

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 6, 2004 at 6:00 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 Allison  
Commissioner Pugh

Commissioner Bingham  
Commissioner Schulte

Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham requested to add a discussion on the Dunes.

Mayor Kaleel requested to add comments regarding bike lanes and the Boynton Beach Inlet.

Consent Agenda

1. Minutes of the Town Commission Meeting of Nov. 1, 2004
2. Ocean Ridge Resolution No. 2004-27; 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 8, 2004 election, and to Canvass Returns of Such Election Including the Absentee Ballots and Assigning the Supervisor of Elections to Handle the Absentee Ballots
3. Ocean Ridge Resolution No. 2004-28; Approving the Disaster Funding Agreement with the Florida Dept. of Community of Affairs for Hurricane Jeanne
4. Ocean Ridge Resolution No. 2004-29; Encouraging the State of Florida to Devote Certain Proceeds to Establish a Pilot Program or a Grant Program that Provides Financial Incentives for Contractors and their Clients to Voluntarily Use Certain Construction Techniques and Materials During Reconstruction Following Natural Disasters

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

Motion carried - yea 5.

Announcements and Proclamations

5. The administrative offices will be closed for the official holidays on Friday, Dec. 24<sup>th</sup>, 2004 and Dec. 31, 2004
6. 2005 Municipal Election
  - a. Date of Election is February 8, 2004
  - b. Two Commission Seats for a Three Year Term Each
  - c. Candidate Filing Dates run Dec. 20, 2004 through 3:00 PM on Jan. 14, 2004

Mayor Kaleel read the above announcements.

#### Public Comment

Patricia Kropp, 16 Tropical Drive, asked if the same provisions made for accepting Oceanview Drive and Douglas Drive as public roads could be done on Tropical Drive. Atty Spillias advised that Oceanview and Douglas were platted but were never recorded and public improvements had continually been done on those roads unlike Tropical Dr.

Gerald Duthler, 5004 Old Ocean Blvd., stated that the traffic calming ballards installed on Oceanview and Douglas block his access to his driveway. He advised that his house is on the corner and there was not consideration given to the location of his residence. Manager Mathis stated that he spoke with Mrs. Duthler and looked at the situation. He also advised that he understands their concern and more investigation needs to be done.

Comm Allison mentioned that a petition was signed by the residents who were requesting traffic calming devises and questioned if Mr. Duthler was notified. Mr. Duthler stated he was not contacted or aware of the petition nor that the ballards were going to be installed.

Mayor Kaleel expressed his concern that residents including Mr. Duthler were not notified that devises were being installed. He suggested that the item be given back to the Planning and Zoning Commission with full notification to the effected residents.

Comm Schulte moved to direct the Planning and Zoning Commission to reexamine traffic calming devises for Oceanview Drive and Douglas Drive and for no further action to be taken until further review, seconded by Comm Bingham.

Motion carried - yea 5.

#### Reports

##### 7. Town Manager

Manager Mathis stated that every year the employees receive a Christmas Bonus. He advised that the Ocean Ridge Support Group had separated from Town Hall and will be issuing the Police Department and Support Group member, a bonus which would leave out the employees of Town Hall. Manager Mathis advised that the bonuses were normally around \$500 and respectfully requested that the employees of Town Hall receive a bonus. Director Hillery suggested that the Commission make the amount equal to the amount the Support Group members receive to avoid any hard feelings.

Comm Schulte moved to authorize annual extraordinary effort bonuses for the Town Hall employees in an equal amount received by members of the Support Group and not to exceed \$2,000 from the contingency account, seconded by Comm Bingham.

Motion carried - yea 5.

Mayor Kaleel mentioned that Town Manager Mathis should also receive a bonus.

Comm Bingham moved to approve an additional \$500 from the contingency account to include a bonus for Manager Mathis, seconded by Comm Allison.

Motion carried - yea 5.

Town Manager Mathis advised that Sgt. Michael Andrews retired November 30, 2004 and Officer Mario Galluscio was given a conditional offer of employment to fill the vacancy. He also mentioned that Officer Steve Wohlfiel was promoted to Sergeant on December 1, 2004.

Comm Pugh felt that all of the landscape maintenance should be the responsibility of the landscape contractor and that none of the landscaping should be done by the maintenance department. Mayor Kaleel agreed and felt all of the landscaping should be the responsibility of the contractor and the maintenance department can follow up if necessary.

Herbert Stolinsky, 47 Spanish River Drive, questioned if Commercial Business were permitted to operate in Town and also questioned if there was an ordinance regarding the issue. Director Hillery advised that there is an Ordinance regarding Commercial Business in Town and also stated that the matter was under investigation. Director Hillery also mentioned that he could not answer further questions until after the investigation.

8. Town Attorney

Atty Spillias stated that the draft Ordinance regarding declaring a State of Emergency was not complete but it will be distributed for comments.

9. Director Hillery

Director Hillery had no reports at this time.

10. Town Engineer

Engineer Tropepe stated that three bids were received for the South Phase Drainage Project but the bid was not ready to be awarded. She requested a consensus if the Commission was in favor of awarding the bid to one contractor and if the Commission was in favor of Alternate 1 or 2 of the bid.

Comm Schulte felt that the wells were too expensive and not feasible. He also felt that the force main would be easier to monitor and maintain.

Mayor Kaleel stated that a lot of money has been spent researching wells because it was originally going to be less expensive than the force main and now the force main is going to be less. Engineer Tropepe advised that the Department of Environmental Protection and Palm Beach County did not have the magnitude of well or how the geology would react to the wells. She added that the permit also had many conditions and there was not a lot of information about how the system would react over the next 5 to 10 years. Engineer Tropepe did not feel the wells were appropriate for the South Phase.

Mayor Kaleel wanted reasons why not to use the wells and the conditions that were set because he wanted to make sure an error would not be made.

Engineer Tropepe advised that the David Lane and Adams Road project is going well and stated that more elevations are being obtained for the Hudson project due to the hurricanes and whether the swales deviated. Engineer Tropepe added that she should be able to certify the project to South Florida Water Management District within the next two weeks.

#### Action Items

There was a consensus to defer item #11 until after the reading of the Ordinances.

#### 12. Report on Sewer Study Proposal By: D. Bill Mathis, Town Manager

Town Manager Mathis stated that the Lake Worth Lagoon Grant is not available for a sewer study. He also mentioned that he has found construction loan money but has been unable to locate any grant money. Mayor Kaleel stated that other options may be available and he was looking into it.

#### First Reading of Ordinances

#### 13. Ordinance #551; Exempting Itself from the Provisions of Section 101.657, F.S. Specifically Related to Early Voting; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith

Town Clerk Hancsak requested that the Town opt out of early municipal elections due to the need for man power and cost to purchase voting machines. She also stated that early voting does not effect absentee ballot voting.

Comm Schulte moved to approve Ordinance #551 on first reading, exempting the Town from the provisions of Section 101.657, F.S. Specifically Related to Early Voting; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith, seconded by Comm Allison.

Speaking from the audience, Sandy Foster stated absentee ballots would still be available as another option.

Motion carried - yea 5.

Mayor Kaleel requested that Staff review the benefits of changing the municipal election in conjunction with the November or March election dates. Manager Mathis mentioned that local issues sometimes get lost when mixed with multiple elections.

#### Second Reading, Public Hearing and Adoption of Ordinances

14. Ordinance #548; Amending the Code of Ordinances at Chapter 1, Section 1-3 Amending the Definition of Encroachment as Pertaining to Vehicles; Amending Chapter 34, Nuisances, Section 34-163, Revising Provisions for the Approval of Landscaping or Other Encroachments Within Public Rights of Way

Atty Spillias advised that Ordinance #548 was amended as per the last meeting.

#### Public Comment

John D'Amico, 5512 Old Ocean Blvd, did not understand why landscaping and shrubbery should be removed from the right-of-way on Old Ocean Blvd and felt there was a problem with priorities.

Atty Spillias clarified that the Ordinance was not directed at Old Ocean Blvd and that the Commission was only developing criteria to utilize the Ordinance.

Mr. D'Amico commented that it did not make sense to worry about palm trees that have been in place for 25 years. Mayor Kaleel stated that the property does not belong to the individual property owners and that it is the Town's property. He also advised that there are other situations and hazards being caused by landscaping in the rights-of-way.

Gerald Duthler, 5004 Old Ocean Blvd., felt that there would be a parking problem created if the right-of-way was cleared.

Mauro Walker, 108 Dolphin Drive, Planning and Zoning member, stated that the P&Z recommended that vegetation be cleared in the first 6' of the right-of-way for safety. He added that a majority of the properties are already in compliance and would not be affected.

Atty Spillias stated that it is the discretion and right of the Town to have encroachments in the rights-of-way removed and allowing encroachments is by a license agreement. He mentioned that a process needs to be established for the Town Manager to decide if it is not in the public interest to allow encroachments.

Comm Allison stated that she did not want to see any changes to Old Ocean Blvd. She mentioned that she was not happy with the Ordinance and not ready to see Old Ocean Blvd. chopped up. Mayor Kaleel commented that people have abused the property owned by the Town.

Comm Bingham moved to adopt Ordinance #548; Amending the Code of Ordinances at Chapter 1, Section 1-3 Amending the Definition of Encroachment as Pertaining to Vehicles; Amending Chapter 34, Nuisances, Section 34-163, Revising Provisions for the Approval of Landscaping or Other Encroachments Within Public Rights of Way, seconded by Comm Schulte.

Motion carried - yea 4 (Bingham, Kaleel, Pugh, Schulte)  
- nay 1 (Allison)

## Action Items

11. Discuss Uniform Policy for Maintenance of the Town ROW's By: D. Bill Mathis, Town Manager

Manager Mathis requested that the Commission adopt a policy that is clear and understandable to the Citizens and Staff that is in line with the new Ordinance concerning obstruction in the Town's right-of-way. Manager Mathis read an example that stated:

*"Among those items to be considered by the Town Manager in determining whether to grant a license for encroachments or obstructions in Town rights of way, are whether such encroachments or obstructions, including hedges, fences, gates, other plantings or other encroachments or obstructions above a height that could not be stepped over or on to avoid vehicular traffic, could hinder or deny access to a pedestrian or bicyclist who is trying to evade vehicular traffic."*

Atty Spillias stated that the purpose of the policy is to give the Town Manager guidance.

Comm Schulte moved to approve the policy regarding obstruction in the Town's right-of-way, seconded by Comm Allison.

Motion carried - yea 5.

15. Ordinance #550; Amending the Code of Ordinances at Chapter 1, Section 1-3, Definitions, Adding the Definitions of "Parkway" and "Swale"; Amending Chapter 67, Article VII, Building Standards, Division 1, Minimum Real Property Standards; Section 67-174, Providing for Maintenance and Appearance Standards on Private Property and Public Rights-of-Way; Amending Section 67-181 Providing for Notice and Enforcement of the Provisions of Chapter 67

Mayor Kaleel read the above Ordinance.

Atty Spillias stated that the change was non substantial and would not affect the second reading. He mentioned that the language change would be from "building official" to Administrative official" in section 67-171 (a) and (a) 4.

Comm Bingham moved to approve Ordinance #550 on second reading, seconded by Comm Schulte.

Motion carried - yea 5.

## Public Comment

George Bierlin, 26 Hudson Ave., stated that there are Australian Pines in the right-of-way near his home that are in danger of falling onto his property. Manager Mathis stated that there are still plans to have the trees removed.

## Town Commission Comments

### 16. Discuss the Strategic Planning Meeting for 2005 By: Comm Allison

Comm Allison stated that she has spoken with the League of Cities and Manager Mathis regarding obtaining bids for a strategic planning meeting in April 2005 and would like the Commission, Staff and Citizens to have the same objective. Mayor Kaleel stated that bids could be received but also mentioned that the Town is trying to finish what resolved from the first strategic planning meeting. Comm Allison commented that there are new items on board including a Town Foundation, Town Activities and decisions regarding the new Town Hall that she does not want to see fall thru the wayside.

### 17. Summary of Open Invitation Meeting held by Comm Allison

Comm Allison advised that she has held an open house meeting at her home with residents and mentioned some of the topics that were discussed. She also advised that some of the concerns discussed were regarding A1A widening for bike lanes, Oceanview and Douglas Drive traffic calming, sewage project, permission for beach fires and shade near the beach crossovers.

### 18. Discuss DNO/ENO Insurance Coverage By: Comm Schulte

Comm Schulte advised that there is currently no DNO/ENO coverage for the staff or elected official but alternatives are being reviewed and it is a work in progress.

### 19. Comm Bingham requested to add a discussion on the Dunes

Comm Bingham relayed her concern with the destruction of the Dunes and mentioned that direction is needed on what plantings should be kept and possibly enforce the removal of exotic vegetation.

Comm Pugh questioned if FEMA inspected the damage to the dune crossovers and Mayor Kaleel questioned if FEMA could possibly fund the next beach restoration.

Manager Mathis stated that Classy Cut has been contracted to repair the damage on the dune. He also mentioned that the Porter Street crossover can be constructed to allow for shade under the crossover.

### 20. Mayor Kaleel requested to add comments regarding bike lanes

Mayor Kaleel mentioned an article from the Palm Beach Post and advised that State Representative Adam Hasner has not supported the bill to widen A1A.

Marilee Lundquist, 6277 N Ocean Blvd., distributed a map to the Commission that listed the Cities from Palm Beach to Boca Raton that are involved in the A1A widening project. She commented that approximately 35,000 people depend on A1A and she was concerned about the plantings and history of A1A in Ocean Ridge.

Manager Mathis advised that each Town is fighting it's own battle and were keeping informed on the status continually.

21. Mayor Kaleel requested to add comments regarding the Boynton Beach Inlet.

Mayor Kaleel advised that Boynton Beach has lobbied \$160,000 study to eliminate the bridge at the Inlet, to put in a drawbridge, to widen the inlet or to do nothing. Mayor Kaleel advised that it would be very difficult for either aspect on behalf of the Town.

Meeting adjourned at 8:45 PM

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Bingham

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Commissioner Pugh