

REGULAR COMMISSION MEETING HELD MAY 7, 2007

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 7, 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
Commissioner Allison	Commissioner Pugh
Mayor Kaleel	

Pledge of Allegiance

Mayor Kaleel welcomed everyone to the first meeting in the new portable. He acknowledged the presence of Mayor Bennett from Briny Breezes, and thanked him for coming to the meeting.

Comm. Hogan requested to add item #21 regarding spraying in town. She also requested to add item #22 regarding a mail opening policy. Mayor Kaleel requested to comment on the retirement of Judy Cruickshank after the Town Manager's report.

Comm. Bingham motioned to approve the Agenda. Seconded by Comm. Allison.

Motion Carried - yea 5

Comm Hogan commented that she was concerned regarding the town minutes, and had listened to the tape of the Regular Town Commission Meeting of April 2, 2007, and then met with the town manager and requested some changes to the minutes. She was concerned that if all the minutes are not put in, it is hard to pick and choose. She then stated, "I am a CPA, have a Masters in Public Administration, and have audited local government for the State Control of New York. I am certain that when I do an audit, it is to go over minutes. I am comfortable with it." On Page 3, the first line, she requested to remove the words "in error" as she did not say that. Further down in that same paragraph she asked to change the wording to say "Comm. Hogan stated that as an accountant she requested that the task of signing checks be rotated among all the commissioners." Comm Hogan also asked to add under #7 the following comment: "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."

Comm. Hogan motioned to reconsider the motion to approve consent agenda. Seconded by Comm. Pugh

Motion Carried – yea 5

Comm. Hogan motioned to approve the consent agenda with the amended minutes of the Regular Town Commission Meeting held on April 2nd, 2007. Seconded by Comm. Pugh

Mayor Kaleel cautioned changing the minutes prior to them being presented to all the commissioners, as it was setting a bad precedent. Comm. Hogan stated she felt concerned with some comments made from the local press regarding the last commission meeting, and had asked to review the draft of the minutes before they were presented as public record. After she had reviewed the minutes and listened to the tape, she asked the Town Manager to make changes. She felt it fair to include all minutes for the common good. The Town Manager advised her later that any changes to the minutes had to be made at the commission meeting before all the commission. Comm. Pugh asked for all to agree to continue to discuss any changes to the agenda or consent agenda at the same time as the first item of business, so the meeting can progress without break in proceedings, as this has been done since he first became a commissioner.

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Motion Carried – yea 5.

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of April 2, 2007
2. Minutes of Public Hearing Meeting of April 2, 2007
3. Authorize Scheduling the June Regular Commission for Monday, June 11, 2007, the July Regular Commission Meeting for Monday, July 9, 2007 and the September Regular Meeting/Tentative Budget Adoption to Sept. 10, 2007 (Provided there are no County or School Board budget meetings)
4. Authorize Mayor Kaleel as Voting Delegate and Any One of the Commissioners or Town Manager as Alternate(s) for the Palm Beach County League of Cities, Inc.
5. Authorize the Mayor and Town Attorney to Execute the Stipulation of Settlement RE: Briny Breezes, Inc. and the Town of Briny Breezes vs. FDOT and the Town of Ocean Ridge Relating to the Tropical Dr. Control Panel and Generator
6. 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 (POSTPONED TO THE 5/7/07 MEETING)

ANNOUNCEMENTS AND PROCLAMATIONS

7. Proclamation Declaring May as “Civility Month”
8. Proclamation Declaring April as “Fair Housing Month”

PUBLIC COMMENT

Richard Bajakian, 37 Harbour Drive North, noted his concern that the minutes of the meetings are not available until the next months meeting after they are approved. Issues are discussed and decided before the next meeting like the mail and sunshine issues. He asked for the minutes to be available at least in draft form on the website. A consensus was made for the Town Clerk to post the summary list of action items for each meeting on the website as soon as possible.

Bob Weisblut, 5001 Old Ocean Blvd, stated his concern that the Planning & Zoning Commission was considering making Old Ocean Blvd a one-way street. In the years he had lived on Old Ocean, he has never seen an accident, and he daily rides his bike on Old Ocean Blvd. If made a one way, he would be blocked in on his property from the other streets. Comm. Hogan asked him about his thoughts of the shrubbery in the right of ways. He stated about 6 homes have shrubbery in the right of way that make it hard to get out of the road. But some people don't move out of the road anyway, so he was not sure if 2-3 ft would help much.

Wilson Eick, 26 Douglas Drive, stated that he was an architect scale modeler by profession and he created an as-built model showing the approximate proportions of the new proposed towers of Briny Breezes compared to his small home. He thought a visual would be louder than words as to how it would effect his quiet neighborhood.

John Wootton, 5907 N Ocean Blvd, thanked the commission for all the involvement that the Mayor had done regarding the Briny Breezes situation. He then read a letter that he had sent to the commission regarding Old Ocean Blvd, and his concern for the safety of the pedestrians and bikers. He reported that since 2003, homeowners have been asked to remove barriers, gates, and other items from the right of ways, and no one is doing followup. He asked if the town would be liable for allowing unsafe conditions to exist, and felt that asking an analyst to review the situation was unnecessary. He asked for action by code enforcement to fix the problem and make it safe for all on Old Ocean Blvd. Comm. Hogan thanked him for his report as it was very informative.

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Richard Lucibella, 5 Beachway North, stated he took great pride in the staff at town hall, and was concerned that minutes should remain impartial and not be editorialized by citing someone's credentials. He also reported that many residents attempt to run their business from their homes, and asked the town to review the possibility of collecting revenues from home businesses in town. A consensus was made for Planning & Zoning to review it as several other municipalities have an ordinance in place.

Debbie Brooks, 15 E Ocean Avenue, mentioned that she had not been coming to the town meetings as she had felt frustrated. She was concerned that at a previous meeting, it had been discussed to alternate the mayor position among the commissioners. She stated that she felt very thankful for Ken Kaleel's qualifications, intelligence, and devotion to Ocean Ridge. She felt him to be the most qualified commissioner to lead the town through the upcoming difficulties facing Ocean Ridge, and was grateful that he was our mayor. Debbie Brooks then reported a problem with 17 E. Ocean Avenue, the property adjacent to her home. It was currently unoccupied, had no air conditioning, and contains mice. There also was a deep hole that may be a result of a damaged septic tank. She asked that the town look into it, as she considered the home to be unsafe. She was advised that Code Enforcement would look into the property. Comm. Hogan noted that she had brought up the idea of rotating the mayor's position among the commissioners. We all have equal opportunity to work as hard as we can, and there is no one would support the Mayor Kaleel more than I. Debbie Brooks remarked that the reason she had not attended meetings was due to Comm. Hogan always reiterating her qualifications, adding that she herself lost the municipal election to her.

Sandy Foster, 5900 Old Ocean Blvd, reported that she had observed an ambulance/fire truck wait 7 minutes on the west side of the Woolbright Bridge. She stated her concern for the safety of the residents. She asked the commission to review the contract with the City of Boynton, and to find any possibility of retaining equipment/crew in town for such emergencies. She asked if Manalapan could be used for emergencies. Chief Hillery reported that at this time we could not accommodate them, and that the bridge tender is among the first to be notified at the time of an emergency. Mayor Kaleel noted Manalapan used Palm Beach County for their fire/emergency services, adding that maybe after the building of town hall, it could be revisited, but now it is not possible.

REPORTS

9. Town Manager

Manager Schenck reported that the pumps had been installed on Tropical Drive, and the control panel at Turtle Beach had also been installed. FPL has yet to install the meter, and then CR Dunn has to complete the wiring, to make it operational by the end of May. The town Commission had previously authorized \$35,000 for the purchase of the generator. For an additional \$6000 a 135KW generator was purchased for \$41,250, which would empty Tropical Drive wet well 3 times faster. The final aquatic plantings will be completed when the rains start again, as it is too dry for planting at this time. In regards to the temporary relocation of town hall, the electrical contractor is in the process of finishing the portables and garage; Bell South has completed the installation of cable for the phone lines also. The wiring for the computers, telephones is almost complete, the wiring of the radios and all electrical equipment in the Communications Center needs to be completed, and the portables need to be cleaned for occupation. Three contractors submitted bids for the construction, and it is on the agenda later for approval. On January 12, 2007 President Bush approved an increase in the Federal Share for disaster funding for Hurricane Wilma from 75% to 90%. On April 1, 2007, the Town received a check in the amount of \$13,205.46 from FEMA for the increase of 7.5% for disaster relief funding of Hurricane Wilma, bringing the total amount up to \$232,016.73.

10. Town Attorney

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Atty Spillias reported that the Secretary of DOT had denied the plaintiff's motion of stay. The plaintiff had not sought review in the Appellate Court yet, but they may reserve their right to an appeal. Regarding the Briny Breezes Comprehensive Plan Amendment, the transmittal was forwarded last Saturday. Lewis Longman, as counsel supported the commissions wishes and let it be known that the proposed scale of work was not in Ocean Ridge's best interest. There are 30 days to respond and provide and develop comments to Community Affairs and the Treasure Coast as well. Ocean Ridge has the right to respond by May 25th, 2007. He will keep the town advised of any updates.

Comm. Allison felt the importance that anytime a commissioner speaks to the press that it be known that he/she is giving their opinion as a private citizen, and not the opinion of the commission as a whole. Comm. Hogan commented that all commissioner's chairs were equal, and felt as a collective whole they all had a part to play, and she always says that she is speaking as a private citizen. She understood that time is of the essence, but until an item is brought forward and discussed, at that point the Mayor can say that he is speaking for the town. Comm. Allison agreed, however Mayor Kaleel had been pro-active in speaking for the town's defense, regarding Briny Breezes and was doing an excellent job in presenting Ocean Ridge's concerns. Atty Spillias reported that he did not remember any specific motion in the past.

Comm. Allison motioned to that Mayor Kaleel have the authority and right to represent the joint views of the Town Commission. Seconded by Comm. Bingham.

Comm. Hogan commented that she did not wish to take a position that would take away the rights of the other commissioners or free process. Mayor Kaleel and Comm. Allison stated that they did not feel this was an issue. Atty. Spillias reported that Mayor Kaleel has held the position that while recognizing that Briny Breezes will redevelop, the town feels that at this time the plans presented by the development are too dense/massive/high. He had met with the other neighboring towns and together they jointly agreed that the project should have less impact on our small towns. Mayor Kaleel did not feel that he had gone against that policy, and noted that he did hold the chair which is a symbolic representation of the Town. Some things progress rapidly and there is no luxury of taking slow steps. Some timelines are out of our hands, and have to be complied with and handled quickly, or we lose. Comm. Hogan reported that since she did not know the policy regarding the Mayor speaking on behalf of the commission, she couldn't support to have him speak, and would be in the office on a daily basis, for an update of information. Comm Pugh stated that Mayor Kaleel had spoken several times lately all over Palm Beach County. Mayor Kaleel commented that he took offense at Comm. Hogan's insinuating that he would do something adverse for the town.

Comm Hogan stated that she would vote for him to speak for the town, but would return next month if not comfortable with the policy.

Motion Carried - yea 5.

Mayor Kaleel acknowledged the presence of Judy Cruickshank, a dispatcher for Ocean Ridge. She was to be retiring on May 31st, 2007, and had serviced Ocean Ridge for 18 years. Her dedication was appreciated, and she would be greatly missed. Judy Cruickshank mentioned that upon retirement, she would be splitting her time between Florida and her family in North Carolina.

Comm. Pugh motioned to give a bonus to Judy Cruickshank of \$100 for each year of service. Seconded by Comm. Allison.

Motioned Carried – yea 5.

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11. Director of Public Safety

Chief Hillery reported that Palm Beach County was under water restrictions, and so far they had received very good response from the residents. Any that were not in compliance had received warnings. However they would be starting to issue citations for any residents that had already received warnings and still were not in compliance. Letters regarding tree trimming had been sent out also, as hurricane season was soon approaching.

Stella Kolb, 204 Beachway Drive, stated that she had received a warning for her sprinklers, and mentioned to the officer that she was unsure how to adjust the timer. The officer fixed the timer on her sprinklers to operate on the proper days. She thanked Chief Hillery for the courtesy of his officers.

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

Engineer Tropepe reported that in the last 24 hours, there had been .81 inches of rainfall, and they were waiting on FPL to install the meter for Tropical Drive, and then it would be complete.

ACTION ITEMS

13. Presentation by Simmons & White Engineering/Planning/Consulting RE: Old Ocean Blvd. Options and Analysis

Manager Schenck summarized his memo by stating per the request of Planning & Zoning, Simmons & White Engineering/Planning/Consulting were in attendance to give a presentation regarding Old Ocean.

Rob Benningham, Simmons & White Engineering/Planning/Consulting, stated that he was a registered traffic engineer in Palm Beach County for 20 years, and also a prior North Palm Beach Commissioner and felt he had a good understanding for small towns and their needs. In reviewing the GIS maps he saw clearly that some there is some landscaping in the right of ways that needs to be handled through code enforcement. He was pleased to see that steps had been started, like the low speed signs already in place, the 3-Way Stop Signs. The 2 times he had driven down Old Ocean, he noticed police cars each time also. Per the Commission's direction he would be glad to develop a design and plan for Old Ocean Blvd for possible solutions.

Comm. Pugh thought it might be too early to perform the study, as it was off season. He suggested that code enforcement pursue the non-compliant residents, and then during the winter season, discern if there is still a problem. Comm. Bingham noted that foot traffic and dog traffic from Boynton over the bridges, greatly increased in the winter time. Comm. Allison felt that the issue had been postponed enough, and that now was the time to take action. Comm. Hogan agreed with Comm. Allison and thought it best to get this done now. Mayor Kaleel agreed, and mentioned however that this issue had gone to Planning & Zoning, and it was per their request for the help of a traffic engineer. Since we gave it to P&Z, let's allow them the opportunity to ask these questions to Simmons & White, and come up with a design or plan.

Mauro Walker, 108 Dolphin Drive, noted that \$5000 was not a lot to spend, and thought that the amount of traffic on Old Ocean Blvd was not the only issue, and he would like to hear his recommendations.

Richard Bajakian, 37 Harbour Drive North and a member of Planning & Zoning, suggested that it might be done in steps with projections allowing for winter and the upcoming development of Briny Breezes. Maybe they could do a portion of the study now, and the balance during winter time.

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Comm. Allison motioned to contract Simmons & White Engineering/Planning/Consulting for an amount not to exceed \$5000 from the contingency account at the direction of Planning & Zoning. Seconded Comm. Bingham.

Motion Carried - yea 4. Nay – Comm. Pugh

14. Award of Construction of New Town Hall/Police Complex to BSA Corporation and Authorize Additional Negotiations with the Firm

Mngr. Schenck noted that 3 final bids had been received from contractors for the new town hall and police complex. The prices varied from \$4.1 million to \$4.4 million. He recommended the lowest bid. He felt it very rare to have 3 bids so close together in pricing, and felt confident that the price was fair, and thought they should be able to get the price down. Mark Marsh, our Town's Architect was present along with the President of BSA, Bill Branning who had the bid of \$4.1 million with a time frame of 308 days.

Bill Branning, BSA Corporation, thanked the commission for the opportunity to speak and presented them with a promotional booklet of their completed projects. He apologized for the price being higher than the commission had anticipated, and would work hard to bring the price down. Comm. Hogan asked if the construction prices seemed to be going down. Bill Branning stated that no, in fact there was an expected 6-8% rise in cost over the next year, as copper and steel had both gone up, labor had gone down though. He also noted that his company over the years had never gone beyond the expected time schedule, and would do his best to keep change orders to a minimum. Comm. Pugh asked for the ability to lock in a timeline with an incentive to complete the work within 30 days of the timeline.

Comm. Bingham motioned to approve the bid from BSA Corporation to construct the new town hall within the 308 days from time started, and directed the Town Manager to work with the contractor to bring the pricing more in line, and then bring back a final contract for the building of the new town hall/police complex. Seconded by Comm. Allison.

Comm. Hogan asked that the negotiations not be restricted at a time frame but that the contract amount be part of the negotiations. Comm. Allison complimented BSA on the promotional booklet, it showed outstanding and high quality buildings.

Motion Carried - yea 5.

15. Discuss Scheduling Public Hearing for the Evaluation and Appraisal Report Regarding the Comprehensive Plan By: Ken Schenck, Town Manager

A consensus was made to authorize staff to identify available dates for upcoming meetings.

16. Authorize Reappointment to the South Lake Worth Inlet Advisory Committee

Mayor Kaleel summarized that he had served as a board member of the South Lake Worth Inlet Advisory Committee since 1998. There are 2 permanent members, 1 in Manalapan, and the other Ocean Ridge with the Town Manager as being the alternate. Mayor Kaleel commented that now may be a good time to switch, and he suggested that Comm. Pugh serve as a board member, because of his knowledge of construction and the waterway. Mayor Kaleel noted that he would still like to sit on the beach re-nourishment program. Comm Pugh appreciated the nomination, and said he would like to serve.

Comm Allison motioned to nominate Comm Pugh as a regular member of the South Lake Worth Inlet Committee, with Kenneth Schenck still serving as alternate. Seconded by Comm. Bingham.

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Comm. Hogan stated that if commissioners wanted to serve at these meetings they should be able to as an alternate rather than the town manager, citing she already sits on the Boynton Inlet Committee. Clerk Hancsak reported that the alternate member was not up for nomination at this time.

Motion Carried - yea 5.

Comm. Allison clarified that as Vice Mayor she would like to take an active role and would be happy to serve when the Mayor could not be available at meetings such as the League of Cities or any other meeting. Manager Schenck mentioned that the next meeting of the South Lake Worth Inlet Committee was in Ocean Ridge on Thursday night.

RESOLUTIONS

FIRST READING OF ORDINANCES

17. Ordinance No. 572; Increasing the Additional Exemption for Qualified Low Income Seniors Pursuant to Chapter 2007-4, Laws of Florida, by Fifty Thousand Dollars (\$50,000) for the 2007 Tax Year

Atty. Spillias reported that legislation was passed in April which amended the option for town's to amend the Homestead Exemption from \$25,000 to \$50,000 for low income seniors. In preparing the ordinance it came to his attention that we had never approved the \$25,000, and only those who had approved the \$25,000 could increase up to \$50,000, but they could consider it for 2008. He asked the town for guidance. Comm. Bingham asked for a research showing how many residents of Ocean Ridge were qualified as low income seniors?

Comm. Bingham motioned to table the approval of Ordinance No. 572 until August 2007, to permit further review. Seconded By Comm. Hogan.

Motion Carried - yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

18. 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

Comm. Pugh motioned to approve and adopt 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 on Second Reading. Seconded by Comm Allison.

Motion Carried - yea 5.

19. 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

Comm. Pugh motioned to approve and adopt 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 on Second Reading. Seconded by Comm. Allison.

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Comm. Bingham asked to insert that it not be put in swales, especially due to heavy rains, so as not obstruct drainage. She felt that the it should go in the driveways rather than the swales. Chief Hillery reported that some of the vegetation could be too large to put in the driveways, and the homeowners are not allowed to park in the streets. Atty Spillias noted that as this was the Second Reading, if changes were to be made, it would go back to First Reading again. There was already an ordinance for not blocking swales.

Motion Carried - yea 4, nay – Comm. Bingham

TOWN COMMISSION COMMENTS

20. Discuss Changes to Rules for Town Commission Meetings

Comm. Bingham presented proposed guidelines to move the commission meetings along at a quicker pace without losing any notion of free speech. The policy would apply to the audience, the town's staff and also to the Commissioners. It is meant to keep the discussion to Agenda items and to such other discussion where the commission has been reasonably informed of the issues involved by virtue of the town's Staff's interaction. They are as follows:

Commissioners: 1) Shall limit their comments to the agenda item under discussion. 2) Will have agenda items to Town Clerk one week in advance. 3) May place items for discussion at end of agenda if it relates to general public welfare or safety.

Public Comment: 1) Public Hearings: Any citizen is entitled to speak during the public hearing portion of the public hearing agenda items. 2) Public Comments: The commission meetings are generally held for the purpose of discussing and establishing policy. Individual grievances must first be taken up with the Town staff. Any citizen is entitled to be heard concerning all matters within the scope or jurisdiction of the Commission under this session.

A discussion was held on the importance of not limiting free speech to the public or to the commissioners or take away the rights to say your thoughts at a public meeting. It was commented that in general our meetings were very open in nature, there are no time restraints, and the public is free to speak. It was also discussed that many residents do not come to the meetings because of the length of the meetings; or they leave because they are bored with the items discussed.

Bernd Schulte, 5 Osprey Court, felt the importance of the public notifying the Town Manager or Police Department of any grievances first, allowing staff time for preparation to address the issue and a chance to correct the problem within a more expedient time frame. Many other towns ask for the public to present their comments in writing first before the meeting, to allow the staff to prepare to reply.

A consensus was made to review the changing of the rules for Town Commission Meetings, and discuss it again at the June meeting.

21. Spraying

Comm. Hogan noted that Town Hall had received a letter from a resident stating her concern of the dangers of spraying for no-seeums in town. Manager Schenck stated that he had forwarded a copy of that letter to Clarke Environment, the company that does the spraying for no-seeums, and was awaiting their response to the concerns of the chemicals used, and then he will distribute it when it comes in.

22. Mail Opening Policy

Comm. Hogan had asked the Town Clerk to research policies for opening mail and the only policy found was regarding E-Mail. She stated that she had spoken to the Town Clerk of Briny

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Breezes and found that they did not pre-open the mail before distribution. She had also spoken with the attorney of the League of Cities, and feels there is a need to have a written policy on how to address the mail.

Atty Spillias stated that it was not a bad idea to have a written policy that any document sent to town relating to town business should be opened and documented. The policy would be helpful for new staff and new commissions.

Comm. Bingham moved that the Town Clerk open all mail and copy if necessary and then distribute accordingly. Seconded by Comm. Pugh

Motion Carried - yea 5.

Comm. Hogan mentioned that the local press had been tough on her lately, but felt that Ocean Ridge is a great town, and asked for all to be civil.

ADJOURNMENT

Meeting Adjourned at 8:15pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh