

Public Hearing and Regular Meeting of the Town Commission of the Town of Ocean Ridge held on September 14, 1998 at 5:01 PM in the Town Hall meeting chambers.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Aaskov  
Commissioner Stamos

Commissioner O'Hare  
Mayor Kaleel

It was noted for the record that Comm Bridges was absent with notice.

Following the Pledge of Allegiance, Comm Stamos read an invocation.

#### Public Hearing

1. Presentation of Tentative Budget and Proposed Millage rate for Fiscal Year 1998-99
  - a. Comments from Commissioners and Public

Town Clerk Hancsak explained the changes made to the budget as a result of Town Commission decisions made at prior meetings. She advised that the public works account had been reduced due to the deletion of the additional maintenance position with all related costs and purchasing a smaller truck than originally budgeted. The economic environment account was reduced by \$100,000 which was budgeted for the removal of exotic trees and the Town Manager account was revised to increase the Town Manager's salary and related costs due to the Town Commission's offer to Greg Dunham. She concluded that the millage rate was reduced to reflect the rolled back rate and the ad valorem taxes and fund balances were revised to reflect all these changes.

Comm O'Hare questioned that the truck for the maintenance department was originally an F250 and reduced to an F150 to which Director Hillery advised that it was. Comm O'Hare asked if he had also looked into the purchase of a Ranger to which Director Hillery stated that he had only looked at an F150.

- b. Adoption of Tentative Budget for Fiscal Year 1998-1999

Comm O'Hare moved that a budget in the amount of \$2,446,792 be tentatively adopted for the 1998-1999 Operating Fund and a budget in the amount of \$139,105 be tentatively adopted for the 1998-1999 General Obligation Debt Service Fund, seconded by Comm Aaskov.

Motion carried – yea 4.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

c. Adoption of Tentative Millage Rate for Fiscal Year 1998-1999

Comm Stamos moved that a millage of \$3.6195 per \$1,000 of assessed valuation be tentatively adopted for the 1998-1999 general operating revenues and that a millage of \$.4390 per \$1,000 of assessed valuation be tentatively adopted for the 1998-1999 bond debt service for the General Obligation Water Improvement Bonds of 1991, seconded by Comm Aaskov.

Motion carried – yea 4.

d. Public Hearing Date for Final Adoption

Mayor Kaleel announced that the computed millage rate does not exceed the rolled back rate.

Mayor Kaleel announced that the date and time of the second and final public hearing is established as 5:01 PM (after 5:01 PM) on Monday, September 21, 1998. The 1998-1999 operating and debt service budgets and corresponding millages will be finalized and adopted at that time.

Additions, Deletions, Modifications and Approval of Agenda

Comm O'Hare requested to add a brief discussion of Commission procedure as item #14.

Town Manager Dunham advised that representatives of DOT were present at the meeting who would be requesting a variance from work hours as item #5a.

Town Clerk Hancsak requested that Resolution No. 98-21 be added as item #4a under the consent agenda. She explained that it is a renewal of the dental insurance agreement which is paid entirely by the employees.

Mayor Kaleel requested that an item to discuss the Building Inspector from Manalapan be added as item #15.

Comm O'Hare moved to approve the agenda as amended, seconded by Comm Stamos.

Motion carried – yea 4.

Consent Agenda

2. Minutes of the Regular Town Commission Meeting of August 3, 1998
3. Resolution No. 98-17; Supporting the passage of "Homeowners' Protection Act," which will help relieve the premium increase and further stabilize the Insurance market
4. Resolution No. 98-18; Urging the Florida Legislature to provide financial assistance and/or reimbursements to school districts that utilize pro-active

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

measures in the design, construction and remodeling of local schools for  
enhancement of safety concerns

- 4a. Resolution No. 98-21; Approving and Adopting the renewal dental  
services agreement with Oral Health Services

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

Motion carried – yea 4.

Announcements and Proclamations

5. Proclamation – Declaring September as Literacy Awareness Month

Town Clerk Hancsak read the proclamation.

Town Clerk Hancsak added that there would be a short reception for the new Town  
Manager after this meeting.

Public Comment – (15 minute maximum with 3 minute individual limit)

There was no public comment.

Public Hearings – None.

Regular Agenda

(Items which require Town Commission action that must be filed with Town  
Clerk one week prior to meeting – Public comment permitted)

Actions and Reports

- 5a. DOT's request for a variance to work hours

Stan Balcaitis, engineer for FDOT, advised that Bell South's line would have to be  
moved in order to reconstruct the bridge. Larry Mayernik, BellSouth, advised that once  
they are done pulling the conduit back, they must work continuously. He explained that  
they would be working twenty-four hours a day, but that it would only be on the  
weekdays. He advised that in the man hole near the westernmost home on Ocean Ave.,  
there would be two men splicing cable, flashing lights near the manhole to warn that  
people are working there and two one ton trucks with the power unit to run the generator  
for the light in the manhole. Mayor Kaleel clarified that the only noise would be from the  
generator to which Mr. Mayernik advised that he was correct.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Comm Stamos questioned if they had a backflow preventer on the hose they were currently using by the Intracoastal to which Mr. Mayernik advised that he was not sure. Comm Stamos requested that Mr. Mayernik check it because he believed one to be required.

Mr. Balcaitis advised that once the bridge construction is started, DOT would be holding task force meetings every four to six weeks with Ocean Ridge and Boynton Beach. He advised that they would also set up a public information line to answer resident questions.

Comm O'Hare moved to allow BellSouth to work twenty-four hours a day for a period not to exceed thirty days, seconded by Comm Aaskov.

Comm Stamos suggested amending the motion that work only be done only on the weekdays.

Comm O'Hare amended his motion to include the request of Comm Stamos and to include allowing the Town Manager to grant up to an additional two weeks, if necessary, seconded by Comm Aaskov.

Motion carried – yea 4.

6. Action to Approve New Landscaping Plan for Center Island Located at the Entrance to Ridge Harbour Estates to be funded and maintained by homeowners – Dr. and Mrs. Martel

Town Manager Dunham advised that Dr. and Mrs. Martel had provided the staff with a site plan, but did not include an inventory of the plants. He advised that they were planning to present that information at this meeting, but were not present as yet. Mayor Kaleel suggested that the item be postponed until Dr. and Mrs. Martel are present.

#### Resolutions

(Possibly Requiring Discussion)

7. Resolution No. 98-19; Establishing an Environmental Resources Advisory Board  
Prepared by: Paul Nicoletti, Town Attorney

Mayor Kaleel read the resolution by title.

Atty Nicoletti advised that this and the following resolution dealt with the two groups that came about as a result of the Focus 2000 meeting. He advised that both the Town Manager and Clerk had reviewed the resolutions.

Comm O'Hare moved to approve Resolution No. 98-19, seconded by Comm Aaskov.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Comm O'Hare questioned if there was any reason why the resolution does not allow a resident to be on both boards to which Atty Nicoletti replied that there was no specific reason except that it was the preference so there would be a broader range of people on the boards. Comm O'Hare advised that he would not have a problem with someone serving on both boards.

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

Motion carried – yea 4.

8. Resolution No. 98-20; Establishing an Utilities Infrastructure Advisory Board  
Prepared by: Paul Nicoletti, Town Attorney

Mayor Kaleel read Resolution No. 98-20 by title.

Comm O'Hare moved to approve Resolution No. 98-20, seconded by Comm Stamos.

Motion carried – yea 4.

Comm O'Hare reiterated that he would not mind allowing residents to serve on both boards if there are not enough volunteers to fill the vacancies. Town Clerk Hancsak added that she has had two additional residents (Bud Aaskov and Charlotte Carle) volunteer since she last distributed a list to the Commissioners. Mayor Kaleel advised that he has also had people come to him to volunteer and that a list of all these residents would be presented at the October meeting.

First Reading of Ordinances

9. No. 508; Amending Chapter 26 of the Code of Ordinances, Land Development Code at Article VII Coastal Construction Code, By Amending Section 26-109 Dune Preservation at Subsection 26-109 (g)(1) to Allow for Removal of Certain Invasive Plant Species Without a Permit

Mayor Kaleel read Ordinance No. 508 by title only.

Comm O'Hare moved to approve Ordinance No. 508 on first reading, seconded by Comm Stamos.

There was no public comment.

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

Motion carried – yea 4.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

10. No. 510; Amending Chapter 26 of the Code of Ordinances, Land Development Code at Article VI Marinas, Docks and Bulkheads, by Amending Section 26-93, Location and Height of Docks to Further Regulate Docks and Dolphin Pilings

Mayor Kaleel read Ordinance No. 510 by title only.

Atty Nicoletti advised that sections f and g had been modified to include the issues of davit and boatlifts. He added that he wanted to ensure that the issue of floating docks was covered and that DERM and DEP requirements were complied with. He advised that he had not received comments from the County as yet. Town Manager Dunham advised that there is no Corps of Engineers requirement for the County permit.

Town Clerk Hancsak advised that a resident had asked a question regarding whether a boatlift would be permitted to be attached to the dock. Comm O'Hare suggested amending the ordinance to allow the boat lift to be attached to a "seawall, bulkhead cap, dock and dolphin pilings."

Comm O'Hare questioned section b in regards to dolphin pilings to which Atty Nicoletti explained that the section is structured similar to that of Boca Raton's in that it advises that it can be difficult at times to exactly locate a piling. Comm O'Hare advised that he did not have a problem with the new language, but that he wanted it clarified that it is different than the current Town code.

Comm O'Hare moved to approve Ordinance No. 510 with section f amended to include "seawall, bulkhead cap, dock and dolphin pilings," seconded by Comm Aaskov.

There was no public comment on the ordinance.

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

Motion carried – yea 4.

11. No. 512; Amending the Code of Ordinances at Chapter 30, Articles III, by adding Section 30-61 and at Chapter 30, Articles VII, by Adding Section 30-156, Exempting Pest Control Services from the Mandatory Requirements Found in Such Articles

Mayor Kaleel read Ordinance No. 512 by title only.

Town Manager Dunham explained that the ordinance would exempt pest control companies from having to pay and register with the Town. He advised that State Law only allows for the Town to regulate this type of business if it is physically located within the Town.

Comm O'Hare moved to approve Ordinance No. 512, seconded by Comm Aaskov.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Comm O'Hare questioned if the pest control companies would have to notify the Town of they are going to tent a residence to which Atty Nicoletti advised that they would not. Town Clerk Hancsak advised that the companies normally advise the Department of Public Safety when that would occur.

Betty Bingham, 1 Ocean Ave., asked why the Town would not go before the State and request that the companies be made to register with us. Atty Nicoletti advised that this is a State statute and has already been argued before the State. Town Clerk Hancsak advised that in pest control companies, each employee is registered with the state.

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

Motion carried – yea 4.

Second Reading of Ordinances

None

Town Commission Comments

(Information Items Only – three minute limit per item)

12. Discuss Future Speaker Forums  
By: Mayor Kaleel

Mayor Kaleel suggested that the Town invite speakers to come in to speak to the residents perhaps on a quarterly basis. He stated that it would be a benefit to all to share the talent and knowledge of some of the residents.

13. Discuss Speed Restrictions on Old Ocean Blvd.  
By: Comm Stamos

Town Manager Dunham explained that he has read through the minutes from previous Town Commission and Planning and Zoning Commission meetings regarding this topic. He advised that according to State statute, the lowest speed limit for a residential street could be twenty miles per hour and that he would recommend lowering the limit from the current twenty-five to twenty miles per hour.

Comm Stamos advised that he had received a request from a resident on Old Ocean Blvd who advised that heading south on Old Ocean Blvd., there was only one sign posting the limit. He suggested that if the limit is decreased that additional signs be posted. Comm O'Hare advised that many residents have spoken out against the number of signs on Old Ocean Blvd.

Mayor Kaleel suggested that the topic be tabled until a future meeting when more information is available.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

14. Discussion of Town Commission Procedure  
By: Comm O'Hare

Comm O'Hare advised that he had met with Town Manager Dunham and was confident that the Town was in good hands. He stated that in a strong Town Manager government, all comments would go through the Town Manager and he would like to see this happen in Ocean Ridge. Town Manager Dunham explained that if the Town Commission needs to issue directives, it should be done through the Town Manager and not through the department heads or at least mentioned to the Town Manager if a Commissioner has a request of the Director of Public Safety, for example. He stated that this would improve communication. Atty Nicoletti added that the charter envisioned it that way.

15. Discussion of Manalapan's Building Official  
By: Mayor Kaleel

Mayor Kaleel advised that during the time between Gary Lanker leaving and the County taking over the building department, Dick Scofield, the building official for Manalapan, worked for the Town without compensation. Town Clerk Hancsak advised that Mr. Scofield did many inspections and approved permits for the Town.

There was discussion regarding what would be proper compensation for the work that he did and Atty Nicoletti advised that the gift should not be too much.

Comm O'Hare moved to approve an \$85 gift certificate from somewhere that the Town Manager believes appropriate and a letter of thanks to be sent to Mr. Scofield and a basket of fruit to be sent to the Town of Manalapan to be funded from the Town Commission other current charges account, seconded by Comm Aaskov.

Motion carried – yea 4.

6. Action to approve new landscaping plan for the center island located at the entrance to Ridge Harbour Estates to be funded and maintained by the homeowners  
By: Dr. & Mrs. Martel

Dr. Martel advised that at previous meetings, the Town Commission had directed them to bring back a plan for the landscaping which had the approval of the majority of homeowners. He stated that he and his wife had spoken with homeowners of thirty-three of the forty-eight residences. He added that thirty homeowners agreed with their plan. He stated that the landscape architect who drew up their plans would be coming to the meeting to explain the list of plants and the related costs. He advised that they would also need to repair the sprinkler system and furnish electric for it from the meter.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Dr. Vinas, 50 Harbour Dr. S, stated that although the homeowners had offered to fund the landscaping, he believed that it would benefit the whole Town and the cost should be entirely by the Town or split between the Town (75%) and the homeowners (25%) with the Town also paying for the water and electric. He also stated that there are safety issues which need to be considered as the vegetation is now growing out into the street making it dangerous to walk near. Mayor Kaleel advised that the Town Manager and Director Hillery would confer to ensure that the safety issue would be taken care of.

Comm O'Hare questioned if the residents had an estimate for installation, maintenance and utilities. Dr. Martel advised that some of the residents had requested a light on the island, but FP&L told them that it would have to be a double cobra light. He stated that he believed they would want a decorative light, if possible, for which they do not have an estimate. He added that the residents realized the lighting may be too costly.

Robert Hopper, landscape architect, advised that the landscaping would cost approximately \$7,000. Dr. Martel stated that they had looked into the cost for a maintenance company which would be between \$50 and \$60 per month. Comm O'Hare stated that a new meter and timer would be around \$500 and a new sprinkler system would also be around \$500.

Mrs. Vinas questioned how much the Town has budgeted for maintenance in comparison with neighboring communities adding that she felt the company currently doing the maintenance for the Town was terrible.

JoAnne Davis, landscape architect, advised that she tried to use some of the current vegetation in her plan. She reviewed her proposal and ideas indicating that some of the sod which is specified for the plans can be removed and substituted with Golden Creeper, which would require less maintenance. Comm Stamos questioned the safety issue as the plans indicated that the vegetation at the west end of the island would be 8' high. Ms. Davis stated that the DOT has safety guidelines for intersections and the west end of the island is away from A1A. She added that the area would not be 8' high for many years.

Comm Stamos commented that this may start a pattern through the Town and suggested that the Town establish a program which would fund 50% of the projects with the remaining 50% being at the expense of the homeowners.

Mrs. Martel explained that the Garden Club and Wanda Phillips had planned and planted the vegetation which is there now and that the Town was supposed to maintain the area. Ms. Bingham disagreed stating that the homeowners were going to maintain the island which they did for a while. She explained that the various residents starting planting additional vegetation and then stopped maintaining the area.

Comm O'Hare advised that the residents were only asking permission to plant what they are presenting and to allow someone to maintain it. He stated that they might change some of the plantings and perhaps thin it out a little from the plan presented.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Dr. Martel advised that the residents only wanted to convey what their plans are, what the costs may be and that they will maintain it, but that they were also looking for some fiscal help from the Town.

Mayor Kaleel commented that he felt the project should be handled and funded by the Town which would set the precedence for other neighborhoods to do the same. He suggested that the Town Manager be given a budget and responsibility for the project.

Comm Stamos moved that an amount not to exceed \$7500 from the contingency fund be used to fund the project at Ridge Harbour Estates and that the Town Manager implement the project and study all related issues, seconded by Comm O'Hare.

Comm O'Hare stated that he felt the plant selection should be left up to the neighboring homeowners. Mayor Kaleel advised that there were comments from residents about thinning out what was proposed. He added that the Town Manager needed to think about continuity and the possibility of copying this plan to other areas of the Town.

Comm Aaskov advised that she would like to see the plan come back before the Town Commission for final approval. Comm O'Hare commented that he felt that would be micromanaging the project adding that the Town Manager should be able to make these decisions.

Bruce Gimmy, 12 Ocean Ave., stated that he was in favor of the plan, but questioned whether or not it was a conflict of interest since two of the Commissioners lived on that street. Atty Nicoletti advised that it would not be a conflict as there is no personal gain for the Commissioners and that it benefits the whole Town.

Mayor Kaleel questioned if the Commissioners wanted to add a time frame to the motion. Town Manager Dunham advised that he would like to discuss the lighting with the Martels to which Comm Stamos advised that his motion did not include any lighting.

Comm Stamos amended his motion to include that the work be done within four months, seconded by Comm O'Hare.

Roll call was taken on Comm Stamos' amended motion.

Motion carried – yea 4.

PUBLIC HEARING AND REGULAR MEETING OF THE TOWN COMMISSION OF  
THE TOWN OF OCEAN RIDGE HELD ON SEPTEMBER 14, 1998

Adjournment

The meeting was adjourned at 6:55 PM.

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Mayor Kaleel

\_\_\_\_\_  
Commissioner Aaskov

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Commissioner O'Hare

\_\_\_\_\_  
Commissioner Stamos

Attest By:

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