

REGULAR COMMISSION MEETING HELD NOVEMBER 6, 2006

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

Manager Schenck asked to discuss the easement agreement for both Turtle Beach and Henri Apartments under Item 10#. Atty Spillias requested to add under his report a request for an Attorney/Client Session regarding Cory Heith vs. Town of Ocean Ridge.

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

Motion Carried - yea 5

CONSENT AGENDA

1. Minutes of Town Commission Meeting of Oct. 2, 2006
2. Minutes of Atty/Client Executive Session of Oct. 6, 2006

ANNOUNCEMENTS AND PROCLAMATIONS

3. The administrative offices will be closed on Friday, Nov. 10, 2006 and Thursday, Nov. 23rd and Friday, Nov. 24th, 2006 for the official holidays
4. Light the Lights and Town BBQ for Ocean Ridge Residents will be held on Friday, Dec. 1, 2006 from 6:00 PM to 8:30 PM

PUBLIC COMMENT

Rick Seibel, 2 Oceanview Drive, stated that his property taxes were \$8000 this year, and asked the town to be more conservative, and lower the taxes if possible.

Andrew Retterath, 4 Waterview Drive, stated that he had met and discussed with Manager Schenck the problems of the canal between Waterview Drive and Ixora Drive and that silt had been dumped into the canal from the construction. He distributed photos of the canal to the commission. Manager Schenck noted that any silt from construction was minimal and that it was private property and not a responsibility of the Town to maintain; that Mr. Retterath and his neighbors should seek quotes from contractors for dredging. Mr. Retterath had received one estimate from a contractor in Pompano Beach for \$100,000. Clerk Hancsak stated that a few years earlier Mr. Collier had the same request, and it had been researched, and found that it was not the Town's responsibility but Palm Beach County. Palm Beach County responded that it was not their responsibility either. Mr. Collier at that time offered to use his property for a drainage pipe, if the Town dredged the canal, but it wasn't done.

Bob Burrows, 3 Waterview Drive stated that there was a catch basin at the corner of the street and it drained into the detention area for years prior to the construction starting but it was not maintained. He asked for another way to drain by use of the existing catch basin, if the town was not going to maintain the canal. Mayor Kaleel mentioned that a few years ago this matter was brought up and asked Clerk Hancsak to research the minutes, as to what the final outcome was.

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Mr. Burrows asked if the landscaping was finished at the Detention Area, and if the gravel driveway could be replaced with sod, instead of asphalt. He felt once construction was complete, a driveway was unnecessary, and would be an eyesore. He also suggested that the generator needed to be better hidden, as it was quite large. Mayor Kaleel mentioned that at the time of the planning of the landscape, the homeowners had requested a more natural driveway.

REPORTS

5. Town Manager

Manager Schenck noted that the Stormwater Drainage Project was complete with the exception of the final location of the control panel and the installation of the pumps on Tropical. Once a decision had been finalized then the job could be completed. The water in the detention area was as a result of leaks from Tropical. Some of the leaks had been discovered and repaired already, but not all of them, as the water was still draining into the detention area. Comm Hogan asked for a total cost for the repairs to date, she also asked for an expected time frame for the completion of the repair. Manager Schenck noted that they were cleaning the lines, and as they found leaks they were repairing them. Three manholes and 2 catch basins had been repaired so far. Comm Bingham stated that the piping was installed in 1930, and was in bad shape, and that it may take a long time to find the main cause of the leak. Comm Pugh asked the Town Manager that they be more diligent to find the leak and stop the water from draining into the Detention Area. A consensus was made that Manager Schenck have a full report with a time frame and a current cost of the repairs from Rockline Vac Systems Inc for the next commission meeting.

In regards to the temporary relocation of Town hall and the Police Department, the portables are scheduled to be delivered the week after Thanksgiving. In order to save money, it was decided not to have a temporary road installed behind Town hall, but instead to have the vehicular traffic access to the portable buildings from the west side of the garage. The old wooden storage shed on the north side of the garage will be demolished and removed to facilitate the installation of the portable buildings next week. Within the next two weeks the new piping for the utilities will be installed from the east side of the property to where the portable buildings will be located. The banks were still reviewing the Town's budget and audits for the new construction loan needed for the new town hall.

Manager Schenck noted that the mulch was being installed and they were doing the final cleanup of the landscaping for the Woolbright Detention Area. Manager Schenck noted that he would be going to Tallahassee to seek the \$500,000 Cultural Grant next week. Ocean ridge was listed as number 49 out of the 60 municipalities that were applying for grants. There was a total of \$23 million in grants to be appropriated. The FEMA Grant of \$.5 million has had some internal problems as far as the distribution of payment to shelters. Our town hall falls in that category. According to their regulations if our construction was started prior to distribution, we may not be considered eligible for the grant. They said they would work with us if we had to start prior to the money distribution.

The 211 Study and the under-ground study reports from the consortium had also just been received. FPL had agreed to pay 25% of the cost for the underground utilities, but the study felt that FPL should pay 50% of the costs. A final decision had not been made; a report was submitted to the Public Service Committee, for their consideration and hopeful approval.

Prior to the Lighting of the Lights on December 1st, 2006, there will be a ground-breaking ceremony, and the sign picturing the new Town hall will be unveiled at that time.

6. Town Attorney

Atty Spillias asked that an Attorney/Client Session be scheduled for the case of Cory Heith & Others vs. the Town of Ocean Ridge, Case #502003CA010524XX0CAB per the request of our

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insurance counsel. A consensus was made that an Attorney/Client Session be scheduled on November 17th, 2006 at 8:30 am.

7. Director of Public Safety

Chief Hillery had performed a study of setting speed limit signs to 20mph throughout the town. Signs that have 10mph are unenforceable by law, and he suggested that on islands and interior roads throughout towns that 20 mph be established. He felt it justified for the safety and well-being of the residents. Many roads in town have no sidewalks, many neighborhoods have children playing, and there is no room for maintenance vehicles that park on the side of the road. Atty Spillias stated that he would prepare a resolution for the next commission meeting. Chief Hillery recommended that these new signs be placed at the entry of each island or street to reduce the number of signs.

Comm Allison motioned for the Town Attorney to prepare a resolution for 20mph of all interior roads other than state roads in Ocean Ridge. Seconded by Comm Bingham.

Motioned Carried. Yea 5.

Comm Allison commented on the letter received from the homeowner thanking Officer Galluscio and Sergeant Wohlfiel for their assistance in putting out the fire behind the house even before the Boynton's Fire Department had arrived.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Brief Presentation by the Sand Sifters Re: By: Gary Solomon, Sand Sifters

Gary Solomon, representative of the Sand Sifters, noted that volunteers meet monthly at Ocean Front Park for 2-1/2 hours to clean the beaches. They were sponsored by the Adopt-A-Park, SWA, and approved by Palm Beach County and sanctioned by the City of Boynton Beach. They also have a newsletter, and website available. The section that they encompass is from the Boynton Inlet down to the south end of Gulfstream. Ocean Ridge has a major litter problem, and they had already met with the Boynton Beach Recreation Dept and Boynton City Commission. Boynton had purchased the Butt Bag System, which are poles with bags attached. People can place their cigarette butts in the bags rather than in the sand. The cost is 8cents per unit. He also suggested that "No Litter" signs be placed on the beach stating a fine for the violation. He asked that posters or handouts also be issued within the next two weeks informing citizens of the change. The County will form test groups in February/March at the Great American Clean-up. He asked that Ocean Ridge's Police Department be more aggressive and give warnings or citations to discourage future littering, as 90% of the area that they cover is in Ocean Ridge, even a few hours a day. Chief Hillery asked if it was known if Boynton Beach was budgeting for this effort. Gary Solomon was unsure. Some of the volunteers that worked with the Sandsifters commented on the amount of litter that had been collected and stated the hazard and possible injury to animals and children. They asked for public awareness and more garbage containers on the beaches. Comm Bingham felt that a large portion of the litter came from boaters and floated to our shores, and that large fines would deter littering.

Mayor Kaleel thanked them for their presentation and asked where the majority of the most hazardous litter was found. Gary Solomon stated that it was at Hammock Park area that broken glass, needles and other paraphernalia was found. Mayor Kaleel mentioned that banning certain items on the beach may help, i.e. cigarettes or snack bars. Comm Allison asked if a list of their requests could be prioritized and given to the Town Manager. A consensus was made to review

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these requests and decide what avenues and enforcement vehicles could be used to best facilitate a cleaner and safer beach.

10. Approve Settlement with FDOT RE: Generator/Control Panel Permit By: Ken Schenck, Town Manager

Manager Schenck stated that an FDOT Agreement had been received with funding up to \$150,000 to relocate the control panel. Ocean Ridge would be giving up the site on the west side of A1A and changing the control panel to Turtle Beach, and the case would end. Atty Spillias stated that approval of all 3 parties would be needed, and that Briny Breezes was still resisting. The status of the permit challenge is scheduled for hearing on November 20th, 2006. Mayor Kaleel noted that Briny Breezes would be getting off scott-free if the panel was relocated and the permit was withdrawn.

Manager Schenck stated that Turtle Beach had approved an easement and access easement agreement for the new control panel location. It is a 10 year agreement with the \$1000 a year cost. Mayor Kaleel was not comfortable with a 10 year agreement, asked if it could be extended to 25 years or more and tie it into the need for drainage purposes. The consensus was to direct staff to negotiate further with Turtle Beach

Comm Bingham motioned to approve the FDOT settlement agreement, contingent upon the access and easement in place with Turtle Beach and FDOT approval of the modification to permit. Seconded by Comm Pugh

Motion Carried - yea 5

Manager Schenck advised an easement was necessary to cross through Henri's Apartments to reach the control panel at Turtle Beach. They were requesting repaving their driveway and provide initial landscaping to shield the panel.

Comm Bingham motioned to approve the agreement for the easement at Henry Apartments. Seconded by Comm Allison

Motion Carried - yea 5

TOWN COMMISSION COMMENTS

11. Discuss Payment Deadline and Imposing Penalty for Delinquent Garbage/Trash and Alarm Monitoring Fees By: Mayor Kaleel

Mayor Kaleel noted that there is currently no penalty for any delinquent garbage/trash or alarm monitoring fees as long as the fees are paid by the end of each fiscal year. It was discussed that residents have all year long to make payments before liens are placed and interest charged, also the time that is incurred in sending out past-due notices, and then the paperwork involved in filing liens for non-payment. Clerk Hancsak noted that an escalating flat fee increase would be easier for accounting purposes, rather than charging interest.

Comm Allison motioned to impose an escalating fee of \$25 increments for each quarter that an alarm or garbage/trash invoice is not paid (\$25/\$50/\$75/\$100). Seconded by Comm Pugh

Motion Carried - yea 5

12. Discussion Regarding Various Committee Alternates By: Comm Hogan

Comm Hogan mentioned various committees that the County has, and asked who the Town's representative for each committee was. She had recently been to a meeting where there was not a representative of Ocean Ridge present. She mentioned that other municipalities have it approved

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that if a committee seat is not in use then any other commissioner present has the right to step in and represent the municipality.

Comm Hogan motioned to approve that if at a committee meeting, a representative of Ocean Ridge was not present, that another commissioner that is present be allowed the right to step in and fill that position.

Mayor Kaleel mentioned that some committees, such as the League of Cities, nominate and vote in representatives, and could not be replaced. It may also be at the discretion of each committee if they would allow another commissioner to fill in. Comm Bingham thought it could be very dangerous for someone to fill in if not properly informed prior to the meeting. The sunshine law prohibits the exchange of information outside approved meetings.

Motion Withdrawn.

A consensus was made for Clerk Hancsak to prepare a list of committees and the appointed representatives and any appointed alternates for the next commission meeting.

Meeting Adjourned at 7:45 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh