

## REGULAR COMMISSION MEETING HELD OCT 02, 2006

Public Hearing/Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 2, 2006, at 6:00 PM 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

Atty Spillias requested to add one item under #6, in regards to scheduling an Atty/Client Executive Meeting regarding 2 cases. Comm Allison stated that as this was a Jewish Holiday, she would be leaving before 6:30pm. Comm Bingham requested to add a comment at the end of the meeting regarding motorcycles as Item #11. Mayor Kaleel also wanted to discuss ground breaking of the new Town Hall and Lighting of the Lights as Item #12.

Comm Pugh motioned to approve the Consent Agenda and Agenda as amended. Seconded by Comm Bingham.

Motion Carried - yea 5

### CONSENT AGENDA

1. Minutes of Public Hrg/Regular Town Commission Meeting of Sept. 11, 2006
2. Minutes of Public Hearing/Budget Adoption of Sept. 18, 2006
3. Authorize Mayor/Town Clerk to Execute Garbage/Trash Liens

### ANNOUNCEMENTS AND PROCLAMATIONS

4. The administrative offices will be closed on Monday, Oct. 9, 2006 for the official holiday

### PUBLIC COMMENT

Bruce Gimmy, 12 Ocean Avenue thanked the town for their condolences concerning the drowning of his dog in his neighbor's pool. He thought it was a code violation to have a pool without a fence, but found out he was mistaken. He felt that it was a safety issue for both children and pets, and asked that the town review the Code to possibly require all pools to be fenced. Clerk Hancsak explained that any pool built prior to 1994 did not require fencing. In 1994 the Commissioners had passed an ordinance coinciding with the County Code for all pools to be fenced, and two months later the ordinance was repealed only for the pools built prior to the ordinance adoption because of the high number of complaints and the long list of homes that would have to comply.

A consensus was made that Planning & Zoning review the issue of requiring all pools to be fenced.

### REPORTS

5. Town Manager

Manager Schenck noted that they were trying to find a place to locate the control panel for the generator, so the pumps on Tropical Drive could be installed. He also mentioned that the leak may have been located at Diamond Beach, and a weir was being installed to ascertain if that was the problem area. If the leak is found to be at Diamond Beach, then they would be responsible for their own repairs.

## REGULAR COMMISSION MEETING HELD OCT 02, 2006

The new portables for Town Hall and the Police Department are scheduled to be delivered the week after Thanksgiving, and hopefully, occupied by the mid January.

The Garden Club and the Sand Sifters has scheduled a beach clean-up for November 4<sup>th</sup>, 2006. The Sand-Sifters had approached him regarding non-smoking on the beaches, and asked to appear before the commission in November. Mayor Kaleel stated that he was in favor of looking into non-smoking on the beach, but as most of our beaches were private, it would be tough to enforce. Comm Bingham felt it would be too restrictive, and felt that imposing a \$100 fine for littering would encompass all debris left on the beaches.

Manager Schenck noted that the RMPK Cultural Grant was being reviewed by the Cultural Committee in Tallahassee on November 14<sup>th</sup> & 15<sup>th</sup>. He noted that they would prefer a representative be present if there were any questions, and if there were no objections, he would like to attend. A consensus was made that Manager Schenck represent Ocean Ridge at that meeting.

Comm Allison asked on the status of missing street signs from previous hurricanes. Manager Schenck noted that he would contact Jeff Industries to get an update of the missing signs that had been on back-order.

### 6. Town Attorney

Atty Spillias stated he would need the commission's advice and direction in regards to the settlement and costs of 2 cases, and asked that an Atty/Client Executive Meeting be held On Friday, October 6<sup>th</sup> at 8:30 am to discuss them.

The first case regards a permit challenge by Briny Breezes vs FDOT, Case #06-0755, and is scheduled for administrative hearing in November. He was preparing our document and needed settlement advice.

The second case is Case #502006SC012072XXXMB, Bo Romenko vs Town of Ocean Ridge. It is a matter for small claims court. He alleges his driveway was damaged as a result of the South Phase Project and the costs were less than \$5000. The pretrial case is scheduled for December 7<sup>th</sup>, 2006.

Comm Hogan motioned for an Attorney/Client Executive Meeting be held on Friday, October 6<sup>th</sup> at 8:30 am. to discuss the 2 upcoming court cases. Seconded by Comm Allison.

Motion Carried - yea 5

### 7. Director of Public Safety

Chief Hillery had nothing to report.

### 8. Town Engineer

Engineer Tropepe stated that \$235,000 had been received from the JPA Grant and \$60,000 had been received from 319 Federal Grant for the Detention Area. The contract was substantially complete, and had no major issues, except for the control panel for the pump. Engineer Tropepe commented that there had been repair disputes with some homeowners trying to match the décor of existing driveways in the swales which was very difficult. She suggested a change in the code or some other method.

Atty Spillias suggested instead of an Ordinance that an added element of notice be presented as part of the permitting process. Clerk Hancsak mentioned that a few years ago FDOT had

## REGULAR COMMISSION MEETING HELD OCT 02, 2006

required all homeowners along A1A to install black asphalt. She suggested that the existing required driveway swale agreement be changed to include a statement to that effect.

Engineer Tropepe asked the residents to please advise the town staff immediately of any problems, rather than waiting and addressing their problems at the monthly commission meetings. Their problems could be addressed and then resolved on a timely basis.

### ACTION ITEMS

9. Discuss Financing for the new Town Hall/PD Building By: Ken Schenck, Town Manager  
Manager Schenck stated that were three options available for financing of the new Town Hall. The first is a bond issue but for the small amount required it would be more complex and more expensive than a loan. That leaves two options for financing: applying for a loan for the full amount or a combination of a loan and using Fund Balance. In reviewing several banks as well as the League of Cities for rates, Bank of America and the League of Cities had the best options. Both had upfront costs, with Bank of America being substantially smaller, the interest rates varied depending on loan amounts and length of loan. They both had penalties for early payoff also. Manager Schenck recommended Bank of America as having the best options. Mayor Kaleel asked for a loan commitment from both the League of Cities and Bank of America, and he asked that rates of Wachovia Bank be reviewed also. Manager Schenck stated that the League of cities wouldn't commit until February or March on the interest rate. Comm Bingham was opposed to the penalties, and suggested that if the banks wouldn't change, then reduce the loan amount or length of loan.

The consensus was to obtain loan commitments for the next meeting.

10. Authorize Execution of Renewal Contract with Clark Mosquito Management, Inc. for "No Seeum" Control in the Amount of \$61,540 from Budgeted Funds By: Ken Schenck, Town Manager

Comm Bingham asked if the same chemical was being used this year. Manager Schenck stated it was the same. Mayor Kaleel asked if Sabal Island was included this year in the spraying, and did the spraying include the Detention Area also. Manager Schenck said he was unsure, but would find out. Clerk Hancsak mentioned that this year's budget included \$63,000 for spraying based on 10 months, and suggested approving the total amount if additional special spraying was necessary. Comm Hogan questioned if any informal monitoring could be done to which Comm Pugh noted that the spraying had definitely improved the outdoor quality, and Clerk Hancsak stated that only positive comments had been received from residents.

Comm Pugh motioned to authorize execution of renewal contract with Clark Mosquito Management, Inc. for "No Seeum" Control in an amount not to exceed \$63,000 from budgeted Funds. Seconded by Comm Hogan

Comm Bingham stated that she would be more satisfied with the \$61,540 instead of the \$63,000.

Motion Carried - yea 5

11. Comm Bingham comments on Motorcycles.

Comm Bingham asked for a more concentrated effort by the Police Department to fine any motorcycles with excessive noise in town. Chief Hillery stated that they cannot ticket them for loud noise, but they could be ticketed if it was found that the baffles had been removed from them.

REGULAR COMMISSION MEETING HELD OCT 02, 2006

Bruce Gimmy, 12 Ocean Ave., agreed with Comm Bingham as to the motorcycle noise as they come down the street. He had noted the change in the bicyclists in town, since the Police Department had more aggressively ticketed them for violations in town. He suggested on weekends using a police car with a dummy. He also mentioned that Delray Beach had sweeps to stop them and warn them, and advise them that in the future they would be ticketed.

12. Ground Breaking of new Town Hall, and Lighting of the Lights

Mayor Kaleel asked if the ground breaking of the new Town Hall and the Lighting of the Lights could be combined. Clerk Hancsak stated that the Lighting of the Lights was usually the next Friday night following Thanksgiving.

The consensus was to hold the Light the Lights on the opposite Friday of the boat parade (either Dec. 1<sup>st</sup> or Dec. 8<sup>th</sup>).

Meeting Adjourned at 6:53 p.m.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Bingham

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Commissioner Hogan

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Commissioner Pugh