

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 7, 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 Hogan

Commissioner Bingham  
Commissioner Pugh

Mayor Kaleel

Pledge of Allegiance

Mayor Kaleel welcomed new Commissioner Nancy Hogan.

Additions, Deletions, Modifications and Approval of Agenda

Mayor Kaleel requested to add a discussion regarding a beach committee during item #13 and to add a discussion regarding organizing a workshop during as item #20.

#### CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of Feb. 1, 2005
2. Minutes of the Special Town Commission Meeting of Feb. 11, 2005
3. Ocean Ridge Resolution 2005-04; Authorizing Mayor and Town Clerk to Execute Amendment #2 to the State Revolving Fund Loan Agreement
4. Ocean Ridge Resolution 2005-08; Authorizing the Execution of the Agreement Between the Town and Palm Beach County Allowing for Interoperability with Palm Beach County through the Countywide 800 MHz Trunked Radio System
5. Authorize Additional Funding in the Amount of \$12,031 (funded from the revenue received for the Fire Truck Sales) for the 800 MHz Radio

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

Motion carried - yea 5.

#### Public Comment

Ellen Bierlin, 26 Hudson Ave., asked that the Commission have an open Town Meeting for the residents before May. Mayor Kaleel advised that the issue was later in the agenda.

Joanne Himmel, 40 Ixora Way, stated that there has been an ongoing problem with the utility pole located near her property. She advised that it has been damaged since December and she has spoken with BellSouth, Florida Power & Light, Manager Mathis, and Engineers from SFRN, Inc. Ms. Himmel commented she has been advised that

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repairs may not be made until April 15<sup>th</sup>. Manager Mathis stated that he is aware of the problem and has been speaking with BellSouth and FPL daily to try to have the pole repaired. Mayor Kaleel questioned which party was responsible for the pole. Manager Mathis stated that the pole belongs to BellSouth. Mayor Kaleel advised that there are several leaning poles throughout Town but that staff will try to have the pole on Ixora repaired first.

Mayor Kaleel then presented a plaque to former Commissioner Bernd Schulte and thanked him for his public service to the Town.

Regular Agenda

Reports

6. Town Manager

Town Manager Mathis advised that a pre-construction meeting was held last week on the south phase drainage project and also mentioned that the crossover repairs should be completed tomorrow.

7. Town Attorney

Atty Spillias stated that in December 1999 Paulette Torcivia of the Law Office of Glen Torcivia & Assoc. was appointed as the Town's Special Master. Atty Spillias suggested that any of the attorneys in the Law Offices of Glen Torcivia & Assoc. be appointed as Special Master in the absence of Paulette Torcivia.

Comm Bingham moved to appoint the attorney's of Glen Torcivia's office as Special Master in the absence of Paulette Torcivia, seconded by Comm Allison.

Motion carried - yea 5.

8. Director Hillery

Director Hillery advised that the check in the amount of \$88,000 for the third fire truck was received and deposited today.

9. Town Engineer

Engineer Tropepe stated that the South Phase pre-construction meeting was successful. She also advised that the notice to proceed was received and construction should officially begin on April 18<sup>th</sup>. Engineer Tropepe stated that the Town has applied for a grant in the amount of \$500,000 for the Coconut Lane drainage project.

Engineer Tropepe commented that the engineering award ceremony would be held April 20<sup>th</sup> at the South Florida Water Management District Main Office and hoped some of the Commissioners would attend.

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Comm Allison asked if the \$500,000 grant had to be used for the Town drainage project and questioned if it could be used to assist low lying homes. Engineer Tropepe stated that the grant could only be used for Town property and also mentioned that several homes are below the minimum required 8' elevation.

ACTION ITEMS

10. Authorize Liebowitz & Associates to Create a Telecommunications Rights-of-Way Ordinance at a cost not to exceed \$3,000 from the Contingency Account By: D. Bill Mathis, Town Manager

Town Manager Mathis stated that it has come to the attention of the Town that BellSouth or any Telephone Company does not need a franchise agreement with any City or Town in the State of Florida. Manager Mathis recommended that the Commission approve additional work from the firm Liebowitz & Associates to create a telecommunications rights-of-way ordinance to protect the Town's interest in an amount not to exceed \$3,000.

Comm Pugh moved to approve additional work from the firm Liebowitz & Associates to create a telecommunications rights-of-way ordinance in an amount not to exceed \$3,000 from the Legal Special Counsel Account, seconded by Comm Bingham.

Motion carried - yea 5.

11. Request by the Inlet Cay Island Homeowners to Landscape and Beautify the Inlet Cay Entrance at the Bridge with a Shared Cost By: Edward Kraus, 20 Eleuthera Drive

Edward Krauss, 20 Eleuthera Dr., stated that the homeowners of Inlet Cay would like to beautify the entrance to the Island and also have monuments installed. Mr. Krauss stated that the homeowners would like to move forward with the landscaping and irrigation portion at a cost of \$5,448.00 and requested that Town share the cost.

Manager Mathis stated that it was the Town landscaper's responsibility to maintain the existing landscaping and it was not done properly by the prior landscaper. He advised that the homeowners will be coming back at a later date for approval of monuments to be installed in the Town's right-of-way and recommended that the Town donate a percentage of the cost.

Mayor Kaleel commented that the cost of the landscaping is the Town's responsibility and felt the Town should be responsible for the cost of the landscaping but that the monuments would be the responsibility of the homeowners.

Comm Bingham moved to approve landscaping for the entrance at Inlet Cay in the amount of \$5,400 with a landscape plan. There was no second.

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Comm Pugh moved to approve the landscaping installation with proper irrigation at the entrance of the Inlet Cay in an amount not to exceed \$5,500 provided a small sketch is submitted from the contingency account, seconded by Comm Allison.

Motion carried - yea 5.

12. Action to Fill Appointments to Board of Adjustment and Planning & Zoning Commission By: Karen E. Hancsak, Town Clerk

Town Clerk Hancsak advised that there were 2 regular and 2 alternate appointments open on the Board of Adjustment. She stated that the regular members were Philip Barlage and Mark Hanna and that Mr. Barlage has moved out of Town and Mr. Hanna has expressed an interest in serving again. Town Clerk Hancsak also advised that the alternate members were Barbara Souther and Gail Aaskov. She stated that Mrs. Souther volunteered to serve as an alternate member again and that Mrs. Aaskov expressed an interest in serving as a regular member or an alternate.

Town Clerk Hancsak advised that Joseph Belmonte submitted a brief resume and expressed an interest to serve on either board as a regular or alternate member.

Comm Bingham moved to reappoint Mark Hanna and to appoint Gail Aaskov as regular members to the Board of Adjustment. There was no second.

Comm Pugh moved to reappoint Mark Hanna as a regular member to the Board of Adjustment, seconded by Comm Allison.

Comm Allison moved to appoint Joseph Belmonte as a regular member to the Board of Adjustment. There was no second.

Comm Pugh moved to reappoint Barbara Souther and Gail Adams as alternate members to the Board of Adjustment, seconded by Comm Hogan.

Motion carried - yea 5.

There was a consensus to bring back the regular appointment to the Board of Adjustment at the next Commission Meeting.

Town Clerk Hancsak stated that 3 regular and 2 alternate appointments to the P&Z Commission were open. She advised that Bruce Gimmy, James Bonfiglio and Jerry Goray are the current regular members and that all have expressed an interest in serving again, however, Mr. Gimmy has advised that he would rather serve on the Board of Adjustment as a regular member. Clerk Hancsak stated that the alternate members are Jeff Lee and Ellen Bierlin who have both expressed an interest in serving again. She added that Mark Marsh had submitted a brief resume for the alternate appointment on the P & Z Commission.

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Comm Bingham moved to reappoint Bruce Gimmy, James Bonfiglio and Jerry Goray as regular members to the Planning and Zoning Commission, seconded by Comm Pugh.

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

Comm Hogan suggested that the members introduce themselves and each member present spoke briefly of their interest in serving.

Comm Bingham moved to appoint Mark Marsh as an alternate member to the P&Z, seconded by Comm Pugh

Motion carried - yea 5.

Comm Allison moved to reappoint Ellen Bierlin as an alternate member to the P&Z, seconded by Comm Pugh.

Motion carried - yea 5.

13. Action to Create Recreation Committee and Appoint Members By: Mayor Kaleel
- 13.a. Discuss Formation of a Beach Committee By: Mayor Kaleel

Mayor Kaleel requested that Atty Spillias research a Board vs. a Committee relating to the Sunshine Law, volunteering, minutes, financial disclosure, etc. He suggested that residents still come forward with related ideas in the interim.

There was a consensus to table the committees and appointment of members.

## RESOLUTIONS

14. No. 2005-05; Electing a Mayor

Comm Pugh moved to reappoint Kenneth Kaleel as Mayor, seconded by Comm Hogan.

Motion carried - yea 5.

15. No. 2005-06; Electing a Vice Mayor

Comm Hogan moved to appoint Geoffrey Pugh as Vice-Mayor, seconded by Comm Bingham.

Motion carried - yea 5.

16. No. 2005-07; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks

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Comm Pugh moved to approve Resolution No. 2005-07, seconded by Comm Bingham.

Motion carried - yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

17. 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

Mayor Kaleel read the above ordinance.

Comm Bingham moved to adopt Ordinance #552 on second reading requiring that a tree survey be performed prior to obtaining a tree removal permit for major site plans, seconded by Comm Allison.

Motion carried - yea 5.

18. 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)

Mayor Kaleel read the above ordinance.

Comm Bingham moved to adopt Ordinance #553 on second reading, preventing and prohibiting excessive noise which may injure the health or welfare or degrade the quality of life of the citizens and residents, seconded by Comm Pugh.

Public Comment

Joe Belmonte, 5572 N Ocean Blvd., questioned what excessive and unnecessary noise was. Atty Spillias read the definition and explained that the current noise ordinance required the use of a noise meter to enforce noise violations. He stated that the decibel system can still be used but that there will be a new category for loud and raucous noise that could be prohibited without the use of a decibel meter. Mr. Belmonte felt that the ordinance was vague and Atty Spillias advised that the enforcement officer has the discretion to determine if there is a noise violation.

Jerry Magruder, 9 Ridge Blvd., suggested that an officer monitor Woolbright and A1A for excessive motorcycle noise.

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Richard Lucibella, 5 Beachway North, felt that the Commission should not put vague ordinances on citizens and that decibel meters should be used. Mr. Lucibella also suggested that the ordinance be crafted for warnings only. Atty Spillias advised that the enforcement officers still need to provide warnings before issuing citations.

Motion carried - yea 5.

- 19. 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

Mayor Kaleel read the above ordinance.

Comm Bingham moved to adopt Ordinance #554 on second reading, seconded by Comm Allison.

Motion carried - yea 5.

- 20. Discuss Commission Workshop

Mayor Kaleel suggested that the Commission hold a Town Hall Meeting and subsequent Commission strategic planning meeting afterwards.

Comm Pugh suggested that the Commission have an open workshop every quarter or twice a year. Mayor Kaleel agreed but felt that the workshops should be themed and have an agenda of topics that could be discussed.

Comm Allison felt that the first workshop should be an open forum for the residents. Comm Pugh suggested that the residents submit topics which they would like to discuss.

There was a consensus for Town Clerk Hancsak to schedule a workshop for mid April and to discuss planning a strategic planning meeting after the workshop.

Meeting adjourned at 7:30 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 Hogan

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Commissioner Pugh