

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 3, 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

It was noted that Manager Mathis was absent with notice.

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Hogan stated that Item#6 of the minutes for March meeting should be corrected to state that Boynton Beach gave the contractor a punch list to correct, and they were working with the contractor. She also asked for a correction on page 3, to say that she requested mosquito spraying for the area of Midlane and Hibiscus. Atty Spillias requested to add an item requesting authority to intervene with Briny Breezes FDOT matter.

Mayor Kaleel requested to add under Atty Spillias' report an item regarding the Biker's Association upcoming litigation with FDOT.

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of March 6, 2006.
2. Confirm Action for Roof Repairs/Replacement at a Cost of \$31,480 to M&L Roofing to be Funded with Excess FEMA Reimbursement Funds from Hurricane Jeanne and Frances in 2004.

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

Motion Carried - yea 5

ANNOUNCEMENTS AND PROCLAMATIONS

3. Proclamation declaring April as Water Conservation Month
4. 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

Mayor Kaleel announced that the balance so far for the trust fund was up at \$10,000. Comm Hogan noted that she had donated at a recent fund raiser (car wash), and her check had not cleared yet. Clerk Hancsak stated that she would contact the ones in charge of the fund raiser and check on the status of the deposit.

PUBLIC COMMENT

Pat Kropp, 16 Tropical Drive, suggested a sign be posted on AIA to direct people to the public beaches or public parking in the area. (Ex: 1 mile north or 2 miles south). She stated that there are no directions for visitors entering the town, and they wander around neighborhood streets searching for beach access and parking. She thanked the town for the progress on Tropical Drive, and added that the concrete slab was finished. The contractor had provided lunch for the residents one

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

afternoon and gave out T-Shirts to the homeowners in recognition of their tolerance to the construction on their street.

Regarding the signs, Comm Bingham stated that AIA was State owned and that research would have to be done regarding the cost & where it would be applicable. Chief Hillery stated that the signs needed to be done by Palm Beach County, and that there could be restrictions on size & color. There was a consensus for the staff to research the applicability and cost and whether there could be reduced combined signage.

Clerk Hancsak stated that Susan Miller, a member of the Garden Club had requested permission to hang a 10ft banner announcing the scheduled beach clean-up on April 22nd. A consensus was made to allow for a banner to be hung outside Townhall.

REPORTS

5. Town Manager

Manager Mathis was absent with notice as announced earlier.

6. Town Attorney

Atty Spillias stated that Briny Breezes Inc. and the Town of Briny Breezes had challenged the FDOT regarding the permit for our generator. The hearing will be scheduled in early May. He requested for authority to respond between now and May 1st if anything did come up for litigation and administrative hearing issues including if necessary filing a petition for the Town. He stated that it could be a couple of months to process.

Mayor Kaleel stated that at the meeting it was unanimous that Briny Breezes and FDOT were agreeable to a 60 day extension if the hearing officer approved it.

Comm Pugh motioned that Atty Spillias be authorized to file a motion to intervene if necessary. Seconded by Comm Bingham

Motion Carried - yea 5

Comm Bingham asked if there were any additional costs if extended. Mayor Kaleel stated that the costs would not be nearly as much, if it went into litigation. The incurred costs could then run up to 6 figures.

Mayor Kaleel stated that the Biker Association had filed litigation against FDOT to install a bike lane from Gulfstream north to Palm Beach. He will keep the town apprised on this, as it will have a great impact on our town. It may be in the town's best interest to form a coalition with some of the other municipalities since several municipalities already have agreements with FDOT. There was also a consensus to form a coalition if necessary.

Comm Bingham requested to move Item #13 regarding the size of the sidewalks and bike lanes. She requested that Atty Spillias investigate the width requirements for both side walks and bike lanes because she questioned whether the sidewalk widths were adequate.

Comm Bingham asked if the bikers were still given tickets for running stoplights and what was the price of the tickets. Chief Hillery stated yes they were giving out tickets to any bikers the officers caught not following the traffic rules. A ticket for running a stoplight was \$183.00, the same as a vehicle.

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

7. Director of Public Safety

Chief Hillery announced that on April 13th, a letter would be sent out to the residents reminding them to repair their roofs before hurricane season. Even if the residents could not locate a roofer to implement any repairs, it would be required that the homeowners still remove the loose tiles off their roofs to avoid further damage to their own properties or their neighbors.

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

Engineer Tropepe stated that the South Phase was going well, and that Tropical Drive was also proceeding, with only a few more weeks before completion. Within the next 3 weeks, the conduit pipe would need to be laid across Tropical to the west side of AIA for the wiring to the pump station. Engineer Tropepe asked for instruction from the Commission as to whether they should continue with the original proposed lines where the line should be directed to. The pump station location was still in question because of the litigation from Briny Breezes. She could try to delay the contractor, but a decision would be needed before the next Commission Meeting. She suggested that the line could be started and if the location changed to the East side of AIA, it could be stopped and location changed, if the pump station was relocated.

A consensus was made to proceed with the contract, and if needed the work could stop if the line needed to be redirected to the pump station.

Coconut Lane is substantially completed with only a few items left on the punch list. The contract for the alleyway is still being negotiated regarding the price. Once the pricing is complete and approved by the commission, it will take 60-90 days to complete the work.

Comm Bingham requested a status on the permitting to utilize the FDOT detention area. Engineer Tropepe stated that the permit had been applied with DOT, but no response yet; also they are waiting to hear if grant monies are available to install a pump or well.

Comm Pugh asked what the next step was for Woolbright and the Detention Area, as he had not seen any work proceeding and there was standing water in the Detention Area. Engineer Tropepe stated that the wet well was complete, and that 5 more valves were needed. The Detention Area was wet as a result of the pumping from Tropical. Once Tropical was complete the only water that would accumulate in the Detention Area would be from regular rainstorms. The equipment that is currently there on State Road AIA is from FPL, not Chaz Construction.

ACTION ITEMS

9. Action to Fill Appointments to Board of Adjustment and Planning & Zoning Commission (Postponed Item) By: Karen E. Hancsak, Town Clerk

Clerk Hancsak stated that the Board of Adjustments had two positions up for reappointment: Rich Lucibella & Stormet Norem. Two alternate positions were also open. Tony Randazza, Dr. Bajakian, Hans Taylor, and Eric Kramer had applied for either appointment. Jeff Lee's name was mentioned at the last meeting, and copy of his resume was given to the commissioners.

Comm Allison asked if appointments should be filled by full-time residents rather than seasonal residents. Comm Hogan stated that she had spoke with each applicant personally, except Hans, and was excited at the prospect of new people serving. Comm Hogan also asked Atty Spillias if Stormet Norem had a conflict of interest as he served on Boynton Beach CRA Board. Atty Spillias stated Stormet Norem had been appointed on the Boynton Beach CRA Board, and he had

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

researched as to dual office, and it prohibited him from being on both. The CRA Act precludes holding another government body or municipality appointment except advisory. Stormet Norem had stated that he would resign from BOA if necessary. He would continue to serve however until an appointment was made.

Comm Pugh moved that Berne Shulte be appointed as a regular member of the Board of Adjustment. Seconded by Comm Allison.

Comm Hogan asked Berne Shulte if he would be interested to serve as a regular member instead of an alternate.

Berne Shulte stated that he appreciated the nomination, but had planned to travel, and may not be available on a full-time basis. Clerk Hancsak stated that they only met on demand, maybe 6 times a year. Berne Shulte stated that 6 times would be reasonable.

Motion Carried - yea 5

Comm Bingham stated that she felt that the applicants should serve as alternate members first before being appointed as a regular member. It takes about a year to learn the codes, and get an understanding of the purpose of the committee.

Comm Hogan motioned that Richard Lucibella be reappointed as a regular member of the Board of Adjustment. Seconded by Comm Pugh.

Motion Carried - yea 5

Comm Pugh motioned that Eric Kramer be appointed as an alternate member of the Board of Adjustment. Seconded by Comm Hogan.

Motion Carried - yea 5

Comm Hogan motioned that Jeff Lee be appointed as an alternate member of the Board of Adjustment. Seconded by Comm Pugh.

Motion Carried - yea 5

Comm Hogan motioned that Mark Marsh be appointed as an alternate member of the Planning & Zoning. Seconded by Comm Bingham.

Motion Carried - yea 5

Comm Pugh motioned that Dr. Bajakian be appointed as an alternate member of the Planning & Zoning. Seconded by Comm Allison.

Motion Carried - yea 5

10. Authorize \$50,000 in Budgeted Funds and Some Additional Funding to Ranger Construction of Road Paving in 2006.

Clerk Hancsak stated that a proposal for \$86,635 had just been received. She added that Ranger Construction had advised the area proposed required additional work. If the contingency fund was

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

used for the balance, it would be reduced to approximately \$8200, and we still have several months before year end with hurricane season approaching.

A consensus was made to wait for Manager Mathis to negotiate further, and to possibly see what portion of the work could be accomplished with only the \$50,000 that had been budgeted.

11. Report on Shower Installations at the Dune Crossovers

Manager Mathis was not available to give an update.

Mayor Kaleel opened it up to floor, as several residents were in attendance.

Steve Coz, 2 Osprey Court, stated that he had met with 20 other area residents and they had asked him to speak on their behalf. They were all strongly opposed to them. They felt that the showers would increase the vagrancy, vandalism, public urination, dogs, burglary and other crimes. The new condo sales across the intra-coastal has increased the people walking over to the beaches. Most of them think that "public beaches" also mean "public parking". The police are too busy to keep track of it, they also want to discourage heavy traffic through their streets, of people looking for parking facilities. They have deed beach rights and requested that a sign be put up to say "residents of Ocean Ridge only". Some people were courteous while others were undesirables. He requested help from the town to discourage traffic through their neighborhoods. He also suggested paver bricks at the intersections.

Comm Allison asked if there were problems with parking on Old Ocean. The residents responded affirmative.

Mayor Kaleel mentioned that possibly Beachway could be made a one-way west until the intersection of AIA and Woolbright Road. Maybe that would deter thru traffic coming straight over the bridge. It might cause a hardship for some of the residents and they would not have easy access to their homes without being detoured. Atty Spillias stated that government access to public beaches means all public and it cannot be restricted to just residents of Ocean Ridge only.

Comm Bingham stated that Jupiter controlled their beaches with Police Officers on dune buggies to keep things in order. Heavy fines for violations would deter recurring problems and make some of those think twice.

Gary Kosinski, 6000 Old Ocean Blvd, requested a legal interpretation for walkovers on whether they must be open to the general public. Some have resident access only. Recently there had been a wedding on his beach. There were 4 buses of people and catering with tables and 80 chairs. He stated that the Town Commission needed to give Chief Hillery guidance to resolve the problems occurring on the beach. It is public beyond the high water mark only.

Rich Shible, 2 Oceanview Drive, felt that the Free Market Solution could be an answer. The town needs to build a private club, and have club membership only. In New Jersey, they have badges issued to have access on the beach.

Mauro Walker, 108 Dolphin Drive, stated that there was already too much crime, dogs, and derelicts on the beach. He requested an immediate solution for now.

Chief Hillery requested that the residents could help by notifying the police department immediately when they see any violations happenings. He also mentioned that the 10mph speed limit cannot be enforced, only the 20mph is enforceable. Residential is zoned for 35mph.

REGULAR COMMISSION MEETING HELD APRIL 3RD, 2006

Comm Pugh commented that trash cans are put out to eliminate garbage on the beach and to not put something out that may be abused or misused, is not fair to residents. He suggested that it be put in next years budget or make an allowance for additional officers on the weekends.

Comm Hogan suggested that we inform the City of Boynton Beach that the large increase of new residents within close proximately of Ocean Ridge was causing problems on our beaches.

Richard Bajakian, 37 Hudson Drive North, stated that some areas have passes for beach access.

A consensus was made to turn these concerns over to Planning & Zoning and have them examine Old Ocean Blvd. to make it neighborhood friendly and beach friendly without excluding the general public. A consensus was also made that Code Enforcement step up their presence on the beach to help deter and avoid any future violations.

Pat Kropp asked if there could be one designated commissioner to contact for any suggestions. Mayor Kaleel stated that any suggestions be sent to Town Hall and copies would be made for all commissioners to review.

FIRST READING OF ORDINANCES

12. Ordinance No. 566; Amending Chapter 16, Article I, Sections 16-1 through 16-12 of the Code of Ordinances Providing for (1) Substituting "SPECIAL MAGISTRATE" for "SPECIAL MASTER"; (2) the Ex Officio Appointment of Special Magistrates; and (3) Fine Assessment Hearings; Providing for Codification; Providing for Repeal of all Ordinances in Conflict; Providing for Severability and an Effective Date

Atty Spillias summarized the letter had been received from Glen Torcivia regarding possible conflicts with dual office for Special Magistrates. This ordinance amends the code to provide that the Special Magistrates work in an "Ex Officio" capacity thereby allowing them or any other Special Magistrate to work for more than one municipality.

Comm Bingham motioned that Ordinance No 566 be approved on First Reading. Seconded by Comm Pugh.

Motion Carried - yea 5

Meeting Adjourned at 7:30 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh