

REGULAR COMMISSION MEETING HELD MARCH 6TH, 2006

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 6, 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

Comm Bingham requested a clarification for Section 34-83 of the Code, regarding working on holidays and Sundays.

Comm Allison stated that Item #11 of the Minutes for the February 6th, 2006 Commission Meeting should be corrected as follows: Comm Bingham made the motion, and Comm Allison seconded.

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of January 6, 2006

Comm Bingham made a motion to accept the consent agenda as amended. Seconded by Comm Allison.

Motion Carried - yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring April 2006 as "Read Together Palm Beach County Month" and Urging Citizens to Read "To Kill a Mockingbird"
- 2a. Trust Fund for the Children of Serena and Joe Gomez Established – Checks may be made payable to Gomez Children Trust Fund and sent in % GRAND BANK AND TRUST, 2000 Lantana Road, Lantana FL 33462

PUBLIC COMMENT

Richard Bajakian, 37 Harbour Drive North, requested a consideration of changing Section 64-50 regarding the location of accessories for mechanical equipment. He had applied for a Variance with the Board of Adjustment as to a specific location of a permanent generator for his home, but had been denied. During hurricane season, portable generators can run up to 90 decibels, which are very loud and intrusive. His permanent generator would only run at 66 decibels, which is much quieter, and therefore less of an intrusion, especially if other residents are running their generators at the same time.

Mayor Kaleel stated that this needed to go before the Board of Adjustment. Richard Bajakian stated that he had, but the only approved location, had a window, electric service and walkway hindering it. His hardship was based on these existing items, and he did not want to have to change them out as it would be costly. Comm Bingham stated that she knew that generators had to be away from windows because of the fumes. Clerk Hancsak stated that this was a garage window, and that the garage was not considered an inhabited area and therefore it could be placed

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by this window. The area that Mr. Bajakian wanted was closer to the edge of the property and possibly in the swale area. Mayor Kaleel stated that this needed to be submitted through proper channels for approval. A consensus was formed that Planning & Zoning review the locations of permanent generators as many homeowners would be considering gas generators before the next hurricane season.

Mark Marsh, 14 Hudson Avenue, suggested that we contact other municipalities as to their restrictions for generators regarding decibels.

Don Magruder, 9 Ridge Blvd, addressed Comm Hogan and asked if there had been any response from the City of Boynton regarding construction debris clean-up at Gulfstream Lumber. Comm Hogan stated that the code office was working with the contractor with a prepared punch list.

Richard Bajakian, 37 Harbour Drive North, asked if any progress had been made concerning a gas line through town. Manager Mathis stated that it would be addressed under his report.

PUBLIC HEARINGS

3. An application submitted by Digby Bridges, Marsh & Assoc., PA, 18 Via Mizner, Palm Beach FL 33480, representing owner, Steven Miles, 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 384 sq ft addition consisting of a new master bedroom and kitchen extension that will extend a maximum of 68'9" east of the Coastal Construction Control Line located at 6833 North Ocean Blvd. #2 or legally described as a portion of the north 235' of the south 3958.35' of Section 22, township 45 South, Range 43 East, Palm Beach County, Florida, lying east of the east right of way line of Florida State Road A1A (exact legal description located in the Clerk's Office)

Clerk Hancsak read the application and stated that no additional correspondence had been received, and that all fees had been paid. Atty Spillias swore in Mark Marsh, for the applicant.

Comm Allison made a motion to approve the Land Development Permit submitted by Digby Bridges, Marsh & Assoc., PA. Seconded by Comm Bingham.

Motion Carried - yea 5.

REGULAR AGENDA

4. Town Manager

Manager Mathis stated that Engineer Tropepe would be giving an update of the Storm Water Drainage Project in her report. Florida Public Utilities had given an estimate of \$286,600 to install a 4" pipe line down A1A. Within 30 to 60 days, an estimated price to install a 4" line along each public street should be forthcoming, and probably expensive. Comm Bingham suggested that the 4" line would be cheaper to run down the alleyway rather than the streets, and to see if it would change their pricing. Manager Mathis said that he would suggest it to Florida Public Utilities.

Clark Mosquito Control has started spraying for noseums and mosquitoes. Some residents had requested that there be no back-pack spraying on their properties. Sabal Island also requested that there be no spraying on the island. We are complying with the each individual requests for no

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spraying on their property as we are notified. Doug Wilson, of Clark Mosquito Control is looking for additional hot spots in town also. Comm Hogan requested to increase the spraying in the area of Midlane and Hibiscus.

RMPK Funding has been contracted for two work orders for 2 of the Grants: 1) Recreational Trails Program for \$200,000 and 2) Cultural Facilities for \$500,000. The town has to advertise for a public meeting to discuss the development of a Town Hall Trailhead, north of the New Town Hall, prior to the deadlines, and time was running very short on some of the grants.

Comm Bingham motioned to approve the advertisement for the public meeting on Monday, March 13th, 2006 at 10:00 am regarding the development of a Town Hall Trailhead, with the sole purpose to discuss a \$200,000 grant. Comm Hogan seconded the motion.

Motion Carried - yea 5.

It had been requested by the Town to obtain pricing for installing shower heads at the 7 Town beach crossovers. The total cost would be \$17,941 with an average cost of \$2563 each. It would include tapping the water main, a meter valve, a meter box and a service line to install the showers. Comm Bingham was concerned that these showers might encourage vagrants sleeping on the beach. Comm Pugh stated that the town already has garbage cans, and walkovers, why not showers on their beach also. Mayor Kaleel asked what the monthly water bill would be and the cost of the impact before the next commission meeting. He also requested that it be mapped out, and installed on the street side, so it could be monitored by police or maintenance if damaged or misused.

Manager Mathis stated that A Classy Cut had submitted a proposal to re-landscape Ocean Avenue at a cost of \$57,225. This included relocating 350 sabal palm trees, removing and grinding calaphyllum trees, removing old landscaping materials, installing new sod & top soil, and planting 175 small flowering trees with tree rings. The town could choose to do only part of the project this year. Comm Bingham stated that Ocean Avenue needed grass along the side of the road, the trees to be intermittent, and that it be clean, neat and attractive, and that the pricing was outrageous. She suggested that it be reduced to only 25 of the small flowering trees, and that she had counted only 200 trees not 350. She also suggested that Ocean Avenue be split up into sections and they be done one at a time. Maybe the Garden Club could assist also. Mayor Kaleel stated that this was the Town's responsibility. He requested a proposal that was not as expensive and then a time schedule for completion.

Bruce Gimmy, 12 Ocean Avenue, stated that initially the task force for the bridge, had suggested low shrubs instead of grass to discourage parking along side of the road. He would like for that idea to continue, as it had been working.

5. Town Attorney

A. Request for Executive Session on March 10, 2006 at 8:00 AM Regarding Briny Breezes Permit Challenge

Attorney Spillias requested an Executive Session to discuss settlement negotiations or strategy related to the Town of Briny Breezes vs. Department of Transportation. The two cases are the following: 1) DOT Case Number 06-008; Briny Breezes, Inc. VS Dept Of Transportation 2) DOT Case Number 06-010; The Town Of Briny Breezes VS. Dept. Of Transportation in connection with FDOT Utility Permit #04-H-496-0196-93060 and FDOT Permit #05K-496-0133. It is to be noted that the Executive Session is the subject of an attorney-client session as provided

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in 286.011(8), Florida Statutes; those attending shall include the Town Commissioners, Town Manager and the Town Attorney. These two cases would be consolidated into one. He had spoken with the FDOT Lawyer, and a hearing would take place between April and the second week of May 2006. An Executive Session needed to be held for the pending litigation, and to discuss settlement issues on Friday at 8:00 A.M..

Comm Bingham motioned that an Executive Session be held on Friday, March 10th, 2006 regarding Briny Breezes Permit Challenge. Comm Allison seconded.

Motion Carried – yea 5.

6. Director of Public Safety

Chief Hillery had nothing to report

7. Town Engineer (SFRN, Inc.) – Drainage Update, Tropical & Coconut Update

Engineer Tropepe stated that the South Phase Project was proceeding on time and budget, Tropical Drive was going well also. In regards to the Coconut improvement the total approved cost for both projects was \$275,000. The estimate received for the alleyway was \$69,000 above what was approved; this is over the approved amount. The cost included adding additional yard drains for lower properties. With value engineering, if the additional yard drains were eliminated, and a berm used instead of the retaining wall, the cost could be lowered \$35,000, but would it would still be \$35,000 over.

Mayor Kaleel asked if it would still be effective with the changes from the valued engineering. Engineer Tropepe stated that it would still work. Comm Bingham asked if the new construction homes were still paying for their portion of the right of ways. Engineer Tropepe stated that yes they were.

Comm Bingham made a motion to allow the Town Manager to proceed with obtaining a final cost for the alleyway with a cost not to exceed \$310,000 for both projects. Comm Allison seconded.

Motion Carried - yea 5

Town Manager suggested that they limit 1 yard drain per property as originally submitted by Engineer Tropepe with a hold harmless agreement from the owners. The other engineer's opinion (hired by a resident) was to have 3 yard drains for the lower properties.

George Breyer, 4 Coconut Lane, thanked the town for the progress in the alleyway so far. The new construction sites had privately contracted with Chaz Equipment to improve the drainage.

Don Magruder, 9 Ridge Blvd, commented that the reserve area was underwater, and would like a berm area made. Engineer Tropepe stated that the water was a result of the pumping from Tropical Drive. The water was pumped from the worksite to allow for the concrete pouring, and within the next 3-4 weeks the pumping would cease. Don Magruder also stated that there were 6 royal palm trees in the drainage area that had been under water for so long that only 4 of them were still alive. The roots of those 4 existing trees were being damaged, and they may be dead soon. He also inquired as to when the landscaping would begin. Manager Mathis stated that the landscaping had not been approved yet, as they were waiting on the grant. Don Magruder also

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asked for the “No Trucks Allowed” sign to be removed as they were being ignored. He had damaged sprinklers, tire tracks in yard, and a mailbox knocked down by Chaz Equipment. Chief Hillery stated that the damage could have been done by other equipment (delivery trucks, moving or landscaping companies) and not just trucks from Chaz.

ACTION ITEMS

8. Action to Fill Appointments to Board of Adjustment and Planning & Zoning Commission

Clerk Hancsak stated that Anthony Randazzo, Randazzo Electric had submitted an application, but that there had been no further inquiries. Comm Pugh stated that he would have liked for the applicants to appear in person at the next meeting if possible, and that it be put on the website or newspapers as to have a higher response.

Comm Pugh motioned to defer the action to fill appointments to Board of Adjustment and Planning & Zoning Commission to next month’s meeting. Seconded by Comm Allison.

Motion Carried - yea 4, Comm Hogan nay.

RESOLUTIONS

9. No. 2006-03; Electing a Mayor

Comm Allison nominated and then moved to elect Ken Kaleel as Mayor, seconded by Comm Pugh.

Town Clerk Hancsak read Resolution No. 2006-03 in its entirety.

Motion Carried – yea 5.

10. No. 2006-04; Electing a Vice Mayor

Comm Bingham nominated and then moved to elect Geoffrey Pugh as Vice Mayor, seconded by Comm Allison.

Town Clerk Hancsak read Resolution 2006-04 in its entirety.

Motion Carried – yea 5.

11. No. 2006-05; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks

The title was read by Mayor Kaleel. Comm Hogan moved to approve Resolution No#2006-05, seconded by Comm Pugh.

Motion Carried – yea 5.

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SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

12. Ordinance No. 565; Amending the Code of Ordinances, Chapter 63, Section 63-117; Providing for Codification, Providing for Repeal of All Ordinances in Conflict; Providing for Severability and for an Effective Date

The title was read by Mayor Kaleel. Attorney Spillias stated that the only changes in the 1st Reading were in reference to the determination of the structure as destroyed. A structure would be determined as destroyed when it was 50% of the structure only. The change had been made.

Comm Bingham motioned to approve the Second Reading and Adoption of Ordinance No. 565. The motion was seconded by Comm Allison.

Motion Carried - yea 5.

Eric Kramer, 58 Harbour Drive North, stated his concern of the rising construction costs and appraised values by the County, and how that could effect his home if considered "destroyed". Mayor Kaleel stated that this did not apply to residential properties.

13. Discuss Directing P & Z to Review the Nuisance Code Pertaining to Working in Town During Certain Hours or Days By.

Comm Bingham asked if the Nuisance Code could be reviewed by Planning & Zoning, as to when some contractors could work. Mayor Kaleel stated that there was a noise factor to be considered. Comm Bingham stated that painters were not as loud as other contractors like roofing. A consensus was made to have Planning & Zoning review the Nuisance Code.

Mayor Kaleel presented a Certificate of Completion from the Advance Institute for Comm Hogan and congratulated her on her accomplishment.

14. Update on Boynton Inlet Study

Comm Hogan mentioned that she was on the subcommittee that was to write up a scope of work and definition for the study. She would keep the town apprised of any new updates and asked for input from the commissioners for ideas to present.

Mayor Kaleel stated that he had no official opinion at this time, but it may force Ocean Ridge at a later point to do its own study as to any detrimental effects that could arise.

ADJOURNMENT

Meeting Adjourned at 7:35pm

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh