

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 5th, 2005 at 6:00PM 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 Bingham
Mayor Kaleel
Commissioner Hogan
Commissioner Pugh

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Hogan requested to add a comment of Storm Debris as item #16.

Comm Allison requested to add a comment regarding Light of the Lights as item #17.

Comm Bingham requested to discuss the planting of Old Ocean as item #18.

Mayor Kaleel stated that Mark Marsh of Digby Bridges, Marsh & Assoc., has an update of the plans for the new Town Hall to be added under the Town Manager report. He requested the Holiday Bonuses for Town employees be added as Action Item #9a. He also requested a comment on the League of Cities and the upcoming meeting in Belle Glade as Item #19. There was a consensus to discuss Items #10 & #14 at the same time.

CONSENT AGENDA

1. Minutes of the Town Commission Meeting of Nov. 14, 2005
2. Ocean Ridge Resolution No. 2005-23; 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 14, 2005 election, and to Canvass Returns of Such Election Including the Absentee Ballots and Assigning the Supervisor of Elections to Handle the Absentee Ballots

Comm Allison moved to accept the consent agenda, seconded by Comm Bingham.

Motion Carried - yea 5

ANNOUNCEMENTS AND PROCLAMATIONS

3. The administrative offices will be closed for the official holidays on Monday, Dec. 26, 2005 and Monday, Jan. 2, 2006. The next regular town commission meeting will be held on January 9th, 2006 at 6:00pm.
4. 2006 Municipal Election
 - a. Date of election is February 14, 2006
 - b. Two Commission Seats for a Three Year Term Each
 - c. Candidate Filing Dates run Dec. 27, 2005 through 3:00 PM on Jan. 21, 2006

Mayor Kaleel read the above announcements.

Ernie Varvarikos, 5582 North Ocean Blvd, stated that he appreciated the effort and cost of the Beach Renourishment as the beach is now so nice and wide. Mayor Kaleel stated that the credit belonged to Palm Beach County and added that it was a joint effort of County, State and Federal. The cost of the Beach Renourishment was 44 million and had been scheduled two years prior, but the timing of it just happened to be after Hurricane Wilma.

Mayor Kaleel stated that a letter was received from Jerry McGruder regarding the South Drainage Project, with photos of the project. He requested that Engineer Tropepe address this letter under her comments.

Jerry McGruder, 9 Ridge Blvd, was concerned with the damage that had been caused by the construction and the restoration of the preserve when the project was complete. She stated that according to when the Special Exception was granted the Ridge Blvd committee was to approve the landscape design and be involved with the new landscaping and the restoration of the preserve.

George Berlin, 26 Hudson Avenue, asked if Bonifiglio's encroachment would be part of the solution. There was no reply.

Joan Kern, 11 Ridge Blvd, stated that she was discouraged with the slow progression of the South Drainage Project, and asked for a date of completion of the project. Mayor Kaleel stated that Engineer Tropepe would be giving an update in her comments.

Mrs Pichet, 6110 North Ocean Blvd, was concerned about the height of the watch tower being built behind Pelican Cove and if the decision had been finalized. Mayor Kaleel stated that it had been voted and approved two years ago. The height was to be 36ft. The County wants it to be higher but that had not been approved at this time.

PUBLIC HEARINGS

5. An application submitted by The Ocean Club of Florida, 6849 North Ocean Blvd., Ocean Ridge FL 33435, requesting a modification of the Master Site plan from the provisions of the Land Development Code, Article IV; Site Plan Review Procedures, Section 63-51(A)(4) Site Plan approval of minor or major development application or modification and Section 63-51(b)(2) Major Development review for what is known as the Ocean Club Tennis Courts. The tennis courts were originally approved and built in 1962 with a renovation to the pro-shop and facility in 2001. The applicants are requesting to install six (6) environmental tennis court site lights (27' high). The property is located at 6849 North Ocean Blvd. (west side of A1A) or generally described as Lots C, D, and E, McCormick Mile Addition No. 1 Subdivision (exact legal description located at Town Hall). (POSTPONED FROM AUG. 8, 2005 UNTIL DEC. 5, 2005)

Mayor Kaleel stated that a letter had been received asking for this to be withdrawn, but he was unsure if they only wanted it postponed again, and not actually withdrawn. Town Clerk will contact them if they only wanted it postponed to the January Town Commission Meeting.

Comm Bingham moved to postpone this item until January 9, 2006, seconded by Comm Allison.

Motion carried – Yea (5)

6. Town Manager

Manager Mathis was absent with notice. Deepest sympathies were expressed to him and his family for the loss of his mother..

7. Town Attorney

Atty Spillias presented 3 rough drafts of proposed ordinances addressing the redevelopment of certain areas in town. 1) Amending the Grandfather Code 2) Zoning Overlay 3) Density Bonuses through plan residential development of the Zoning Code. He requested that a Workshop Meeting be scheduled before the next regular town commission meeting in January. The Commission would then have time to review these three drafts. The decision involved 9 to 11 properties in town. A consensus was made to schedule a workshop before the next January meeting.

8. Director of Public Safety

Chief Hillery gave an update of the garbage cans for the beach crosswalks. He stated that 6-7 garbage cans were now in the town's garage. Chains were being put on them and they should be in place at the crosswalks within the next week or so.

Comm Allison requested a status of Natural Gas for the Town. Clerk Hancsak stated that Manager Mathis was still reviewing the matter.

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

Engineer Tropepe presented a plaque to the Town, framing an article from the Stormwater Management. Ocean Ridge was the magazine's October Feature Article. The article was of storm piping and included a picture of Ixora Way on the cover. She advised that the Storm Drainage Project is proceeding as quickly as possible but two obstacles slowed down the progress, Southern Bell and Hurricane Wilma. There are now 2 contractors to coordinate and work together on the project. A Classy Cut is working on clearing the debris in the North Buffer Line. The current focus is now on the detention area and to complete Woolbright and AIA as soon as possible. The focus will then be shifted to Tropical Drive. The estimated completion date was May 2006. They have been working with homeowners to quickly address any issues or problems as they occur. In regards to Jerry McGruder's Letter, the Town Manager was creating a landscaping package to go out to bid. The Contractors need substantial completion first however before landscaping can begin. There is a lot of coordination involved between contractors and equipment. At the request of the residents, the pumps are going off in the evenings and restarting again at 8am. This causes a delay in the morning as the crews have to wait for the pumps to drain the water before they can proceed.

Comm Bingham requested when the Buffer Zone would be cleared. Engineer Tropepe stated that a separate contractor, an arborer, was coordinating the removing of the debris, but she was hopeful that it would be completed by the end of the week. Together they were going to try to protect as much as possible. She would check on their status.

Comm Hogan questioned the breaking of the turbidity screening in the ICWW, and the quality of the water caused by the breakage. Engineer Tropepe stated that the water is tested daily. Comm Hogan stated that she had heard that Briny Breezes may be appealing the generator. Engineer Tropepe stated that she was unsure, however, the closest location for fueling by natural gas was in the Town of Gulfstream.

Jerry McGruder, 9 Ridge Blvd, stated that she was concerned with the north end and the cleaning of the preserve as there was left over garbage and debris. The arborer had removed trees out of yards and destroyed them without the homeowners present. Mayor Kaleel stated that when the Town Manager returns they would look into the problem, and assured her that the Town would continue to work with the residents and uphold the special exception agreements. He then thanked the Town Engineer for their cooperation with the residents on AIA and their quick response to resolve any differences.

Engineer Tropepe gave an update of Coconut Avenue, stated that the ultimate design of the project was to get the water from AIA to the cul-de-sac by completing curbs on both sides of the road. The plan included regrading the alleyway and working with homeowners. Chaz Equipment has a preliminary estimate of \$200,000 to do both the alley and street at the same time. Some of the fill could be relocated to the alleyway. Mayor Kaleel requested that this information be brought to the special workshop along with a plan for payment of it.

Engineer Tropepe stated the session was coming up again to consider a Lake Worth Lagoon Grant. Last year, out of the 5 Million requested, only 1 Million was appointed and it wasn't for Ocean Ridge. However we can resubmit the project. The Commission agreed to resubmit.

9a. Digby Bridges, Marsh & Assoc., Update of New Proposed Town Hall.

Mark Marsh, 14 Hudson, and architect for the Town Hall stated that there was a problem determining the jurisdiction line for the wetland area. Urban Design had been engaged to locate this line prior to the Hurricane and they had started negotiations with DEP. During Hurricane Wilma the stakes had been blown away along with some of their materials. A new survey had to be performed, showing that the line for the wetlands had changed because of the storm. They were however able to get a jurisdiction line that they can work with to determine the building site area and parking lot. They are confident that DEP will be in agreement. The soil testing is complete, and there is good soil and rock for construction. The septic system will be to the east of the building. They are 60% through their process, and will have cost estimates for the January 9th meeting. It should be ready to go out to bid by mid January.

9b. Holiday Bonus for Town Employees

Mayor Kaleel proposed Holiday Bonuses of \$500 for each of the staff, 27 employees. Historically it has been \$500 approximate per year. Last year the 4-5 administrative employees were the only ones to receive bonuses from the Town. The Support Group gave to the Police Department and Maintenance Personnel last year. He proposed that the Town therefore fund the Holiday Bonuses not the Support Group and it will be partially paid for through donations.

Comm Pugh motioned that the Town give a Year End Bonus of \$500 each to the 27 employees totaling \$13,500 to be paid from the Contingency Account. Comm Bingham seconded.

Motion Carried - yea 5

RESOLUTIONS

10. Resolution No. 2005-24; Approving the Sale and Assignment of the Adelpia Cable Partners, L.P. ("Adelpia") Cable Television Franchise to Cable Holdco Exchange II, LLO ("Cable Holdco II"), a Subsidiary of Time Warner Cable Inc. ("Time Warner Cable") and the Transfer from Time Warner Cable Inc. to Parnassos, L.P., a Subsidiary of Comcast Corporation ("Comcast"); or, in the Alternative Denying the Town's Approval of the Transactions due to Proposed Transferee's Failure to Comply with Certain Conditions Precedent (This Resolution also includes the Cable Franchise Transfer Agreement and Acceptance of the Cable Television System Franchise)

14. EMERGENCY ORDINANCE – (1ST AND 2ND READING) Ordinance No. 562; Repealing and Replacing Chapter 30 Article V of the Code of the Town of Ocean Ridge as it Pertains to Cable Television Franchises; Providing Penalties for Violation of the Provisions Hereof; Providing Inclusion in the Code; Replacing all Ordinances or Parts of Ordinances in Conflict Herewith

Atty Spillias stated that the ordinance was proposed as an emergency ordinance because of the time issue, and requires adoption tonight.

Ila Feld, an attorney of Leibowitz & Associates, advised she has been providing legal assistance for cable and telecommunications assistance to the Town. At this time Ocean Ridge had a franchise with Adelphia Cable that expires at the end of 2006. In June 05 an application was received to transfer

assets of Adelphia to Comcast. If action is not taken within 120 days it would be automatically approved. The agreement was for an extension of 120 days and to proceed with the Franchise renewal with Adelphia for Comcast. First the Transfer Agreement protects the rights (Insurance & Bonds) and transfers the assets of Comcast to be available to them. They recommend the approval of this resolution. Secondly the Cable Franchise expires next year. This renewal is comparable to other Palm Beach County communities, and it includes any upgrades of any neighboring communities. It would provide cable and equipment to the Town Hall and we could publish meetings or have live cable cast. There is a one time \$10,000 capital grant awarded to the Town. It has an 11 year renewal, and a franchise fee of 5% that provides extensive customer service.

Comm Hogan was concerned if it infringed on the rights of our choices for wireless service. Atty Feld stated that no the cable company has no authority over any wireless service.

Eric Kramer, 58 Harbour Drive No., verified that the transfer of \$10,000 Grant to the Town could be used for cable related equipment.

George Berlin, 26 Hudson Avenue, questioned whether the sale was actually going to take place, and if it did not how would this affect the Town's decision tonight. Atty Feld stated that the franchise renewal was with Adelphia, and we would stay with them if no sale or transfer. The approval is conditional and if the conditions changed then the agreement would be void.

Comm Hogan motioned that Resolution 2005-24 be approved, Comm Bingham seconded.

Motion Carried - yea 5

Comm Hogan moved to approve Emergency Ordinance #562, seconded by Comm Bingham.

Motion carried – Yea (5)

FIRST READING OF ORDINANCES

11. Ordinance No. 563; Levying and Imposing Upon all Insurers, Now or Hereafter Engaging in, or Carrying on the Business of Insuring with Respect to Property Insurance, an Excise or License Tax in Addition to Any Tax Now Levied, of 1.85 Percent (1.85%) of the Gross Amount of Receipts of all Premiums Collected from Property Insurance Policies Insuring Property within the Corporate Limits of the Town of Ocean Ridge; and Providing for the Appropriation of Said Taxes to the Retirement Plan Established for the Firefighters of the City of Boynton Beach, Florida; Providing for the Payment and Collection of Said Tax

Atty Spillias stated that cities with fire services are entitled to levy an excise tax of 1.85% to the Fire Pension Fund on a yearly basis from property insurers. Now that the fire service is with Boynton Beach and in order for the levy to benefit the fire fighters next year it has to be active by the end of their or have it at First Reading. Its effectiveness would be retroactive. There would be no loss of revenue to the town; it is a tax on the insurance companies. A draft of the ordinance has already been sent to the State with assurances that it would be on the Agenda tonight as First Reading. Comm Hogan stated that she had researched this and that the funds went directly to the Firefighter Pension Fund and not to the municipality.

Atty Spillias spoke with the pension attorney and revised the amendment as follows: Ordinance No. 563; Levying and Imposing Upon all Insurers, Now or Hereafter Engaging in, or Carrying on the Business of Insuring with Respect to Property Insurance, an Excise or License Tax of 1.85 Percent (1.85%) of the Gross Amount of Receipts of all Premiums Collected from Property Insurance Policies Insuring Property within the Corporate Limits of the Town of Ocean Ridge; and Providing for the Appropriationment of Said Taxes to the Retirement Plan Established for the Firefighters Providing Fire Protection Services for the Town of Ocean Ridge; Providing for the Payment and Collection of Said Tax; Providing for Codification; Providing for the Repeal of Conflicting Ordinances, and Providing For an Effective Date. Atty Spillias also revised Section 3 of the Ordinance.

Comm Hogan moved to approve the First Reading of Ordinance No. 563 with amendments. Seconded by Comm Allison.

Motion Carried - yea 5

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

12. Ordinance No. 560; Amending the Code of Ordinances, Chapter 1, Section 1-3, Amending the Definition of Residential Area and Adding the Definitions of Transient Housing Unit and Vacation Rental or Unit; Amending Chapter 64, Article I, Sections 64-1, 64-2 and 64-4, and Amending Chapter 64, Article II, Section 64-22, Providing for Prohibited Uses in Residential Zoning Districts

Pat Kropp, 16 Tropical Drive, asked about the meaning of the word transient. Mayor Kaleel stated that this was to prevent people from using private residences as motels. Comm Hogan said she would vote yea but was concerned with the need to protect the rights of private property.

Comm Bingham approved the Second Reading and Adoption of Ordinance No 560, Seconded by Comm Allison

Motion Carried - yea 5

13. Ordinance No. 561; Adopting an Amendment to the Code of Ordinances Chapter 70 (SIGNS), Article I, Section 70-4 (PERMITTED SIGNS), to Revise Regulations for Permitted Signs of a Stationary Nature and Allow Certain Security Signs

Comm Allison motioned to adopt Ordinance No 561 on second reading, seconded by Comm Pugh.

Motion Carried - yea 5

15. Discuss Briny Breezes Development By: Mayor Kaleel

Mayor Kaleel stated that Briny Breezes is pursuing information on the sale of the park. Even though he was very happy that they would be profiting, he was very concerned with the effects it would have on Ocean Ridge. He had heard that there was a proposal of 4400 units, which with 2.5 people per unit, could result with 12,000 new people in our area. Even if this number was reduced to 1000, this could cause a large impact on our town and a heavy strain on our drainage system, roadways and bridges. A new municipality would be set up with their own set of rules provided the sale was approved. Mayor Kaleel stated Atty Spillias may have to start researching several items and felt that litigation would be forthcoming involving our property rights.

Comm Hogan suggested a letter of goodwill be sent requesting information regarding their future plans. Comm Allison stated that it may be a little preemptive to send a letter at this time, as nothing has been finalized.

Comm Hogan moved to send a letter of inquiry to Briny Breezes regarding the potential real estate actions and potential impact to Ocean Ridge. We would like to be available for all future communication to understand the impact of our town, and that we want to be a part of real estate progress.

No Second was made. Motion Died.

The consensus was to monitor the situation.

16. Comm Hogan stated that there was storm debris at Woolbright & Midlane left over from Hurricane Wilma. Pictures were available. She would be attending the Boynton City Council Meeting and ask them to remove the materials as she felt it had come from Gulf Stream Lumber in Boynton Beach. Comm Bingham felt that we had no right to tell Boynton Beach how to run their town to which Comm Hogan advised that she would represent herself as a private citizen. Chief Hillery stated that our maintenance men would cut the debris down to size and remove it in the morning.

17. Lighting of the Lights

Comm Allison thanked the staff and Garden Club for the Light of the Lights. The weather was nice and cool, and she thought that it went very well and was enjoyed by all.

18. Old Ocean Avenue

Comm Bingham stated there were problems with the landscaping on Old Ocean Blvd. There were ficus hedges by Anna Street that need to be addressed by the Town Manager and Code Enforcement. There were also existing trees damaged by Hurricane Wilma that should not be allowed to be replanted. This matter was deferred to the January meeting so that it could be addressed by the Town Manager when he returned.

19. League of Cities – Belle Glade

Mayor Kaleel stated that Belle Glade would be hosting the upcoming League of Cities meeting and Golf Tournament. Because they had sustained extreme damage from Hurricane Wilma they were asking for sponsors to assist them.

Comm Pugh motioned that the Town send a donation not to exceed \$500 to the Town of Belle Glade for the upcoming League of Cities meeting and tournament from the Contingency Account. Seconded by Comm Allison.

Motion Carried - yea 5

Mayor Kaleel stated that he had called Mayor Taylor of Boynton Beach instead of writing a formal letter regarding the Committee for the Study of the Boynton Beach Inlet and their appointment of Comm Hogan to join in the study. Mayor Kaleel relayed the Commissions' concern that it should be up to the Town Commission of Ocean Ridge to make the appointment, not Boynton Beach. Mayor Taylor apologized and stated that Ocean Ridge could reappoint someone if they wanted to. Comm Hogan stated that she had a different conversation with him and asked Mayor Kaleel to give him another phone call

A consensus was approved for Comm Hogan remain on the Committee for the Study of the Boynton Beach Inlet in capacity for Ocean Ridge.

Attest By:

Town Clerk

Meeting Adjourned at 7:55pm

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh