

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 2, 2002 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 Schulte
Commissioner Bingham
Commissioner Willens
Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham requested to take item #4 off the consent agenda and discuss it as item #10.

Atty Spillias requested to add item #9a on license fees and #9b, a brief report on the Kelso matter.

Town Clerk Hancsak advised that the minutes of October 30, 2002 would be amended to include that Comm Schulte was present at the meeting.

Mayor Kaleel stated that he would like to add a Public Safety Issue as item #11.

Comm Bingham requested to add a discussion of Ocean Ave as item #12.

Town Manager Dailey requested to add the confirmation of the new part time Town Hall employee with a start date of December 9, 2002 as item #4a.

Consent Agenda

1. Minutes of the Town Commission Meeting of November 4, 2002
2. Minutes of the Special Town Commission Meeting of October 30, 2002
3. Ocean Ridge Resolution No. 2002-22; Designating the Supervisor of Elections as a member of the canvassing board to be in attendance for the testing of the computer electronic systems tabulating equipment to be used for the February 11, 2003 election and to canvass returns of such election including the absentee ballots and assigning the Supervisor of Elections to handle absentee ballots
- 4a. Confirmation of Lisa Burns as new part-time Town Hall employee with a starting date of December 9, 2002

Comm Bingham moved to approve the consent agenda as amended, seconded by Comm Schulte.

Motion carried - yea 5.

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Mayor Kaleel read the following announcements.

Announcements and Proclamations

5. Administrative offices will be closed for the official holidays on Wednesday, December 25, 2002 and Wednesday, January 1, 2003
6. Light the Lights and Town BBQ will be held on Friday, December 6, 2002 from 5:30 PM to 8:30 PM
7. 2003 Municipal Election
 - a. Date of Election is February 11, 2003
 - b. Two Commission seats for a three year term
 - c. Candidate filing dates run December 30, 2002 through 3:00 PM on January 23, 2003

Public Comment

George Bierlin, 26 Hudson Ave., stated that he was concerned over what he read in the *Sun Sentinel* about the Town considering swapping drainage improvements on A1A for the property on Ocean Ave. He questioned if it would be better to just buy the property outright. Mayor Kaleel stated that FDOT does not believe that they are responsible for any drainage costs and this could be a bargaining chip.

Regular Agenda

Actions and Reports

8. Discuss service provided by Browning-Ferris Industries

Mayor Kaleel advised that the Town has been receiving complaints about the waste collection service lately.

Phillip Phaneuf, General Manager for BFI, stated that the supervisor for this area had recently left the company. Comm Bingham stated that there have been problems with BFI picking up at 7:00 PM and not picking up vegetative waste until the next day. Town Clerk Hancsak added that the major complaints the Town Hall has received have been regarding the vegetative pick up and reminded BFI that the Town changed the pick up days a few years ago to accommodate BFI's scheduling request. Mr. Phaneuf apologized advising that the pick ups would be done on the correct day and done during the Town's working hours of 8-6.

Comm Schulte stated that he was concerned about recycle and trash bins being thrown into people's yards and their foliage. Mr. Bierlin stated that his recycle bins are being thrown in his yard and that he has seen the drivers urinating in the Intracoastal. Mr. Phaneuf stated emphatically that would not happen any more.

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9. Discuss Emergency Moratorium Ordinance By: Kenneth Spillias, Town Attorney

Atty Spillias advised that he researched the issue of an emergency moratorium and stated that it would have to go through the normal process of two public hearings and proper advertising. He stated that he had hoped to have the final draft to the Planning and Zoning Commission about ten days ago, but they are still trying to finalize the issues of building height and the 75% rule. He further explained that he hoped for the Planning and Zoning Commission to have their public hearing around January 13, 2003 and the Town Commission to have their first public hearing at a Special Meeting around January 20, 2003 and final reading and adoption at the February Town Commission Meeting. He stated that he felt it would be better to have a Special Meeting for the Town Commission's first reading since he thought that meeting would have the most input. He summarized that he thought a moratorium would be problematic and that the zoning in progress was working fine.

Comm Willens questioned when the Town Commission would get the changes from the Planning and Zoning Commission to which Atty Spillias advised that both boards would get the current changes around mid-December and then a summary of the Planning and Zoning Commission changes would be given after they are made.

Earl Jones, 14 Sailfish Lane, questioned if the zoning in progress was still in effect to which Atty Spillias advised that the resolution for the zoning in progress stated that it would be in effect until the new code is approved. He explained that permits applied for which are prohibited under the pending code changes are not being issued.

9a. License Fees

Atty Spillias advised that as a result of the obstruction in the right-of-way brought before the Town Commission at the previous meeting, he was asked to research the issue of whether a resident could pay a rental fee to use a right-of-way. He stated that a fee could not be charged as a municipality cannot lease public land for private use. He added that if the Town charged the one resident who was at the last meeting for this, the Town would have to do the same to all other residents who are using any part of a right-of-way.

9b. Kelso Litigation

Atty Spillias stated that Cheryl Olanoff has filed an appeal, served on November 18, 2002, which the Town would have to reply to by December 23, 2002. He stated that it does not affect the Town in any way and that he did not feel the Town would even need to respond. The Town Commission concurred not to respond at this time.

12. Ocean Ave

Comm Bingham stated that she had a problem with Ocean Ave. and that the Town would need to make clear their obligations before taking responsibility from the FDOT. Mayor Kaleel stated that he felt this was the responsibility of the Town Manager. Town Manager Dailey stated that there was a discrepancy over who has maintenance responsibility in

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that the Town was told that they would be able to remove the mangroves with State approval. She stated that the Town's landscape contractor would be giving the Town a quote to clean up the area.

Mayor Kaleel stated that he did not think that the Town has been maintaining Ocean Ave. very well. Rich Lucibella, 5 Beachway N, stated that he has met with some of the landscape workers and feels that while they are doing a good job, perhaps the contracts can be negotiated to include more areas before they are awarded in the future.

10. Authorize feasibility study of drainage wells for Tropical Drive area in the amount of \$5625.00 from the capital projects fund.

Comm Schulte moved to approve an amount not to exceed \$5625 from the capital projects fund for a feasibility study of drainage wells for the Tropical Drive area, seconded by Comm Willens.

Mayor Kaleel stated that Lisa Tropepe would like to look into new ways to solve the drainage problem on Tropical Drive. Town Manager Dailey stated that the study would look into a new method that has just recently become permissible and has been found to be successful. Comm Bingham stated that she did not want to waste money if it will not work to which Town Manager Dailey stated that Ms. Tropepe would not suggest it if she did not think it would work for the Town. Mayor Kaleel stated that this way would allow the Town to bypass ACOE and State permitting and therefore be able to start much sooner.

Mr. Jones stated that he felt the engineer should explain everything to the Town Commission before it is approved. Jerry Magruder, 9 Ridge Blvd., advised that she has been to all the meetings and listened to the Town Engineer from the beginning. She advised that she believes Ms. Tropepe has done everything right and wouldn't request a study if not for the good of the Town.

Mr. Lucibella agreed adding that the Town Engineer has received nothing but praise from the staff and Commissioners and has always had her mind on the budget of the Town.

Roll call was taken on Comm Schulte's motion.

Motion carried - yea 5.

11. Public Safety

Mayor Kaleel stated that while he thinks the Department of Public Safety does a good job within the Town, they could use some technological help.

Director Hillery stated that some municipalities use security cameras which can transmit from a digital camera to a hard drive on a computer. He explained that these would be of tremendous assistance if placed in strategic locations around Town. He advised that the cost of the first camera and the initial equipment needed would be \$13,990 and \$8,875

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for each additional camera. He stated that he just wanted to pass the information along to the Commissioners and possibly set up a demonstration before the next regular meeting.

Comm Willens questioned if digital images were admissible in court to which Director Hillery advised that they were.

Comm Aaskov questioned where the cameras would be placed to which Director Hillery advised that it would be based on the crime statistics for the Town.

Comm Willens questioned if the images obtained would be public record to which Director Hillery advised that it could be obtained by a public records request.

Mayor Kaleel stated that the cameras are being proposed as an aid as opposed to being used as "Big Brother." Director Hillery stated that the cameras would help the Department of Public Safety in protecting the residents.

Mr. Lucibella stated that he does not feel there has ever been a single infringement on civil liberties that did not start with good intentions. He stated that he felt those whose homes could be seen by the camera would be uncomfortable. He suggested that the money could be better spent on a neighborhood watch program.

Director Hillery explained that the focal point of the camera is only about 15' or 20' and everything beyond that is a blur. Mayor Kaleel stated that he believed Mr. Lucibella to have a valid point, but that it could do no harm to look at a demonstration.

Town Manager Dailey announced that there would be a Planning and Zoning Commission meeting on December 9, 2002 at 8:00 AM.

Adjournment

The meeting was adjourned at 8:00 PM.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Aaskov

Commissioner Bingham

Commissioner Schulte

Commissioner Willens