

Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 3, 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

Comm Kaleel requested to add a discussion on the beach nourishment project and a discussion on the fire negotiations with the City of Boynton Beach.

Mayor Aaskov requested to add a discussion on the SE Town Entrance Sign.

Consent Agenda

1. Minutes of Special Town Commission Meeting of Sept. 16, 2003
2. Minutes of Special Town Commission Meeting of Sept. 30, 2003
3. Minutes of Regular Town Commission Meeting of Oct. 6, 2003
4. Authorize Adding the \$55,000 Funds Budgeted in FY 2003/03 for Architectural Services to be placed in the Town Hall Renovation Reserve Account
5. Approving Revision to the "One-Stop Permit" Issued by the Palm Beach County Film & Television Commission of the Tourist Development Council and Adopted by the Town Commission in 1990 to Include Student Production Projects
6. Authorize Execution of Release of Unity of Title for Lot 5 and 65' of Lot 4, Ocean Ridge Beach Subdivision that was Joined in 1978 for the Purpose of Clearing the Title Due to the Subsequent Joining of Lot 5 and all Lot 4 in 1983 and then Releasing of the Unity of Title for all of Lot 4 and Lot 5 in Oct. 1994 Requested by David and Joyce Collier, 5 Midlane Road

Comm Schulte requested to move item #4 with #15 regarding the Town Hall Renovations.

Comm Bingham requested to move item #16 with item #11 regarding right-of-way obstructions.

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

Motion carried - yea 5.

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Announcements and Proclamation

7. Administrative Office will be closed for the official holidays on Tuesday, Nov. 11<sup>th</sup>, 2003 and Nov. 27<sup>th</sup> and 28<sup>th</sup>, 2003
8. Light the Lights and Town BBQ proposed to be held on Friday, December 5, 2003 from 5:30 PM to 8:30 PM

The above announcements were read by Town Clerk Hancsak.

Public Comment

George Bierlin, 26 Hudson Ave., stated the he was in favor of the drainage project. He mentioned that he had started a website, [www.oceanridgenewsandviews.com](http://www.oceanridgenewsandviews.com), in October 2003 and was halted by the Ocean Ridge Department of Public Safety from soliciting for the website. Mr. Bierlin explained that the Department of Public Safety had received a complaint of him soliciting possibly in violation of Town Code. Mr. Bierlin then requested that the Mayor appoint Town Manager Dailey to investigate the matter.

Comm Kaleel stated that any further debate on the events should be discussed at a later time and they were not the intent of Public Comment. He stated that serious note had been taken of Mr. Bierlin's complaint however the matter was between Mr. Bierlin and Director Hillery. Comm Kaleel also advised that the Mayor does not have the authority to appoint anyone to conduct an investigation.

Justus Brown, 39 Coconut Lane, stated that this week the Town had a lot of rain fall and the street had flooded again. He advised that there may be raw sewage after the flooding that is hazardous and questioned what the status of the drainage project was. Comm Kaleel advised that the item was listed on the agenda and would be discussed then.

Patrick Doyle, 18 Hudson Ave, stated that he has spoken at several of the meetings regarding the drainage project and again wanted to state his concerns with the flooding. Mr. Doyle advised that the stagnant water has caused catfish on the street as well as mosquito problems and may cause the neighborhood children to become ill. He explained that the problem has been occurring for many years and expressed his frustration with residents now trying to stop the project. Mr. Doyle stated he has three points of argument in favor of the project. The first was the esthetic and economic value and concern. The second being that the drainage problem is the longest standing issue facing the Town and the Commission has an opportunity to close out the biggest project the Town has had. Mr. Doyle mentioned that the third argument was the economic depreciation to the value of the homes. He explained that the drainage project will increase the value to the Town as a whole. Mr. Doyle then stated that there was an official who may have violated an ethics regulation because it was overheard that they would use their power to stop the project and that person should be prevented from any decision making in the drainage project.

Mayor Aaskov stated that she knew of no Commissioner that wants the project stopped and mentioned that Engineer Tropepe stated the project on Hudson should begin by January.

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Comm Kaleel stated that the public should know that the project was voted on and approved.

Lawrence O'Daly, 13 Hudson Ave, stated that the rights-of-way litigation between the Town and several homeowners is a serious matter and he felt that the Ocean Ridge Reporter was misleading in the October editorial. Mr. O'Daly also felt that Mayor Aaskov was aware of the lawsuit during the September 8<sup>th</sup> Town Meeting and voted unanimously with the rest of the Town Council to suspend any action by the police department for at least one month in serving notice on the affected homeowners to remove all infringing obstacles in three rights-of-way, pending delivery of the formal legal papers to the Town Attorney. Mr. O'Daly believed that the August/September issue of the Ocean Ridge Reporter was printed sometime after September 16<sup>th</sup>, delivered around October 1<sup>st</sup>, and had distorted the facts regarding the drainage problems, rights-of-way issues, town employees and litigations between the Town and taxpayers. Mr. O'Daly then advised that he had written a letter to Mayor Aaskov on October 9 and paraphrased the contents.

Town Attorney Spillias suggested that issues regarding the Ocean Ridge Reporter should be discussed directly with Mayor Aaskov and was also not the intent of Public Comment. Comm Kaleel also requested that name calling should cease and comments made to the Council should be made in a manner that is not a personal attack.

Mr. O'Daly advised that he felt he was not attacking anyone however the issues were personal. He mentioned that he also enclosed a copy of the Palm Beach Post article of October 8<sup>th</sup> with his letter to Mayor Aaskov because he believed it accurately described the rights-of-way litigation issues. Mr. O'Daly stated that he received a response from Mayor Aaskov which he summarized in part and made copies available to the Commissioners.

Mayor Aaskov commented that her response letter regarding the Ocean Ridge Reporter was made by her personally as a reporter and not as the Mayor.

Mr. O'Daly in conclusion stated that he felt Mayor Aaskov had time to correct the facts regarding the rights-of-way litigation and suggested that the Council review the Town Charters' recall provisions and move to rescind her appointment as Mayor.

Atty Spillias advised that he received the rights-of-way notice of lawsuit at his office on behalf of the Town and notified the Council during the October Commission Meeting.

Comm Kaleel again reiterated that the Town does not own the paper and it is done by her individually.

Rich Lucibella, 5 Beachway N, apologized for the waste of time made during the public comment. He mentioned that the undercurrent happens every year during election time and is getting worse. Mr. Lucibella stated that he is not concerned with what the Commissioners do for a living and that it does not affect their effectiveness as Mayor and Commissioners. Mr. Lucibella also commented that he received a letter at his home that attacked members of the Commission that was not signed and that the behavior should stop.

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Gerald Goray, 130 Island Dr., stated that the Town has important issues and the residents are raging their own personal war. He felt that the meeting should be moved on to take care of the big business.

Comm Kaleel moved to close public comment, seconded by Comm Schulte.

Motion carried - yea 5.

9. Request to Re-discuss Code Enforcement Violation and Lien Reduction Request for the Brown Property at 6480 N. Ocean Blvd. By: David Feinberg, attorney representing Harry Brown (Postponed Item)

Town Clerk Hancsak summarized the request by Atty Feinberg on Mr. Browns behalf to be placed back on the agenda for November after postponing in August and September for health reasons and for the Yom Kippur holiday. Town Clerk Hancsak also advised that she reminded Mr. Brown's office on October 30<sup>th</sup> that the request would be on the agenda for November 3<sup>rd</sup>.

There was no one present on Mr. Brown's behalf.

10. Request for Release of Unity of Title for Lots 32 and 33 Inlet Cay Subdivision (32 Spanish River Drive) By: William Manikas, attorney representing Randall Sjaardema, new property owner

Town Manager Dailey advised that Attorney Manikas and Mr. Sjaardema were present at the meeting and summarized their request to release the unity of title.

Attorney Manikas stated that his client purchased the property subject to the liens being paid and violations being corrected. He advised that the lien violations have been corrected. Atty Manikas stated that his clients have plans to demolish the existing home and sell the lot or build two homes on the lots that they were advised would be the best use for the property.

Comm Kaleel questioned how soon the construction could begin. Atty Manikas stated that his clients would like to start the project as soon as the Council approves the request and State and County permits are issued. He also mentioned that his clients have been discussing the demolition with contractors and have obtained two bids.

Comm Kaleel moved to approve the release of unity of title for lots 32 and 33 Inlet Cay, subject to the demolition of the existing home, seconded by Comm Pugh.

Motion carried - yea 5.

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16. Discuss Both East and West Side of Old Ocean Blvd. By: Comm Bingham

Comm Bingham mentioned that at the last Commission meeting in October she requested that the Commissioners observe Old Ocean Blvd to view the obstructions that are in the rights-of-way. Comm Bingham also mentioned that several of the signs on Old Ocean are difficult to see because of the plantings and there are some rusted signs that need to be replaced.

Comm Kaleel and Comm Schulte agreed that the some of the signs may be obstructed and Comm Kaleel also commented that the new signage on Old Ocean Blvd looks great.

Comm Bingham suggested that the matter be given to the Planning and Zoning Commission to review all the rights-of-way and make a recommendation.

Comm Kaleel advised that the rights-of-way belong to the Town and they have the power to do what they want with the rights-of-way. He added that Director Hillery has the power to order removal of anything that causes a public safety issue.

Director Hillery commented that he was told many of the obstructions have been considered “grandfathered” and requested further direction. Atty Spillias commented that the obstructions are not grandfathered, however, the code has not been enforced prior to the adoption of the more recent codes.

Comm Kaleel stated that anything blocking a right-of-way that causes a safety hazard can be removed. Atty Spillias added that if an obstruction is in the Town right-of-way it is not considered grandfathered.

Town Clerk Hancsak mentioned that everyone can make a request to the Commission to keep an obstruction in the right-of-way.

11. Request for New Obstruction in the Right-of-Way on West Side of Old Ocean Blvd. to Remain By: Gary/Penny Kosinski, 6000 Old Ocean Blvd.

Gary Kosinski, 6000 Old Ocean Blvd., apologized for the obstructions that were planted in the right-of-way and stated he wished to work with the Town and Public Safety Department to correct the violation. Mr. Kosinski advised that he hired Delray Garden Center to install hedges in the right-of-way to create privacy to their second story. He also mentioned that Delray Garden Center had done similar plantings in Town and were not aware they had violated Town Code. Mr. Kosinski stated that they did not believe that the hedges caused any obstructions to signs or created any safety hazards.

Robert Glen, of Delray Garden Center, stated that he left four feet of leeway on both sides from the road to eliminate any danger. He also mentioned that several of the neighbors have the same plantings.

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Mr. Kosinski mentioned that they are requesting the same rights and privileges as their neighbors and added that if their request is denied and they are forced to remove the hedges they will lose any privacy to their second story living area.

Comm Kaleel stated that the timing was not good for the request and commented that the plantings were done without permission. He also mentioned that other requests have been denied and it would not be fair to allow plantings that were done without requesting permission. Comm Kaleel suggested that the same offer be made as with the Mayer residence. He stated that the Kosinski's should meet with the Town Manager to work on a plan and bring back recommendations.

Atty Spillias suggested the Town consider distinguishing between corner safety hazards with Director Hillery and that the safety issues be dealt with tonight and the rest of the landscaping can be reviewed with Town Manager Dailey at a later time.

Comm Pugh questioned if part of the request could be denied and allow the property owners to meet with the Town Manager. Atty Spillias advised that the request can be denied in part and defer a decision until the property owners meet with Manager Dailey. He also stated that the entire request can be denied and Director Hillery can enforce removal of all the safety hazards.

Comm Pugh moved to deny the request in part to remove the liability at hand now and for the property owners to work on a landscape plan with Town Manager Dailey to be brought back by the next Regular Commission Meeting, seconded by Comm Bingham.

Comm Kaleel stated that the property belongs to the Town and he spoke against the motion. He advised that the Commission has the opportunity to deny the request and felt there should be consistency for requests to allow obstructions. Comm Kaleel stated it would be setting a bad example to allow someone to keep obstructions on Town property that they created without requesting permission.

Motion failed - yea 1 (Pugh)  
                  nay 4 (Aaskov, Kaleel, Bingham, Schulte)

Comm Kaleel moved to deny the request to allow the right-of-way obstruction as presented, seconded by Comm Bingham.

Motion carried - yea 4 (Aaskov, Kaleel, Bingham, Schulte)  
                  nay 1 (Pugh)

Town Manager Dailey requested direction on what can be done with the hedges. Atty Spillias added that staff needs clear direction on all the obstructions or landscaping in the rights-of-way. He suggested establishing criteria for the decision making process and existing plantings.

There was a consensus for Town Manager Dailey to work with Mr. & Mrs. Kosinski on a light landscaping plan similar to the landscaping plan created with Mr. & Mrs. Mayer of 6009 Old Ocean Blvd, and hedges not be included.

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Mr. Kosinsky felt that extenuating circumstances had occurred because Delray Garden Center was not aware that the code had changed regarding right-of-way plantings. Atty Spillias advised that the code had not changed and only the enforcement of obstructions has changed.

Comm Kaleel suggested that Mr. Kosinski submit a revised application to the Town as soon as possible and work with the Town Manager on a plan accordingly.

Atty Spillias commented that staff cannot approve a site plan with plantings located in a right-of-way because it is a license and not a right. He added that the Town always has the right to utilize caution.

Director Hillery clarified that the Department of Public Safety is to remain status-quo unless any plantings cause a safety hazard or plantings are done without site plan approval.

Comm Schulte mentioned that it is a short term issue and a long term solution is needed.

Comm Kaleel moved to direct the Planning and Zoning Commission to review landscape requirements in improved rights-of-ways, seconded by Comm Schulte.

Motion carried - yea 5.

12. Petition for Town Commission to Take Direct and Positive Action to Abate any Further Implementation of the Drainage Plan as Presently Constituted as it Relates to the Woolbright Road and North Ocean Blvd. Property Until Questions and Concerns by Property Owners Have Been Addressed By: Donald MaGruder, 9 Ridge Blvd.

Attorney John Randolph, representing several home owners in Town, stated that his clients are not trying to impede on the drainage project in other parts of Town. He added that they believe there are other alternatives to gain drainage relief than the detention area near their property. Atty Randolph presented a petition that had been signed by several property owners who are requesting to abate the South Phase of the drainage project until their concerns are alleviated. He advised that one of the concerns is the 1.9 acre detention pond that will be located in the back of several homeowners that may cause mosquito problems and safety hazards. He also mentioned that his clients are concerned that the Town will be using the property to relieve flooding from another part of Town which could cause flooding for his clients. He stated other concerns included the size of the detention pond, the width of the vegetation buffer and the potential loss of property value. Atty Randolph related that his clients would like to have a workshop to give full consideration to their concerns and explore possible alternative methods.

Town Clerk Hancsak read the petition request signed by several home owners that was submitted by Mr. MaGruder on October 22<sup>nd</sup> and also advised that there were written and verbal requests by some of the home owners to be removed from the petition since its submittal.

Comm Schulte stated that Town Engineers, SFRN, advised that the detention pond would be a dry pond and would only be a wet pond if requested to be by the Town.

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Comm Kaleel stated he was not in favor of abating the project but was in favor of scheduling a workshop to discuss the issues of the property owners.

There was a consensus for a workshop to be scheduled for the residents and Engineers to discuss their questions and concerns regarding the technical issues of the drainage project.

Donald MaGruder, 9 Ridge Blvd, showed a report done by SFRN on April 27, 2001 and summarized the details and differences between the original plan and the current plan.

James Bonfiglio, 5616 N Ocean Blvd., stated he is adamantly opposed to the project and mentioned he had submitted a letter for the Commissioners that detailed his concerns. Mr. Bonfiglio also commented on Engineer Tropepe's written response regarding the definition of "Residential Municipal Roadway Criteria" and stated he researched and could not find the meaning of the term.

Cheryl Olanoff, 566 David Lane, stated that she has attended all of the meetings regarding the drainage project and felt her understanding was different than what the now planned project is. She commented that she was confused and requested clarification from the engineers on the plan.

Terrence Bailey, Project Engineer for SFRN, stated that he aided in the design for the drainage project and would try to answer any questions the Commission or residents had. He mentioned that the plan consists of two basins one each on the North and South in equal size that are designed to pump overflow to the detention pond. Mr. Bailey advised that the detention pond area is built out to be elevated which will help to lift the water up to the pond and out to the discharge point and the only criteria that is waived is the 1" pre-treatment to 1/2". He then advised that the design utilizes the maximum area available and is also designed by South Florida regulations of a 4-1 side-slope with a 45 degree incline which is easily traversable. Mr. Bailey mentioned that the 2 pump system is made up of 1 master pump which is only used during major storms and 1 duty pump which is used during lighter storms and is much quieter.

Justus Brown, 39 Coconut Lane, commented that during high tide there would be overflow in the detention pond. Mr. Bailey replied that the lift pump is high enough to naturally lift water into the Intracoastal. Mr. Bailey also stated that the pond is designed to be a dry pond year round and does not pump constantly.

Comm Schulte mentioned that the concerns and questions could be discussed during the workshop with the Engineers that the Town Clerk will try to schedule on November 18<sup>th</sup> prior to the Special Exception request.

13. Appointment of Representative to the Palm Beach County Intergovernmental Coordination Program - Clearinghouse By: Kathleen Dailey, Town Manager  
Dailey

Town Manager Dailey advised that the Palm Beach County Intergovernmental Coordination Program allows the Town to discuss issues that are of countywide significance and to develop consensus with other jurisdictions.

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Town Manager Dailey mentioned that the Program also satisfies elements of State Statutes regarding requirements for both school site placement and intergovernmental coordination. She stated that former Commissioner Digby Bridges was appointed the representative to the Issues Forum Board, who was then replaced by Jeffrey Willens, and the Town Manager was named as the authority to file formal objections on plan amendments. Manager Dailey advised that staff recommends that the Commission appoint a member and an alternate to attend the Issues Forum of the PBC Intergovernmental Coordination Program and name Town Manager Dailey as the authority to file formal objections on plan amendments.

Comm Bingham volunteered to fill the position of representative.

Comm Kaleel moved to appoint Comm Bingham as representative to the Issues Forum Board, seconded by Comm Schulte.

Motion carried – yea 5.

14. Presentation of Financial Forecast of Town of Ocean Ridge By: Comm Schulte

Comm Schulte advised that he had performed a financial analysis in order to assist the Commission in policies about future capital expenditures. He mentioned that he received input from staff and the analysis was reviewed by the Town Auditor. Comm Schulte stated that his financial forecast shows an impact through the year 2008 and if his assumptions are correct the Town should break even after funding the drainage project and normal capital expenditures in 2008. Comm Schulte added that if the Town Hall project is added the debt will grow and the taxes could increase.

Comm Kaleel commended Comm Schulte on his financial analysis. Comm Bingham agreed and mentioned that the Town should be more conservative and use caution with their spending.

4. Authorize adding the \$55,000 Funds Budgeted in FY 2002/03 for Architectural Services

15. Discuss Interviews of Architects for Town Hall Renovation By: Kathleen Dailey, Town Manager

Town Manager Dailey stated that in April 2003, the Commission directed staff to proceed with advertising for architects to submit their qualifications for the renovation of Town Hall. She mentioned that seven architects had submitted packages which were reviewed by a staff committee who ranked the firms after checking references. The Commission also requested an updated space needs analysis. Manager Dailey advised that staff requests direction on which architects the Commission would like to interview for the renovation of Town Hall.

Comm Schulte commented that he would like to have a better fix on the financial numbers and decide if the project is what the Commission would like to proceed with.

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Mayor Aaskov stated that the current building is a disaster and mentioned that there is not enough room for storage of plans, etc.

Comm Kaleel suggested postponing the decision until the beginning of the year and there was a consensus by the Commission.

Comm Kaleel moved to authorize adding the \$55,000 budgeted in FY 2002/03 for Architectural Services into the Town Hall Renovation Reserve Account, seconded by Comm Pugh

Motion carried – yea 5.

Town Commission Comments

17. Discuss FDOT Meeting that was held on Sept. 30, 2003 By: Comm Bingham

Comm Bingham stated that she does not believe the FDOT surveys of A1A are accurate and believed that residents had surveys of their property that would conflict with FDOT. She felt that the Town should make sure that the surveys by FDOT were correct. She added that the Town should possibly pursue having A1A designated as a scenic route. There was no discussion by the Commission.

18. Discuss E-Mail Policy By: Comm Kaleel

Comm Kaleel questioned what the policy is for disseminating e-mails that are directed to Commissioners and sent to Town Hall. Atty Spillias advised that staff must retain any e-mails that are received and directed to Commissioners. He added that the e-mails delivered to Town Hall are public record and must be forwarded to the recipient however a Commissioner does not legally have to accept or open a disseminated e-mail.

Comm Kaleel requested that staff research other Municipalities policies regarding e-mails and legal obligations to open e-mails and to distribute hard copies to the Commission boxes in the interim.

19. Discuss Beach nourishment project and fire negotiations with the City of Boynton Beach By: Ken Kaleel

Comm Kaleel stated that the beach nourishment sand transfer plant is working better than expected and there is discussion of adding additional discharge pipes near McCormick Beach Club and the Ocean Club.

Comm Kaleel advised that Director Hillery, Town Manager Dailey and himself met with Boynton Beach City Manager Kurt Bressner, Boynton Beach Police Chief Bingham and three proposals were discussed. He mentioned that the first included housing fire personnel in Town. The second included using Boynton Beach a fire station and not housing fire personnel in Town. The third included housing medical personnel in Town and using a Boynton Beach fire station out of Town.

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Comm Kaleel stated that they also discussed the possibility of a 20 year long term plan and that another meeting would be held in 1 to 2 months.

20. Discuss SE Town Entrance Sign By: Mayor Aaskov

Mayor Aaskov stated that the old Town Entrance Sign should be removed.

Comm Kaleel stated he was in favor of replacing the sign but not moving the location of the sign. He also mentioned that he was in favor of moving forward with replacing all the signage throughout Town.

There was a consensus of the Commission not to remove the sign until it is replaced.

Adjournment

Meeting adjourned at 9:30 PM

Attest By:

\_\_\_\_\_  
Town Clerk

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Mayor Aaskov

\_\_\_\_\_  
Commissioner Bingham

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Commissioner Kaleel

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Commissioner Pugh

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Commissioner Schulte