

## REGULAR COMMISSION MEETING HELD JUNE 11, 2007

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 11, 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

### ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Hogan requested to add item #17 to discuss a "No Wake Zone" for Ocean Ridge. She also requested changes to the minutes and asked to pull Item #1.

### CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of May 7, 2007
2. Confirm Hiring of New Dispatcher/Clerk to Replace Retired Judy Cruickshank
3. Ocean Ridge Resolution No. 2007-09; Authorizing the Mayor or Town Manager to Execute the Federally Funded Subgrant Agreement and Subsequent Documents for the Grant to Assist in the Hardening of the New Town Hall/Police Department Complex with the Division of Emergency Management
4. Ocean Ridge Resolution No. 2007-10; Providing for Automatic Amendment of the Fiscal Year Budget to Reflect Outstanding Encumbered Orders of the Prior Fiscal Year; Providing that the cost of Those Expenditures are to be Paid from Funds Carried Forward from the Prior Fiscal Year
5. 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 THEN THE 6/11/07 MEETING AND REQUESTING FURTHER EXTENSION)

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

Motion Carried - yea 5.

Comm. Hogan requested that the minutes of the regular town commission meeting of May 7<sup>th</sup>, 2007 be changed as follows: On the first page, where she is quoted as stating "I am a CPA, have a Masters..." there are 2 changes. Change "safety patrol" to "State Controller"; remove the word "until", and add a period. On Page 3, 2nd Paragraph she asked to remove the phrase "to allow for equal opportunity", and replace it with a separate sentence "We all have equal opportunity to work as hard as we can, and there is no one would support Mayor Kaleel more than I."

Comm. Bingham noted that the Mayor's position has never been a rotating position; it is just choosing the most competent commissioner at that time. Comm. Pugh asked if the new town hall would have the proper equipment to keep the minutes recorded electronically. Manager Schenck replied that new electronic equipment is planned for the new town hall.

Comm. Hogan motioned to approve the amended minutes of the regular town commission meeting of May 7<sup>th</sup>, 2007. Seconded by Comm. Bingham.

Motion Carried - yea 5.

## REGULAR COMMISSION MEETING HELD JUNE 11, 2007

### ANNOUNCEMENTS AND PROCLAMATIONS

6. The July Regular Town Commission Meeting will be held on Monday, July 9, 2007 at 6:00 PM

### PUBLIC COMMENT

Steven Greenhut, 5907 N. Ocean Blvd, reiterated his concern for the safety & welfare of the pedestrians and bicyclists along Old Ocean Blvd. He asked for the residents to remove any items in the right-of-way as it was the town's property. He also asked for all work to be done uniformly, and for management to be consistent with all homeowners on Old Ocean. He sought for immediate action against those residents not in compliance. Mayor Kaleel noted that Manager Schenck would give an update with his report later in the meeting.

Earl Jones, 14 Sailfish, stated that on May 24<sup>th</sup>, 2007, he had sent the commissioners a letter mentioning his concern of Briny Breezes being developed into a destination resort and the high density that would result from it. He asked the commission to make the area "Parking By Permit Only", to deter any parking overflow onto their small streets. This would allow only residents to park on the streets. Comm. Bingham asked if this was something for Planning & Zoning to review. Mayor Kaleel stated that once permit parking is implemented, there is a whole process to follow, and asked Manager Schenck to review permit parking and reply at the next meeting. Comm. Hogan apologized for any inconvenience to the local residents and added that her son's neighborhood in D.C. has parking permits.

Cheryl, Olanoff, 566 David Lane, acknowledged that the drainage system and pumps were tested over the weekend with the heavy rains following Tropical Storm Barry. She complemented that it was unbelievable how marvelously it worked. Huge thanks to Engineer Tropepe and the Town for a job well done, and for saving her home.

Bruce Gimmy, 12 Ocean Avenue, noted that within 10 minutes on a Sunday afternoon, eight very loud motorcycles went by his home, and the noise was deafening. He asked the town for a sign stating noise restrictions or a warning posted. He also asked if the police department could have a patrol car positioned with a dummy in it to deter the noise. Manager Schenck noted that the Public Safety had been issuing tickets to motorcyclists with excessive noise or speeding. Bruce Gimmy asked for these statistics. Comm. Bingham commented that she had noticed that if the police were not present, the motorcyclists do gun it at the intersections, and asked for a hefty fine for violators. Manager Schenck replied that he would check with Chief Hillery for those statistics.

### REPORTS

7. Town Manager

Manager Schenck noted that the pumps on Woolbright Blvd and Tropical Drive were still being fine-tuned, but they were working. Because of the new rains, some of the plantings at the Detention Area can be set now, provided they can find quality plantings available.

Comm. Hogan commented that when the work first began at the Woolbright Detention Area, the silt was very heavy. After the heavy rains over the weekend; there was again heavy silt coming from Ixora Way. She asked for Engineer Tropepe to respond during her report, why it was happening again.

Manager Schenck continued his report, and stated that the relocation of town hall was almost complete and that the 911 System was scheduled to be transferred at the beginning of July. He had been meeting with the contractor regarding trying to reduce the cost of the new town hall, and once that was settled, then they could secure the bank financing. Comm. Hogan asked if a group of residents could be used to help review costs and examine the project. Manager Schenck stated

## REGULAR COMMISSION MEETING HELD JUNE 11, 2007

that at this point, it was still in a construction phase review that the architect primarily reviews. Between himself, the architect and the contractor they had been able to reduce the contract by almost a half a million.

Manager Schenck reported that of the 12 correspondences sent out to residences along Old Ocean Blvd, only one resident had not responded or been reached yet. Five residents have performed the work requested, and the rest have agreed to have it done. All residents would be treated equally, and no one had received special treatment. He was following up with the residents that had not complied yet.

8. Town Attorney  
Atty. Spillias had nothing to report.

Mayor Kaleel suggested shifting money from the Contingency Account to the Special Legal Account to offset some of the costs incurred involving the Briny Breezes development. Other unexpected legal costs for this special counsel account include the bicyclists, FDOT, and County Dispatch.

A discussion followed explaining that this was a line item transfer only, and that the cash flow would not be affected. Atty. Spillias explained that on the budget the legal fees are split into general representation and special counsel legal fees. Fees for Briny Breezes were expected to be high and over the budgeted amount set in the special legal counsel fund.

Comm. Bingham motioned to move \$50,000 from the Contingency Account to the Special Legal Fee Account. Seconded by Comm. Allison.

Motion Carried - yea 5.

9. Director of Public Safety  
Chief Hillery was absent with notice.

Manager Schenck reported that in regards to the repaving of A1A, FDOT was on schedule, and November is still the expected completion date. They are trying to minimize problems as much as possible with the residents. Steve Greenhut, 5901 N Ocean Blvd, noted that they were laying grey piping at Woolbright Blvd, and asked what it was for. Manager Schenck was unsure but it was probably for to encase the utility wiring.

10. Town Engineer (SFRN, Inc.) – Drainage Update  
Engineer Tropepe reported that Tropical Storm Barry gave us 6.96” of rainfall. The following weekend also gave us 3.31” for a total of over 10” of rainfall within a week’s time. She was happy to report that no one experienced any flooding. That type of storm is considered a 1 in 5 year event. She reported that the pump on Tropical ran 6.25 hours, and the Woolbright pump ran 10.75 hours. Their coordinator, Kyle was on site at 3:30-4:30am to oversee the pumps and make sure everything was working properly, and found no problems. Engineer Tropepe questioned Comm. Hogan as to the exact location where she had seen the silt discharge as she did not live on Ixora. Comm. Hogan replied that she could see the discharge from Ixora Way while she was sitting on the deck behind her home. Engineer Tropepe said that she would research it and get back to Comm. Hogan.

### ACTION ITEMS

11. Request for Ninety (90) Day Extension to Linear Park Completion Date as Per the Tri-Party Development Agreement made as of July 6, 2004 Providing for a Three (3) Year Period to

## REGULAR COMMISSION MEETING HELD JUNE 11, 2007

Complete Such Improvements By: G.E. Young, P.A., representing Ocean Ridge Yacht Club Annex

Manager Schenck noted that the original resolution requested an allowance for pedestrian egress and light water craft. He asked if it was still included in it. Comm. Bingham stated her concern that if "kayaks" or "canoes" were not specifically noted in the request, that in the future they may not be allowed. Atty. Spillias suggested not adding specific words such as "kayaks" or "canoes" specifically listed, as it might limit any other light craft that would become available in the future. He also stated that any future dilemmas that may come up, they would refer to the minutes that lead up to the resolution to find the intent that light craft is included.

Comm. Pugh motioned to approve the request for Ninety (90) Day Extension to Linear Park Completion Date as Per the Tri-Party Development Agreement made as of July 6, 2004 Providing for a Three (3) Year Period to Complete Such Improvements. Seconded by Comm. Allison.

Motion Carried - yea 5.

Gail Aaskov, 27 Hibiscus Way, and Manager of Crown Colony noted her concern that the ficus hedges are trees not hedges, and requested that they be changed, also some of them had fallen over and needed attention. Comm. Bingham mentioned that the hedge would continue to grow and would become a hindrance to the right of way. She asked that they be maintained to allow pedestrian access. Manager Schenck stated that he had spoken with the developer, Ernie Varvarikos, and was told that they would be replaced if they did not fill in as a hedge. Greg Young, representative of the Ocean Ridge Yacht Club Annex, apologized for Ernie Varvarikos absence as he was out sick, and stated that Ernie was a man of his word, and that he would do what was planned and agreed to.

12. Authorize Payment of \$46,379.19 from the Town Hall Reserve Account to Digby Bridges, Marsh & Assoc. to Reimburse for Engineering, Surveys, Soils and Misc. Services Paid by them in Connection with the Town Hall Design By: Kenneth Schenck, Town Manager

Manager Schenck recommended the reimbursement, as these subs had already been paid. Comm Pugh asked if this was part of the budget, and also if this was a one-time occurrence or could other invoices be expected. Manager Schenck and Clerk Hancsak stated that this was a part of the estimated expenses. Earl Jones, 14 Sailfish Lane, asked why a price for the new town hall and police department had not been finalized before moving into the portables. Atty Spillias noted that we knew the move into the portables would not be a quick move., and that contractors can only hold their pricing for a small window of time. Comm. Allison requested that the subs bill Ocean Ridge directly for any future invoicing.

Comm. Bingham motioned to authorize payment of \$46,379.19 from the Town Hall Reserve Account to Digby Bridges, Marsh & Assoc. to Reimburse for Engineering, Surveys, Soils and Misc. Services Paid by them in Connection with the Town Hall Design. Seconded. By Comm Pugh.

Atty Spillias noted that with Digby Bridges, March & Assoc. paying these contractors for us, we had been able to earn interest on those funds for the last few months.

Motion Carried - yea 5.

13. Request to Perform Maintenance Dredging From Dawn to Dusk Seven Days a Week for Forty-Five (45) Days Commencing Nov. 1, 2007 Near the Ocean Inlet Park/Marina and Sand Transfer Area By: Palm Beach County DERM

## REGULAR COMMISSION MEETING HELD JUNE 11, 2007

Comm. Pugh motioned to approve the request to perform Maintenance Dredging From Dawn to Dusk Seven Days a Week for Forty-Five (45) Days Commencing Nov. 1, 2007 Near the Ocean Inlet Park/Marina and Sand Transfer Area By: Palm Beach County DERM. Seconded by Comm. Allison.

Motion Carried - yea 5.

### TOWN COMMISSION COMMENTS

14. Discuss Changes to Rules for Town Commission Meetings

Comm. Bingham read the proposed revision to Page 2 of the Regular Meeting Agenda:

*The commission meetings are held for the purpose of discussing and establishing policy and to review such other issues that affect the general welfare of the Town and its residents. Individual grievances must first be taken up with the Town Staff. As a matter of policy you will be required to bring written confirmation that you have made such an attempt. With this exception, any participant to this meeting is entitled to be heard concerning all matters within the scope of jurisdiction of the commission.*

Comm. Bingham stated that the purpose of the proposed change is to streamline the meetings and felt that the changes needed to be made. Comm. Allison agreed that at many meetings, the residents do not seek the resolution regarding issues that could be addressed administratively prior to the meeting. Comm. Hogan stated that she was absolutely opposed to this change; she felt that requiring written communication spoke down to the residents and was treating them like children. She also felt that there are times when the Town Manager or staff may not be available, and that the residents have their 3 minutes to air out their grievances at the meetings. Comm. Pugh disagreed with the whole proposed revision. A discussion was held on softening the proposed change to make it agreeable to all.

Comm. Allison motioned to approve the proposed revision to Page 2 of the Regular Meeting Agenda to read as follows: *“The commission meetings are held for the purpose of discussing and establishing policy and to review such other issues that affect the general welfare of the Town and its residents. Where possible, individual grievances should first be taken up with the Town Staff.”* And it would be added to (1)(B). Seconded by Comm. Bingham.

Motion Carried - yea 4, Comm. Hogan nae.

Comm. Hogan mentioned that a letter had been received from Clarke Environment regarding the safety of the spraying of no-seeums in Ocean Ridge. Manager Schenck replied that he had contacted Palm Beach County Health Department, and they do not spray for no-seeums, only mosquitoes. However they were familiar with Clarke Environment and assured him that what they use is acceptable with EPA. She asked for an independent source to confirm the safety of the chemicals that are sprayed. Manager Schenck replied that he would attempt to find an outside source to report on the chemicals used by Clarke Environment.

15. Discuss Zip Codes By: Comm. Hogan

Comm. Hogan mentioned that the newspaper had an article regarding two towns receiving new Zip Codes. She knew that it had been discussed previously that the Zip Code had to correspond with the local Post Office that serviced your area. She asked Manager Schenck to contact our new congressman to see if it could be done.

16. Discuss Emergency Services By: Comm Hogan

Comm. Hogan questioned why no fire service or emergency service vehicles are housed in Ocean Ridge, and was concerned for the safety of the residents. A discussion was held that the main reason it was outsourced was because of the cost factor. EMS had always been outsourced, but

REGULAR COMMISSION MEETING HELD JUNE 11, 2007

because of state regulations, Ocean Ridge would have had to hire 12 full time firemen to meet State requirements and if Boynton were to be housed in Ocean Ridge then living quarters would have to be provided. The City of Delray Beach and Palm Beach County were both asked to service Ocean Ridge, and they both declined. With the proposed budget cuts being decided in Tallahassee, cost is going to be a major factor. A consensus was made to review the pricing of having Fire & EMS service in Ocean Ridge. Comm. Hogan stated that in speaking with a South Palm Beach council member, they were willing to discuss a cooperative cost effort and she was not ready to quit. Manager Schenck reported that last numbers from Tallahassee were an approximate reduction of \$365,000 in ad valorem revenue for the Town for the Fiscal Year 07/08.

17. "No Wake Zone" for Ocean Ridge

Comm. Hogan commented that Ocean Ridge did not have a "No Wake Zone" and noted that seawalls were being affected by speed boats on the intracoastal. Earl Jones, 14 Sailfish Lane, reported that very few Palm Beach County municipalities had any wake zones. Comm. Pugh commented that there are 25 mph speed zones.

Comm. Hogan moved to have the staff contact Congressman, Ron Klein's office to inquire what procedure is necessary to increase parts of Ocean Ridge to have a No Wake Zone. Comm. Pugh seconded.

Motion Carried – yea 5.

Mayor Kaleel reported that the lawsuit with Boca and Delray Beach versus Palm Beach County dispatching fees was finalized and that the small towns had won. Independent municipalities would not be charged for the county, it did not go back retrospectively though.

Comm. Bingham thanked Mayor Kaleel for a job well done with letting the public know the concerns of Ocean Ridge and other communities regarding the proposed development plan for Briny Breezes. The State had made some comments to the press expressing that they were not in favor with the Briny Breezes proposed density change.

ADJOURNMENT

Meeting Adjourned at 7:40pm.

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