulation states only natural native dune vegetation is allowed. Ms. Olanoff also questioned if there is a form that can be sent to inform the property owners that the seagrapes cannot be cut. Mr. Taynton suggested that the information be listed in a Town newsletter or paper.

Carlyn Mayer, 6009 Old Ocean Blvd, asked if there was a list of what plantings are considered acceptable and which are not acceptable. Mr. Taynton advised he is willing to work with the Town and schedule group meetings with residents to further explain the guidelines and answer questions. He also distributed his business cards and mentioned the FDEP website, [www.dep.state.fl.us](http://www.dep.state.fl.us). Mrs. Mayer was also advised of the Town's code of ordinances listing approved vegetation.

Robert Barron, landscape consultant, stated he would like to give the Town valuable information regarding the history of the Interim Pruning Guidelines. Mr. Barron stated that in 1996 Palm Beach County lost its jurisdiction to review dune regulations. Mr. Barron stated that the guidelines that were written by Palm Beach County were adopted by FDEP but to his knowledge it currently has no official legal binding. He also advised that he has written and requested FDEP to develop a vegetation pruning document that is scientifically accurate and more reasonable. Mr. Barron said he received a reply from Bureau Chief Mike Sole that stated the FDEP was in the process of developing a workshop to create a reasonable and enforceable policy.

Mr. Barron requested the Commission add a modification paragraph to the existing dune ordinance which stated "Scrub zone vegetation on the coastal dune may be trimmed to not lower than three feet above the existing grade, provided that area exposed by the pruning shall be re-vegetated with scrub type species at a minimum planting density of one three gallon plant per square yard, or two gallon plants per square yard".

Comm Kaleel said that the paragraph that Mr. Barron read contradicted what was stated by Mr. Taynton. Mr. Barron said he believes that dune restoration can be done and the lighting problem can be solved.

Mr. Barron distributed a photograph from many years ago of the dune which did not show seagrapes. He advised that the seagrape trees have killed off the original natural vegetation and there is no scientific reason to preserve seagrapes. Mr. Barron also mentioned that the Town could create an ordinance that would allow property owners to trim the seagrapes to three feet and he felt that enforcement as stated by Mark Taynton from FDEP is not a good policy. Mr. Barron concluded by requesting the paragraph he read be added to the trimming ordinance and seagrape windowing should be removed.

Comm Kaleel asked Mr. Taynton about the concept of windowing the seagrapes. Mr. Taynton advised that windowing is done for aesthetic reasons and is also done to block the lighting and allow a view.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Comm Pugh questioned if Mr. Taynton would approve a twelve foot seagrape to be cut to three feet. Mr. Taynton stated that it would depend on the girth of the tree and if it is very large he would send the permit request to Tallahassee for them to determine if a permit should be approved. Mr. Taynton said he would not approve anything he did not feel comfortable with and that a hedge should not have a ten foot stump. Comm Pugh stated there are several good ideas being mentioned but FDEP is ultimately the final authority.

Comm Kaleel mentioned that the guidelines address six feet or higher and questioned if trimming could be done six feet and lower. Mr. Taynton stated that any trimming below six feet would require a permit.

Bud Aaskov, member of the 52 Homeowner Association, asked if existing seagrapes with a six foot trunk were removed would a tree grow back in its' place. Mr. Taynton stated that the seagrapes would grow back in.

Comm Kaleel said that he does not like the subjective nature of the FDEP guidelines but he also does not disagree with Mr. Taynton. Comm Kaleel stated that the State should control the seagrape trimming if the guidelines work in favor for homeowners.

Comm Bingham said she felt that FDEP was making an exception to the seagrapes because they are the easiest to use to control the lighting on the beach. Mr. Taynton stated that major advances in lighting have been made in the past two years. He also commented that the State takes the position that if the native vegetation is already there they do not want to disturb it but may look at each request on an individual basis.

Lothar Mayer, 6009 Old Ocean Blvd, said he mentioned at the last meeting that he agreed to pay for lighting on the corner of Corrine and Old Ocean and wanted to repeat his offer to contribute to the costs. He stated that the lighting is an issue and needs to be corrected. Mr. Mayer also commented that he felt the funding should be from the residents because it enhances the beauty of their properties.

Mr. Barron then suggested that the Town ordinance be abolished because of the cost involved with obtaining permits.

Comm Schulte asked Mr. Barron in what way the seagrapes caused more damage than the Australian pines when Hurricane Andrew occurred. Mr. Barron answered that the seagrapes were knocked over easier than other trees.

Mr. Taynton said if the lighting is changed it would make permitting for trimming easier. Comm Schulte suggested that the lighting along Old Ocean should be investigated for possible improvement changes.

Ms. Conti mentioned that funds are available for retrofitting street lights and also that grant funds are available for municipalities through such things as the sale of the sea turtle license plates.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Comm Kaleel questioned why the street lights are needed all the way down the street. Mr. Taynton stated the Department of Transportation has standards and Ms. Conti commented that residential perception is an issue.

Mr. Taynton advised that some municipalities have no ordinance. Comm Kaleel stated that even if the FDEP guidelines were adopted there should be some kind of nuisance permitting application in order to know what is going on in Town. Town Clerk Hancsak advised that currently requests are made administratively per the originally approved guidelines and that a permit from the Town level should still be required.

There was a consensus to adopt FDEP guidelines with administrative permitting.

5. Discuss Injection Wells relating to Drainage Improvements (Presentation by Lisa Tropepe, Town Engineer and Gerhardt M. Witt, Hydrogeologist)

Lisa Tropepe, Town Engineer, stated she was asked by the Commission to provide more information on injection wells and introduced hydrogeologist Gerhardt Witt to review the technical questions on injection wells.

Gerhardt Witt, Principal Hydrogeologist, stated that he worked on an injection well in West Palm Beach that is twenty-five years old and is still working. Mr. Witt advised that the maintenance costs for the injection wells would be approximately between two to five thousand dollars every five years. Mr. Witt mentioned the costs for maintenance would be determined by how much waste is being pumped through the well. He also gave the history of injection wells and stated that permitting for injection wells in Florida have occurred before DEP existed. Mr. Witt stated that they were first permitted in Miami-Dade County and are now permitted under rule 62-528, underground injection control, which includes stormwater wells. Mr. Witt advised that outside of Florida there are a number of places that have injection wells and they were first used in the oil fields in the 1950's to remove brim.

Mr. Witt stated that historically he has tracked injection wells down from the 1940's that are still in operation. He also mentioned that in some cases the steel casings have rotted because of salt water and have been replaced with pvc pipe. Mr. Witt stated that injection wells are reasonable and successful for removing stormwater but there are also risks and concerns with injecting stormwater into the ground. He also commented that in coastal communities those risks and concerns are relatively minor provided they are not withdrawing water from the aqua-fir system and there is proper confinement.

Mr. Witt then advised that the difference between a package plant injection well and stormwater injection well is that a stormwater well is relatively cleaner. He also stated that the stormwater wells are smaller and are approximately 24 inches in diameter. Mr. Witt mentioned that the probability of a stormwater injection well working would be determined by the confining layer and a test well would find and determine the confining layer.

SPECIAL TOWN WORKSHOP HELD APRIL 29, 2003 AT 4:00 PM

Comm Schulte questioned if there would be any pressure from Federal Agencies to stop wastewater wells from being used. Mr. Witt stated that there is encouragement in some areas and totally against the wells in other areas.

Comm Schulte questioned the concerns with pumping near salt water. Mr. Witt mentioned that some problems have been with bad casing seals or casings that rotted because there is more salt water being pumped through steel casings that were not designed for the heavy salt concentration.

Comm Kaleel stated that it would be foolish not to attempt a test well based on the savings in cost involved. Ms. Tropepe suggested that an additional test well be funded for the Coconut Lane area while they are mobilized as it might be a solution to the drainage problem at Coconut Lane. Town Clerk Hancsak clarified that the Town would be responsible for the cost for a Coconut Lane well because it is not part of the loan funding.

Mr. Witt stated that it would be the best solution to use a well at Coconut Lane. Comm Schulte questioned if it would be more sensible to test one well first to determine if there is success before testing a second well.

Mr. Witt explained that if he finds no success and determines it cannot be done he would not proceed with a second well. Mr. Witt stated that if he does not find a confining layer at all he will stop the process immediately.

There was a consensus to fund the testing of the first well and if successful proceed with a second well.

Comm Schulte asked for a proposal to be presented at the Commission Meeting on Monday May 5, 2003.

Adjournment

Meeting adjourned at 6:00 PM

Attest By:

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Town Clerk

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Mayor Aaskov

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Commissioner Bingham

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Commissioner Kaleel

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Commissioner Pugh

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Commissioner Schulte