

## REGULAR COMMISSION MEETING HELD JULY 10<sup>TH</sup>, 2006

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 10<sup>th</sup>, 2006, 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  
Commissioner Hogan  
Commissioner Pugh  
Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bingham requested to pull Items 4, 6 & 7 from the Consent Agenda and change them to Items 18a, 18b, and 18c respectively. Comm Hogan requested to change Item 5 to Item 18d. Clerk Hancsak requested to move Item #15 before #14 as Mark Tomberg, the landscaper, was in attendance.

### CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of June 5, 2006
2. Minutes of the Special Atty/Client Town Commission Meeting of June 8, 2006
3. Minutes of the Special Atty/Client Town Commission Meeting of June 28, 2006
4. Ocean Ridge Resolution No. 2006-10; Authorizing the Chief of Police to Post and Enforce Twenty (20) Mile Per Hour Speed Limits on Old Ocean Blvd. and Beachway Drive
5. Authorize Paving of Midlane Road, Hibiscus Way and Ridge Blvd. at a Cost of \$47,266 from Budgeted Funds, Thereby Continuing the 5 Yr Paving Program
6. Authorize the Purchase of Seven (7) New Beach Access Signs at a Cost of \$1,911 from the Beautification Reserve Account
7. Authorize Commissioner Hogan to Attend the Florida League of Cities Annual Conference from Aug. 10-12, 2006 at an Approximate Cost of \$1,000 to be Funded from Budgeted Funds in the Town Commission Travel Account.
- 7a. Approval of the Contract for an Environmental Consultant for the Monitoring and Reporting Requirements for the Federal 319 Grant.

Comm Bingham motioned to accept the consent agenda as amended. Seconded by Comm Allison.

Motion Carried - yea 5

### ANNOUNCEMENTS AND PROCLAMATIONS

8. The Proposed FY 2006/07 Budget/Adopt Proposed Millage Meeting will be held on Tuesday, July 25, 2006 at 8:00 AM
- 8a. The August Meeting will be held on Aug. 14, 2006 at 6:00 PM

### PUBLIC COMMENT

Gerry MaGruder, 9 Ridge Blvd, handed out minutes of the Planning & Zoning meeting on 11/10/03 to all commissioners and was concerned that the project on Woolbright & A1A was not proceeding as per the recommendation made by Planning & Zoning. Her opinions were supported by her neighbors. She mentioned that Engineer Tropepe had received a letter from South Florida Water Management stating they had performed an inspection, and she questioned the inspection, because they did not specify the actual date of it. The letter also stated that the cost to review/inspect the job site had incurred an additional expense of \$3800 from South Florida Water Management. She also questioned why the cost was that high as no inspection had been performed. She was also upset that the building enclosing the generator was metal and not stucco; also a chain link fence had been installed that afternoon surrounding the generator. She stated that according to the building code, a chain link fence was not permitted to be seen from any roadway, and yet the contractor had done just that. Gerry MaGruder also mentioned that earlier in the year, Chaz Equipment had been granted a time extension of 130 days, and for the job to be completed by May 31<sup>st</sup>, 2006. It was now July and the job was not complete. She requested Mayor

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Kaleel and Atty Spillias to comment as to the inspection, building type, and chain link fence, and what would be her next step.

Mayor Kaleel asked her if she had addressed any of these problems to the Town Manager, at the time of their occurrence. She had not. He asked that she address the staff of a problem, and allow them time to address the situation or try to find a solution at the time it occurs.

Atty Spillias stated that the minutes she presented did not show the complete picture of what was approved by the Town Commission and he was not prepared to give an answer as to the exception that had been granted. He suggested that the complaints of the suspected code violation be given to the Town Manager, and then referred to the Town Attorney to give an opinion. If the Police Dept was not pursuing a code violation, there are provisions in the code for an individual to file a complaint with the town for action.

Gerry MaGruder stated that this job site greatly affected her quality of life and that of her neighbors, and was upset that the work was not proceeding as planned or as recommended by Planning & Zoning. She eagerly waited for the job to be complete, and landscaping performed.

Mayor Kaleel stated that he did not have a response for her at this time and he requested that SFRN, Inc. address these problems, and if something was not done according to plan, it would be addressed and handled accordingly.

Comm Hogan thanked Gerry MaGruder for her comments, and appreciated her spirit and concern to keep the value of her home and her neighbors intact.

Joan Curran, 11 Ridge Blvd, stated that she had previously spoken with Interim Manager Schenck regarding the inspection. She was not a fulltime resident, and was disappointed to return and find that the job had been lagging, and was not complete yet. She stated that the contractor had inadvertently removed some wrong landscaping, leaving their backyards exposed. She was opposed to the chain-link fence that surrounded the generator. She hoped that when the job was complete that it would once again become a beautiful area.

Mayor Kaleel stated that the job of the commission and the Town was a delicate balancing act of trying to resolve the drainage problems from one area, and sometimes in the process upsetting another area.

Carol Burrow, 3 Waterview Drive, was told that the Landscape for Woolbright & A1A would be on the agenda. Mayor Kaleel stated that it was Item 15. She questioned if the dirt road was permanent, as she did not think they were allowed in town. Interim Manager Schenck stated that they could not pave until the job was complete as the construction vehicles would damage it, but that it would be paved after the landscape was complete.

### REGULAR AGENDA

#### REPORTS

##### 9. Town Manager

Interim Manager Schenck stated that the Drainage Project was not complete, and that SFRN, Inc would be giving a full update of Tropical in their report. The first layered asphalt was laid on Tropical Drive. The final coal would not be put down until the pumps are in. The waterline on Tropical was installed, and was awaiting the Health Department's approval. A new FPL pole was installed on A1A to service the drainage pump on Tropical Drive. The vegetation had been removed from the Coconut/Ocean Avenue alleyway. FDOT had not approved the discharge into the detention area for Coconut/Ocean Avenue alleyway runoff.

Comm Hogan questioned why was denied. Dan Shalloway, SFRN, Inc. explained that it had been determined that the detention area had no additional capacity to hold the additional water discharge. A portable pump was to be installed.

Regarding Tropical Drive, Mr Shalloway stated that they found a problem in the drainage between Hersey and Tropical, probably caused by a break in the original drainage pipe causing the inflow. A TV crew would be needed to find the break. As the earth settles it can cause the pipe to shift and break and ground water was seeping into the gaps.

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Interim Manager Mathis stated that the \$900,000 loan addition was approved.

### 10. Town Attorney

Atty Spillias gave an update of the bicycle lawsuit in Tallahassee. The bicyclists had sued FDOT for bike lanes on A1A. Gulfstream, South Palm Beach, and Manalapan were intervening with Ocean Ridge. The Town of Palm Beach was voting at their next Town Meeting, and may be intervening also. FDOT had filed a motion to dismiss the lawsuit. The court orally indicated that this case belonged in administrative hearings rather than court. There would be time to prepare an interlocal agreement with the other towns. The Commission concurred for the Attorney to proceed forward.

Atty Spillias stated that in regards to the Briny Breezes permit challenge, that Briny Breezes was asking for a continuance, but was denied. There would be a hearing on July 27, 2006. He stated that a meeting may have to be scheduled for next week with the commission. Comm Allison asked why it was continued and could a portable generator be used to solve the problem. Atty Spillias stated that FDOT was defending their permit. There were two possible outcomes: 1) The permit was improperly issued. or 2) The permit is valid and binding.

Interim Manager Schenck stated that a control panel needed to be installed on Tropical first, and then a portable generator could possibly be used should the power go out. There were a couple of options for the control panel.

Carol Burrow, 4 Waterview Drive, stated that she felt that Ocean Ridge was more concerned with the aesthetics of Briny Breezes than their own residents on Woolbright & A1A. Mayor Kaleel assured her that we were concerned with all residents in town and has tried to address each problem accordingly.

### 11. Director of Public Safety

Chief Hillery mentioned that he had been on Vacation in North Carolina, and had enjoyed the rest and relaxation.

### 12. Town Engineer (SFRN, Inc.) – Drainage Update

Engineer Dan Shalloway, stated that he was standing in for Engineer Tropepe. The job site on Woolbright & A1A was very close to completion. The pumps, landscaping and paving were not complete yet, and they were working with the homeowners. Large trucks would only return for the road paving.

Comm Hogan questioned why the total paving of Midlane road was not included, like Ixora, in the original drainage contract. Engineer Shalloway stated that their work only affected a small part of Midlane unlike Ixora, and had planned to replace the damaged portion. Comm Bingham mentioned that \$50,000 was appropriated in the 2005/2006 budget for paving in this area further in the agenda.

Bruce Gimmy, 12 Ocean Avenue, was concerned that since the State had denied using the FDOT detention area, did they have a plan B. Engineer Shalloway, SFRN, stated that it would drain down to the end before the detention area and then eventually into the intracoastal.

Gerry MaGruder, 9 Ridge Blvd, questioned why the water sat at the northeast corner of Woolbright & A1A. Interim Manager Schenck stated that the north-east and southwest area needed to be re-graded, and then once done, the water would not settle.

David Collier, 5 Waterview Drive, asked about the results of the landscape bid. Mayor Kaleel stated that they would move item #15 before #13, making it next on the agenda.

## ACTION ITEMS

15. Approval of Landscaping Bid from Mark Tomberg Irrigation and Landscaping, Inc. for the Woolbright Detention Area in the Amount of \$179,702.57 from the Capital Projects Fund By: Ken Schenck, Town Manager

Interim Manager Schenck stated that there had been a Pre-Bid Meeting with 6 contractors attending. Of the six contractors only 1 bid was submitted, with a cost of \$263,000. He was able to lower the price to \$179,702.57, after changing nurseries and taking the lime trees out of the bid.

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Comm Bingham asked what amount was received from the grant for this landscaping. Comm Hogan stated that \$10,000 had been awarded. Comm Bingham felt that there were too many palm trees and ferns, and that some of the plantings wouldn't thrive there. She was unfamiliar with pink merle grass and the conditions needed for it. Mark Tomberg stated pink merle grass was a small, low grass and did very well in wet areas. He had performed work for Jupiter, and they had joined him in the shopping of their plants, and he welcomed Ocean Ridge to do the same to make sure healthy plantings were purchased. As far as the number of plants, that was already decided by the landscape architect, and he quoted pricing next to the quantity and items listed.

Gerry MaGruder, 9 Ridge Blvd, mentioned that she had worked with Urban Design and it had been determined that 3 full grown trees were to be part of the project. Were the 3 full grown trees part of his bid? Mark Tomberg stated that they were not included.

Mayor Kaleel interceded stating that this was a closed bid, and that the only decision that could be made at this time was to accept his bid or reject it. Urban Design had worked closely with the neighboring residents to meet their requests, and to change or alter the number of planting would undermine all the hard work and cost involved. The bid could not be changed or altered without going out for re-bid to all pertaining contractors.

Comm Allison motioned to approve the Landscaping Bid from Mark Tomberg Irrigation and Landscaping, Inc. for the Woolbright Detention Area in the Amount of \$179,702.57 from the Capital Projects Fund. Seconded by Comm Pugh.

David Collier, 5 Waterview Drive, stated that he felt he had born the brunt of all the problems, with the dirt/dust, smoke, and smell of the construction site. He had recently installed new landscaping on his property and didn't feel that \$179,000 would be enough to do it justice. He requested that an alternative motion be made to add more landscaping at a later date if it was not sufficient. He was upset that his driveway had been used as a turnaround for the trucks and workers. There had been large rocks left in his driveway as a result, and truck marks in his driveway. He thought that three times that amount would be needed to do the job properly. Comm Hogan assured him that if it was determined that more landscape was needed, it would be done.

Robert Burrows, 5 Waterview Drive, asked if the changes by Mark Tomberg had been approved by Urban Design, and would the landscape by the Woolbright Bridge be replaced soon. Interim Manager Schenck stated that Urban Design had approved it. Regarding the landscaping at the Woolbright Bridge, the pump and electric was in the process of being repaired, but that area is not part of the drainage project.

Gerry MaGruder, 9 Ridge Blvd, asked if after the landscaping was approved if \$30,000 could be placed in Escrow for future plantings. Mayor Kaleel stated that he hoped to create a nice environment that would make it aesthetically pleasing to everyone, and asked Mark Tomberg to please do a great job to make that area as beautiful as possible. Comm Allison stated that all the commissioners feel compassion for the problems the residents of Woolbright & A1A had endured, and hoped that once the job was complete, their quality of life would return. A consensus was made that if at a later time it was determined that more plantings was needed, it would be done at that time.

Mayor Kaleel asked Engineer Shalloway to check with the contractor and ascertain any damage caused by their trucks. He had recently noticed that the contractor was becoming lax as to the care of the surrounding homes of the project, and asked for this to be corrected.

Comm Bingham commented that she felt the area was being over planted and therefore could not support the motion.

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

13. Presentation of the Annual Audit Prepared by Henry Blakiston, CPA (along with Rives & Company) for Fiscal Year 2004/05

Henry Blakiston, CPA stated that the Town of Ocean Ridge was in a good financial condition. The assets had increased \$500,000, and the expenses had also decreased. No Compliance Issues or errors were found.

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Comm Hogan noted that the 2 large projects in town took up a large portion of the budget for a small town. She questioned how the revenues increase. Henry Blakiston stated that Page 22 showed the breakdown of estimated versus actual and differences. Comm Hogan also questioned why Ocean Ridge did not qualify as a "Low-Risk Audit". Henry Blakiston stated that as Ocean Ridge had both Federal and State funding for the first year, we did not qualify as a "Low-Risk Audit". In the second year, we could qualify. It was a required statement of the audit.

Comm Allison motioned that we accept the Annual Audit for Fiscal Year 2004/05. Comm Bingham seconded.

Motion Carried - yea 5

### 14. Approval of Health Insurance Renewal for Employees By: Ken Schenck, Town Manager

Interim Manager Schenck stated that the staff had met with the insurance agent, and that there were hundreds of plans to pick from, however there was a consensus from the employees that they were satisfied with the current plan. There was a 15% increase in premiums for the next year. The town pays for the employee portion only. Any dependent or family coverage is paid entirely by the employees, but most seek outside coverage due to the cost.

Comm Bingham motioned that we approve the Health Insurance Renewal with the 15% increase. Seconded by Comm Allison.

Motion Carried - yea 5

### 16. Authorize Purchase or Lease of Emergency Generator at the Tropical Drive Site By: Ken Schenck, Town Manager

Interim Manager Schenck requested that a purchase or lease of an emergency generator be made for Tropical Drive. An 85K generator would be needed to operate the pump once the control panels were installed. It would not be automatic though; it would be portable, housed in the garage, to be used for emergency use only. He stated the county offered to lease us one for \$12,200 for 6 months. The cost for a new generator would only be \$25,000-\$35,000.

Comm Bingham motioned to purchase an emergency generator not to exceed \$35,000 to be funded from Capital Projects. Seconded by Comm Pugh.

Robert Burrows, 3 Waterview Drive asked if it was possible to contract with a company to lease a generator for emergency uses only. Interim Manager Schenck stated that the problem with trying to lease on demand, is that there would be no guarantee that one would be available when needed.

Motion Carried - yea 5

### 17. Authorize Proceeding with Temporary Town Hall Housing in an Approximate Amount of \$150,000 to be Funded from the Town Hall Renovation Reserve Account

Interim Manager Schenck presented a cost summary for the temporary housing of Town Hall and the Police Department for the duration of the construction of the New Town Hall. Demolition of the existing building was \$17,000; with an additional \$12,096 for the removal of the asbestos found in the popcorn ceiling of Town Hall. The cost of a new water and electric line would be \$4810. A temporary road would be made on the North side of the existing Town Hall that would lead to the portables placed east of the garage, next to the retention area. Vegetation removal would need to be done first at a cost of \$20,800, before the road and portables could be installed. The cost of the temporary road is \$56,300. Resun Corporation proposed 2 double wide trailers; one 60ft for administration and one 72ft for the Police Department. The setup cost is \$10,150 with a monthly rental fee of \$3746. Separate storage would be needed at a cost of \$172/month, and a set up fee of \$150. An electrician would be needed for 3wks to set up the new portables with costs not to exceed \$20,000. The total cost to demolish the existing Town Hall and the set up costs for the temporary housing would be approximately \$141,476. Additional pricing was still needed for the following services: internet, plumbing, phones, and

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moving. There were sufficient funds in the Town Hall account set aside to cover these expenses. He asked the commission to authorize all or a select part at their discretion. There was a 6 to 8 week lead time on the trailers, and asked for authorization of the construction to start as soon as possible. The vegetation needed to be removed first before the other tasks could be done. Also a decision was needed as to the method of funding for the New Town Hall.

Comm Hogan motioned to authorize proceeding with temporary Town Hall Housing in an approximate amount of \$150,000 to be funded from the Town Hall Renovation Reserve Account. Seconded by Comm Bingham for discussion only.

Comm Hogan mentioned a Town of our size was undertaking several major projects.

Motion Carried - yea 5

Comm Bingham moved to authorize the allocation up to \$96,000 for rental leasing of temporary housing and storage facilities with partial funding from the Town Hall Renovation Account. Seconded by Comm Allison.

Motion Carried - yea 5

There was a consensus to delay the proceedings until after the fiscal year 2006/07 Proposed Budget Meeting.

### 18. Discuss the Town Manager Position

A consensus was made that a short list be given to Clerk Hancsak of the top 5 candidates for the Town Manager and to schedule a meeting on Monday, July 17th, 2006 at 8:30a.m. to review these candidates.

### 18a. Ocean Ridge Resolution No. 2006-10; Authorizing the Chief of Police to Post and Enforce Twenty (20) Mile Per Hour Speed Limits on Old Ocean Blvd. and Beachway Drive

Comm Bingham noted that some of the Beachway signs were missing and that also the hedges along Old Ocean needed to be moved back 6ft from roadway, as it made it very dangerous with blind spots. There were also new hedges that had been planted in the right of ways. Mayor Kaleel stated that no new plantings were to be placed in the right-of-ways. Chief Hillery stated that he would investigate and have new plantings removed if in violation.

Bruce Gimmy, 12 Ocean Avenue, stated that when Planning & Zoning discussed planting the right-of-way, that grandfathering was not included. Mayor Kaleel noted that it was left up to the Town Manager's discretion, with public safety being priority.

Berne Shulte, 5 Osprey Court, noted that he thought the approval was that the plantings needed to be back 6ft from the road, and small in size to allow for foot traffic to go around it.

Pat DiStefano, 14 Tropical Drive, requested that Tropical Drive be included in the 20mph zone. Chief Hillery saw no problem with lowering the speed zone. Comm Pugh suggested that 20mph be implemented for all interior streets in town with the exception of A1A and Ocean Avenue. Atty Spillias recommended that a thorough investigation be done first to ascertain that there was a speeding problem on that street before lowering the speed zone.

Comm Bingham motioned to approve Ocean Ridge Resolution No. 2006-10; Authorizing the Chief of Police to Post and Enforce Twenty (20) Mile Per Hour Speed Limits on Old Ocean Blvd., Beachway Drive with an amendment to add Tropical Drive. Seconded by Comm Allison

A consensus was made to have Chief Hillery do an investigation for the 20mph for all interior streets, and to notify the attorney of the finds of that investigation.

### 18c. Authorize Paving of Midlane Road, Hibiscus Way and Ridge Blvd. at a Cost of \$47,266 from Budgeted Funds, Thereby Continuing the 5 Yr Paving Program

Comm Pugh motioned to authorize paving of Midlane Road, Hibiscus Way and Ridge Blvd. at a Cost of \$47,266 from budgeted funds. Seconded by Comm Allison.

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Comm Hogan questioned why Midlane Road was not included as part of the South Phase Project. Shouldn't it have been known that repaving would be needed because of the heavy construction? Interim Manager Schenk stated that the paving could not be done until the completion of the job. Comm Bingham stated that whether it was funded through the project budget or as part of the town's budget for paving, it needed to be done and the town would pay for it either way. Comm Hogan stated that she would approve it, but wanted further investigation as to why Midlane Road as a whole was not included as part of the South Phase Project like Ixora Way.

Motion Carried - yea 5

18c. Authorize the Purchase of Seven (7) New Beach Access Signs at a Cost of \$1,911 from the Beautification Reserve Account

Comm Bingham asked if there was a sign on Thompson. Clerk Hancsak noted that it was destroyed by the 2004 Hurricanes. Comm Bingham stated that she did not agree with the new signs that removed "Public" and wanted them replaced with the original signs, as they were public beaches. Comm Allison agreed and asked for them to be changed back to the original signs also, as they were so costly. Comm Hogan stated that it was a minimal change, and that removing the word "Public" may not be enough to deter them from violating beach rules.

Elizabeth Ackerly, 31 Coconut Lane stated that as it was a public beach, and the public was entitled to use it, and trying to dissuade the public from using it was wrong. Comm Hogan agreed, but stated that they should not use private walkways to access public beaches. Mayor Kaleel noted that he agreed with Comm Bingham & Comm Allison's statements, but it was per the residents request that the signs be changed, and the commission had agreed to do it per Planning & Zoning's recommendation.

Comm Allison motioned to replace the two missing signs on Beachway Drive and Thompson Drive, and to replace the others with the new verbiage as submitted on the July 10<sup>th</sup> memo, as needed. Seconded by Comm Bingham.

Motion Carried - yea 5

18d. Authorize Commissioner Hogan to Attend the Florida League of Cities Annual Conference from Aug. 10-12, 2006 at an Approximate Cost of \$1,000 to be Funded from Budgeted Funds in the Town Commission Travel Account.

