

SPECIAL MEETING HELD BY THE TOWN COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON FRIDAY, JULY 21, 2006, AT 8:30 A.M.

The meeting was called to order and roll call was answered by the following:

Commissioner Allison
Commissioner Bingham

Commissioner Hogan
Mayor Kaleel

It was noted that Comm Pugh was absent with notice.

DISCUSS AND POTENTIALLY ACT UPON THE BRINY BREEZES PERMIT CHALLENGE TO THE LOCATON OF THE GENERATOR AND PANEL RELATED TO THE STORM DRAINAGE IMPROVEMENTS

Atty Spillias advised that the hearing between Briny Breezes and FDOT was still scheduled for July 27, 2006 because the judge denied the continuance. He added that staff met with Bob Purcell, Dave Schmidt and John Potts (Kimley & Horne) to discuss other possible locations and the needs for the town including the generator and control panel. The meeting ended without any potential solution other than for the Town Manager to review all options with the Town Engineer. He added that there was some discussion about FDOT and Briny Breezes seeking a joint continuance, however, both parties decided to wait to see what Ocean Ridge planned to do first.

Mayor Kaleel mentioned the cost factor of approximately \$350,000 (in addition to the already expended \$70,000+/-) mentioned in any of the options outlined in a memorandum distributed by Town Manager Schenck. Atty Spillias stated that he contacted the FDOT attorney and advised him that these costs were actual costs to the Town and suggested that FDOT be willing to participate in addressing these costs. He also reminded the Commission that approximately 8-10 months ago the Mayor had met with the Administrative Director from FDOT who advised that they would modify the JPA costs to include the \$70,000 already expended. He stated that the FDOT attorney indicated that FDOT was only willing to help with those costs and any additional costs since the Briny Breezes challenge.

Mayor Kaleel commented that the Town was definitely in a difficult position and it appeared that only Ocean Ridge was trying to settle and end the situation. He suggested proceeding with the installation of the control panel as originally permitted because the infrastructure is already in place and the permit is still active. Atty Spillias agreed that the permit for the control panel and generator is still active for the area in the ROW across from Tropical Drive. He added that the hearing process consists of the hearing before the judge, 30 day replies from the parties (FDOT & Briny Breezes), the law judge reviewing the replies and submitting a recommended order, the final determination from the judge and then a time period for an appeal process from the non-prevailing party. After reviewing the Florida Statutes he found no prohibition to move forward with the original permit, however, an adverse decision would require moving them. He stated that

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if the hearing goes forward it would pertain to both the generator and control panel and the actual decision is whether the permit is valid or not valid.

Mayor Kaleel stated that the main concern at this point should be to help the residents on the south end and since the Town was receiving no cooperation he felt it should proceed with the original approved permit location.

Comm Bingham stated that she was all in favor of putting in the control panel at the permitted location after clarifying that the control panel would make the system operational. Dan Shalloway, SFRN, stated that the system would be fully operational with the control panel working as long as there was electricity or if the Town had a portable generator, which has already been authorized by the Commission. He added that the Town is actually at its worst level of service because the system can not operate at all without the control panel.

Comm Bingham moved to proceed with the placement of the control panel where it was originally permitted. Comm Allison seconded the motion.

Howard White, Chaz Equipment, advised that it would take up to 45 days to complete the installation of the control panel, citing the delay is waiting for the copper piping.

Comm Hogan commented that the Town should trust in the design by the engineer and felt that the Town should proceed the original permit for the panel and the generator. She added that she would support the motion because the residents at Woolbright needed the entire project finished and in the best shape possible. Comm Bingham commented that this control panel and generator had nothing to do with the Woolbright area.

Mayor Kaleel requested that the SFRN provide at the Aug. meeting how long it would take to mobilize the generator in the permitted location, including modifying the generator with the underground fuel tank. He also stated that he hoped that FDOT and Briny Breezes will come back with a resolution.

Motion carried – Yea (4)

On an unrelated item, Atty Spillias commented that four other municipalities (Palm Beach, South Palm Beach, Manalapan and Gulfstream) were interested in intervening with the Bicyclists/FDOT suit. He stated that his firm was the lead attorney and he was in the process of preparing a draft resolution and interlocal agreement that will hopefully be on the Aug. 14, 2006 agenda.

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ADJOURNMENT

The meeting was adjourned at approximately 9:05 A.M.

Mayor Kaleel

Comm Allison

Comm Hogan

Comm Bingham

ATTEST:

Town Clerk