

Regular Meeting of the Town Commission of the Town of Ocean Ridge to be held in the Town Hall on Monday, August 4, 1997, 7:00 P.M..

The meeting was called to order by Mayor Stamos. Following the Pledge of Allegiance, roll call was answered by the following:

Commissioner Aaskov	Commissioner Kaleel
Commissioner O'Hare	Mayor Stamos

It was noted that Commissioner Bridges was absent with notice.

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

There were no requests from the Commission or the public.

V. CONSENT AGENDA

- A. Minutes
 - 1. Regular Meeting of July 7, 1997
 - 2. Special Meeting of July 10, 1997
 - 3. Special Meeting of July 22, 1997
 - 4. Special Meeting of July 29, 1997
- B. Reports
 - 1. Town Manager
 - a. Status of Phase II Water Improvement Project
 - b. Status of Beautification of Bridges
 - c. Status of Beach Replenishment
 - d. Status of Cable TV Franchise
 - e. Update of FPL Power Poles on Ocean Ave.
 - f. Beaches and Shores Council
 - g. Town Manager Absence
 - 2. Director of Public Safety
 - a. Monthly Activity Report
- C. Correspondence
 - 1. City of Boynton Beach Resolution No. R97-110; Urging the Florida Legislature to Enact Legislation to Repeal the Preemption Language in the Florida Clean Indoor Air Act and Return to Local Government the Right to Enact and Enforce Tobacco-Related Ordinances
 - 2. Village of Wellington Resolution No. R97-20; Requesting that the Insurance Commissioner of the State of Florida Review and Amend Policies and Procedures for Insurance Coverage for Residents of the State of Florida

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Comm Kaleel moved to approve the Consent Agenda as submitted, seconded Comm O'Hare.

Motion Carried - Yea 4.

VI. ANNOUNCEMENTS

- A. The Administrative office will be closed Monday, September 1, 1997 for the official holiday

Town Clerk Hancsak stated that the Town Hall office will be closed on Labor Day, Monday, September 1, 1997.

- B. 3rd Quarter Financial Summary

Town Clerk Hancsak summarized that 86% of the expected revenues for the fiscal year 96/97 have been received in the first three quarters. She added that of the expenditures budgeted for the year, 62% has been expended without including the capital projects account and 56% has been expended in the capital projects account.

VII. PUBLIC REQUESTS

- A. Legislative Update - Representative Sharon Merchant

Representative Merchant advised that she represented the Third District which extended from Jupiter through the Briny Breezes Coastal Communities. She stated that they just had a great session in which no new taxes were imposed. She added that there have been differences now that there is a Republican majority in the House and a Democratic Governor.

Rep Merchant explained that the turnpike was a big issue this year and there should be no future bond issues for the turnpike. She explained that 90% of the money from the turnpike tolls will remain in the individual Counties and the cost of maintenance of the turnpike will come from gas tax revenues. She explained that a new system for the turnpike is being reviewed in Dade County where passes can be prepaid for use of the turnpike with a 10% discount given to subsequent year's uses.

Rep Merchant advised that she was still on the Utilities Committee, the Water and Natural Resources Committee, and chairing the Transportation and Economic Development Committee. She advised of her interest with the Workforce Development Board and its attempts to control welfare. She explained that Texas, Connecticut, and California are working on a fingerprint imaging system that would disallow individuals from using various names to obtain welfare

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benefits. She stated that this system was being implemented in Broward County and the profits would be used to expand the system throughout the State.

Rep Merchant announced that there would be a conference on domestic violence on September 27th in St. Lucie County.

Comm Kaleel thanked Rep Merchant for speaking at this meeting. He added that he believed she is doing a good job. He commented that he felt the legislature is pro-insurance and questioned if the impact on coastal communities was being forgotten. Rep Merchant stated that the honest answer to the insurance problems is that the legislature does not know how to correct the problem. She explained that there are few companies that offer the coverage needed as there is tremendous risk involved. She added that attempts are being made to lure other insurance companies into the State.

Comm O'Hare also thanked Rep Merchant for her update adding that he encouraged the residents to contact her with any concerns they may have as he has always found her to be very responsive in the past.

B. Request for Fine Reduction RE: Bland

Town Manager Lanker explained that at the April 8, 1997 Special Master Hearing, Mr. Bland was given two weeks to correct his violation from the special master concerning the number of cats on his property. The task took longer than Mr. Bland expected and he was subsequently fined two thousand dollars. Town Manager Lanker stated that it was reflected in the Department of Public Safety reports that Mr. Bland gave a concerted effort to correct the problem. Town Manager Lanker suggested reducing the fine to five hundred dollars to cover the fees for the Town.

Vernon Bland, 3 Harbour Dr N, informed the Commission that he started with six cats and they kept reproducing. He stated that after working with the humane society, he now has only six cats and will keep it at that number.

Comm O'Hare stated that he was in favor of the reduction in response to the hard work put in by Mr. Bland.

Comm Aaskov moved to reduce the fine imposed to five hundred dollars, seconded by Comm O'Hare.

Comm Kaleel advised that the Town Commission must respect the decisions of the Special Master and not be in the habit of reducing the fines imposed by him.

Comm Aaskov advised that she was in favor of the reduction as she believed the compliance took

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longer than either Randy Zeldin (the Special Master) or Mr. Bland had anticipated. Mr. Bland added that some of the cats were "hard to catch."

Roll call was made on Comm Aaskov's motion.

Motion Carried - Yea 4.

C. Request for Extension of Master Site Plan
Approval - Ocean Harbour Estates

Town Manager Lanker advised that Mr. Fender has acquired a new potential buyer and that Joe Pike, representative of EnviroDesigns, was present to speak to the Town Commission.

Mr. Pike advised that in the two years since the original Master Site Plan approval, the original developer had been seeking funding for the project. He stated that recently a six month extension was given as opposed to the twelve month extension requested based upon the concerns of the Commission over the violations of the property owner. He advised that Stanley Spiwak and Don Carter, also present at the meeting, were the new developers on the project and the extension was necessary for them to conduct their due diligence and secure funding. He explained that the new developers would be accepting the Site Plan as is which was important as it had already been reviewed by several boards in the Town with changes made to suit the concerns and feelings of the neighbors. He added that the environmental permits such as the one to dredge the canal are only valid with the original Site Plan. He concluded by stating that the new developers want the Town Commission to know that they have no affiliation with the previous developer and that the project would not be a joint venture with the property owner.

Comm Aaskov questioned if this was a straight land purchase. Mr. Pike advised that the new developers would be fee simple owners with Mr. Fender not involved.

Comm Aaskov asked if the violations on the lot had been corrected. Town Manager Lanker replied that they were although the lot would need mowed again soon.

Comm Aaskov questioned the metal stakes surrounding the property. Mr. Pike explained that the orange fence was removed and the stakes were left so there would be no one driving on the sidewalk. He advised that the new developers would want some barrier around the project during construction, but he could discuss these issues and their options with Gary Lanker at a later time.

Comm Kaleel questioned how long the due diligence would take. Mr. Spiwak replied that it could be completed in 90 days although because he has just become involved in the last week, he could

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not guarantee closing within that time.

Comm Kaleel advised that he was opposed to a six month extension at the last request and he would only recommend a 60 day extension now. He stated that he would only be in favor of any extension longer than sixty days if there was a condition of communication between the developer and the Town during that time.

Comm O'Hare questioned the placement of the sewage treatment plant. Mr. Spiwak explained that it would be placed in the best buffer location possible on the site in regards to smell, aesthetics, and sound.

Mayor Stamos stated that he understood that projects take time and he did not want to place a limit on the extension that would jeopardize the project. He added that he would like assurances that the property will be maintained.

Atty Nicoletti suggested adding conditions on the extension that the outstanding liens are paid at the time of closing and that the Town be informed of the closing date.

Comm O'Hare stated that just as the Town Commission is showing an act of goodwill by granting the extension, he wanted the new developers to do the same in maintaining the property.

Mr. Pike concurred adding that the funding sought by the new developers will be more difficult to obtain if the Town is not seen as supportive. Comm Kaleel commented that he did not want to be seen as unsupportive as he is in favor of the project, but he does not see any problem with the developers returning for another extension in sixty days. Mayor Stamos stated that he believed lenders would not be as receptive to the project if the Town granted only a sixty day extension. Atty Nicoletti advised that it was possible to grant a longer extension with the condition that communication between the developers and the Town is kept up every sixty days.

Comm Kaleel moved to extend the master site plan approval an additional ninety days on the conditions that communication is maintained with the Town every sixty days, outstanding liens are paid upon closing, and the Town is notified of the closing date, seconded by Comm Aaskov.

Earl Jones, 17 Sailfish Lane, questioned who was responsible for the property until the closing. Mayor Stamos explained that the owner would still be responsible until that time.

Mr. Pike advised the Commission that some of the permits had expired and that ninety days would not be adequate time to accomplish their renewal.

Vicki Conway, 2 Engel Dr., asked what the Town would accomplish by denying the extension. Comm Kaleel explained that the Commission is not denying the extension. He stated that they only

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want to facilitate communication between the developers and the Town. Mr. Pike advised the Commission that Mr. Spiwak would agree to providing progress updates every sixty days.

Betty Bingham, 1 Ocean Ave., inquired if a six month extension could be approved with the condition that if updates are not received every sixty days the property owner be fined. Atty Nicoletti explained that fines could not be placed; however, the site plan approval could lapse if updates were not given.

Comm Aaskov advised that her concern was over the maintenance of the property. She stated that if the property is maintained, she did not need to have updates from the developers. Mr. Pike suggested that meetings be held with Town Hall staff every sixty days as opposed to the Town Commission meetings. Town Manager Lanker advised that he has found it very easy to work with Mr. Pike in the past.

Comm Kaleel stated that he would find it easier to approve a longer extension if there was a guarantee that the property be maintained. Atty Nicoletti advised that a condition could be added that the approval would lapse if a violation continues beyond ten days after the notice of the violation. Mayor Stamos advised that he did not want to put conditions on the project.

Joseph Russo, 6307 N Ocean Blvd, suggested that a maintenance contract be entered into for the six month period showing the Town that the lot will be taken care of.

Comm O'Hare commented that he felt no maintenance conditions should be put on the Site Plan approval when the responsibility of the lawn maintenance is on the property owner. Mr. Pike advised that he would agree to the condition of the maintenance contract.

Comm Kaleel withdrew his motion for a ninety day extension.

Comm O'Hare moved to extend the Master Site Plan approval for an additional six months on the conditions that the outstanding liens are paid at closing, the Town is notified of the closing date, proof of a maintenance contract for the lot is provided to the Town Manager, and updates are given to the Town Manager at sixty day intervals, seconded by Comm Kaleel.

Motion Carried - Yea 4.

- D. BUILDING BOARD OF APPEALS - Request for variance to permit construction of a single family residence at 6373 N Ocean Blvd. with a finished floor elevation of 19' above sea level which would exceed the maximum floor elevation

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by 2'6" - Clifton Homes

Town Manager Lanker summarized his memo which advised that the Goldstein property at 6301 N Ocean Blvd which is two properties to the South of this property was granted an 18' finished floor elevation as opposed to the 19' requested for protection reasons. He added that the house currently at 6307 N Ocean Blvd. would be several feet below the Clifton Homes' residence if the 19' FFE was approved. He suggested an 18' FFE approval be given as it would be a reasonable compromise.

KC Hembree, Project Manager for Clifton Homes, advised that he thought they would be able to build at a height similar to that of the neighbors' homes which are 18.65' and 17.59'. He explained that when the variance was requested for the Goldstein property, the 100 year storm issue was cited as a reason for the higher elevation needed. Comm O'Hare questioned if this higher elevation would be preferable to all the residences in Town. Henry Heller, consulting engineer on the project for 6373 N Ocean Blvd and also the Goldstein property at 6301 N Ocean Blvd., explained that the higher elevation is best for residences on the dune as determined by a study used by DEP. Mr. Hembree explained that the viability of the dune is destroyed when the residence is put at a lower elevation.

Mr. Hembree advised that the finished elevation of the residence at 32' will be below the maximum permitted and will be consistent with the neighboring residences.

Town Clerk Hancsak advised the Commission that Comm Bridges recommended a maximum of 16.5' FFE be approved as the property was purchased with the current restrictions of the code already in place.

Comm O'Hare moved to approve the variance with an 18' FFE, seconded by Comm Aaskov.

Mr. Russo explained that as the seller of the property, he has encountered problems as a result of the code. He added that he is not asking for anything that has not been previously granted.

Comm Kaleel questioned the impact of an 18' FFE versus a 19' FFE. Mr. Hembree explained that 18' would be acceptable although 19' would be preferred.

Roll Call was made on Comm O'Hare motion.

Motion Carried - Yea 4.

VIII. COMMISSION ACTION

A. Ordinances

1. No. 498; Amending the Town Code of Ordinances; at Chapter 34, Nuisances, Reestablishing

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Construction Work Hours and Prohibiting Construction Work and Certain Construction Machinery and Noise on Sundays and Federal Holidays; Providing Penalties for Violation Thereof (2nd Reading and Adoption)

Town Clerk Hancsak read Ordinance No. 498 by title only.

Comm O'Hare moved to approve Ordinance No. 498, seconded by Comm Aaskov.

Comm Kaleel asked if emergency repairs were prohibited under this ordinance. Atty Nicoletti advised that another part of the Code addressed that issue.

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

Motion Carried - Yea 4.

2. No. 499; Amending Section 34-6, Code of Ordinances; Providing for Authority of the Town Manager to Contract Lot Clearing and Filing of Liens; Providing for Additional Fines (1st Reading)

Town Clerk Hancsak read Ordinance No. 499 by title only.

Comm Aaskov moved to approve Ordinance No. 499, seconded by Comm O'Hare.

Ms. Bingham questioned if the responsibility for the lot clearing would be placed solely on the Town Manager. Town Manager Lanker explained that the intent was to eliminate the waiting period between the notice of violation and approval from the Town Commission to take action to correct. Town Clerk Hancsak clarified that the ordinance was for "lot mowing" and not "lot clearing" as stated in the title.

Roll call was made on Comm Aaskov's motion.

Motion Carried - Yea 4.

- B. Resolutions
 1. No. 25; Authorizing the Mayor and Town Clerk to Execute the NPDES Interlocal Agreement with the Northern Palm Beach County Improvement District

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Town Clerk Hancsak read Resolution No. 25 by title only.

Town Manager Lanker explained that in 1972, DEP mandated permits for water discharge into bodies of water and was amended later to include storm water runoff. He advised that 28 municipalities in Palm Beach County currently apply for a joint permit.

Atty Nicoletti advised that the cost for the Town would be approximately \$550 this year and would be much greater if the Town obtained the permit on its own.

Comm O'Hare stated that he believed this concern to be important as Ocean Ridge is surrounded by water.

Comm Kaleel asked what the options might be for the Town. Atty Nicoletti explained that the Town could hire an agency to do the work at a much higher cost adding that he felt the joint venture with the Northern Palm Beach County Improvement District was a good deal.

Mayor Stamos commented that he did not like the government forcing this permitting on the Town.

Comm Kaleel moved to approve Resolution No. 25, seconded by Comm O'Hare.

Motion Carried - Yea 4.

2. No. 26; Amending the 1996-97 Annual Capital Project Fund Appropriations by Making Certain Line-Item Adjustments

Town Clerk Hancsak read Resolution No. 26 by title only.

Town Manager Lanker explained that the request was essentially a paper transfer of funds transferring \$250,000 back into the general fund and using the loan money on large projects within the time frame allowed by the terms of the loan.

Comm Kaleel questioned how much would be left in the funds. Town Clerk Hancsak explained that the anticipated balance in the Capital Projects account would be \$448,366 with the balance of both the capital projects fund and the general fund equalling approximately \$2,800,000.

Town Clerk Hancsak explained that this transfer would allow the funds to be used from the capital projects funds as opposed to breaking up a Treasury Bill worth two million dollars to take the monies from the general fund for other purposes.

Comm Aaskov moved to approve Resolution No. 26, seconded by Comm O'Hare.

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Motion Carried - Yea 4.

3. No. 27; Amending the 1996-97 Annual Capital Project Fund Appropriations in order to Purchase Alarm Monitoring and Security Camera Equipment

Town Clerk Hancsak read Resolution No. 27 by title only.

Atty Nicoletti advised the Commission that a second motion would be necessary to award the contract to a specific vendor.

Comm O'Hare moved to adopt Resolution No. 27, seconded by Comm Aaskov.

Mayor Stamos questioned if this was for the camera to monitor the cell. Director Hillery explained that the cameras would also monitor the exterior of the building which is especially helpful to the dispatchers at night.

Mayor Stamos questioned how many times the Department of Public Safety has anyone in the cell. Director Hillery responded that the cell is occupied approximately six times a month and they could be in the cell for up to seven hours depending on how busy the Sheriff's Office is at the time.

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

Motion Carried - Yea 4.

Town Manager Lanker explained the contract for the equipment would be approximately \$10,500 for the alarm monitoring equipment and \$4,500 for the security cameras.

Mayor Stamos commented that Champion Computer Corporation also has a bid in for the computer hardware for the alarm monitoring system. Town Manager Lanker questioned if the computer for the alarm monitoring system could also be used as a workstation. Michael Tait, Network Administrator, replied that as of yet, he did not have the information available to determine if this was possible. He stated that for now he recommended the hardware be used as stand alone equipment for the alarm monitoring and possibly used as a workstation in the future.

Comm Kaleel asked if one vendor could be used for all aspects of the equipment necessary. Mr. Tait explained that the cost would be four to five thousand dollars higher using only one vendor.

Comm Kaleel moved to adopt the recommendations as outlined in the memo presented in an

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amount not to exceed \$14,778.55 from the capital projects fund, seconded by Comm O'Hare.

Mrs. Conway questioned if Resolution 29 was contingent upon Resolution No. 27. Town Clerk Hancsak clarified that Resolution No. 29 was to purchase the computer equipment for the Town staff and resolution No. 27 was for the purchase of alarm monitoring equipment and security cameras.

Comm Kaleel questioned who will maintain the software. Mr. Tait explained that Security Information Systems, Inc. will provide support and updates for \$495.00 annually.

Comm Kaleel asked if any other bids were sought. Town Manager Lanker stated that three bids each were received for the Ademco High Speed Digital Receiver and Alarm Monitoring Software and two bids received for the Computer Hardware.

Roll call was made on Comm Kaleel's motion.

Motion Carried - Yea 4.

Comm Kaleel inquired if this is a system that can be taught to everyone. Mr. Tait explained that all dispatchers will use the system. Director Hillery advised that he is not familiar with the software aspect of the system, but the dispatchers are familiar with it and are trained to use it.

Comm Kaleel commented that he was displeased with the presentation of this issue. Mayor Stamos advised that he also was uncomfortable with the presentation although he was confident in the staff to make the correct decision.

4. No. 28; Amending the 1996-97 Annual Capital Project Fund Appropriations in Order to Purchase Four Defibrillators for Police Vehicles

Town Clerk Hancsak read Resolution No. 28 by title only and explained the balance anticipated in the capital projects fund after the purchase of the defibrillators would be \$422,366.00.

Comm O'Hare moved to approve Resolution No. 28, seconded by Comm Aaskov.

Comm Kaleel stated that he believed the Commission had already approved this purchase. Town Clerk Hancsak explained that the Commission had approved the purchase with the grant application filed jointly with Boynton Beach. This would be to purchase without that grant.

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Director Hillery explained to the public and the Commission the function of the defibrillators and the training required for them.

Ms. Bingham questioned the grant that was to reimburse most of the cost of the defibrillators. Town Manager Lanker explained that the grant had been denied although the Town could still apply for other grants after the purchase.

Mayor Stamos stated that he felt the defibrillators were important items for the Town to have.

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

Motion Carried - Yea 4.

Comm Kaleel moved to award the contract to Survivalink, seconded by Comm Aaskov.

Motion Carried - Yea 4.

5. No. 29; Awarding Bid and Amending the 1996-97 Annual Capital Project Fund Appropriations for the Purchase of New Computer Systems

Town Clerk Hancsak read Resolution No. 29 by title only.

Atty Nicoletti advised that since the resolution contained a specific amount, the Commission should discuss it before making a movement.

Comm Kaleel moved to delay the resolution until a workshop meeting is held, seconded by Comm O'Hare.

Motion Carried - Yea 4.

Comm Kaleel suggested that Waldec and Champion return at the workshop meeting.

Ms. Kennedy asked if they would be able to bring in a revised quote with more current prices to which Atty Nicoletti advised that they could.

- C. Authorize Funding for Preparation for Paver Design for the Two Interior Bridges

Town Manager Lanker stated that he recommended Brian Rheault, Bridge Design Associates,

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provide services for the design of the paver project for the interior bridges. He added that he had received a letter from Mr. Rheault offering his services for an amount not to exceed \$2,500. Mayor Stamos concurred stating that he felt the project should be done by the original engineer.

Earl Jones, 17 Sailfish Lane, asked if the money was for the engineering work or to actually install the pavers. Mayor Stamos stated that the engineer designed the bridge without pavers, so there will be some additional engineering work that must be completed in addition to the placement of the pavers. Mr. Rheault, Bridge Design Associates, would prepare the drawings and attend the necessary meetings for the completion of the pavers by another contractor.

Comm Kaleel questioned if the pavers were still necessary now that the painting and striping has been completed. Neil Hamilton, 1 Inlet Cay Dr., replied that the pavers were still needed. He asked if the landscaping will go in soon after the pavers are completed to which Town Manager Lanker replied that it would.

Mr. Hamilton asked if the leaning power pole near the bridge would be removed. Town Manager Lanker explained that he had been in contact with FPL although he was unable to get a firm date on when the pole would be removed. Comm Kaleel requested that the Town Manager and Director of Public Safety inventory the leaning poles and communicate to FPL the hazards they are creating.

Comm O'Hare moved to authorize Bridge Design Associates to proceed for the preparation with paver design for the two interior bridges at an amount not to exceed \$2500 from the capital projects account in a time period not to exceed two weeks, seconded by Comm Aaskov.

Motion Carried - Yea 4.

D. Items by Commissioners

1. Discuss Allocation of Funds to Relocate Trees from Ocean Ave. - Comm O'Hare

Comm O'Hare advised that he had spoken with a landscape architect who will commit to transplanting some of the trees on Ocean Ave. in exchange for a portion of the trees available.

Comm Aaskov questioned if there will be plans made available before the transplanting takes place. Comm O'Hare explained that when the Beautification Task Force meets again in the fall, they will be submitting plans for the project.

Ms. Bingham asked if the Town Commission would pressure DOT to save some of the trees that are set well off the road. Comm O'Hare replied that DOT has plans for regrading the area for storm water drainage, but the Commission has not seen the plans as of yet.

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2. Discuss the Plantings of Beachway and Old Ocean Blvd. - Comm Aaskov

Comm Aaskov advised that the plantings of Beachway and Old Ocean totaled over \$8100 although only \$6500 had been approved by the Commission. Town manager Lanker explained that the remaining amount had been paid out of the line item in the budget for beautification. Comm Aaskov commented that she felt the Commission should have approved the additional funding.

Comm Kaleel moved to ratify the payments as expended, seconded by Comm O'Hare.

Motion Carried - Yea 4.

Comm O'Hare advised that he is in the process of making the stone post barriers for the area which he will donate.

Comm Kaleel questioned if the project was finished. Comm O'Hare advised that the project will be in need of continual maintenance.

3. Discuss Future Evaluation Procedure for Town Manager Position - Comm Aaskov

Comm Aaskov stated that other municipalities have yearly evaluations for their City/Town Managers. Atty Nicoletti advised that a workshop could be scheduled for this purpose. The Commission concurred that an annual evaluation workshop was a good idea.

4. Discuss Placement and Verbiage of Interior Bridge Signs - Mayor Stamos

Town Manager Lanker advised that as part of the contract with Murphy Construction, new signs were ordered which will be identical to the previous signs. Mayor Stamos commented that the residents are concerned that the signs are not there.

Comm Aaskov stated that she would also like to eliminate or change the signs on Old Ocean Blvd.. Comm O'Hare suggested that a workshop be scheduled to discuss options for the signs around Town.

The Commission concurred to order the replacement signs for the bridges that are to be paid for by the contractor.

5. Discuss Lights and Cleaning of Beach During Turtle Season - Mayor Stamos

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Mayor Stamos advised that he had previously requested an ordinance which would not allow cleaning of the beach during turtle season. Town Manager Lanker stated that the previous Town Manager had requested information from the State to allow the Town to take over the cleaning of the beach although he is unaware of the outcome of that request.

Earl Jones questioned if George Evans was violating a Town ordinance when he is driving on the beach. Comm O'Hare explained that the Town only has jurisdiction to the high water mark. Mr. Jones commented that Mr. Evans should be stopped when he is above the high water mark. Director Hillery explained that when Mr. Evans is on private property which is the area above the high water mark, it is necessary for the Department of Public Safety to be requested by the owner to stop him.

Mayor Stamos questioned whether the issue of the lights on the beach is being addressed. Director Hillery commented that the County is reviewing the Town Ordinance regarding this issue and will be giving recommendations for creating an ordinance that "has teeth."

Mayor Stamos introduced Kim Jones and asked her to speak to the residents on these issues. Kim Jones explained that she has been working with turtles for twenty eight years. She advised that there are lights available which use a lower frequency and are not hazardous to the turtles. She stated that she believed stakes were removed from three nests during the beach cleaning. She added that she would like to see an ordinance prohibiting all invasive work done on the beach during turtle nesting season.

Ms. Jones advised that she had been fighting the County about the beach replenishment. She stated that she has given information to the County about nesting problems and situations that she believed they should be aware of. She mentioned that she had shown ERM viable nests on the beach where she had been assured by ERM there were none.

Comm O'Hare asked what the response was from ERM when she pointed out the nest on the beach. Ms. Jones stated that Paul Davis from ERM admitted that the nest would have been destroyed.

Ms. Jones advised that she had received a letter from Mary McCarty stating that the beach replenishment would not be delayed until after November 1, 1997, the end of turtle nesting season.

Ms. Bingham asked if there were any green turtle nests on the beach. Ms. Jones advised that one nest is located beneath a footpath which will put too much pressure on the upper layer of eggs. She stated that a second nest is within five yards of a groin that is scheduled to be removed.

Ms. Bingham asked if there were any options available for residents to help stop the disruptions to the turtle nestings. Ms. Jones advised that although she feels she has been stonewalled by the

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County, there is a group out of Washington D.C. that would get involved, if necessary.

Comm Kaleel asked if Ms. Jones lived in Ocean Ridge. She explained that although it is not her primary residence, she is here about forty-five percent of the time.

Ms. Jones thanked the Commission for allowing her to speak to the staff and residents.

6. Discuss Open House Day for Public Safety
Department - Comm Kaleel

Comm Kaleel advised that in conjunction with the success of the Holiday Lighting, he would like to see an open house for the Public Safety Department. He advised that Spring might be a better time for this and he would readdress the issue then.

E. Budget Consideration for FY 1997-98

Town Clerk Hancsak advised that she encouraged any changes to the budget be made before the September 9th meeting.

There were no questions or comments concerning the budget from the Commission.

IX. PUBLIC COMMENT

Ms. Bingham reminded the Commission of the \$1 per year easement agreement at 1 Ocean Ave. for Grace Brawner was included in the budget.

Earl Jones questioned why finished floor elevation issues come before the Town Commission as opposed to the Board of Adjustment. Town Clerk Hancsak explained that building issues come before the Commission. Mr. Jones reiterated that he believed there to be a conflict on how variances get judged. Town Manager Lanker explained that the Code defines what issues are seen by what governing body. Atty Nicoletti also explained that FFE is in the Building Code; therefore, FFE issues are brought before the Town Commission which sits as the Building Board of Appeals.

Town Clerk Hancsak asked the Commission their time preference for the workshop on the computers and the signs. The Commission concurred that 5:00 would be preferred.

REGULAR MEETING OF THE TOWN COMMISSION TO BE HELD IN THE TOWN HALL
ON MONDAY, AUGUST 4, 1997, 7:00 P.M..

X. ADJOURNMENT

The meeting was adjourned at 10:30 P.M..

Mayor Stamos

Commissioner Aaskov

Attest By:

Commissioner Kaleel

Town Clerk

Commissioner O'Hare