

REGULAR COMMISSION MEETING HELD APRIL 2, 2007

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 2, 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 Pugh
Mayor Kaleel

Comm Allison was absent with notice.

Pledge of Allegiance

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

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

Motion Carried - yea 4

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of March 5, 2007
2. Ocean Ridge Resolution No. 2007-07; Approving the Palm Beach County's Equal Employment Ordinance Prohibiting Discrimination in Employment on the Basis of Race, Color, Sex, National Origin, Religion, Age, Disability, Familial Status, Marital Status, or Sexual Orientation and Authorizing its Inclusion in the Town of Ocean Ridge Employment Applications and Policies
3. Ocean Ridge Resolution No. 2007-08; Finding that the Expenditure of Money in Support of the Proposed Amendment to the Palm Beach County Charter Serves a Public Purpose; Providing that the Dissemination of Information Concerning the Impacts of this Amendment on the Citizens of the County and the Town is Essential to the Health, Safety, Protection and Welfare of the Town and Its Citizens

ANNOUNCEMENTS AND PROCLAMATIONS

4. Proclamation Declaring April as Water Conservation Month
Mayor Kaleel requested the residents to make a special effort to conserve water as Palm Beach County was on water restrictions.

PUBLIC COMMENT

John Wootton, 5907 North Ocean Blvd, expressed his concerns of safety of pedestrians on Old Ocean Blvd. He felt that the vegetation is still too close to the roadway, especially with the new construction of A1A, and the upcoming effects of Briny Breezes. He requested that the town take back their right-of-ways, and to give the Town Manager full support to bring the residents into compliance. Comm Bingham asked of the status of an exposed BellSouth line that was causing problems. John Wootton stated that he had spoken with BellSouth, and was told that the break was found under the ficus hedges, and that BellSouth was going to install a relay switch between Thompson and Old Ocean to resolve the problem with the phone lines.

Gary Kosinski, 6000 Old Ocean noted that the line goes through their yard not under the ficus hedge, and that BellSouth had dug up his yard four times, and they were going to redirect the line toward the easement. Manager Schenck stated that he had a call into BellSouth to check on the status of the problem and would advise.

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REPORTS

5. Town Manager

Manager Schenck stated that 3 representatives from FDOT were present to give an update of the construction of A1A through Ocean Ridge: Sandy Daniel of Eisman & Russo was overseeing the coordination of the project; Rob Cables, FDOT Project Manager, and Rick Wendling, Inspector for Eisman & Russo. Rob Cables and Rick Wendling were daily at the project.

Rick Wendling, reported that the work had started last Tuesday at the north end of town. They would begin widening 2 ft on the east, and 3 ft on the west side of A1A, while reducing A1A from 12ft to 11ft wide. No walls would be removed. The work would be proceeding through December, with a projected completion date of February 2008. They would be working 6 days a week. There was also a monetary incentive for the contractor to be complete before Thanksgiving. He reported that A1A would not be totally blocked off; a small side of the road, 3-4ft will be dug up at a time, and then refilled the same afternoon. A flagman would be used to direct traffic around the construction. There would be two crosswalks, one at Hammock Park, and the other at Harbour Drive. FDOT had specifically notified 4-5 property owners by letter of conflicts with lighting or various issues. All other owners received a general letter notifying them of the starting of construction, and asked for items in the right of way to be moved 6 feet back from the road to prevent damage (ie. mailboxes, sprinkler heads) during the construction.

Kathy Kyle, Ocean Ridge Management, 6855 N Ocean Blvd, reported that FDOT was currently at their property, and 12 sprinkler heads had been broken. Jim Gardner, 6714 N Ocean Blvd, questioned why they were changing the sidewalk to go around and through 2 ficus trees. Rick Wendling, FDOT stated that they could be at the Ocean Ridge Management office tomorrow morning to address these issues with Ocean Ridge Management and Jim Gardner as they were currently working at both their properties. Steve Greenhut, 5907 N Ocean Blvd, was concerned that Old Ocean would be used as a detour route for traffic, and asked for barricades preventing through traffic, and for an officer to be assigned to supervise FDOT if necessary. Several other residents voiced their concerns of mailboxes and vegetation having to be removed or repositioned to accommodate the construction. A consensus was made to have FDOT come to Townhall on Wednesday, April 11th 5-7pm to address any specific issues the residents may have on a one to one basis.

Comm Hogan stated that Manalapan already had a meeting with FDOT, and she had been present, and asked why Ocean Ridge had not already scheduled a meeting for any resident concerns, and to whom were the residents to contact for any problems. Manager Schenck noted that he had a field phone number and an e-mail address of Jdaniel@eismanrusso.com; both would be made available.

Mayor Kaleel announced that Commissioner McCarty was in the audience, and thanked her for her attendance and support to Ocean Ridge.

Manager Schenck reported that the pumps were installed on Tropical and that the control panel should be 100% operational in 4 weeks. The plantings for the Detention Area had been delivered, but most of them were returned, as they were not healthy; only 25% of the plantings were complete at this time. The algae in the detention area was removed before the plantings. The two portables were expected to be complete in the next month. Of the seven qualified bidders for the new townhall, 2 had dropped out. Five bids were expected to be submitted on April 12, 2007. FEMA had informed us that they had started the paperwork on our grant, and the amount expected is \$372,789 for the townhall project. In regards to Old Ocean, 11 letters had been sent

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out to the residents asking them to clear obstacles from the right of way. Six favorable responses had been received so far.

Comm. Hogan asked the Town Manager why her mail was delivered to Gail Aaskov. Town Clerk Hancsak advised it was a mistake as packets were sent to both the Commission and Board of Adjustment that day (of which Gail Aaskov is a member). Comm Hogan then questioned the townhall's procedure of handling mail sent to the commissioners. Atty Spillias reported that all mail received to townhall was public record; and the commissioners had voted for the town clerk to open all mail received to townhall. It is dated, opened and then distributed accordingly. If any mail is sent to a commissioner's home for town business – that also is considered public record. The commissioner would then be accountable and liable to retain it on file for public disclosure, if requested. It was also discussed that each commissioner be responsible to check their office mail box for any notices of upcoming events or invitations. Comm. Hogan stated that as an accountant she requested that the task of signing checks be rotated among all the commissioners. Clerk Hancsak commented that if the Mayor stops by to sign documents such as liens, ordinances, etc or Comm. Bingham stops in while walking her dog, then staff usually asks them to sign checks, believing it is easier for everyone.

Stella Colb, 205 Beachway, asked why this “nonsense” was being discussed at the town meeting. There were more important matters that the public wanted to hear and discuss, and asked the meeting to please proceed.

6. Town Attorney

a. Update on Fire Dispatch with the County Litigation

Atty Spillias reported that the Boca trial had lasted 4 days. He had spoken with Diane Frazer, from the City of Boca, and was told that Judge Stern had commented that submittals from both parties were very thorough. The municipalities felt that a county tax would be a double taxation, and they were concerned that Palm Beach County's next step would be establishing a county-wide fire department for all municipalities. It was hoped that the judge would reach his final decision soon, and Atty Spillias stated that he would report any updates.

b. Update on Bicyclist/FDOT Suit

Atty Spillias reported that the hearing office found in favor of FDOT. This decision was based on the following: 1) The bicyclists had no standing to object. 2) If they even did have a standing, FDOT had the discretion to consider the purchasing of the extra property needed for the bike lane at an approximate cost of \$40 million. The bicyclists were appealing with the First District Court of Appeals. Atty Spillias felt confident that the decision would be upheld, and it would be 6 months to a year before finalized.

7. Director of Public Safety

Chief Hillery reported that he had been asked by Comm. Hogan to report on the nomination of Stefan Katz as Office of the Year, and also to give a report on gang violence.

a. Lt. Katz' Nomination for Officer of the Year

Chief Hillery reported that Lieutenant Stefan Katz had been nominated for Officer of the Year. In the fall of 2005, what started as a stolen RV ended in a 4 year investigation of a \$6million mortgage loan fraud, and the FBI finally got involved. As a result of the efforts and hard work of Lt. Katz, the perpetrator was currently serving 6 years of jail time. It was the first time that an Ocean Ridge officer had been nominated. He did not win the Officer of the Year, but it was a great honor to be considered.

b. Report on Gang Violence

Chief Hillery reported that recently in the news, there had been several gang related shootings. He submitted a report from the Palm Beach Post that showed that Ocean Ridge had an 80% decrease in violent crime since last year. He was happy to report that Ocean Ridge does not have a gang problem. The main reason is the presence of our law enforcement on the streets, and the

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bridges work for us too. Within the past few years, they have been slowly replacing the arsenal for the police department with newer, stronger hand guns and rifles to ready the Town for any event that may occur. These items had been budgeted and paid for.

8. Town Engineer (SFRN, Inc.) – Drainage Update
Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Request to Obstruct the Thompson Street Right-of-Way with a Fence That Would Encroach 20' into the ROW By: Lisa and Ken Joy, 62 Harbour Drive North

Ken Joy, 62 Harbour Drive North, requested that a 4ft aluminum fence be installed over the town easement that would not block the view of his neighbor. He commented that it had taken him 2 years to shore up his land, and run the rip rap down, and mangroves had been planted and maintained for the past year. This work was done at a personal cost to him of \$100,000. In an effort to accommodate the neighbor's objections, he offered to catty-corner so as not to block his neighbor's view. His request for this fence would 1) ensure the safety of his family 2) serve as a pool enclosure 3) protect the mangroves. Comm. Pugh mentioned that if the fence was from a 45degree angle, it felt he would accommodate Mr. Kramer, and would not be an infringement.

Mr. Kramer, 58 Hudson Drive North, stated that he had respected the work done by the Joy's. However, he felt that the property was the town's easement, and asked for a postponement before any decision, as he felt he was not given enough notice prior to this meeting. Atty Spillias noted that it did not require a public notice, as it was within the discretion of town. Mayor Kaleel stated that the policy of the town had been to prevent any blockage of the right of ways.

Comm. Bingham motioned to postpone this request to obstruct the Thompson Street right of way with a fence that encroach 20' into the ROW until next month's meeting. Seconded by Comm. Pugh.

Comm. Pugh also asked that at next month's meeting a survey be provided, along with pictures showing the stake of where the fence would be installed.

Motion Carried, yea 4.

10. Discuss P & Z Recommendations Regarding Old Ocean Blvd.
Manager Schenck advised that Planning & Zoning met and discussed Old Ocean Blvd, and ultimately recommended that a traffic/planner consultant be hired to analyze the options and best solutions. Simmons & White had prepared a letter with a scope of service, time of performance, and fees to be paid if they were hired. James Bonfiglio, 5616 N Ocean Blvd, and a Planning & Zoning Board member stated that they had felt they were not qualified to handle traffic issues and with Briny Breezes in the context, both Old Ocean and North Ocean Blvd would be heavily impacted. Simmons & White is a transportation and land planning firm.

A discussion was held asking if their proposal could include Briny Breezes. A barrier may be needed between Ocean Ridge and Briny Breezes once the construction begins. It was requested to table this until August/September when traffic flow would be at its highest. The money may not be well spent as people will be leaving for out of season. They may recommend land paths, gravel or a sidewalk.

A consensus was made to request Simmons & White to attend the next commission meeting to define their services and fees.

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FIRST READING OF ORDINANCES

11. Ordinance No. 570; Adopting an Amendment to the Code of Ordinances Chapter 30 (Licenses and Business Regulations), Article II Section 30 (Occupational License Tax), to Revise Terminology Used Therein From "Occupational Licenses" to "Local Business Tax" in Conformance with Chapter 205, Florida Statutes

Mayor Kaleel read the ordinance by title only.

Comm. Pugh moved to approve the first reading of Ordinance No. 570. Adopting an Amendment to the Code of Ordinances Chapter 30 (Licenses and Business Regulations), Article II Section 30 (Occupational License Tax), to Revise Terminology Used Therein From "Occupational Licenses" to "Local Business Tax" in Conformance with Chapter 205, Florida Statutes Seconded by Comm Bingham.

Atty Spillias noted that the reason the State revised the terminology was because occupational license implied licensed, but in fact it is a tax.

Motion Carrier, yea 4.

12. Ordinance No. 571; Amending the Code of Ordinances, Chapter 42, Solid Waste, to Clarify the Difference Between Refuse, Garbage, Trash and Yard Waste; Providing for an Extended Period of Time to Place Yard Waste Curbside

Mayor Kaleel read Ordinance #571 by title only.

Comm. Bingham suggested that trash should not be placed on public property or right of ways, as it could damage property, and asked if it could be placed in driveway. Clerk Hancsak noted that driveways cross over public right of ways also.

Comm. Pugh motioned to approve the First Reading of Ordinance No. 571; Amending the Code of Ordinances, Chapter 42, Solid Waste, to Clarify the Difference Between Refuse, Garbage, Trash and Yard Waste; Providing for an Extended Period of Time to Place Yard Waste Curbside Seconded by Comm. Hogan

Motion carried, yea 4

TOWN COMMISSION COMMENTS

Comm. Hogan asked if Ridge Blvd paving was built to specification. Manager Schenck stated it was built to normal road specifications, but not DOT specifications. He added that he would check into it further.

Meeting Adjourned at 8:10pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh