

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 1, 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 Schulte requested to add a discussion regarding the February 2005 Regular Commission Meeting date.

Consent Agenda

1. Minutes of the Special Town Commission Meeting of Sept. 2, 2004
2. Minutes of the Budget/Regular Town Commission Meeting of Sept. 16, 2004
3. Minutes of the Special Town Commission Meeting of Oct. 4, 2004
4. Minutes of the Regular Town Commission Meeting of Oct. 4, 2004
5. Authorize the Mayor and Town Clerk to Execute Garbage/Trash Liens and Record Same
6. Authorize Leibowitz and Assoc., P.A. to prepare a Draft Franchise Renewal in the form of an Ordinance in an Amount not to Exceed \$5,500 from the Contingency Account
7. Ocean Ridge Resolution No. 2004-25; Requesting the State of Florida to Conduct a Full Investigation of Florida Power and Light's Practices
8. Ocean Ridge Resolution No. 2004-26; Approving the Disaster Funding Agreement with the Florida Dept. of Community Affairs for Hurricane Frances
9. Authorize adding the \$20,000 Funds Budgeted in FY 2003/04 for Architectural Services to be placed in the Town Hall Renovation Reserve Account

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

Motion carried - yeas 5.

Announcements and Proclamations

10. The administrative offices will be closed for the official holidays on Thursday, Nov. 11, 2004 and Nov. 25th and 26th, 2004
11. Coastal Clean Up to be held on Saturday, November 6, 2004 from 9:00 am to 12 noon and Town will furnish refreshments and snacks
12. Light the Lights and Town BBQ for Ocean Ridge Residents will be held on Friday, Dec. 3, 2004 from 5:30 pm to 8:30 pm

13. Election Day is Tuesday, November 2, 2004 – Polls are open 7:00 am to 7:00 pm

Mayor Kaleel read the above announcements.

Public Comment

Jerry Magruder, 9 Ridge Blvd., stated that she spoke with Ch. 5 weather station as well as the National Weather Center who advised her that the recent hurricanes were record rain storms. Mrs. Magruder advised that she believed in keeping the natural catch basin and felt no alterations were necessary.

Keith Mendel, 25 Douglas Dr., stated that he did not think that blocking vehicular traffic on Douglas and Oceanview Dr. from the Old Ocean Blvd would solve the traffic problem. Mr. Mendel advised that most of the traffic problems are from the residents or people visiting residents. Mr. Mendel also felt that common traffic calming devices may work better. Comm Bingham questioned if the Town would have any liability if stopping gates were installed. Director Hillery advised that the Town assumes liability for any device they install. Mr. Mendel was advised that the planters were installed for a six month trial period.

Regular Agenda

Reports

14. Town Manager

Manager Mathis summarized his update memo. He mentioned that all but one property owner on Tropical Drive has signed the necessary documents and the one remaining property owner has advised him that he too will be signing the documents.

Comm Schulte questioned if the hurricane damage costs had increased. Manager Mathis explained that the invoice from Waste Management had not been received however FEMA would be reimbursing 100% of the cost for debris removal for the first three days and 90% coverage for the remainder. He added that 90% of the radio tower would also be reimbursed.

15. Town Attorney

Atty Spillias stated that he was asked to research whether Douglas and Oceanview Dr. were public or private roads. He advised that there is an unrecorded plat and that the Town has done maintenance and improvements to the road in the past. Atty Spillias stated that the Commission could make a motion to accept the road as public and assume responsibility of the maintenance.

Comm Schulte moved to accept Douglas Drive and Oceanview Drive as public roads, seconded by Comm Allison.

Motion carried - yea 5.

Atty Spillias also mentioned that he was asked to research the ordinance for declaring a State of Emergency. He advised that the ordinance that exists could be revised and clearer regarding policy and procedure when the Governor declares a State of Emergency during disasters.

There was a consensus for Atty Spillias to draft an ordinance with input from Director Hillery regarding State of Emergencies.

16. Director of Public Safety

Director Hillery had no reports.

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

Engineer Tropepe advised that 9 bids had been requested by contractors for the South Phase Drainage Project. She stated that there would be a mandatory pre-bid meeting on Wednesday, November 3, 2004 and there should be a good variety of contractors. Engineer Tropepe also mentioned that construction would begin this week on David Land and Adams Road.

Comm Allison questioned how the Town is responding to the letter received by resident Lawrence O'Daly regarding the Town Engineer and the drainage improvements on Hudson Ave. Mayor Kaleel commented that Mr. O'Daly has made threats of a possible lawsuit and he has responded to the letter. Engineer Tropepe advised that her firm's attorney has advised her not to comment publicly in reference to the letters from Mr. O'Daly. Mayor Kaleel apologized to Engineer Tropepe for the comments made by others regarding her firm and stated that she was doing very well handling other residents.

Action Items

19. Selection of Architectural Firm for Town Hall Renovations/Addition By: B. Bill Mathis, Town Manager

Mayor Kaleel stated that it was time to make a decision and move forward with the renovation process. Comm Allison agreed and commented that the Commission has had the opportunity to research the architects and look at similar Towns facilities.

Comm Pugh moved to begin negotiations with Digby Bridges & Marsh, Architects, seconded by Comm Bingham.

Motion carried - yea 5.

Jerry Magruder, 9 Ridge Blvd., questioned if the Commission could narrow the architectural firms to two and allow input from the general public. Mayor Kaleel commented that there have been several public meetings and that the architects were already narrowed to four and the Commissioners felt comfortable with the decision.

20. Authorize Seeking a Proposal for Sewer Study By: Mayor Kaleel

Engineer Tropepe stated that she was asked to develop a scope of work and associated costs to provide a Wastewater Collection Feasibility Study for the Town. She then explained that the scope of work to provide the service; which would include all applicable drawings, tables and references for a fee of \$25,750.00 and that the task would take approximately 12 weeks to complete. Manager Mathis questioned if there were any grants available for this type of work. Engineer Tropepe stated she was not sure but suggested checking whether it could be part of the Lake Worth Lagoon Grant. Mayor Kaleel stated he was in favor of the study if funding was available.

Engineer Tropepe advised that there were a lot of factors involved with the design and she did not feel that one type of system would work for the whole Town. Mayor Kaleel stated that the item has been discussed for several years and it keeps coming back. Manager Mathis commented that staff would look into funding for a study.

There was a consensus for Town Manager Mathis to research possible funding for a wastewater collection feasibility study and to bring a report back next month.

21. Discuss Maintenance of Town ROW's By: D. Bill Mathis

Town Manager Mathis stated that he is working on a survey and costs for maintaining ROW's which could affect several areas in the budget. He mentioned that there may be additional grant money for clearing the exotics and that he is also working with FEMA to possibly help with funding for the damaged trees by the storms.

Comm Bingham asked what other City's and State's regulations were for trees planted in ROW's near powerlines and felt it should be investigated. Manager Mathis commented that Florida Power & Light guidelines were very vague.

James Bonfiglio, 5616 N Ocean Blvd, stated that P&Z looked at the ROW's and there were concerns with overgrown vegetation and possible damage from hurricanes. Mayor Kaleel commented that there must be a strict stand on trimming.

George Bierlin, 26 Hudson Ave., questioned what is being done about the ROW's that residents have requested to be maintained. Mayor Kaleel stated that the Town is guilty of not clearing the ROW's because there have been complaints to keep obstructions. Comm Bingham added that in certain mangrove areas special permission is required to trim vegetation.

There was a consensus for Town Manager Mathis to give a report of clearing the ROW's in phases.

First Reading of Ordinances

22. Ordinance #548; Amending the Code of Ordinances at Chapter 34, Nuisances, Section 34-163, Revising Provisions for the Approval of Landscaping or Other Encroachments Within Public Rights of Way.

Atty Spillias state that the Ordinance #548 has been amended to simplify the process of a license. He recommended approval of the ordinance at first reading with a correction to the definition of encroachments in the appropriate sections.

Comm Bingham moved to approve Ordinance #548 on first reading with the correction in the definition of encroachments, seconded by Comm Pugh.

Town Manager Mathis clarified that the intent of the ordinance was to provide a mechanism to enforce encroachments that inhibit pedestrian travel such as fences and hedges. The Commission concurred and agreed that the ordinance would permit more enforcement on an administration level.

Motion carried - yea 5.

23. Ordinance #550; Amending the Code of Ordinances at Chapter 1, Section 1-3, Definitions, Adding the Definition of "Parkway" and "Swale"; Amending Property Standards; Section 67-174, Providing for Maintenance and Appearance Standards on Private Roads and Public Rights-of-Ways; Amending Section 67-181 Providing for Notice and Enforcement of the Provisions of Chapter 67

Atty Spillias stated that Ordinance #550 requires abutting property owners to sod ROW's with grass and provides the process to enforce planting and maintaining same.

Comm Schulte moved to approve Ordinance #550 on first reading, seconded by Comm Allison.

Motion carried - yea 5.

Town Commission Comments

24. Discuss No Seeum Problem By: Comm Pugh

Comm Pugh commented that the No Seeum problem in Town has become a quality of life issue. He stated that something needs to be done because it has become an unacceptable nuisance.

There was a consensus for Town Manager Mathis to research options for reducing or eliminating the no seeums.

Comm Allison questioned if the Commission would be discussing the natural catch basin brought up earlier. Mayor Kaleel stated that the discussion was brought up during Public Comment and was not an agenda item. He also commented that the Town needs to rely on the engineers and experts. Comm Schulte agreed and felt it would be cost prohibitive to stop construction again. Engineer Tropepe stated that she would need direction if the Commission would want to research the natural catch basin again.

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James Bonfiglio, 5616 N Ocean Blvd., stated that his observation during the recent hurricanes was that there was extreme flooding at the Woolbright bridge but there was not flooding at his house or Adams Road. He felt that if cleaning the drains resulted in efficient movement of the water and the natural catch basin could save money then they should be further reviewed.

Mayor Kaleel requested that Engineer Tropepe look into whether the plans for the catch basin can be changed.

Cheryl Olanoff, 566 David Lane, applauded the work of Engineer Tropepe and stated that the drainage improvements are working but they are not complete. She stated that the Town is also doing a great job and that the project needs to be finished.

25. Discuss Community Social Events and Forming a Town Community Foundation
By: Mayor Kaleel

Mayor Kaleel commented he had distributed a memo to the Commissioners regarding these suggestions, also including a Spring Bash on the Beach.

Mayor Kaleel stated that he would like to start an Ocean Ridge Community Foundation that serves the local community and then branches out. He also mentioned that he would like to have a formal dinner sometime in January that could benefit the Ocean Ridge Community Foundation. Mayor Kaleel advised that the Town needs to bring services to the community to make it successful. Comm Allison agreed and felt both ideas were good.

Mayor Kaleel advised that the Commission should come back with suggestions and possibly form a recreational volunteer board.

26. Discuss February 2005 Meeting Date By: Comm Schulte

Comm Schulte moved to change the meeting date to in February to Tuesday, February 1, 2005, seconded by Comm Bingham.

Motion carried - yea 5.

Meeting adjourned at 7:45 PM

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Pugh