

REGULAR TOWN COMMISSION MEETING HELD ON JUNE 2, 2003

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 2, 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

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Consent Agenda

1. Minutes of Special Town Commission Meeting of April 29, 2003
2. Minutes of Regular Town Commission Meeting of May 5, 2003

Comm Schulte requested to add a discussion on seagrapes and lighting on Old Ocean Blvd. Comm Schulte also requested to add a discussion on the administration of the Agenda.

Comm Pugh requested to add a discussion of the floor area ratio.

Mayor Aaskov requested to add a discussion regarding the Town entrance sign.

Comm Bingham moved to approve the agenda and the consent agenda as modified, seconded by Comm Pugh.

Motion carried - yea 5.

Announcements and Proclamations

3. The administrative offices will be closed Friday, July 4, 2003 for the official holiday
4. Proclamation for National Small Cities and Towns Day Friday, June 20, 2003.

Public Comment

George Bierlin, 26 Hudson Ave., stated his appreciation for the recognition of Noyse Avenue. Mr. Berlin also questioned when work will begin for the Injection Wells. Town Manager Dailey stated that the permits have been issued and a meeting is being scheduled with the residents of Tropical Drive to obtain easement agreements.

Town Manger Dailey also stated that she will obtain an update report from Town Engineer Tropepe.

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Mr. Bierlin also mentioned that there is a problem with stagnant water on Hudson Avenue and that the Town should address the problem.

Cheryl Olanoff, 566 David Lane, expressed her gratitude to the Town for the work on the drainage improvements. Ms. Olanoff also stated that the National Wildlife, now known as the Kelso property, had been previously mowed and maintained and questioned if the property could be looked at because the weeds have grown over five feet high. Town Manager Dailey stated that the property is not required by code to be mowed because it is an undeveloped lot.

Rich Lucibella, 5 Beachway N, disagreed with Town Manager Dailey and stated that he can provide proof that the property was cleared while in the Kelso's possession and that he also feels the lot should be maintained.

Debbie Brooks, 15 E Ocean Ave, stated that the planter area only in front of her property is totally bare and questioned when the landscaper would be planting. Mayor Aaskov stated the matter would be handled by staff.

Doug Hauk, 8 Hudson, questioned if the Town would be constructing a beach crossover at Edith Street. Town Manager Dailey advised that a design and permit was applied for by the Florida Department of Environmental Protection but Palm Beach County stated that a permit would not be issued unless the accessway was handicapped accessible. Town Manager Dailey also advised that there is a process to avoid the handicap matter. She added that work could not be done while in turtle season.

Mr. Bierlin questioned the process for enforcing a property owner to maintain a lot if it has been previously mowed. Town Attorney Spillias stated that the code has been interpreted that a lot is not required to be maintained if it has never been cleared for development.

5. Action to fill one alternate member appointment to Board of Adjustment
(Postponed) By: Karen E. Hancsak, Town Clerk

Town Clerk Hancsak advised that Victor Martel, 46 Harbour Drive South, offered to serve on the board but did not submit a resume because he has previously served on the board. Town Clerk Hancsak also stated that Lothar Mayer, 6009 Old Ocean Blvd, submitted his resume and George Bierlin, 26 Hudson Ave., had previously submitted his resume.

Comm Schulte moved to nominate Lothar Mayer as an alternate member to Board of Adjustment, seconded by Comm Bingham.

Motion carried - yea 5.

6. Action regarding the abandonment of three rights-of-way By: Kathleen Dailey, Town Manager

Town Attorney Spillias stated that at the March 24, 2003 workshop the Commission had an interest in possibly abandoning one or more right-of-ways. Attorney Spillias said that all the

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research had not been done to determine how to abandon and retain certain utility and drainage easement rights. Attorney Spillias also stated that Bell South and FPL have non-exclusive rights to utilize the right-of-way for utility purposes and the Town must act in accordance with the franchise agreement. Attorney Spillias said that if the Town determines that a right-of-way is not needed for any public purposes he can be directed to research the proceedings and complete a resolution for abandonment to protect the Town's interest.

Comm Pugh stated he felt the Town should retain and maintain all of the right-of-ways as public right-of-ways.

Comm Schulte agreed with Comm Pugh in keeping the right-of-ways and stated there is not an easy solution. Comm Schulte felt that other options such as linear parks should be researched that would be beneficial to the residents and the Town.

Comm Kaleel disagreed that all of the right-of-ways should be retained and commented that each right-of-way should be reviewed separately to determine if a particular right-of-way should be retained or abandoned. Comm Kaleel agreed that linear parks are worth looking into only if the utility and drainage easements are obtained.

Attorney Spillias added that these right-of-ways are dedicated and not deeded and a linear park would need to meet the dedication purposes.

Attorney Spillias also mentioned Attorney Levenstein's request to consider the rights-of-ways abandoned according to Florida State Statute 255.22. Attorney Spillias stated that he needs to review the historical facts and a determination should be made if there is a need to retain the right-of-ways for public purpose.

Comm Schulte stated he is suggesting a linear park as an alternative that could benefit the Town and residents.

Comm Bingham questioned how utility companies would access the alleyways if they are abandoned. Attorney Spillias advised that Florida Power & Light has a franchise agreement with the Town through the year 2023 that grants them permission to access the alleyways if needed whether they are retained or abandoned.

Mayor Aaskov asked if FPL would need homeowner's permission to reach the property in the right-of-way to repair transformers. Attorney Spillias stated that nothing can interfere with FPL's franchise agreement rights.

Comm Kaleel stated that if the right-of-ways cannot be abandoned in a fashion that does not interfere with FPL's franchise agreement than the only alternative is to retain them.

Comm Kaleel moved to direct Attorney Spillias to research the option of retaining the right-of-ways, vacating the right-of-ways with reservations, abandoning the right-of-ways with easement agreements, and give his legal opinion and recommendation of what the effects would be to the

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Town, and also to review and provide an opinion on section 255.22 of the Florida State Statute, seconded by Comm Schulte.

Public Comment

Justus Brown, 39 Coconut Lane, questioned how long it would be before a decision was made regarding the right-of-ways and stated he believed all the residents would be willing to sign easement agreements.

Digby Bridges, 36 Sabal Island Drive, agreed with Comm Pugh and Comm Schulte. Mr. Bridges stated his concern for the maintenance of the right-of-ways if they are abandoned. He also mentioned that the drainage will effect Hudson Avenue and that the town should retain and maintain the right-of-ways.

James Bonfiglio, 5616 N Ocean Blvd, vice-chair of the Planning and Zoning Commission, advised that the P&Z recommended to not abandon any right-of-ways because of safety issues. Mr. Bonfiglio stated he felt it would be in the best interest to the Town to retain the right-of-ways and keep them clear for any utility or emergency vehicles that may need to access the alleys.

Cory Heath, 7 Hudson Blvd, stated that the Town will be asked to explain how the right-of-ways have been utilized and that legally the Town must prove that a right-of-way that has not been abandoned has been used for public purpose in the last five years.

Doug Hauk, 8 Hudson Blvd, stated he felt that Attorney Spillias was advising the Commission that they should abandon the right-of-ways unless there is proof of current or future public purpose. Attorney Spillias clarified that he explains the standards and the Commission decides what action the Town will take. Attorney Spillias also stated the right-of-ways can be retained if there is a use for public purpose and he has not stated that there was not.

Comm Kaleel stated that the legal ownership is divided. Comm Kaleel also stated that the Town has exclusive use of the right-of-way and that they have been used for utility and drainage purposes.

Attorney Spillias suggested that each right-of-way be researched separately to determine if they can be retained and he could provide an opinion in regards to FSS 255.22. Attorney Spillias also suggested that inquiries should be done to determine which right-of-ways are being demanded for abandonment.

Comm Bingham questioned if the wall at Pelican Cove would be able to be accessed for maintenance if the right-of-way is abandoned. Attorney Spillias advised he would research the issue.

Comm Bingham also stated that she would like clarification on what exactly property owners can do on the right-of-way if they are abandoned. Attorney Spillias stated that property owners are only permitted to do what the code allows.

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George Bierlin, 26 Hudson Ave, stated that Noyse Avenue should be abandoned and the ownership of the land should remain with the property owner because the Town has no use for it. Comm Kaleel advised that Noyse Avenue is submerged and the Town may not have ownership to it. Mr. Bierlin stated that Florida State Statute 255.22 should also be applicable to Noyse Avenue.

Ann Syring, 50 Coconut Lane, questioned if there was a motion to retain the north side right-of-way and asked what purpose the Town has for it in the future. Comm Schulte advised that the right-of-way is jurisdictional and the surrounding are is zoned as residential single family. Attorney Spillias stated that the P&Z researched the right-of-way and recommended to retain it. Attorney Spillias also advised that there was a consensus by the Commission to retain the right-of-way and a motion is only necessary if it was being abandoned. Mrs. Syring was advised that Town Clerk Hancsak could provide prior minutes and the procedure for requesting a right-of-way for abandonment.

Jeffrey Willens, 9 Hudson Avenue, stated that he was perplexed why a legal opinion from the Town Attorney was not given on the right-of-ways and questioned why the Commission had not made a decision on the right-of-ways. Comm Kaleel stated that Attorney Spillias was not given direction to research and provide a legal opinion until this point because the Commission was deciding whether to retain or abandon the right-of-ways.

Attorney Levenstein, legal council for several homeowners, advised that the purpose for the alleyways in 1927 was for ingress and egress. He mentioned that he understood from Town Engineer Tropepe that the right-of-ways would not be an issue for drainage purposes and that utilities would not be a problem with easement agreements. Attorney Levenstein advised that the residents have made themselves clear that they feel according to FSS 255.22, the right-of-ways should revert back to the homeowners. Attorney Levenstein also stated that he was pleased that the Town Attorney would be giving his legal opinion on the abandonment of the right-of-ways.

Town Attorney Spillias stated that abandonment of a right-of-way is emotional and difficult. Attorney Spillias commented that disputes between citizens and neighbors is not unusual.

Motion carried - yea 4. Comm Bingham recused herself and advised she would file the appropriate form.

7. Authorize Purchase of Signage for Old Ocean Blvd from Jeff Industries in an amount not to exceed \$7,460 from the Beautification Fund By: Kathleen Dailey, Town Manager

Town Manager Dailey stated that the staff and the Garden Club have been working on a proposed design for street signage. Town Manager Dailey advised that she received a proposal from Tropical Sun Signs for signs along Old Ocean Blvd. Town Manager Dailey mentioned that their signs are used by several coastal governmental agencies and they have required very limited maintenance. She added that the municipal signs were reduced from 63 to 33 signs and the proposed locations were reviewed by the staff of the Public Safety Department for safety issues and they concur with the signage plan.

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Town Manager Dailey advised that the proposal includes all sandblasted cedar signs with 4"x4" posts and the colors and design will coordinate with the Town's entryway signs. She advised that the proposal from Tropical Sun Signs is \$6,635 for 33 signs and installation is \$825 for a total of \$7,460. Town Manager Dailey recommended approval of the proposal from Tropical Sun Signs for signage along Old Ocean Blvd at a cost not to exceed \$7460 from the Town's Beautification Fund.

Comm Kaleel moved to approve the purchase of the signage for Old Ocean Blvd in an amount not to exceed \$7,500.00 from the Beautification Fund, seconded by Comm Schulte.

Comm Kaleel stated that if the signage is approved the Town Manager should research the cost of new signage for the entire Town.

Comm Bingham questioned the proposed color of the signs and asked to see color combinations. Town Manager Dailey stated that per the report the signs would match the color of the Town's entryway signs.

Martha Guttuso, 5700 N Ocean Blvd., garden club member, stated that the issue of color should be resolved because the trash receptacles are also on hold awaiting the approval of the signage as the colors will be the same.

Comm Kaleel amended his motion to approve the proposed signage to coordinate with the color scheme of the Town entry sign, seconded by Comm Schulte.

Motion carried - yea 5.

Barbara Cook, 6062 N Ocean Blvd., stated that the garden club worked very hard on trash receptacles and expressed her appreciation to the Town for working with the garden club.

Town Commission Comments

8. Discuss Naming of Woolbright/SR A1A Park Area By: Commissioner Bingham

Commissioner Bingham brought up the wording for the sign for Dorothy Whitney. Comm Kaleel advised that the language was already approved.

Town Manager Dailey suggested the purchase of the sign be authorized along with the purchase for Old Ocean Blvd signage. Comm Kaleel stated that the purchase for the sign should wait until more information is known on what will happen with the park. There was a consensus not to purchase the Woolbright/SR A1A park sign at this time.

9. Discuss Motorcycle Noise By: Commissioner Bingham

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Comm Bingham distributed a notice from Delray Beach regarding motorcycle noise and questioned if the Ocean Ridge Department of Public Safety could implement something similar. Comm Bingham suggested signs be posted and fines be created for the noise violation.

Michael Terry, Colonial Ridge, stated that he supports Comm Bingham and that Ocean Ridge has become a noisy neighborhood. Mr. Carey also suggested that a decibel meter be used to check mufflers, leaf-blowers, etc.

Bruce Gimmy, 12 Ocean Ave, stated that there should be more patrol on Ocean Ave especially on weekends and would appreciate a solution to the noise problem.

Director Hillery stated that the police officers do enforce noise violations and that he will pass on the concerns, however, any additional patrols, purchases of noise meters requires additional funding.

10. Discuss Seagrapes/Lights on Old Ocean Blvd By: Commissioner Schulte

Comm Schulte questioned what was being done about the seagrapes on Old Ocean Blvd at Corrine St. Mayor Aaskov advised that FDEP will be having a workshop on June 10, 2003 regarding the seagrapes and suggested waiting for a decision from the workshop.

Lothar Mayer, 6009 Old Ocean Blvd, advised he wanted to again make the offer to pay for the costs of the lighting on Corrine Street and also mentioned that the Town should make a decision on what type of lighting can be used.

There was a consensus for Town Manager Dailey to research the costs of low lighting.

11. Discuss Administration of the Agenda By: Commissioner Schulte

Comm Schulte stated that items on the agenda should not be addressed without a statement of purpose, analysis, alternatives and recommendations. Comm Schulte also mentioned that there should be requirements and clear definition of items that are added. Comm Kaleel advised that there was a policy regarding the administration of the agenda.

There was a discussion of the difference between items put on the agenda by staff and items added by individual Commissioners.

There was a consensus to implement the policy that stated items must be added at least one week prior to the distribution of the agenda. Town Manager Dailey also advised she would review a standard form addressing his proposed format.

12. Discuss Floor Area Ratio By: Commissioner Pugh

Comm Pugh stated that in prior discussions it was stated that the FAR should possibly be reviewed and questioned when the issue could be addressed. Comm Kaleel advised that it was

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already given to the Planning and Zoning Commission to review and the P&Z suggested that the FAR remain as it is.

Mr. Mayer stated that real estate values have increased enormously. Mr. Mayer also mentioned that there is an economic price to build a home and the FAR should be reviewed.

Mr. Gimmy mentioned that he spoke with an architect who advised him that the FAR is adequate.

There was a consensus to leave the code regarding FAR as it is.

13. Discuss Town Entrance Signs By: Mayor Aaskov

Mayor Aaskov mentioned that several people advised they are now pleased with the entrance signs now that the landscaping is in place.

Comm Kaleel stated that the signs are done well but he would like to see more definition to the size of the signs.

There was a consensus for Town Manager Dailey to research adding definition to the signs.

Mayor Aaskov mentioned that during Focus 2000 the signs were voted in the top 12 and she named several of the other priorities. Comm Kaleel commented that the Town has made progress on each of the priorities.

Mr. Bierlin suggested revisiting Focus 2000 to reaffirm what was done and where the signs were going to be.

The Commission all felt most of the priority items have been addressed or are in the process.

Adjournment

Meeting adjourned at 9:20 PM

Attest By:

Town Clerk

Mayor Aaskov

Commissioner Bingham

Commissioner Kaleel

Commissioner Pugh

Commissioner Schulte