

Regular Town Commission Meeting of the Town of Ocean Ridge held in the Town Hall on Monday, May 4, 98 at 7:00 PM.

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

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

#### Additions, Deletions or Modifications, and Approval of Agenda

Town Manager Lanker stated that he would like to move Item #9 to after the Focus 2000 discussion of Item #13.

Comm O'Hare asked if the minutes of the April 27<sup>th</sup> meeting would be submitted for approval at the June regular Town Commission meeting. Town Clerk Hancsak replied that they would.

Mayor Kaleel asked to add an item regarding the land at Woolbright and A1A to the end of the agenda (Item #14).

The Town Commission concurred to approve the agenda as modified.

#### Consent Agenda

1. Minutes of the Town Commission Regular Meeting of April 6, 1998

Comm O'Hare moved to approve the minutes as submitted, seconded by Comm Stamos.

Motion carried – yea 5.

#### Announcements and Proclamations

- A. National Prayer Day May 7, 1998

Comm Stamos advised that the Town Manager had received correspondence regarding National Prayer Day on May 7<sup>th</sup>. He encouraged all the residents to meet with him by the flagpole in front of Town Hall at noon on May 7<sup>th</sup> to pray for all governments and their leaders.

- B. Commendations for Sgt. Andrews and Public Safety Officer Eubanks

Director Hillery read his commendation to the Commission. He explained that Sgt. Andrews witnessed a vehicle traveling down A1A at a high rate of speed, but stopped the pursuit when he realized it was not safe. Sgt. Andrews radioed the dispatcher to notify Manalapan that the vehicle was heading north. He was passing the Town Hall when he noticed that the vehicle had crashed. Through the efforts of Sgt. Andrews, Officer

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Eubanks, who arrived on the scene with the fire vehicle, and Reserve Officer Fred Hess, the driver was removed from under the vehicle and her life was saved.

There was applause from the audience for Sgt. Andrews and Officer Eubanks who were present at the meeting. Director Hillery explained that Reserve Officer Hess, an officer for the Town of Palm Beach, was currently on vacation and unable to attend the meeting.

Mayor Kaleel thanked the officers for their fine duty to the Town. Comm Bridges advised that he was impressed with Sgt. Andrews' decision to terminate the pursuit due to the possible consequences. There was applause for the officers again from the audience.

### Public Comment

George Bierlin, 26 Hudson Ave., questioned the status of the situation with the Banana Boat noise. Town Manager Lanker advised that Mr. Bierlin had last told the Town Commission that the problem had stopped. He stated that he had spoken to Kerry Willis and Scott Blasey, City Manager and City Attorney for Boynton Beach, respectively, who had assured him that they would continue to do whatever was necessary to keep the noise under control. He added that a meeting had been scheduled with Boynton Beach and the managers of the Banana Boat. Mr. Bierlin commented that he hoped the problem would again disappear as it had for almost five weeks.

Comm Bridges stated that it is the level of noise at the boundary of the Banana Boat's property which matters. He added that this problem has been occurring for years and the Town needs to be tough on this matter. He added that he, too, could hear the noise at times on Sabal Island.

### Public Hearings – None

### Regular Agenda

#### Actions and Reports

2. Action to Authorize Appointment to the Board of Adjustment and Planning and Zoning Commission  
Staff: Karen Hancsak, Town Clerk

Town Clerk Hancsak read her memo to the Town Commission summarizing the current vacancies as one regular and one alternate member to the Board of Adjustment and one regular member to the Planning and Zoning Commission. She advised that she had received a fax from Mr. Pugh, 35 Harbour Dr. N, requesting consideration for either position on the Board of Adjustment.

Dave Berger, 45 Bimini Cove Dr., asked that Earl Jones' resignation letter from the Board of Adjustment be read and Mayor Kaleel read it.

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Comm O'Hare advised that anyone selected should be asked if they can attend the Focus 2000 meeting on May 8<sup>th</sup>.

Comm Bridges advised that he would like a resume from residents interested in serving on the Town boards. Comm O'Hare questioned if the Town has resumes on the current members to which Mayor Kaleel commented that he believed Comm Bridges' was only requesting them for future members.

Comm O'Hare moved that Mr. Pugh be appointed as a regular member of the Board of Adjustment dependent upon submission of an acceptable resume, seconded by Comm Stamos.

Mayor Kaleel advised that he did not think that the motion would be a good idea adding that he supports the notion that the people who are appointed to the boards should have experience.

Comm O'Hare asked on what kind of criteria they would judge potential members to which Mayor Kaleel advised that the Town Commission would decide on the criteria.

Comm Stamos commented that it is the job of the Town Atty to instruct the boards on the law and tell them what the rules and guidelines are. He added that the members should not have to have experience, as he did not believe that was the intent of the board. He stated that he believed Comm Bridges' intent to be good and the Town Commission may be getting too specific.

Comm Aaskov stated that she could see both Comms Bridges' and Stamos' point of view but, added that she thought it would be good to know more about the applicants.

Comm O'Hare expressed his concern that the Board of Adjustment, being quasi-judicial, must be free of any political issues and only follow what the code requires of an applicant.

Comm O'Hare withdrew his previous motion and moved that Mr. Pugh be appointed as a regular member of the Board of Adjustment. There was no second to the motion.

The Town Commission concurred to postpone this item.

3. Action to Authorize Town Attorney to Obtain Quote from Municipal Code Corp. to Review and Revise Code of Ordinances  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that it had been pointed out on many occasions at recent meetings that there are inaccuracies and inconsistencies in the code. Mayor Kaleel stated that the Municipal Code Corp. could review and clean up the current code. Comm

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Stamos asked if Municipal Code Corp. prepared the code the Town currently has to which Town Clerk Hancsak replied they did.

Comm Stamos moved that the Town Attorney explore other avenues to review the code including reviewing other municipality's codes, seconded and amended by Comm Bridges to include reviewing other companies who also do this same type of municipal code review.

Comm O'Hare questioned what specifically would be revised in the code. Town Clerk Hancsak explained that during the previous review, items that were no longer applicable or superceded by State Law were removed and that other items could be made more stringent upon the desire of the Town Commission.

Roll call was made on Comm Stamos' motion.

Motion carried – yea 5.

4. Action to approve Dune Crossover Proposal  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that he had authorized Ron Baron, the low bidder for the project, to put in the posts prior to the end of turtle season. He explained that the Town Commission had already approved the project and the funds and that he wanted to formalize the bid. Town Manager Lanker advised that the only cost which was not included would be additional coverings which could be discussed after the state approval is obtained. Mr. Baron explained that he has received the state approval for the actual stairway, but does not have the state approval as yet for the walkover through the seagrapes from the street. He added that he does not foresee any problem receiving the state approval for the on ground walkover as it is favored by the state.

Comm Aaskov questioned if they would have to go for state approval for each crossover to which Mr. Baron explained that they need state approval for the on grade section; however the local agent is able to approve permits for raised crossovers.

Comm Bridges commented that he liked the design for the walkover.

Comm O'Hare asked if there were any plants in the way of construction to which Mr. Baron replied that there will be enough vegetation left on the south side of the walkover and some seagrapes may have to be replanted on the north side. Comm O'Hare questioned if a landscape plan would have to be submitted for the planting of the dune to which the Town Atty explained he would have to review the code for this situation. Comm O'Hare also questioned why the Town Manager would authorize work prior to actual Town Commission approval. Town Manager Lanker explained that the Town has always tried to work with contractors in crisis situations and he authorized Mr. Baron to install the pilings before the May 1<sup>st</sup> deadline to avoid a delay until November.

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Comm Bridges moved to ratify the hiring of Mr. Baron, seconded by Comm Aaskov.

Motion carried – yea 5.

5. Authorize Funding for Fire Hydrant Replacement  
Staff: Gary Lanker, Town Manager

Town Manager Lanker explained that there are currently two ancient fire hydrants in Town which are in need of replacement. He stated that replacement parts are not available as a result of their age. He advised that several companies were solicited for bids although only one responded due to the minor nature of the contract. He added that Boynton Beach has also offered their help in this situation. He explained that the funds have already been budgeted in the environmental maintenance account, but that Commission approval is needed since the amount is so large.

Comm Stamos moved to approve an amount not to exceed \$8,000 from the environmental maintenance account for the replacement of two fire hydrants, seconded by Comm O'Hare.

Motion carried – yea 5.

6. Authorize Purchase of Mower  
Staff: Gary Lanker, Town Manager

Town Manager Lanker advised that the Town has two riding mowers which have exceeded their life expectancy and the upkeep is becoming cost prohibitive. He advised that the requested mower is close to a commercial model without the increased price and that the maintenance department feels this model will be adequate to handle their needs.

Comm Aaskov moved to approve the purchase of a John Deere LT166 mower at a price not to exceed \$2550 with funds to be transferred from the Road Material account to the Capital Outlay account in the Public Works budget as recommended by the Town Manager, seconded by Comm Bridges.

Comm Stamos asked if this purchase would deplete the road maintenance fund to which Town Manager Lanker replied that the account had \$30,000 in it and would have plenty left after the purchase.

Roll call was taken on Comm Aaskov's motion.

Motion carried – yea 5.

7. Report on Update of Emergency Medical Service  
Staff: Gary Lanker, Town Manager

Town Manager Lanker summarized his memo to the Town Commission. He advised that South Palm Beach and Manalapan were both going with the private company, AMR, for ALS services and that the Town had 1 ½ years before the end of the current contract with Boynton Beach to decide if they wanted to join the agreement with AMR.

Comm Stamos advised that he had previously suggested that the Town commit with Manalapan and South Palm, but that he felt the Town had good, adequate coverage from Boynton Beach. He stated that he thought the County would have tried a system which would allow fire and EMS to be housed in Ocean Ridge for coverage of the three island communities. He advised that he would now recommend staying with Boynton Beach.

Comm O'Hare asked if service would be better for an ambulance coming from Manalapan rather than Boynton Beach in the event that the bridge is up. Comm Aaskov commented she believed the bridge tender was called in the event that an ambulance was called to Ocean Ridge. She added that she has heard no complaints regarding the service from Boynton Beach.

Comm Bridges suggested that this be discussed at the Focus 2000 meeting.

Director Hillery explained that the cost with Boynton Beach is approximately \$1,000 a ride. He stated that with AMR, the response time for a call in the south end of Town would not be as good as it is now. He stated that Ocean Ridge currently gets a better response than parts of Boynton Beach. He agreed that there are many pros and cons to this issue.

Mayor Kaleel asked if an increase from Boynton Beach was expected. Town Manager Lanker explained that a CPI increase was expected adding that both the Chief and City Manager of Boynton Beach want to have the contract with Ocean Ridge extended, but that Boynton Beach's Commission has yet to be polled on the subject.

Mayor Kaleel stated that he felt a plan which would bring together the coastal communities would be good adding that we should keep the lines of communication open. He advised that he felt the Town would like to have a sense of control over the process.

Mayor Kaleel questioned if the option of Ocean Ridge providing EMS services to Briny Breezes, South Palm Beach and Manalapan has ever been explored. Town Manager Lanker explained that option would be too cost prohibitive.

Comm Stamos moved that the Town Manager and Mayor meet to further discuss the Town's responsibilities and requirements for ALS service in the future, seconded by Comm Bridges.

Motion carried – yea 5.

8. Report on Semi-Annual Financial Summary  
Staff: Karen Hancsak, Town Clerk

Town Clerk Hancsak explained that the Town has received approximately 74% of its revenues and expended approximately 43% of the General Fund expenditures and 74% of the Capital Project Expenditures. She added that the majority of the Capital Projects expenditures were the Phase II Water Improvements that were finally paid in January 1998. She concluded that the Fund Balance at the end of the year, unless unexpected expenditures are authorized by the Town Commission,

Comm Stamos questioned where the balance of the loan money was accounted for in the summary. Town Clerk Hancsak explained that there is approximately \$150,000 left and it is in the capital projects. She advised that the loan money was used for the bridges and the purchase of new alarm and computer equipment. She added that the Town reimbursed the \$250,000 used from the surplus monies for the bridge construction shortfall.

Bernard Ratner, 32 Harbour Dr. N, advised that future capital projects will decrease the Town's surplus and questioned what projects are on line for the future. He added that there needs to be an adequate amount budgeted for the maintenance of projects which are being considered. Town Manager Lanker advised that there are currently no other capital projects being considered and that the Focus 2000 will give them ideas for any future projects.

Town Clerk Hancsak explained that the Town Commission reviews the budget each year and they study both the revenues and the expenditures and decide the capital projects. Mayor Kaleel stated that the Town Commission would look towards the future when they look at the new budget. Mr. Ratner advised that he was fearful that the expenditures and revenues would get "out of whack" if the future were not planned for.

Resolutions – None

Second Reading of Ordinances

9. Ordinance No. 506 (2<sup>nd</sup> Reading and Adoption)

Amending Chapter 14 of the Code of Ordinances, Buildings and Building Regulations at Article II, Technical Codes and Other Construction Standards, Division 2, Administration and Enforcement by Adopting a New Section 14-56, Posting of Permits; Providing for Repeal of Conflicting Ordinances

Staff: Paul J. Nicoletti, Town Attorney

Mayor Kaleel read Ordinance No. 506 by title only.

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Comm Aaskov moved to adopt Ordinance No. 506, seconded by Comm Bridges.

Comm O'Hare advised that at the April 6<sup>th</sup> meeting, Atty Nicoletti stated that he was unaware of any similar ordinances and was not recommending it to any other municipality that he represents. He stated that the ordinance calls for either the resident or a Town employee to place a permit on the property where there is work being done. He advised of his concern over a possible liability issue in the case of a Town employee placing a sign on a resident's property.

Town Manager Lanker explained that this ordinance was a response to resident's comments regarding the thirty-day appeal ordinance. He added that he does not see the necessity of this ordinance.

Comm Stamos stated that he believed this ordinance put unnecessary exposure on the Town because of potential problems such as the permit blowing away because it was not properly posted. He added that he believed this was just a reaction to a bad situation.

Comm Bridges stated that the way permits are posted now is fine, but this ordinance is necessary as a result of the thirty-day appeal ordinance. He advised that the company which will be hired to review and clean up the code might solve this.

Mayor Kaleel asked Comm O'Hare if his problem was the posting of a permit by the building official or his designee to which Comm O'Hare replied that it was.

Town Manager Lanker explained that without this ordinance an approved permit might not be picked up or posted for up to six months after approval.

Mayor Kaleel advised that he was in favor of deferring the ordinance.

Comm Aaskov withdrew her earlier motion and moved to defer the ordinance, seconded by Comm Bridges.

Motion carried – yea 5.

10. Ordinance No. 507 (2<sup>nd</sup> Reading and Adoption)

Amending Chapter 2 of the Code of Ordinances, Administration at Article VI, Finance, Division 1, Generally, by Adopting a New Section 2-217, Commitment of Certain Funds; Providing for Repeal of Conflicting Ordinances

Staff: Paul J. Nicoletti, Town Attorney

Mayor Kaleel read Ordinance No. 507 by title only.

Comm O'Hare moved to adopt Ordinance No. 507, seconded by Comm Aaskov.

Comm Stamos clarified that the Town Commission would decide what constitutes an emergency following the guidelines included in the ordinance for any special expenditures.

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

Motion carried – yea 5.

Town Commission Comments  
(Information Items Only – 3 Minute limit per item)

11. Discuss DOT Policy Towards A1A  
Comm. O'Hare

Comm O'Hare stated that on April 10, he read that the DOT was changing their plans for the bike paths through Town. He advised that he believed the purpose for the Town's request for scenic highway designation was being misconstrued as an attempt to stop the bike lanes from being installed. He distributed and read a proposed resolution. It read as follows:

Town of Ocean Ridge  
PROPOSED RESOLUTION

WHEREAS The Town of Ocean Ridge wishes to protect the property and surrounding ambiance of the SR A1A corridor for the residents along that corridor and throughout the Town of Ocean Ridge;

AND WHEREAS The Town of Ocean Ridge had previously tried to protect the historic and scenic stature of SRA1A by petitioning the Florida Legislature for historic designation of this roadway;

AND WHEREAS The Town of Ocean Ridge wants to cooperate with the FDOT to ensure the safety of all users of SR A1A including pedestrians, cyclists and motorists;

AND WHEREAS Mr. Rich Chesser, District Secretary of FDOT District 4 has outlined his department's intent regarding SR A1A in a binding memorandum dated April 14, 1998;

NOW THEREFORE The Town of Ocean Ridge continues to contend that SR A1A is a significant roadway with scenic and historic characteristics worthy of preservation;

AND The Town will rely on the intent as outlined in the FDOT's binding memorandum to protect and enhance the scenic and historic significance of SRA1A; specifically by maintaining the present road width in areas where any additional pavement would negatively impact landscaping and other fixed objects except grassy areas; and where

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necessary, to install traffic control devices (i.e. curbs) as needed to separate trees and other fixed objects from vehicular use areas.

Comm O'Hare also distributed a diagram showing the current width of A1A and the changes currently proposed for the addition of the bike paths. He advised that he had measured the lane widths adding that FDOT will only need to add approximately 4' total to meet their current plans.

Comm O'Hare questioned whether Mayor Kaleel should convey the concern of the Town Commission to protect the scenic designation of A1A. Mayor Kaleel advised that at the direction of the Town Commission he would write a letter to Mr. Chesser expressing this desire and the Town's need for FDOT to be accountable to their current specifications.

Comm Bridges concurred with Mayor Kaleel adding that he had previously suggested that the lane would be reduced to 2'6" and FDOT's proposal was even better than that at 2'. He advised that he felt a letter from the Mayor would be better than the suggested resolution which he felt would be antagonistic.

Comm O'Hare stated that the idea behind the scenic designation was to prevent the 10' clear zone from removing vegetation et cetera from both sides of A1A adding that he now felt it was not Mr. Chesser's intent to have the 10' clear zone.

Comm O'Hare moved to forward a response to DOT acknowledging their intent, seconded and amended by Comm Bridges to include that it be done in the form of a nice letter.

Comm Stamos advised that the compromise between the Town, MPO, and FDOT on the bike lanes would not have been possible if not for all the hard work that was put in for the scenic designation.

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

Motion carried – yea 5.

12. Discuss Focus 2000  
Mayor Kaleel

Mayor Kaleel reminded everyone that Friday, May 8 from 8:00 – 4:00 would be the Focus 2000 meeting. He stated that he did not want to put too much pressure on this meeting as it should be enjoyable for those involved. He added that this meeting was only the first step in a long process.

13. Action to Approve Hiring of Part Time Building Inspector  
Staff: Gary Lanker, Town Manager

Town Manager Lanker distributed a memo and read it to the Commission. The memo advised that he was resigning effective with a date to be chosen by the Town Commission. He advised that he would continue through August to tie up loose ends and finish the budget. He stated that in order for the controversy surrounding Town Hall to cease, a new Town Manager should be involved.

Town Manager Lanker advised that despite the controversy, things have gone very well over the past year and a half with the addition of a waterline under the Intracoastal, two new bridges, and the beach restoration project. He advised that he was proud of these accomplishments and the performance of the staff during this period.

Town Manager Lanker explained that the establishment of a severance pay clause for the position of Town Manager would be a good idea for the future, equal to one month's severance for each year of service with a minimum of three months. He added that he took the position with no such guarantee although he would not refuse such a clause being made retroactive to include him.

Town Manager Lanker concluded that a workshop to include a facilitator to explore the function of the Town and the Town Manager position would be a good idea for the future.

Mayor Kaleel advised that he felt Town Manager Lanker had served the Town well. He advised that although everything may not have been picture perfect, Gary has always had the best interest of the Town at heart. He stated that he appreciated the extended notice to give the Town Commission an opportunity to find a replacement and get through the next budget.

Comm Bridges stated that he felt Town Manager Lanker has done an excellent job for the time that he was Town Manager and for all of the battering that he has had to deal with. He added that he felt the Town Manager may have been overloaded due to the fault of the Town Commission and that he was sorry to see him go.

Comm Aaskov advised that she, too, was sorry to see him leave and sorry for what he has had to put up with in the position. She questioned if it would be better to also postpone looking for a Building Inspector. Mayor Kaleel advised that he thought the Town should look now as it is very gracious of Town Manager Lanker to offer to stay through the budget.

Comm O'Hare advised that he was concerned over the lack of an inspector and asked if Manalapan has only one person doing inspections also. Town Manager Lanker advised that the law only requires one inspector for Towns with a population under 2,500. He added that if the Town goes with the County, there would be a separate person for each type of inspection: plumbing, building, et cetera. Comm O'Hare advised that he felt

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inclined to ask Manalapan for help on a temporary basis. Mayor Kaleel advised that he would like to explore all options especially in light of the resignation of Town Manager Lanker.

Comm O'Hare moved to postpone the item of hiring a part-time building official, seconded by Comm Bridges.

Motion carried – yea 5.

The Town Commission concurred to have a special meeting to discuss the actual termination date for the Town Manager and the process they will follow for the hiring of a new Town Manager.

Comm O'Hare asked if a date will be set for the staff evaluations to which Mayor Kaleel advised that a date would be set if the Town Commissioners still wanted this evaluation. Comm O'Hare moved that the evaluations be held in May.

Comm Stamos advised that he did not want the staff to be fearful of these evaluations as reviews can be a good thing. He stated that he thought it would be better to have it all in the open than to have comments and insinuations floating around.

Town Manager Lanker advised that what began as a self-critique has been augmented to a second review. He advised that due to his resignation, he does not intend to participate in the review. Mayor Kaleel advised that it would be a review of the other department heads.

The Town Commission agreed to have the staff evaluations and the Town Manager discussion at the same meeting. Town Clerk Hancsak advised that May 19<sup>th</sup> was discussed for the evaluation meeting and questioned if they would like to still use that date. Mayor Kaleel advised that he may have personal commitments on that day and he would have to let the Town Clerk know if he could attend. Comm Stamos commented that he felt all of the Commissioners should attend this meeting.

14. Property at Corner of A1A and Woolbright  
Mayor Kaleel

Mayor Kaleel stated that he was advised by Bailey Wolforth that the National Wildlife Association was considering donating the property at the corner of Woolbright and A1A or selling it to a developer. Mayor Kaleel advised that he had spoken to the attorney for the National Wildlife for several months and found that they were not interested in donating although he was persistent in his conversations with their attorney as he felt it would be in their best interest to donate the land. He stated that he was approached with the offer to sell the land to the Town at a very reduced rate. Mayor Kaleel stated that he advised National Wildlife that since the land was donated to them in the first place to be kept as green space, selling it to a developer would be against the wishes of the original donor. Mayor Kaleel then read a letter that he had received from the National Wildlife

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earlier that day which expressed their desire to donate the land to the Town. He advised that he thought this was a great offer for the Town.

Comm O'Hare advised that he felt the Town should move as quickly as possible in this situation despite the fact that there will be some initial costs to the Town for maintenance of the property.

Comm O'Hare moved to accept the offer of the donation of the land by the National Wildlife Association, seconded by Comm Aaskov.

Motion carried – yea 5.

Mayor Kaleel advised that he would send a letter stating this desire and have the Town Atty begin the transfer. Mayor Kaleel added that residents should thank Bailey Wolforth for bringing this opportunity to his attention.

The meeting was adjourned at 9:15 PM.

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Mayor Kaleel

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Commissioner Aaskov

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Commissioner Bridges

Attest By:

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Commissioner O'Hare

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Town Clerk Hancsak

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Commissioner Stamos