

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 9th, 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 Hogan
Commissioner Bingham Commissioner Pugh
Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Mayor Kaleel requested to add a letter he received from the Town of Gulfstream as Item #18. He also requested to mention a donation he received toward the Community Foundation as Item #19.

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of Dec. 5, 2005
2. Appointment of Poll Workers
3. Ocean Ridge Resolution No. 2006-1; Urging Members of the Florida Legislature to support the Following Issues During the 2006 Legislative Session
4. Ocean Ridge Resolution No. 2006-2; Authorizing Execution of an Amendment to the Interlocal Agreement Between the Town and Palm Beach County for the Enhancement and Maintenance of the Emergency 911 Telephone System

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

Motion Carried - yea 5

ANNOUNCEMENTS AND PROCLAMATIONS

5. The administrative offices will be closed for the official holiday on Mon. Jan. 16, 2006.
6. 2006 Municipal Election/2006 Elecciones Municipales
 - a. Proclamation for Election Held on February 14, 2006/14 de febrero, 2006
 - b. Two Commission Seats for a Three Year Term Each/dos (2) Comisionado por un termino de tres (3) anos
 - c. Candidate Filing Dates run Dec. 27, 2005 through 3:00 PM on Jan. 23, 2006.

Mayor Kaleel read the above announcements.

PUBLIC COMMENT

Elizabeth Ackerly, 31 Coconut Lane, apologized for not being able to attend the Special Workshop Meeting on January 6th, 2006 regarding Coconut Lane. She had heard from other residents that only the road was being fixed at this time, and questioned why nothing was being done with the alleyway. Mayor Kaleel stated that there was a concern as to the technical issue as to where the water would end up from the alleyway and that Engineer Tropepe would cover that in her report later this evening.

PUBLIC HEARINGS

7. 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 asked Atty Spillias if this could be delayed any further as no one from The Ocean Club of Florida was in attendance. Mayor Kaleel stated that the applicants had requested that it be postponed until certain items could be worked out. Atty Spillias stated that it could be postponed to a date certain if it was at the applicant's request.

Gilbert Hudson, President of North Masonettes Association, was present and stated that their 22 cottages were opposed to the tennis court lights, and considered it an intrusion, a nuisance and an eyesore. The lights would spoil the serenity of the residential environment, and he wanted this application to be permanently withdrawn.

Atty Spillias stated that as this was the Second Hearing and still no one from The Ocean Club had been present, and suggested this application be postponed until the next town commission meeting, but at that time the matter must be resolved.

Comm Hogan motioned that The Ocean Club application be postponed until the next Town Commission Meeting, February 6th, 2006, and that a notice be sent to The Ocean Club. Comm Allison seconded.

Motion Carried - yea 5.

8. An application submitted by George Brewer, 85 S.E. 4th Avenue, Delray Beach, FL 33483, representing owner, Odette Worrell, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a combined 1st and 2nd story 662 sq ft addition that includes converting existing covered balcony areas into living areas, adding living area to the second floor and extending a balcony, constructing a new patio that would extend approximately 196'6" east of the Coastal Construction Control Line, and relocate the existing eastern pool/patio further west but still extending approximately 79' east of the Coastal Construction Control Line located at 6195 North Ocean Blvd. or legally described as Lot 1, Blk 3 and Lot 1, Blk 10, of Boynton Sub Amended Subdivision (exact legal description located in the Clerk's Office)

Clerk Hancsak read the application and stated that all fees had been received and that no further correspondence had been received.

Comm Pugh motioned that the application for a land development permit for construction east of the Coastal Construction Control Line submitted by George Brewer be approved as submitted. Comm Hogan seconded.

Motion Carried - yea 5.

9. An application submitted by the Dunes of Ocean Ridge, % Allan Rubin, 6711 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 Dunes of Ocean Ridge (36 unit development with pool/pool restrooms in 1979). The applicants are requesting to modify the existing outdoor amenities by constructing a new pool, spa, picnic area, gazebo, boardwalk and improved landscaping. The applicant is also requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of the above listed amenities that would extend a maximum of approximately 233' east of the Coastal Construction Control Line located at 6711 North Ocean Blvd. (east side of A1A) or generally described as the North 500' of the South 2786.93' of Section 22 and Lot 47, McCormick Mile Subdivision (exact legal description located at Town Hall)

Clerk Hancsak read the application submitted by George Brewer and stated that all fees had been received.

Comm Hogan motioned that the application for a Site Plan Modification and Construction East of the Coastal Construction Control Line submitted by George Brewer be approved. Comm Bingham seconded the motion.

Motion Carried - yea 5.

REGULAR AGENDA

10. Town Manager

Manager Mathis stated that he was awaiting communication back from the Marketing Agent of Florida Public Utilities as to the possibility of gas lines down A1A.

11. Town Attorney

Atty Spillias had nothing to report at this time.

12. Director of Public Safety

Chief Hillery was absent with notice.

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

Engineer Tropepe stated that the South Phase was proceeding smoothly, and that they were continuing to grade the Detention Area, and that they had also started to mobilize on Tropical Drive.

As a result of the Special Workshop for Coconut drainage, there were two plans to improve the drainage, one was the road right-of-way and the other the alleyway. It was requested that they research the outfall for the alleyway to be connected to the detention area behind it. They were awaiting copies from South Florida Waste Management for permits and plans to see if this was feasible. There were concerns as to future construction for the stub-out pipe. New developed lots on the west side easement could be requested to connect to the alleyway to the roadway at that time.

A request to DEP in Tallahassee has been made involving the loan fund program. DEP had responded and said that the improvements for Coconut could be made as a new Change Order.

The new Change Order has to be approved by the Town and submitted to Tallahassee. Any unused funds of the current loan could be applied towards this Change Order. In March they will review the loan balance and increase the loan fund in April if needed. Comm Allison stated that it would be easier to mobilize as the crews were already on site, and it would hold the current pricing in tact rather than going out to bid. Engineer Tropepe agreed. Engineer Tropepe stated that they had received a firmer price for the improvements for the road right of way proposal of \$133,805. The work could be accomplished within 3 months, prior to the next hurricane season as soon as it approved.

In regards to the alleyway, she advised that the problem there was more of a technical issue rather than financial. At the Special Workshop, the commission had stated their concerns as to the ability of the piping in the alleyway, and the bubble-up effect on the last lot at the end of Coconut. Engineer Tropepe stated that they have contacted FDOT as to the possibility of connecting to their detention area from the bridge improvements. They would like to move the bubble-up as far west as possible without affecting the jurisdictional areas. The answer could possibly be resolved soon and then the work done in correlation to the driveway.

The Commissioners then discussed as to whether to proceed with both the road right of way and the alleyway at the same time or start with the road right of way and then wait for a final resolution before proceeding with the alleyway. There were concerns that the alleyway should be done right the first time and without a detrimental effect to the west end. With hurricane season soon approaching, it was discussed to proceed with both projects without further delay, while awaiting approval from FDOT and SFWM for permission to connect with the detention area.

Comm Hogan suggested that each homeowner be assessed \$1000 to offset the cost of the Coconut improvements. No consensus for assessment was approved.

Comm Allison made a motion to approve an amount not to exceed \$275,000 to fund the alleyway, road construction and administrative costs for Coconut while still researching the retention tie in and also giving the Town Manager the authority to negotiate the bid to be funded from the State Revolving Loan Fund. Comm Bingham seconded the motion.

Motion Carried - yea 4. Comm Hogan nay, because of the amount of \$275,000 was not firm.

George Breyer, 4 Coconut Lane, thanked the commission for their attention to the problems on Coconut. He stated that the new homeowners were willing to contribute by building their share of driveways, curbs, and gutters saving approximately \$10,000.00. He was concerned with the hurricane season only 6 months away, that the work proceed forward even if the approvals from FDOT and SFWM may be slow forthcoming.

Comm Pugh asked Engineer Tropepe as to the status of an old letter received from Mary Lou Schellinger, and had any resolution been found. Mayor Kaleel stated that he had just spoken with her a few days prior and she was satisfied with the project so far.

14. Report on Town Hall Construction Drawings and Estimated Costs By: Mark Marsh, Digby Bridges, Marsh & Assoc., Inc.

Mark Marsh, Digby Bridges, Marsh & Assoc., Inc. presented a cost breakdown for the new Town Hall and stated that the work was progressing. By the end of January, the construction drawings and documents should be ready to go out to bid. They were still waiting on formal approval for the jurisdiction line or drip line for the wetlands. They had been working with Urban Design Studios on the applications needed for submittal. He was confident that there wouldn't be any issues. The next step is the plan for funding. Should they go out to bid first without knowing the

available funds, or wait for the approval of funding and then go out to bid. The cost estimate is broken down. Construction costs have greatly increased 20 – 50% since September, but he feels the \$3.7 mil estimate is accurate within 3 - 5%. Part of the costs are related to the hardening the building to meet FEMA guidelines for a possible grant, and be able to withstand up to 150 mph winds. With it being a municipal building, there are higher guidelines to follow. This price is at the high end of the estimate. This cost excludes 911 security and other emergency elements. Be aware however that this building will not be an EOC center. The estimate also includes a new roof and electrical wiring for the existing storage building.

Manager Mathis stated that this is just a guideline, and it may be totally different when it goes out to bid. He suggested that we not go out to bid until funding is secured, and bids are usually only good for 60 to 90 days, and after that time it would have to be bid again. He had already started on getting estimates for interest rates, and has found 3.75% as the lowest so far.

A consensus was formed that the Town Manager locate funding, possibly grants, and report next month with a financial plan to proceed.

15. Authorize Change Order for Urban Design Studios in an Amount Not to Exceed \$6,000 from the Capital Projects Fund Regarding the Landscaping Design for the Detention Site By: D. Bill Mathis, Town Manager

Manager Mathis stated that prior to starting the South Phase, the original contract price was not to exceed \$30,000., however citizen participation changes, the hurricane and construction delays have increased the cost. He thought that \$6000.00 was reasonable.

Comm Bingham motioned to approve the Change Order for Urban Design Studios, seconded by Comm Hogan.

Motion Carried - yea 5.

FIRST READING OF ORDINANCES

16. Ordinance No. 564; Correcting the Chapter and Section Number References of Ordinance No. 562, Amending the Code of Ordinances at Chapter 30, Article V, of the Code of the Town of Ocean Ridge as it Pertains to Cable Television Franchises; Correcting the Chapter Reference to Chapter 15 of the Code of the Town of Ocean Ridge as it Pertains to Cable Television

Mayor Kaleel read Ordinance No.564. Comm Hogan motioned that we approve Ordinance No 564, seconded by Comm Pugh.

Atty Spillias stated that he had spoken with Ila Feld, and had no problem with this Ordinance correcting Ordinance 562.

Motion Carried – yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

17. 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

Mayor Kaleel read Ordinance 563. Comm Bingham stated that she still had concerns that this would increase our taxes and felt she was being pushed by the unions. Atty Spillias explained that an excise tax is charged whether this is approved or not, we are just designating that the funds go to a specific department rather than just the state fund.

Comm Hogan motioned to approve Ordinance No 563, seconded by Comm Allison

Motion Carried – yea 4. Comm Bingham said nay.

18. Letter From the Town of Gulfstream to Mayor Kaleel

Mayor Kaleel stated that he received a letter from the Mayor of Gulfstream regarding an upcoming meeting with Gulfstream, Delray Beach and Briny Breezes to discuss the possibility of taking over the management of AIA south of the Inlet down to Delray Beach. He and Manager Mathis would both be attending, and he would keep the commission apprised on the outcome.

19. Civic Association/Community Foundation for new Town Hall

Mayor Kaleel stated that he had received the first donation towards the Civic Association or the Community Foundation for the new proposed Town Hall or other projects. Jeff & Amy Lee had made a donation of \$10,000. Papers were being prepared to start the foundation.

Comm Pugh thanked Mayor Kaleel for the letters sent to the Ethics Commission, and asked if any response was forthcoming. Mayor Kaleel stated that the response was placed in their boxes just prior to the meeting.

Meeting Adjourned at 7:15pm

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh