

REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE
TO BE HELD IN THE TOWN HALL ON MONDAY, FEBRUARY 3, 1997, 7:00 PM.

The meeting was called to order by Mayor Digby Bridges. After the pledge of allegiance, roll call was answered by the following:

Commissioner Aaskov Commissioner Kaleel
Commissioner O'Hare Commissioner Stamos
Mayor Bridges

IV. REQUESTS FOR ADDITIONS, WITHDRAWALS, DEFERRALS,
ARRANGEMENT OF ITEMS

Mayor Bridges requested that item V B (1)(c) from the Town Manager's reports on the consent agenda be moved to the end of the meeting and that item VI. A. be moved to the consent agenda.

Town Manager Lanker requested that an item regarding the Town Manager's trip to Tallahassee relating to the Inlet Settlement be added to the Items by Commissioners as item VII (H)(6).

Comm Stamos commented that he wanted to compliment the Town Manager for getting the flood insurance reduced for the residents.

Comm Aaskov wanted to add an Item by Commissioners regarding the County sign in the hammock area as item VII (H)(7).

V. CONSENT AGENDA

- A. Minutes
 - 1. Regular Meeting of January 6, 1997
 - 2. Special Meeting of January 13, 1997
- B. Reports
 - 1. Town Manager
 - a. Shore Protection Act
 - b. Phase II Water Project Status
 - c. Intent to Pay Reserve Officers When Relieving Regular Officers' Schedules
 - d. ISO Flood Insurance Review
 - e. Florida Aids Ride
 - 2. Director of Public Safety
 - a. Monthly Activity Report
- C. Announcements
 - 1. 1997 Municipal Election Cancelled Because the Two Incumbent Commissioners Filed Without Opposition
- D. Correspondence
 - 1. Resolution No. R96-185; Requesting FL Legislature to Enact Legislation Requiring the Lottery Commission and the FL Department of

Education to Publish a Quarterly Detailed
Accounting of Lottery Gross and Net Income, and
Related Information - City of Boynton Beach

Comm Kaleel moved to approve the consent agenda as amended, seconded by Comm Aaskov.

Motion Carried - Yea 5.

VI. PUBLIC REQUESTS

- A. Request to Trim Vegetation on the Dune at Diamond Beach, 5450 Old Ocean Blvd. - Bernard Turner, Landscape Architect

This item was moved to the Consent Agenda.

- B. Discuss Purchase of Property Located WNW of Town Hall - O. D. Priest

Town Manager Lanker informed the Commission that he was approached by Mr. Priest to see if the Town would have any interest in acquiring his property. Town Manager Lanker stated that the land has been appraised at \$3 million although it is on the tax roll for \$164,000.

Comm Stamos stated that he believed this could be a valuable piece of property used as a buffer against the 2 high rise condominiums that will be constructed across the intracoastal in Boynton Beach.

Comm O'Hare commented that he believed the development potential to be extremely low on this property as it would not be suitable to human habitation. He suggested asking Mr. Priest if he would be willing to finance the purchase to the Town.

Comm Aaskov suggested that the Town Manager meet with Mr. Priest to further discuss options.

Comm Kaleel stated that he did not believe there to be a need for the Town to acquire this land.

Comm O'Hare inquired if the Town would be purchasing development rights that could be sold to someone else. Atty Nicoletti explained that the Town would have that option.

Comm O'Hare moved that the Town Manager investigate further the possibilities of future use of this land, seconded by Comm Aaskov.

Mayor Bridges commented that he believed that this portion of Ocean Ridge is one of the purest places along the intracoastal and that he would prefer the property to remain undeveloped. He suggested that the owner donate the land to the Town as a tax write off, but he did not feel that the Town Manager should waste his time pursuing the issue of purchasing the land.

Comm Stamos suggested that perhaps a trust could be created that would not cost the Town anything and would protect the land as is.

There was no public comment on this issue.

Roll call was made on Comm O'Hare's motion.

Motion Carried - Yea 4 (Aaskov, Kaleel, O'Hare, Stamos)
Nay 1 (Bridges)

VII. COMMISSION ACTION

A. Ordinances

1. No. 491; Establishing a Temporary Moratorium on the Construction of Telecommunications Towers and Antennae; Establishing Exemptions; Providing an Appeal Process (2nd Reading)

Town Clerk Hancsak read Ordinance No. 491 by title only.

Comm Stamos moved to approve Ordinance No. 491 on second reading, seconded by Comm O'Hare.

Motion Carried - Yea 5.

2. No. 492; Amending Section 54-2, Town Code; Providing for Amendments to Parking Violation Fines (2nd Reading)

Town Clerk Hancsak read Ordinance No. 492 by title only.

Comm Stamos moved to approve Ordinance No. 492 on second reading, seconded by Comm O'Hare.

Comm O'Hare asked if a vehicle driving on someone else's property would be considered vehicular trespassing. Director Hillery stated that the vehicular trespass violation on the current parking ticket form no longer applies and that the situation he described would be a civil matter.

Motion carried - Yea 5.

3. No. 493; Amending Section 26-79, Permitted Signs by Adding a New Subsection (3), "Governmental Signs," and Amending Section 26-80 Signs Exempted by Clarifying Exempt Governmental Signs (2nd Reading)

Town Clerk Hancsak read Ordinance No. 493 by title only.

Comm O'Hare asked if this would apply to the parking lot sign across from the hammock. Atty Nicoletti clarified that the only exceptions would be State and Town signs.

Comm Kaleel stated that he saw where there is ambiguity in the wording and suggested moving the phrase "which are specifically authorized or required by federal or state law" to before the word "including" in the same sentence of Sec. 26-80 (1).

Comm O'Hare moved to approve Ordinance No. 493 as amended, seconded by Comm Aaskov.

Motion Carried - Yea 5.

4. No. 494; Amending Section 30-36, Town Code; Providing for an Occupational License Fee for Insurance Companies Doing Business Within the Town (1st Reading)

Town Clerk Hancsak read Ordinance No. 494 by title only.

Atty Nicoletti advised that the Town could utilize the assistance of the Florida League of Cities to help receive monies from the Insurance companies having accounts in Town.

Comm O'Hare questioned why the insurance companies were being singled out to which Atty Nicoletti replied that municipalities can charge this fee pursuant to State law.

Comm Kaleel inquired if this cost would be passed on to the homeowners to which Atty Nicoletti advised that it already was.

Comm Kaleel moved to approve Ordinance No. 494, seconded by Comm O'Hare.

Motion Carried - Yea 5.

5. No. 495; Amending Section 22-1, Town Code; Adopting the Most Recent Edition of the Standard Fire Prevention Code; Adopting the Most Recent Edition of the Life Safety Code as Promulgated by the National Fire Protection Assoc. (NFPA-101) (1st Reading)

Town Clerk Hancsak read Ord. No. 495 by title only.

Town Manager Lanker advised that the State of Florida requires the Town to adopt the Life Safety Code and one of three fire codes of which the Town has previously adopted the Standard F P Code.

Comm O'Hare moved to approve Ordinance No. 495, seconded by Comm Stamos.

B. Resolutions

1. 97-04; Appointing Randy Zeldin as a Non-Exclusive Special Master (Hearing Officer) for the purpose of Hearing Code Violation Hearings within the Town

Town Clerk Hancsak read Resolution No. 97-04 by title only.

Atty Nicoletti informed the Commission of his recommendation of Mr. Zeldin for the position of the Hearing Officer for the Town. Atty Nicoletti stated that he had a case before Mr. Zeldin and he found him to be professional and fair. He added that Mr. Zeldin seemed not so interested in fines that become outrageous.

Comm O'Hare moved to approve Resolution No. 97-04, seconded by Comm Stamos.

Sylvia King, 11 Tropical Dr., inquired as to what he would be hearing. Mayor Bridges explained that he would hear cases of residents who do not comply with cutting their grass, painting their house, et cetera. He added that the Commission wanted an Ordinance with teeth to communicate the seriousness of this issue to the residents.

Comm Kaleel stated that he would like to meet Mr. Zeldin before he approved. Atty Nicoletti stated that Mr. Zeldin was in Dade giving depositions and unfortunately could not attend the meeting. Comm Kaleel suggested that they postpone approval until they meet Mr. Zeldin personally. Atty Nicoletti replied that waiting would not be a problem; however, there is a case that needs to be heard soon and holding off on approval would postpone the hearing.

Bernard Ratner, 32 Harbour Dr N, asked how a resident is currently fined for a violation. Atty

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Nicoletti explained that a resident currently would be brought before the County Court to be fined. He further explained that with the new system a low number of residents go to court to appeal the decision of a Hearing Officer and the resident would only go to court as an appellant and not to get a new hearing.

Bernard Ratner questioned how the Hearing Officer decides on a fine. Atty Nicoletti stated that the Hearing Officer could fine up to \$250 a day per our Town code. Comm O'Hare added that a fine is not imposed until after a resident has had ample opportunity to correct the problem.

Earl Jones, 14 Sailfish Lane, inquired if any of the Commission has ever met Mr. Zeldin. Comm O'Hare stated that the Town Manager and Town Attorney were instructed by the Commission to compile a list of candidates and added that he felt the Commission should have faith in their judgement.

Comm Stamos advised that he believed that an ordinance is pure in its meaning and that the person appointed should not make a personal difference because a Hearing Officer should rule to uphold the Ordinances.

Comm Kaleel again advised the Commission of his feeling that the candidate should be interviewed by the Commission stating that approval of the individual is important because every case has the potential to be a Supreme Court Case.

Comm Stamos reiterated his faith in the Town Officials' opinions adding that he did not want to micromanage the Town.

Roll call was made on Comm O'Hare's motion.

Motion Carried - Yea 3 (Aaskov, O'Hare, Stamos)
Nay 2 (Kaleel, Bridges)

2. 97-05; Adopting Amendments to the ICMA Retirement Corp. Deferred Compensation Plan and Trust

Town Clerk Hancsak read Resolution No. 97-05 by title only.

Town Manager Lanker explained that the ICMA is a nationwide organization that is a totally employee participatory deferred compensation plan. He added that although the money is employee contributions, the account is in the name of the Town.

Comm Kaleel asked how this affects the Town to which Mayor Bridges replied that it does not

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affect the Town at all.

Comm Kaleel moved to approve Resolution No. 97-05, seconded by Comm Aaskov.

Motion Carried - Yea 5.

3. 97-06; Urging the 1997 Florida Legislature to
Create a Dedicated Funding Source for the
Statewide Beach Management and Supporting House
Bill 103

Town Clerk Hancsak read Resolution No. 97-06 by title only.

Comm Kaleel moved to approve Resolution No. 97-06, seconded by Comm Aaskov.

Comm Stamos advised that he thought that taxing only one industry was unfair. He added that it is not specified how the money will be spent.

Comm O'Hare stated that the Cruise Lines do effect the Town by the obvious trash that floats to the beach.

There was no public comment on this issue.

Roll call was made on Comm Kaleel's motion.

Motion Carried - Yea 3 (Aaskov, Kaleel, O'Hare)
Nay 2 (Bridges, Stamos)

Comm Kaleel asked Mayor Bridges if he was involved in the Beaches and Shores meeting that showed a unanimous vote in a corresponding letter regarding this issue. Mayor Bridges stated that he did not feel that it was fair to tax only one industry and he was not involved. Town Manager Lanker stated that the Beaches and Shores meetings are his responsibility; however, he was absent from that meeting, so he did not understand how the vote could be unanimous and reflect all municipalities participating.

C. Discuss Property Appraisal Results

Town Manager Lanker summarized that the appraisal on the 2 parcels owned by Boynton Beach combined was less than the parcel owned by Ocean Ridge. He stated that he believed Boynton Beach would want the Town to create a parking lot if we purchased the land.

Comm Kaleel moved that the Town Manager enter negotiations with Boynton Beach to purchase

parcels 2 and 3. Mayor Bridges suggested that the parcel owned by the Town be used in the negotiations. Comm O'Hare seconded the motion for the sake of discussion.

Comm O'Hare suggested that the Town acquire the two Boynton Beach owned lots and then evaluate what our parcel is worth if the zoning could be changed to allow a house to be built. He added that he did not believe that the Town should allow a restaurant at the Public Beach because of the current commercial code.

Comm Stamos suggested attempting to buy the two parcels outright and then negotiating with the Oceanfront lot.

Comm O'Hare stated that he thought parking on the property was required because of the beach renourishment project. He added that this would be acceptable to him if it would be metered parking with the revenue coming to the Town.

Bruce Gimmy, 12 Ocean Ave., stated that he believed if the zoning were changed on the Oceanfront lot, a nice house could be built on it.

Comm Kaleel advised that he did not want parameters attached to the Boynton Beach property stating what the Town could do with it.

Roll call was made on Comm Kaleel's motion.

Motion Carried - Yea 5.

D. Discuss Results of SLWID Technical Advisor Proposals

Town Manager Lanker advised that staff had ranked all the applicants and presented the top three. He added that State Law requires that after the three are interviewed, they are ranked again and then negotiations are entered with the number one choice. He asked the Commission if they felt that more than the top three should be interviewed.

Comm O'Hare inquired as to how long the project would last. Town Manager Lanker explained that the approximate fee is \$100 per hour and although a better firm will be able to get through the project quicker, no one can predict how long it will take.

Comm Stamos suggested that the top three candidates supply additional information before they are interviewed by the Commission.

Comm Stamos moved to have the Commission interview the top three candidates, seconded by

Comm O'Hare.

Motion Carried - Yea 5.

- E. Authorize Funding to Relocate Landscape from Ocean Ave. Lots

Town Manager Lanker advised that the State was allowing the Town to keep the landscaping from the lots on Ocean Ave where the houses are being demolished. He added that he had been given an estimate of \$25,000 to \$35,000 for the moving and replanting. He added that Comm O'Hare had suggested renting a truck mounted clamshell spade at \$800 a day.

Comm O'Hare advised that the Beautification Task Force was looking at areas that needed landscaping. He added that this would be a great opportunity as some of the trees are in the \$1,000 - \$2,000 value class. He stated that no work would be done or money expended without the approval of the Commission.

Comm Aaskov asked if anyone had completed a plan yet. Comm O'Hare replied that the task force will have plans ready by next month's Commission meeting. He added that the moving would have to be done between the demolition of the house and the leveling of the property.

Comm Aaskov advised that she wanted Ocean Ave. to have landscaping until the bridge is started.

Comm Stamos advised that provisions would have to be made for irrigation and fertilizer.

Comm Kaleel mentioned that residents may want to buy some of the landscaping if given the opportunity.

The Commission concurred to table the discussion until the next month's meeting.

- F. Select Meeting Date to Review Land Revision Draft Ordinance

Atty Nicoletti advised that he had recently received a disk from Hank Skokowski summarizing the proposed revisions and that it would take him 3 to 4 weeks to put the information in draft form.

Mayor Bridges suggested that the meeting be held the second week of March. Town Clerk Hancsak advised that she would call the Commissioners and coordinate the meeting date.

- G. Update on Enforcement of Provisions of Ordinance No. 490 and use of Special Master

Director Hillery explained that previously the Department of Public Safety was forced to serve a Notice to Appear to those charged with misdemeanors and take them to court. The Special Master now can hear the violations and also has the ability to impose fines. Director Hillery added that he believed that once word of the Special Master gets out to the public, the number of violations would decrease.

Director Hillery explained that Ordinance No. 490 was explained to the Officers so everyone had the same understanding of what constituted a violation. He added that the process would be as follows: the Officer would bring the violation to him and he and Town Manager Lanker would decide if it actually is a violation.

H. Items by Commissioners

1. Discuss Quarterly Financial Summary - Comm Stamos

Comm Stamos advised that Bernard Ratner with help from Town Clerk Hancsak comprised a quarterly form that can apprise the residents on budgetary matters.

Bernard Ratner mentioned that the expenditures were \$179,000 more than the anticipated revenue. He suggested forecasting future budget expenditures.

Mr. Ratner distributed and explained his summary which showed the results of what is posted during a quarter and compared it to the budget to see if the Town is on target. He added that if the figures would not be available until the month following the close of a quarter as Town Clerk Hancsak advised they would, it would not be significant to the process.

Comm Stamos suggested that Town Clerk Hancsak review the summary provided by Mr. Ratner and give a proposal at the next Commission meeting.

2. Discuss Town's Computer Equipment - Mayor Bridges
3. Discuss Town's Telephone Equipment - Mayor Bridges

Mayor Bridges requested to combine items 2 and 3. He stated that he felt the Town needs to be run as a business to be an efficient government office. He advised that he investigated the Town's dispatch center and found it to be first class as a result of 911 funding assistance from the County and the Town's technical advisor. He concluded that the dispatch center is now in a position where there is little else that needs to be done.

Commenting on the telephone equipment, Mayor Bridges stated that his office is using AT&T and he has not been happy with the cost. He mentioned that ICI has offered an \$.11 per minute rate for calls anywhere at any time.

In regards to the computer system, Mayor Bridges stated that he had researched the subject. He suggested that consultants who provide both software and hardware be contacted as it is his experience that software can be bought off the shelf requiring very little back-up. Mayor Bridges distributed a list of 6 consultants that he had found to be very good. He explained that 3 of those on the list would be too expensive for the Town although they were very good. He concluded that as a result of his research, he estimates an update on the computer system to cost between \$25,000 and \$35,000. He added that he had not discovered a maintenance contract for greater than \$5,000.

Comm O'Hare questioned the necessity of having someone installing the new software. Mayor Bridges replied that someone would be needed for the one time installation.

Comm Kaleel suggested the possibility of getting bids from the consultants on Mayor Bridges' list. Comm Stamos stated that the staff could establish guidelines for the proposals.

Comm Kaleel suggested that the Town ask IBM or another big company to evaluate the Town's needs. Earl Jones, 14 Sailfish Lane, stated that the bigger companies would contract a proposal of that size out to another company.

Town Manager Lanker suggested that the companies on the list and some others be asked to define purchase specifics and to set up interviews.

Comm O'Hare commented that if the Town requests custom made software, the price would increase as opposed to asking the consultants to evaluate the Town's needs.

Comm Stamos suggested contacting someone in the advertisements contained in the Florida League of Cities magazine as they are familiar with municipal governments to which Mayor Bridges replied that he would prefer to deal with a local company.

Jerry Lower, 2 Harbour Dr. N, stated that a Request For Proposal (RFP) would be something the staff could put together for the consultants to draw their estimates from.

Comm Kaleel moved to invite the computer consultants to submit an RFP based on some generic specifications, seconded by Comm Stamos.

Comm Stamos suggested that guidelines be established first so that all proposals are on the same level. Comm O'Hare explained that limitations are placed on the proposals with an RFP. Mayor

Bridges suggested that the proposals also allow for suggestions.

Town Manager Lanker stated that the standard Request for Proposals could be designed so as not to create limitations.

Roll call was made on Comm Kaleel's motion.

Motion Carried - Yea 5.

4. Discuss Dune Crossovers - Comm O'Hare

Comm O'Hare suggested that better guidelines be established for dune crossovers.

Comm Kaleel asked if that type of matter would go to the Planning and Zoning Board and Atty Nicoletti advised that it would.

Atty Nicoletti suggested that it go before the Planning and Zoning Board at the same time as the Landscape Code. The Commission concurred.

5. Discuss Invasive Vegetation on Public Property
- Comm O'Hare

Comm O'Hare stated that Ordinance No. 489 did not include the PO and PC districts. Atty Nicoletti advised that when they would come in to apply for a special exception use, they could be required then to comply with the Ordinance. He added that it did apply to PC as written.

Comm O'Hare suggested contacting contractors who would give the Town a flat price to remove the invasive vegetation for the whole Town and the residents could share in the cost.

6. Meeting in Tallahassee regarding SLWID plan

Town Manager Lanker advised that he was contacted by Bob Clinger who advised that DEP was requesting a kick off meeting with all parties involved regarding the SLWID plan.

Town Manager Lanker advised that the kick off meeting in Tallahassee would cost less than \$300. Comm Stamos inquired as to why there was a meeting and Town Manager Lanker replied that the State wanted all of the people involved to meet each other.

The Commission concurred that Town Manager Lanker should go and funding taken from the Town Manager Travel and Per Diem account.

7. County Sign in Hammock Area - Comm Aaskov

Comm Aaskov asked Mayor Bridges if he had spoken to the County regarding replacement of the sign. Mayor Bridges stated that the County was going to get back to him, but he felt that they would allow the Town to replace the sign at our expense. Comm Aaskov stated that she thought the residents would be in favor of that.

8. Intent to pay Reserve Officers When Relieving
Regular Officer's Schedules - Mayor Bridges

Town Manager Lanker explained that when covering shifts for vacations/sick time for Officers, they are paid at time and a half for the overtime. He suggested allowing the reserve officers to do this at straight pay, thus saving the Town money.

Comm Aaskov inquired if this would occur after their required 8 hours reserve training a month. Director Hillery replied that they would not get paid until after the first 8 hours.

Comm Stamos asked if any of the Police Reserve Officers work in other cities to which Director Hillery advised that they can not work for 2 cities at the same time other than a volunteer fire fighter.

Regarding the Boynton Beach owned properties, Comm Kaleel suggested that the Town Attorney outline negotiations with Boynton Beach to include the addition of parcel 1. Mayor Bridges disagreed citing he wished the negotiations to be subtle.

VIII. Public Comment

Sylvia King, 11 Tropical Dr., inquired as to the start of the Beach Renourishment Project to which she was informed that it was scheduled to start in May.

IX. Adjournment

The meeting was adjourned at approximately 10:00 PM.

Mayor Bridges

Commissioner Aaskov

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Commissioner Kaleel

Attest By:

Commissioner O'Hare

Town Clerk

Commissioner Stamos