

REGULAR COMMISSION MEETING HELD MARCH 5, 2007

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 5, 2007, 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 Hogan Commissioner Bingham
Comm Allison Comm Pugh
Mayor Kaleel

Pledge of Allegiance

There were no additions, deletions or modifications to the agenda.

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

Motion Carried - yea 5

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of Feb. 5, 2007
2. Ocean Ridge Resolution No. 2007-03; Expressing Opposition to House Bill 529 Known as the "Consumer Choice Act of 2007" (H529), Urging Florida Legislative Representatives to Refrain from any Form of Support or Co-Sponsorship of H529 and to Vote in Opposition to H529, Requesting Governor Crist to Advise the House and Senate Leadership that he does not Support H529 in Advance of the Opening of the 2007 Regular Session, and Directing that this Resolution be Forward to Various Legislative Delegations

PUBLIC COMMENT

Ted Ritota, 4 Hudson Avenue stated that garbage/trash pickup used to be on Mondays instead of Tuesday. It was proposed by Waste Management to change the days. He thought that it was approved with the condition for no-one to be penalized for putting their trash or clippings on Sunday night. He had been cited with warnings for putting his trash out early, and he questioned why. Clerk Hancsak stated that she could review the minutes to see what was finalized. A consensus was made to review the amendment changing the agreement with Waste Management.

George Gumas, Treasurer of Crown Colony, read a statement from Crown Colony asking the town to review the plans for the Linear Park and change the pathway. He also questioned why it was on file with the county that the property belonged to Ocean Ridge, instead of an "easement". Manager Schenck stated that he had met with Crown Colony on Friday, and this Monday, and was resolving most of their issues. The files are being reviewed and the pathway will be 3ft as per the handicap code. A letter was being finalized with the developer, and he would get back to the commission as to the final resolve. The County needs to correct their records, to reflect an easement. Crown Colony had delivered a letter that was to be distributed to the commission. Manager Schenck apologized for not distributing the letter to the commissioners, citing that he was addressing their concerns, and trying to resolve the issues personally.

Lynn Knight, 26 Douglas Drive, stated that her neighborhood had a problem with dogs running loose in the streets. There were 17 dogs on their street, and 10 were not being controlled by their owners. They also run loose on the beaches day and night. The police had been called a few times about the dogs defecating in the yards of others, and not being leashed. She asked the police to give special attention to the unleashed dogs in the neighborhood. Chief Hillery

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responded that the officers do patrol the beaches with the ATV searching for vagrants or loose dogs. They do respond to dog complaints, and usually have a good success rate.

Stella Kolb, 204 Beachway, thanked the police department for the 3-Way signs, and said it had improved the traffic situation on Old Ocean Blvd. She asked if Planning & Zoning was going to address making Old Ocean Blvd into a one-way street. There was a consensus to have Planning & Zoning address the concerns of Old Ocean Blvd.

John Wootten, 5907 N. Ocean Blvd, mentioned that 2 months ago, he had requested that 3-Way Signs be placed on Old Ocean Blvd. He thanked the police department for them, and said it had greatly improved the traffic situation on Old Ocean Blvd. He asked if a new public trashcan could be placed at the end of Thompson. Mayor Kaleel encouraged the residents to notify the police department or town hall of any complaints in order to get a faster response to the problems rather than waiting for the monthly commission meeting.

REPORTS

3. Town Manager

Manager Schenck stated that the town was waiting on the electrical contractor to start work on the installation of the control panel for the stormwater drainage project. FPI Inc, the pump manufacturer, had been notified to schedule the delivery of the 5 pumps to install in the pump station. Mark Tomberg, the landscaper, had started the regular maintenance of the Woolbright site and replaced some of the dead pink muhly. The dead palms that were put in by Keep Palm Beach County Beautiful had also been replaced. The contractor is expected to start the plantings on the bottom of the retention area on March 7th, and hopes to be done in less than a week. As to the temporary relocation of townhall and the police department, the town is in the process of choosing an electric contractor to run the feed lines back to the portables, and then install all the electrical work for the portables and garage. The town advertised and received 10 submittals of general contractors to pre-qualify them for submitting bids for the construction of the new building. Seven of them pre-qualified, and the plans will be available this week for those contractors. Their sealed bids are due on March 29th, at 2:00pm. Bank of America is waiting on the bids before concluding the loan to finance the new building.

Comm Hogan asked why this was the second time for the algae to be removed from the detention area. Manager Schenck noted that the cattails were removed before, but this was only the first time for the algae. Comm Hogan noted that the east side of Midlane Road had a deep recess near the swale, and may not meet the standards. Manager Schenck stated that he would have Engineer Tropepe review it, as it was part of the permit, to make sure it was to code.

Manager Schenck stated that he had sent letters to 11 homeowners on Old Ocean concerning obstructions in the right of ways, and 5 of the homeowners had responded. Three of those homeowners stated that they would comply. Two others are out of town, and they would contact him when they returned.

4. Town Attorney

Atty Spillias stated that last Monday, the trial started regarding Palm Beach County mandating a countywide Fire Dispatch System or at the paying for it. He was able to attend a portion of the trial, and had a call in to the attorney to see if the judge had made a final decision yet. He would give us an update at the next commission meeting. Regarding the FDOT/Bicyclists, the Chief Engineer's recommended order was to uphold FDOT's determination not to require bike lanes and keep with the prior verbal agreements reached with individual municipalities. The next step is to see whether the secretary accepts the order at which time a legal appeal will likely be filed. He should have further information at the next meeting. Comm Hogan asked if it was appealed, could it potentially hold up the road work on A1A, and could he give the residents updates on

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results of the hearing. Atty Spillias stated that before it would change the major design of A1A, the bicyclists would have to show irrefutable harm to the bicyclists. Comm Hogan commented that she had attended the FDOT pre-construction meeting and suggested monthly updates regarding the paving. Atty Spillias commented that Mr. Romanenko had withdrawn his suit for damage to his driveway allegedly caused during the drainage improvements.

5. Director of Public Safety

Chief Hillery stated that he had nothing to report. Comm Allison mentioned that she had received a request from the Support Group for donation, and her neighbor was confused as to what the funds were used for. Chief Hillery reported that the funds received by the Support Group were used for ballistic vests and other equipment not supplied by the Town. He stated that the Support Group was a private corporation and not a government entity, and therefore not open to the public. Their members were Ocean Ridge staff and volunteers. Comm Allison asked if their organization could help with fund raising for the new building, through their IRS status. Chief Hillery stated that he would look into it.

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

Engineer Tropepe reported that the drainage pumps would be placed next week. The Department of Environmental Protection will be in town tomorrow to review the Detention Area in accordance with the \$200,000.00 grant that was received. She also informed the residents that a marker had been placed on each catch basin in Ocean Ridge. NPDES is mandated by the federal government to monitor the discharge into the system. Each catch basin is now numbered and linked to the GIS, and we will be able to monitor it to keep the storm water clean. Comm Bingham asked if there was a process to find and monitor sewage problems in the town system. Engineer Tropepe stated that there was no way to monitor all the lines, only when concerned citizens called in to complain of smells in the neighborhood. From these complaints, they research to discover the source of the problem, and then work with the Palm Beach County Health Department to resolve the problem.

Donald Magruder, 9 Ridge Lane, asked if the inspector was reviewing the whole South Phase Project or just a portion of it. Engineer Tropepe stated that the whole project would be inspected.

ACTION ITEMS

7. Action to Fill Appointments to Board of Adjustment and Planning & Zoning Commission By: Karen E. Hancsak, Town Clerk

Clerk Hancsak reported that several appointments to the various boards will either lapse or are in need to be filled. The Board of Adjustment has 1 regular appointment which is a 3yr term, and there are 2 alternate appointments for 1 yr term each open. The regular member is Terry Brown, and the alternate members are Jeff Lee and Eric Kramer. All of these members are available and have expressed an interest in serving again. For Planning & Zoning commission, there are 2 regular appointments which are 3yr terms each, and 2 alternate appointments that are 1yr term each. The regular members are currently Ward Northrup and Mauro Walker, and the alternate members are Dr Richard Bajakian and Mark Marsh. All of these members are also available and have expressed an interest in serving again.

Comm Hogan motioned to approve reappointing existing regular members and alternate members to Board of Adjustment and Planning & Zoning Commission. Seconded by Comm Pugh.

Motion Carried - yea 5

8. Approve Contract from Lewis Longman & Walker, PA to Represent the Town in Legislative Matters with Budgeted Funds from the Legal Special Counsel Account By: Ken Schenck, Town Manager and Ken Spillias, Town Attorney

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Comm Bingham motioned to approve the contract from Lewis Longman & Walker, PA to represent the Town in legislative matters from budgeted funds from the legal special counsel account. Seconded by Comm Allison.

Comm Hogan asked who had prepared the contract, and stated her concern that there were too many lobbyists in Tallahassee already. Mayor Kaleel reported that this was a standard contract from Lewis Longman & Walker, PA, and that before they could represent the Town, they must be registered first. This allows them to monitor and keep us informed of any developments that could impact Ocean Ridge, especially concerning the development of Briny Breezes.

Motion Carried - yea 4, Comm Hogan voted nay.

9. Authorize Sale of Publicly Advertised Generator and Tractor

Manager Schenck reported that 2 bids had been received for the tractor. One bid was \$1228 and the other \$500. The tractor was rusted and not working, he recommended the acceptance of the \$1228 price. In regards to the generator he had received 3 written bids and one verbal bid, with the highest bid being \$30,000.

Comm Bingham motioned to approve the sale of the tractor for \$1228. Seconded by Comm Pugh.

Motion Carried - yea 5

A consensus was made to retain the generator to use for the new building.

10. Authorize \$38,045 in Fees for the Electrical Work for the Portable Buildings and Garage from the Town Hall Renovation Account

Manager Schenck reported that the staff had sought bids from 4 electrical contractors and had received three back, with prices ranging from \$57,628 to \$38,045 for electric service for the portable buildings and garage.

Comm Allison motioned to authorize \$38,045 in fees for the electrical work for the portable buildings and garage from the Town Hall Renovation Account. Seconded by Comm Bingham

Motion Carried - yea 5

11. Authorize Change Order for Chaz Equipment for Delay Caused by the Control Panel/Generator Relocation

Manager Schenck reported that on September 1, 2005, FDOT stopped Chaz Equipment for 9 days because of the complications with the generator location on A1A at Tropical Drive. FDOT admits to their part of the delay, and have agreed to reimburse us as a part of the \$150,000 interlocal agreement recently approved. This addendum has been discussed with Chaz and they have agreed to a total cost of \$50,000 from \$74,685. Staff recommends approval of the change order in the amount of \$50,000.

Comm Pugh motioned to authorize the change order for Chaz Equipment for delay caused by the control panel/generator relocation in the amount of \$50,000. Seconded by Comm Allison

Motion Carried - yea 5

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RESOLUTIONS

12. No. 2007-04; Electing a Mayor

Comm Allison motioned to appoint Kenneth Kaleel as Mayor of Ocean Ridge until 2008. Seconded by Comm Bingham.

Comm Hogan stated her concern that Ocean Ridge not be a strong mayor form of government, and felt that Ocean Ridge should go back to tradition and switch between commissioners again. Comm Bingham felt that it was a critical time to have a mayor that was familiar and up to date with the issues of Briny Breezes and other on-going projects. Comm Allison agreed and stated that Ocean Ridge was lucky to have Ken Kaleel who is able to devote so much time to the residents and problems that occur. Comm Pugh also agreed and mentioned that with a full-time job, time management is hard, and felt that it was essential to have a mayor with a history in town. Kenneth Kaleel stated that he would accept the appointment.

Motion Carried - yea 5

13. No. 2007-05; Electing a Vice Mayor

Comm Pugh moved to appoint Dr Lynn Allison as Vice Mayor of Ocean Ridge until 2008. Seconded by Comm Hogan.

Motion Carried - yea 5

14. No. 2007-06; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks

Comm Bingham motioned to approve Resolution No. 2007-06 Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks. Seconded by Comm Pugh

Motion Carried - yea 5

TOWN COMMISSION COMMENTS

15. Update on Briny Breezes

Mayor Kaleel reported that residents from Gulf Stream and Ocean Ridge had formed a citizen's coalition board to deal with Briny Breezes issues. Several residents were on the coalition, including Bernd Schulte, Gail Askov, and Gerald Goray. The development of Briny Breezes will be a reality with many concerns to our small town. There is the potential of over 10 buildings constructed on 35 acres. He had met with executives from the Treasure Coast Regional Executives, and they were not in support of that particular project. Tom Pelhem with the DCA was also invited down to meet with us regarding Briny Breezes. If he could not come down, they would fly up to meet with him.

Bernd Shulte, 5 Osprey Court, reported that he was one of the residents involved in the citizen's coalition board. They had one private session so far, and there were Gulf Stream residents and Ocean Ridge residents involved. Their purpose is to get together to discuss Briny Breezes, and try to protect both town's interests, and its' residents. Comm Hogan asked if the meetings were open to the public. Comm Allison noted that there may be a conflict of interest with the Florida Sunshine Law, if more than one commissioner attended.

Engineer Tropepe stated that she had reviewed the traffic report that was in the paper regarding the 5000 trips through town. Her analysis was still in the early stages as to how they arrived at their results with such a small population but it appears that they included their storage area as

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industrial usage. Mayor Kaleel stated that Gulf Stream may be hiring a traffic engineer themselves, to refute the report that was issued in the paper.

16. Discuss Property Tax Reform

Mayor Kaleel reported that there is a proposed property tax reform that would reverse the current millage back to the 2001 level or 2.41. The millage is currently at 4.75, and this would be a 50% reduction. If it passed, Ocean Ridge could not afford police or fire. Comm Hogan stated that this was at the beginning stages, and she was concerned that Tallahassee had no sympathy for the small local governments. She asked that the residents stay alert and informed. Mayor Kaleel reported that Ocean Ridge had some large challenges ahead, with the proposed property tax reform, Briny Breezes and the Boynton Inlet issue. The little towns are under extreme pressure, and the residents of Ocean Ridge will be called upon for support

Meeting Adjourned at 7:25pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh