

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 1, 2005 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 Allison requested to add comments regarding a Commissioner Orientation and Strategic Planning as item #17.

Town Manager Mathis requested to move item #5 to #11a.

Mayor Kaleel requested to add a discussion regarding Florida Power and Light as item #18.

Commissioner Schulte congratulated Director Hillery on the sale of the last fire truck.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of Jan. 3, 2005
2. Ocean Ridge Resolution 2005-03; Urging Members of the Florida Legislature to Support the Following Growth Management Issues During the 2005 Legislative Session
3. Request to Forward a Letter of Support to the City of Atlantis in their Effort to Seek Changes to Chapter 316 to Allow Local Governments to Enact More Restrictive Regulation for Safe Operation of Golf Carts
4. Authorize Sale of Unit 70 in the Amount of \$88,000 to the City of Mora Minnesota

Comm Pugh moved to approve the agenda and consent agenda as modified, seconded by Comm Bingham.

Motion carried - yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

6. The administrative offices will be closed for the official holiday on Monday, Feb. 21, 2005

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7. 2005 Municipal Election/2005 Elecciones Municipales
  - a. February 8, 2005/8 de febrero, 2005
  - b. Two Commission Seats for a Three Year Term Each/dos (2) Comisionado por un termino de tres (3) anos
  - c. Polls will be open 7:00 AM – 7:00 PM/entre la hora de 7:00 a.m. y 7:00 p.m.

Mayor Kaleel read the above announcements.

### PUBLIC COMMENT

Joe Belmonte, 5572 N Ocean Blvd., questioned if the Commission was aware that the Town's beach cleaning company was burying beach refuge above the high tide water line and relocating the refuge to other locations. Town Clerk Hancsak stated that the beach cleaning companies are hired by individuals and not by the Town. Manager Mathis advised that he would look into the matter.

### REPORTS

8. Town Manager

Town Manager Mathis summarized his memo and stated that the contractor, Chaz Equipment Company, has completed the last of the items in order to finish the Hudson Avenue roadway and drainage improvements. He also advised that on January 24, 2005, the South Florida Water Management District issued an acceptance of the certification of completion for the project.

Manager Mathis stated that the Town has received a quote from Morrison Builders of Dania Beach, Florida for the repair of all the damaged Town Walkovers and mentioned that Morrison Builders have rebuilt or built new walkovers in the Town. He also advised that staff is waiting to receive a second quote for the work from V.P.H. Builders of Boca Raton, Florida. Manager Mathis stated that the work will be reimbursed by FEMA's Public Assistance Program as part of the damage from the hurricanes.

Comm Pugh stated that the Town entrance sign at Woolbright was missing the letter "n" in Town. Manager Mathis advised he would look into it.

9. Town Attorney

Atty Spillias stated that the Court granted the motion to intervene in the temporary injunction for annexation and that other municipalities including Lake Worth and North Palm Beach have also joined in the case.

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10. Director of Public Safety

Director Hillery had no reports

Comm Allison questioned the status of closing off Douglas and Oceanview at Old Ocean in order to help with traffic calming. Clerk Hancsak advised that no action has been taken and that the item will be given back to the Planning and Zoning Commission to review.

11. Town Engineer (SFRN, Inc.) – Drainage Update

Engineer Tropepe stated that the Hudson Ave drainage project has been approved for completion and visited by South Florida Water Management. She mentioned that two of the residents had concerns that will be taken care of. Engineer Tropepe advised that a pre-construction meeting was held for the South Phase project and there is another meeting scheduled for March 1<sup>st</sup>. She stated that there is one outstanding issue with homeowner Cheryl Olanoff of 566 David Lane, and that it will also be resolved.

Engineer Tropepe advised that the Town has received an application for a Lake Worth Lagoon Grant that has \$5 million appropriated for this session. She said it is due by February 25, 2005 and also explained that the grant is a 50/50 match and the Town will be requesting the maximum of the actual costs.

Mayor Kaleel congratulated Engineer Tropepe and the firm SFRN, Inc. for receiving the 2004/2005 Florida Engineering Society Award for their project in Ocean Ridge. Engineer Tropepe stated that the award was received partly because of the tough decisions made by the Commission and that they would be invited to the award ceremony.

Engineer Dan Shalloway, SFRN Inc., advised that the Ocean Ridge project was recognized as the toughest in the County for the year. He added that the project provides a better quality of life and was for the public good.

Engineer Tropepe mentioned that Palm Beach County Day will be held March 8<sup>th</sup> thru the 10<sup>th</sup> in Tallahassee and is a great opportunity for Commissioners to get involved and lobby for projects and grant money.

ACTION ITEMS

12. Authorize Executing a Contract with Urban Design Studios in an Amount Not to Exceed \$30,000 from the Capital Projects Fund to Provide Consulting Services Relating to the Landscaping Design for the Catch Basin Located at the Corner of Midlane Road and Woolbright Road By: D. Bill Mathis, Town Manager

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Engineer Tropepe stated that Urban Design Studio has submitted a proposal to provide consulting services for the landscaping design for the catch basin located at Midlane Road and Woolbright Road. She advised though that the Town hopes not to spend much more than \$20,000 and recommended approval of the contract.

Comm Bingham questioned if sensitive plants and trees would be marked and who would review the plantings. Engineer Tropepe advised that the trees would be marked and that Urban Design Studio does the landscape design but the Commission makes the decision on the plantings.

Comm Bingham moved to approve the contract with Urban Design Studio to provide the landscape design for the catch basin located at Midlane Road and Woolbright Road, in an amount not to exceed \$30,000 from the Capital Projects Fund, seconded by Comm Allison.

Motion carried - yea 5.

5. Authorize Contracting with Morrison Builders of Dania Beach for Repair of Town Crossovers in an amount of \$34,367 from the Contingency Account (90% or higher reimbursement is anticipated from FEMA)

Town Manager Mathis stated that a second bid was received from V.P.H. Builders in the amount of \$31,750 to repair the damage to the Town owned beach crossovers. He advised that the Town has seen work by Morrison Builders and has been impressed. Manager Mathis advised that V.P.H. Builders could begin work immediately and Morrison Builders could begin next week.

Comm Allison questioned if Manager Mathis had any experience with V.P.H. Builders and he advised that he had no personal knowledge but they did have very good references.

Comm Schulte moved to authorize Manager Mathis to negotiate the contract and to choose the builder of his choice with a fixed construction time and in an amount not to exceed the high bid of \$34,000, seconded by Comm Pugh.

Motion carried - yea 5.

Comm Pugh questioned if the Dune would be repaired after the crossovers are finished. Comm Bingham also questioned if there was a way to prevent people from destroying the sea oats when they use the crossovers and if the sea oats would be replaced. Manager Mathis advised that it is a violation of the code to destroy any vegetation on the dune and that he would get a price from the landscaper to replace the damaged ones.

FIRST READING OF ORDINANCES

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13. Ordinance #552; Amending Chapter 66 of the Code of Ordinances, Environmental Regulations; by Amending Division 3, Section 66-151(c) Tree Permits, Requiring that a Tree Survey be Performed Prior to Obtaining a Tree Removal Permit

Atty Spillias stated that the Ordinance gives authority and action to enforce tree removal permits. He explained that applicants would need to provide a tree survey with a site plan for review prior to any tree removal.

Comm Bingham questioned if historical trees would be addressed and Clerk Hancsak advised that a certification for historical or specimen trees is required as part of the building checklist.

Comm Bingham moved to approve Ordinance #552 on first reading, seconded by Comm Schulte.

Motion carried - yea 5.

14. Ordinance #553; Amending Chapter 34, Article II, of the Code of Ordinances (Relating to the Prevention and Prohibition of Excessive Noise Which May Injure the Health or Welfare or Degrade the Quality of Life of the Citizens and Residents)

Atty Spillias advised that he was asked to revise the noise ordinance in the nuisance section to enforce excessive noise without the use of a decibel reading devise. He suggested that the change also be made to the definitions in chapter 1 thru 3.

Public Comment

George Bierlin, 26 Hudson Ave., questioned how the ordinance would apply to noise coming from outside of Town. Atty Spillias advised that the ordinance does not address noise outside the Town limits and he did not know how outside noise could be incorporated in the ordinance because it could not be enforced.

Joe Belmonte, 5572 N Ocean Blvd., questioned if noise from motorized aircrafts could be enforced. Mayor Kaleel stated that the Town previously reviewed this and has adopted an ordinance that aircrafts cannot take off or land in the town but that the airspace can only be enforced by the Federal Aviation Administration.

Comm Schulte moved to approve Ordinance #553 on first reading with the change to the definitions, seconded by Comm Bingham.

Motion carried - yea 5.

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15. Ordinance #554; Amending the Code of Ordinances at Chapter 1, General Provisions and Chapter 18, Emergency Management, by the Revision of and Addition to Chapter 1-3, Definitions, and Section 18-5, Emergency Action by Emergency Management Organization, and Adding Sections 18-8, Declaration of Emergency, 18-9, and Declaration of Suspension

Atty Spillias advised that the ordinance states that when the Governor or County declares a state of emergency there will be an automatic state of emergency for the Town. He also stated that it also gives the Town the authority to declare its' own state of emergency.

Comm Schulte moved to approve Ordinance #554 on first reading, seconded by Comm Bingham.

Motion carried - yea 5.

Town Commission Comments

16. Discuss Creating a Recreation Committee By: Mayor Kaleel

Comm Allison questioned what kind of names for a committee the Mayor was looking for. Mayor Kaleel advised that it would be ideal to have approximately 7 to 10 volunteers from throughout the Town to organize fundraisers, parties, etc. He asked that each Commissioner provide a couple of names for the next meeting.

17. Discuss Strategic Planning By: Commissioner Allison

Comm Allison stated that the Town received a proposal in the amount of \$1650 from PBCC Institute of Government for a 6 hour Strategic Priorities Planning Session to be held sometime in April or May. She also mentioned that a Commissioner Orientation would be beneficial to go over Town issues with new Commissioners.

Comm Schulte stated that he did not understand the purpose in having a strategic planning meeting. Comm Allison stated that she has received feedback from the residents that there is not enough communication with the Commission and feels there is a need to prioritize Town issues. Comm Schulte felt that the issues were addressed during the regular Commission meetings which are open to the public.

Mayor Kaleel commented that the Commission held Focus 2000 which was a ten year plan and also held an open workshop in early 2004 to discuss and prioritize Town issues. He stated that he agrees that a workshop may be beneficial but that it did not need to be in a strategic planning format at the cost of \$1650. Mayor Kaleel agreed with having a orientation to discuss issues and explain items to new Commissioners.

Comm Allison felt that it would be more effective to have a facilitator to review and prioritize the Town issues. Mayor Kaleel stated that the Town is moving forward and working on projects that were prioritized five years ago and questioned what issues were

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not being addressed. Comm Allison advised that she will work on getting more definitive issues that residents felt were not being addressed.

Comm Pugh also agreed that an orientation would be beneficial to new Commissioners to review issues with the Commission and Staff. He also felt that an open forum would also be beneficial to the residents to discuss any issue they would like but did not feel the need for a facilitator.

### Public Comment

Debbie Brooks, 15 E Ocean Ave., stated that she has gone door to door talking to residents and felt that the majority of the residents are satisfied with the Commission and feel they are doing a good job.

Cheryl Olanoff, 566 David Lane, advised that she has lived in Ocean Ridge for 18 years and has been to many meetings. She felt the current Commissioners and Town Manager Mathis were the best she has seen. She also commented that she was sorry to see Comm Schulte leave.

George Bierlin, 26 Hudson Ave., felt that planning for the Town was an ongoing process and should not be reviewed only at budget time. Mayor Kaleel disagreed and advised that Town projects were reviewed continuously.

Merilee Lundquist, 6277 N. Ocean Blvd., questioned how many coastal communities had sewer systems. Comm Schulte advised that there were not many and that some are combined with part sewer and part septic. Mayor Kaleel stated that it needs to be determined if sewers are feasible but does not feel it will be done until it is federally mandated.

There was a consensus to hold an Open Forum Session in the future and also that the Town would design some sort of orientation for new Commissioners.

### 18. Discuss Florida Power and Light By: Mayor Kaleel

Mayor Kaleel advised that FPL has provided a guide for trees and has started a policy for trees and power lines that he felt should be incorporated into the Town ordinances. He stated that there will be an FPL representative conducting a pre-hurricane assessment in May 2005 but that it is not their responsibility to trim vegetation. He also suggested that any areas that need to be trimmed be brought to the Town Manager's attention. Mayor Kaleel also mentioned that underground utilities were reviewed but were not recommended for coastal communities because they are costly and problems with lines are more difficult to locate.

Mayor Kaleel advised that it was Comm Schulte's last night as Commissioner and thanked him for his public service. He also mentioned that the four candidates for the municipal election were present and he gave each an opportunity to introduce themselves.

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Atty Spillias suggested that the Sunshine Law also be reviewed with new and current Commissioners during an orientation. He also stated that he has a tape of the Sunshine Law and Public Records that would benefit all the Boards.

Meeting adjourned at 7:45 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