Comm Bingham thought that no one attended the Annual Conference last year. Clerk Hancsak noted that Comm Hogan had attended last year. Mayor Kaleel noted that it was up to the Commission to decide, and that he might be attending also for one or two days.

Comm Pugh motioned to approve Comm Hogan to attend the Florida League of Cities Annual Conference from August 10-12, 2006 at an approximate cost of \$1000 to be funded from budgeted funds in the Town Commission Travel Account. Seconded by Comm Hogan

Comm Hogan stated that she felt the Florida League of Cities was a very important organization to belong to, and she was also on the Finance & Taxation Committee. Its purpose was to join other cities and share ideas and interact with them. Mayor Kaleel suggested the payment of the registration fee, and any individual courses for anyone who wanted to attend.

Motion Denied – yea 2 (Comm Pugh, Comm Hogan); nay 3 (Comm Bingham, Comm Allison, Mayor Kaleel)

Comm Allison motioned to pay the registration fees for any commissioners that wished to attend. Seconded by Comm Bingham

Motion Carried - yea 5

### FIRST READING OF ORDINANCES

19. Ordinance No. 569; Amending Chapter 34, Article 1, of the Town's Code of Ordinances, by Adding a New Section 34-8, Prohibiting Certain Business and Contracting Activities within the town on Sundays and Federal Holidays

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Atty Spillias stated that pursuant to the Planning & Zoning recommendation and the direction of the Commission directing the restriction of work on Sundays and Federal Holidays he had drafted the following ordinance with the following 4 exceptions. a) Property owners could work, as long as they were in compliance with any other restrictions. b) Work could be performed within the structure as long as no commercial vehicles were utilized. This allowed for realtors or legal services to be performed. c) Open Houses could be allowed. d) Commercial businesses were grandfathered in, such as motels. He omitted the provision for emergency conditions.

Clerk Hancsak noted that in Section b), not all contractors use marked vehicles, but their work should be restricted, except for emergencies only. She thought it was the intent that they could only work 8-6pm only. Comm Bingham recommended removing "b)". Mayor Kaleel asked Atty Spillias if it should go back to Planning & Zoning to amend "working hours". Atty Spillias stated that such restrictions may not be supporting or appropriate, as this was separate from the noise ordinance.

Gerry MaGruder, 9 Ridge Blvd, recommended another addendum to allow for some discretion of the time restrictions. Chief Hillery stated that occasionally contractors have requested a time extension, and it is granted at the Town's discretion.

Comm Bingham motioned to approve Ordinance No. 569; Amending Chapter 34, Article 1, of the Town's Code of Ordinances, by Adding a New Section 34-8, Prohibiting Certain Business and Contracting Activities within the town on Sundays and Federal Holidays, with the deletion of B, and to allow a provision for emergency situations. Seconded by Comm Allison

Motion Carried – yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

20. Ordinance No. 568; Amending Chapter 34, Section 34-91, Air Conditioning or Air Handling Equipment, by Adding new Provisions Relating to Noise Abatement and Control for Permanent Generators; Amending Chapter 64, Section 64-50, Location of Exterior Residential Equipment and Accessories, by Including a New Section 64-50(c) Relating to Location of Permanent Generators

Atty Spillias handed out a corrected version of Ordinance No. 568, and stated that he had removed Section B concerning the highest decibel level allowed. Section 4 was removed regarding underground tanks.

Comm Pugh motioned to approve Ordinance No. 568; Amending Chapter 34, Section 34-91, Air Conditioning or Air Handling Equipment, by Adding new Provisions Relating to Noise Abatement and Control for Permanent Generators; Amending Chapter 64, Section 64-50, Location of Exterior Residential Equipment and Accessories, by Including a New Section 64-50(c) Relating to Location of Permanent Generators. Seconded by Comm Bingham.

Motion Carried - yea 5

TOWN COMMISSION COMMENTS

21. Discuss the Status of the Sale of Briny Breezes By: Comm Hogan

Comm Hogan asked if anyone had heard of any new development regarding the sale of Briny Breezes. Mayor Kaleel had unconfirmed report of two bids in the works. Briny Breezes was requesting a \$20,000 non-refundable deposit before they would entertain the opportunity of any bids or negotiate a contract.

Meeting Adjourned at 8:50 p.m.

Attest By:

\_\_\_\_\_  
Town Clerk

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Mayor Kaleel

\_\_\_\_\_  
Commissioner Allison

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Commissioner Bingham

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Commissioner Hogan

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Commissioner Pugh