

PUBLIC HRG/SPECIAL & REGULAR COMMISSION MTG HELD SEPT 11, 2006

Public Hearing/Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, September 11, 2006, at 5:01PM 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 Bingham
Commissioner Hogan
Commissioner Pugh
Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

PUBLIC HEARING

Presentation of Tentative Budget and Proposed Millage Rate for Fiscal Year 2006-2007

Clerk Hancsak summarized the budget revisions from the previous meeting as follows: a reduction of \$25,500 for the town manager's vehicle, and providing for a \$600/month vehicle allowance or \$7200 in lieu of the purchase of a new vehicle. For the Holiday Decorations, \$6000 was added back into the General Government as the Town Hall probably would not be demolished until next year. As a result of these changes, the unappropriated fund balance used to balance the budget decreased from \$233,173 to \$220,873.

a. Comment from Commissioners and Public

Comm Bingham, Comm Hogan, and Comm Allison concurred that this was a good budget, and asked to use the reserves to balance the budget instead of increasing the millage. They also felt that the town could possibly tighten the expenditures, especially with large projects, and that it would be for the good of the town not to increase the millage. They felt that the property values were still rising and increasing the millage would not be necessary at this time.

Mayor Kaleel and Comm Pugh stated that they were in favor of the budget also, but felt that now is not the time to hold the millage, as there would be unforeseen projects that could arise. If millage wasn't increased, Ocean Ridge would go deeper into debt, as a bank loan would be needed to fund the balance of the new town hall. They felt it was not in the best interest of the town to increase the debt at this time. They agreed that property values were leveling off and would be declining. Having the funds ready and available in reserves would be crucial, if a catastrophic event were to happen, as it does take time to get FEMA reimbursements. Construction costs were also increasing, and most of the town's projects seem to go over-budget. They could either pay now with higher taxes or later, and noted that next years' millage would probably be 5 mills or higher.

Berne Shulte, 5 Osprey Court, agreed with Comm Bingham, Comm Hogan, and Comm Allison, stating that the capital projects were long-term projects. He asked that the commission wait a year before increasing the millage as the monies for cash flow would not be needed until a future date.

Gail Aaskov, 27 Hibiscus Way, read a letter from Emmett Pace, 21 Tropical Drive, stating that his taxes had consistently increased since 2004, and asked the town not to raise the millage.

Justis Brown, 39 Coconut Lane, was not in favor of increasing taxes, and noted however, that Palm Beach County would get the majority of the increase, not Ocean Ridge.

Dr Jeffrey Goltz, 8 Ocean Harbour Circle, did not feel it fair to burden the residents increasing the millage for unforeseen future events, and suggested waiting for a problem to arise, and then correct it.

Steven Greenhut, 5907 N. Ocean Blvd, felt it was only good business sense to raise taxes and have excess available. He felt the people of Ocean Ridge could afford \$200-\$300/year. As a business man, he knew that if a machinery or equipment needed to be replaced within the next 2-3 years, he would budget to accommodate for that expense, rather than encumbering large loans.

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James Bonfiglio, 5616 N. Ocean Blvd, did not feel the residents were to blame for the high cost of the South Phase Project. He agreed with Mayor Kaleel and Comm Pugh, and felt that we should anticipate and plan now for future and unknown projects. He also felt that the interest rates would be going up significantly, and to have large loans would not be cost beneficial to the Town.

Clerk Hancsak noted that if the millage was not increased, then approximately \$420,000 of the reserves would be needed instead of \$220,000. Manager Schenck noted that he had met with DEP and NOAH over samplings of the quality of the water in the Ocean from the Boynton/Delray Treatment Plant, and that there was a possibility of Ocean Ridge having to install sewers sooner than later, depending on their continued testing in the future. The cost to install sewers in town could be exorbitant, and is not currently scheduled or budgeted. Comm Hogan asked him to give her more details if available.

Mayor Kaleel stated that he had received a letter from Dennis Nelson asking the public for suggestions for lowering or curtailing taxes, and copies would be available at the front desk.

b. Adoption of Tentative Budget for Fiscal Year 2006-2007

Comm Bingham moved that a budget in the amount \$5,515,984 be tentatively adopted for the 2006-2007 Operating Fund. Seconded by Comm Allison

Motion Carried - yea 5

c. Adoption of Tentative Millage Rate for Fiscal Year 2006-2007

Comm Hogan moved that a millage of \$4.7500 per \$1000 of assessed valuation be tentatively adopted for 2006-2007 general operating revenues. Seconded by Comm Bingham

Motion Carried - yea 3, Comm Pugh and Mayor Kaleel voted nay.

d. Announce Computed Millage Rate Exceeds Rolled Back Rate by 23.39%

Mayor Kaleel announced that the computed millage rate now exceeds the rolled back rate by 17.23%.

e. Public Hearing Date for Final Adoption is Tuesday, Sept. 18, 2006 at 5:01 PM

Mayor Kaleel announced that the second and final public hearing is established for 5:01 P.M. on Monday, September 18th, 2006. The 2006-2007 operating and debt service budgets and corresponding millages will be finalized and adopted at that time.

REGULAR MEETING STARTED AT 6:10pm

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Aug. 14, 2006

Comm Bingham motioned to approve the consent agenda. Comm Pugh seconded.

Motion Carried - yea 5

ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring September as "National Sickle Cell Month"

PUBLIC COMMENT

Kristin Herminson, 4 Coconut Lane, thanked the town for the improvements on the street. It had greatly reduced the water and flooding, but they have found that there still was a problem in front of Lots 4 & 5. The drain pipes had collapsed and affected the cul-de-sac at the end of the street. Manager Schenck noted that a catch basin was being installed tomorrow at the end of Coconut, and also noted that during the storm the swales had been blocked by new debris, not allowing the water to flow. The cost of an injection well

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would be \$1million, and not in the budget at present. He would be sending out letters to homeowners reminding them that maintaining their swales was their own responsibility and they should not obstruct the swales.

Justis Brown, 39 Coconut Lane, requested that each homeowner maintain and keep their drains and easements clear.

James Bonfiglio, 5616 N.Ocean Blvd questioned why the retention area was flooded about a foot into Woolbright and Midlane last week after the heavy rains. Mayor Kaleel asked the Town Engineer to address the problem during her report.

REPORTS

3. Town Manager

Manager Schenck noted that Chaz Equipment was in the process of completing the paving on the east half of Tropical Drive with the final lift of asphalt. The electrical contractor had started the electrical work for the installation of the pumps on Tropical Drive. Manager Schenck noted that there had been a problem because of a leak on Tropical. It was thought to have been corrected, but then it started again. Boynton beach tested the inflow water and found it to be ground water. Chaz Equipment was also addressing the punch list of outstanding issues in the right-of-way along State Road A1A. The Woolbright Road pump station was in full operation, and the contractor would be re-grading the high and low spots in the detention area when the standing water dried up. Mark Tomberg had been awarded the landscape contract for the Woolbright Detention Area, and had completed all the trimming of the ficus trees on the north end of the property, and removed the 2 dead royal palms, and had cleaned out the weeds and invasive plants in the preserve area. The plantings of the sabal palm trees and the piping for the irrigation systems were also complete. On August 29, 2006 a disbursement request of \$1,004,460 for the construction for the South Phase was submitted to FDEP. The total disbursable amount for the loan is \$7,006,817, and as of this date the town had received \$5,615,085 from disbursements and \$1,391,732 is the balance available for the loan.

On August 21, 2006 \$14,281.07 was received from FEMA for reimbursement of Hurricane Wilma, bringing the total reimbursements to \$218,811.27 from FEMA for Hurricane Wilma. In regards to the temporary relocation, the 2 portable buildings had been ordered, and should be delivered by the middle of November. The civil engineer was in the process of completing the plans for the temporary road and parking lot.

Manager Schenck noted that a meeting was tentatively scheduled for Mayor Kaleel and himself to meet with Michael Wolfe and Hassom, of FDOT, to request funding to finish the project. A new meeting with Briny Breezes was also forthcoming.

Comm Allison noted that the street sign for Coconut Lane was still metal and asked if it was being replaced. Manager Schenck stated that several signs in Ocean Ridge were still metal, and that Jeff Industries, the company that makes our signs, was behind since the hurricanes. Manager Schenck also noted that on September 16th, the Sand Sifters would be meeting on the beach.

4. Town Attorney

Atty Spillias stated that FDOT advised him that a motion had been filed with the Department of Administrative Hearings to reschedule the hearing regarding Briny Breezes vs FDOT. The tentative date for this debate is November 28th, and could become a 3-4 day hearing. That allows us 2-1/2 months to prepare or resolve with Briny Breezes. He notified FDOT that Ocean Ridge would be participating in the hearings. After the hearing, allow another 20-30 days for the court to propose their recommendations. The recorded order will be ordered and a final decision will be made. The losing party can appeal which could take a year, and may cost up to \$100,000. FDOT has a new attorney who is aggressive, and they may cover some of the Town's costs. Atty Spillias noted that winning party may/may not have their costs reimbursed, as there was no statutory provision awarding reimbursement costs.

a. Update on Agreements with other Coastal Municipalities RE: Bicyclists vs. FDOT

Atty Spillias noted that the other 4 municipalities in the coalition have passed resolutions and executed the agreements, and they are ready for the Mayor's signature tonight. Once signed each municipality is responsible for up to \$7000 totaling of \$35,000 would be available. The Court action has been stayed, and

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he was waiting on FDOT to file a response or challenge it. After FDOT responds, we will file a motion to intervene.

Comm Allison questioned the purpose of FPL replacing concrete poles with wooden ones, some sidewalks had also been repaired because of the change. She asked if the work was because of the dispute. Atty Spillias stated that they were repairing and widening A1A, but it could be partially from the lawsuit also. Comm Allison noted that sometimes the bicyclists ride 3 or more abreast, and can cause traffic tie-up for miles. Atty Spillias stated that they would need to discuss strategy after we see what the resolution is from FDOT.

5. Director of Public Safety

Lieutenant Katz had nothing to report. Chief Hillery was absent with notice, on vacation.

6. Town Engineer

Engineer Tropepe reported that during Tropical Storm Ernesto, Hudson Avenue, Coconut Lane Alleyway, and the South Phase Tropical Area stayed dry and performed as per plan. The Coconut Lane Right-of-Way also performed per design, however, vegetative waste placed in the swales impeded the storm-water from flowing west to the cul-de-sac. The cul-de-sac experienced 6-8" of storm-water, and a portable pump was used to relieve it. The Woolbright detention area, including the pump station and control panels, worked automatically and per design, and the area did not experience any flooding. In regards to James Bonfiglio's question of Woolbright & Midlane, she was not aware of any flooding. It could be debris or the catch basin inlets interrupting the flow. Engineer Tropepe stated she would also research into any flooding on 4, 5 Coconut Lane. The cul-de-sac on Coconut has retained water in the past and will continue to, especially during high tides. A new injection at a major cost to the Town would alleviate the situation, if so directed by the commission, however, the catch basin on the west end of Coconut will be installed tomorrow relieving some of the problem.

Kristin Herminson, 4 Coconut Lane, noted that 3-4 attempts had been made to correct the pipings, and trying to shore it up, but it was not corrected yet. Engineer Tropepe noted that Chaz Equipment had a punch-list of items that still need to be corrected before the job was complete. Atty Spillias noted that any repairs needed to be done by the contractor rather than the home-owners, as it could void the warranty of the project. Engineer Tropepe stated that the portable pump had been permanently installed on Tropical for hurricane season. Also until Tropical Drive and Coconut Lane were complete, they both would probably experience flooding during heavy rains.

Comm Pugh noted that the water in the detention area looked deep during the rainy season, and asked if there was a maintenance plan to deter algae. Manager Schenck responded that they were checking with the aquatic group, but it was too shallow to aerate. The majority of the water was resulting from an unknown source leaking in the south end.

Justis Brown, 39 Coconut Lane, stated that he puts his debris outside the drain, because the claw truck of Waste Management can damage the sidewalk.

Susan Morrison, 2 Coconut Lane, mentioned that she had water coming up out from the drain, and flooding her yard for 2-3 days after the storm.

Steven, Greenhut, 5919 N Ocean Blvd, asked the town to research the area between Thompson and A1A, as it has constant flooding. Sometimes the water comes half way up his driveway.

Pat Kropp, 16 Tropical Drive mentioned that the water in the detention area was a result of constant pumping from Tropical Drive, and once the leak was repaired and stopped, it should only pump during heavy rains. Manager Schenck stated that they were still looking for the leak.

ACTION ITEMS

7. Authorize Bidding Process for Temporary Road for Town Hall By: Ken Schenck, Town Manager
Manager Schenck noted that he was meeting with the company for the portables, and asked for direction on proceeding and going out to bid.

A consensus was made to go out to bid for the construction of the temporary road and parking lot.

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8. Discuss Scheduling Special Meeting to Determine Financing for the new Town Hall/PD Building
By: Ken Schenck, Town Manager

Manager Schenck noted that the funding for the new town hall would have an approximate 4.5% interest rate, and asked the commission if they wanted a special meeting to discuss the financing. A consensus was made to discuss financing of the new Town Hall/PD Building at the regular October commission meeting.

9. Authorize Entering into Representation Agreement RE: County Fire Dispatch Litigation By: Ken Spillias, Town Attorney

Atty Spillias noted that Ocean Ridge had entered into an agreement to intervene in this suit. He had a letter from Boca Raton's town attorney, and a drafted letter that needed approval by the Commission. The Boca Raton's town attorney will also act as the intervener Attorney, thereby reducing costs for the various municipalities. Special attention may be needed to keep apprised of the total cost of the legal fees, but with the number of municipalities involved the costs should be reduced.

Comm Pugh moved to authorize Atty Spillias to draft a letter for Mayor Kaleel to sign regarding the representation agreement involving the PBCty Fire Dispatch Litigation. Seconded by Comm Allison

Motion Carried - yea 5

RESOLUTIONS (Possibly Requiring Discussion)

10. Ocean Ridge Resolution No. 2006-13; Establishing a Policy for Overtime Pay to Employees During the First 72 Hours of a Declared Emergency and Thereafter

Mayor Kaleel asked if FEMA was reimbursing for Tropical Storm Ernesto. Manager Schenck stated not at this time, however many of the municipalities, in a joint effort, are requesting reimbursement for it, since Governor Bush had declared Florida in a State of Emergency. FEMA will reimburse for the first 72 hours, any overtime. Last year staff received a bonus of \$100/day, up to 3 days, and this new double time would be in lieu of bonuses. He also recommended changing the resolution to include both State and Federal declared emergencies. He stated that the policy needed to be in place for FEMA to reimburse, otherwise the contingency account could cover it. Manager Schenck noted that this may be addressed again in the future as there was a discrepancy between the staff and what was proposed on the resolution.

Comm Pugh moved to approve Resolution No.2006-13; Establishing a Policy for Overtime Pay to Employees During the First 72 Hours of a Declared State or Federal Emergency and Thereafter. Seconded by Comm Allison

Pat DiStefano, noted that it was customary for hospitals and fire departments to pay the staff the complete time they are on duty, and until the emergency is over.

Motion Carried - yea 5

The commission noted that today was 9/11, and a day of remembrance for the people who lost their lives and their families left behind. We should be grateful that the day passed without incident.

Meeting Adjourned at 7:20 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh