

REGULAR COMMISSION MEETING HELD APRIL 7, 2008

Regular Commission Meeting of the Town of Ocean Ridge held on Monday, April 7th, 2008 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 Bingham Commissioner Pugh
Commissioner Allison Commissioner Brown
Mayor Kaleel

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Allison requested to change the minutes of the March Town Commission Meeting to reflect that the Beautification Committee had been previously established by the Garden Club prior to the landscape renovation of Ocean Avenue.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of March 3, 2008

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

Motion Carried – yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring April as “Water Conservation Month” With Brief Presentation by Laura Corry, So Florida Water Management, Concerning Water Guidelines for the Comprehensive Plan Amendment

Laura Corry, So. Florida Water Management, and also a resident, 6711 N Ocean Blvd, #18, thanked the commission for proclaiming April as Water Conservation Month. She distributed a Comprehensive Plan Overview. She reported that Boynton Beach, Delray Beach, and the South Central Waste Water Treatment Plant had received funds from the State for learning ways to reuse water more than once, and for researching alternative water supplies. August 15th is a deadline for submitting a 10-year water facility work plan. The guidelines for this submittal were distributed by the Town Clerk. She noted that DCA will be looking for conservation programs, some of these will be performed by Boynton Beach as they provide water service for Ocean Ridge. There are also water supply grants available that have yet to be awarded by the end of the session next year. Comm. Bingham asked if the South Florida Waste Management had any control over population growth, and being able to fulfill the needs of the escalating growth in Palm Beach County. Ms. Correy stated that they cannot stop growth, but they are trying to request that the developers submit better planning.

PUBLIC COMMENT

None.

REPORTS

3. Town Manager
Manager Schenck reported: 1) Stormwater Drainage Project was complete. A proposal to permanently locate the emergency generator at Turtle Beach will be discussed under Item #8. 2) Woolbright Detention Area Landscaping is complete. The water quality sampling and report is complete and has been submitted to FDEP for their review. A meeting is scheduled with FDEP

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on April 24th to answer any questions they have and finalize the grant. 3) The Townhall/Police Complex is 33% complete, and we have paid about 25% of the cost to date. A memo was given outlining construction change orders including an addition of \$77,630 due to the excessive trash found on the site while demucking for construction, and misc. increases for \$8,013 and \$17,735 for additions and changes in the interior and exterior security systems. There are additional changes that are pending for several issues which could be about \$70,000 in additional change orders. Construction had started on the new fuel tanks for Townhall. The regular tank should be operational by the end of April, and the diesel will be installed in a couple of months. Mark Marsh, Bridges & Marsh Architecture, reported that there had been a delay caused from problems with the roof trusses. They were back on track again, and the contractor has affirmed that they should be able to make the time back up. Mayor Kaleel thanked the Garden Club for donating \$500 towards the library. 4) Coconut Lane Drainage. A design of the drainage system had been submitted to the South Water Management District to eliminate the water accumulation at the west end of Coconut Lane. Upon approval it will be presented to the commission for authorization to bid the project. 5) Harbour Drive South: the project is complete except for the valves which are on order. 6) Ocean Avenue Landscape: The permit request from FDOT has been withdrawn. The Beautification Committee from the Garden Club met with the landscape architect to get ideas for Ocean Ave. This will be presented later as Item #9. 7) Island Drive Bridge is under design by Bridge Design Associates. 8) Old Ocean Blvd Vegetation in ROW. All the properties south of Corrine St are complete, and the properties north will comply as a part of their underground utility project, and all corner properties are in compliance with the 25 ft clearance requirements. 9) Inlet Cay Drainage has been advertised to construct the drainage improvements. A pre-bid meeting is scheduled for April 8th, and bids are due on April 29th. 10) AIA Problems. There was a meeting with FDOT it discuss some drainage and concrete problems and the U-Turn sign at the Yacht Club. They agreed to forward our concerns on to the departments responsible. Some of these have all ready been addressed, and he will keep track of their review.

Manager Schenck reported that every 5 years there is an ISO Flood Insurance update that is performed at state and federal levels. This work is usually performed by Mike Tait, however due to his absence, Lisa Burns took on the project of coordinating and researching years of paperwork and reports necessary for the audit. With the package that she prepared for the audit, we may not lose anything on our flood insurance, and in fact we may be close to gaining on our rating. He complimented her on a very successful and thorough job that she performed within a very short time frame.

Comm. Bingham stated her concern for the drainage for Coconut Lane. The area still seemed to be wet even with the drainage pumps. She asked that FDOT be contacted about maintaining the area, to prevent the breeding of no-seeums and mosquitoes.

4. Town Attorney

a. Request for Attorney/Client Session on April 16, 2008 at 8:30 AM

Atty. Spillias requested an attorney/client session for Cory Heith, Case#2003-CA-Z01Z104AB stated he needed to discuss cost litigation settlement issues on April 16th, 2008 at 8:30 AM.

Comm. Allison motioned to authorize an attorney/client session for Cory Heith, Case #2003-CA-Z01A104AB on April 16th, 2008 at 8:30 AM. Seconded by Comm. Bingham.

Motion Carried – yea 5.

Atty. Spillias reported the 1st District Court of Appeals issued an opinion on March 25th regarding the case of FDOT vs. the bicyclists that resulted in a mixed decision. The court upheld FDOT's

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stand that the bicyclists waived their right to a formal administrative hearing and they also upheld the criterion of cost used by FDOT in this case. They ruled in favor of the bicyclists that FDOT did not have discretion for deciding about the bike lanes; however the areas already completed may stay. The motion to file for a rehearing expires on April 9, 2008. The court has some limitations, and the bicyclists and/or FDOT may attempt to go to Supreme Court to appeal. He will keep the commission apprised of any updates. Comm. Brown asked if the bikers were allowed to use the full road or in groups, since there were no designated bike lanes. Atty. Spillias replied that they have the right to use roadway. There is a limit as to the number of bikers that can ride abreast, and motorists are required to keep a distance of 3ft from bicyclists.

Comm. Bingham requested from Atty. Spillias a definition of "Grandfathering" in regards to two items: driveways and St. Augustine plants. There is one home on Ocean Avenue with no driveway, just grass. She stated that there was a gravel driveway at one time, but it was now overgrown. Atty. Spillias replied there is no point to discussing case law, and would have to be resolved on a case by case issue. The issue of driveways would be based upon the time the home was built if driveways were required or if they applied for a permit to modify their home.

5. Director of Public Safety

Chief Hillery reported that the Support Group had purchased laptop computers for the police vehicles. Items #7 and #10 involved installing and using them in the police cars. A consensus was made to move Item #10 and for it to be discussed with Item #7.

6. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

7. Approval of the Software License and Maintenance Agreement Between Diverse Computing Inc. (DCI) and the Ocean Ridge Police Dept. to Provide Certain Computer Software and systems for Gaining Access to the NCIC and State Law Enforcement Information

Manager Schenck reported that this agreement is necessary for the installation of the laptop computers in the police cars. This will be done at no cost to the town, as the Support Group is paying for them. The laptops will be for informational purposes only, and will be issued protective passcodes.

Comm. Pugh motioned to authorize the approval of the software License and Maintenance Agreement Between Diverse Computing, Inc. (DCI) and the Ocean Ridge Police Dept. to Provide Certain Computers Software and Systems for Gaining Access to the NCIC and State Law Enforcement Information. Seconded by Comm. Bingham.

Motion Carried – yea 5.

RESOLUTIONS

10. Resolution No. 2008-07; Authorize the Execution of an Interlocal Agreement with the Tallahassee Community College Police Department and the Ocean Ridge Police Department to Utilize the Computer Terminals for Access to the National Crime Information Center (NCIC) and the Florida Crime Information Center (FCIC) for Law Enforcement Purposes

Comm. Allison motioned to authorize Resolution No. 2008-07; Authorize the Execution of an Interlocal Agreement with the Tallahassee Community College Police Department and the Ocean Ridge Police Department to Utilize the Computer Terminals for Access to the National Crime Information Center (NCIC) and the Florida Crime Information Center (FCIC) for Law Enforcement Purposes. Seconded by Comm. Bingham

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Motion Carried – yea 5.

Mayor Kaleel thanked the Ocean Ridge Support Group for helping out in the supply and installation of the laptops and maintenance service.

8. Approve Permanent Location of the Portable Generator at Turtle Beach at a Cost of \$40,000, Plus an Anticipated \$5,000 to Construct a Wall and Hedging Around Same, Funded from the Capital Projects Fund

Manager Schenck recommended the permanent placement of the generator at Turtle Beach to eliminate the problem of the police department and maintenance having to transport and hookup the generator during storm conditions. When it is permanently placed, the generator would be removed from the trailer.

Comm. Pugh motioned to Approve the Permanent Location of the Portable Generator at Turtle Beach at a Cost of \$40,000, Plus an Anticipated \$5,000 to Construct a Wall and Hedging Around Same, Funded from the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea 5.

9. Authorize Approval of Master Plan Proposal Not to Exceed \$4,000 and Also a Tree Trimming Agreement (Calophyllum trees) at a Lump Sum Fee of \$6,200 for Ocean Ave. Both With Chris Wayne and Assoc. from the Beautification Reserve Account

A discussion was held as to the changes of the master plan approved by FDOT and the changes that have occurred since then. It was suggested that some of the trees be cut back and trimmed. It was also suggested that a few of the palm trees that are close to sidewalks and driveways be removed for the safety of those pulling out of their driveways, and some flowering trees be planted instead.

Julia Walker, 105 Dolphin Rd, and member of the Ocean Ridge Garden Club thanked the Commission for allowing them to help in the landscape changes to Ocean Avenue. The Beautification Committee had met with the landscaper on Ocean Ave. and discussed that the design to be built up from what was existing. They wanted to enhance the town and the arch of trees along Ocean Ave.

A consensus was made to locate and review the 2 original landscaping plans for Ocean Avenue (one was done by FDOT and the other by a previous landscaper), and then to compare them to the existing design and the new suggested ideas of the Garden Club and new landscaping architect, before spending additional funds.

Comm. Brown motioned to authorize Chris Wayne Associates to trim the calophyllum trees along Ocean Avenue and for the price not to exceed \$6200, and the funds to be taken from the Beautification Account. Comm. Allison seconded.

Motion Carried – yea 5.

11. Resolution No. 2008-08; Authorizing the Mayor and Town Clerk to Execute the Interlocal Agreement Between Palm Beach County and the Town by Which the County will Provide Comprehensive Radio Repair Services Charging the Town for Same

Chief Hillery reported that this was necessary and was merely a change in vendors.

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Comm. Bingham motion to approve Resolution No. 2008-08; Authorizing the Mayor and Town Clerk to Execute the Interlocal Agreement Between Palm Beach County and the Town by Which the County will Provide Comprehensive Radio Repair Services Charging the Town for Same. Seconded by Comm. Pugh.

Motion Carried – yea 5.

FIRST READING OF ORDINANCES

12. No. 577; Amending Article IV, Division 4; Section 66-161(G), of the Code of Ordinances to Provide Consistency with Requirements of the Florida Department of Environmental Protection

Manager Schenck summarized that this ordinance was needed to change our verbiage to be consistent with the requirements of DEP. There were two major changes: 1) Deleting “Coconut Palms” which are allowed in our code, but not DEP’s. 2) Verbiage of native dune vegetation permitted to be added to ours. It was discussed that some invasive plants had been allowed to grown on the dunes, and a consensus was made to have Planning & Zoning review and make recommendations on removing exotics from the dune. It was also discussed that the coconut palm trees were not native but naturalized and that they were not invasive and should be allowed.

John Wootton, 5907 N Ocean Blvd, requested that a list be provided of allowed plantings on the dunes for all to adhere to and that there be consistency in all future permitting. Jerry Lower, 2 Harbour Drive North, applauded the town for taking an inventory of invasive and non-invasive plants and asked for removal of all invasive vegetation of the dunes. He also mentioned that DERM had in the past offered residents plants and assistance in planting on the dune. Clerk Hancsak noted that as residents made improvements to the dune, DEP asked for compliance and changes at the time the field permits are issued.

Comm. Bingham motioned to approve Ordinance No. 577; Amending Article IV, Division 4; Section 66-161(G), of the Code of Ordinances to Provide Consistency with Requirements of the Florida Department of Environmental Protection on first reading. Seconded by Comm. Brown.

Motion Carried – yea 5.

Atty. Spillias was asked to research the town’s authority to have owners remove evasive plants and a time frame given for them to achieve it.

TOWN COMMISSION COMMENTS

13. Update on the Human Resource Manual
Comm. Allison reported that she had met with Zoanne Hennigan, Manager Schenck and Clerk Hancsak to review and update the Human Resource Manual for Ocean Ridge. There were several old polices both written and unwritten that needed to be revised and reviewed, and hopefully will be ready to submit to legal and then presented to the commission.

Comm. Bingham announced that on May 23rd at the Marriott, West Palm Beach, Mayor Kaleel will be installed as the President of the League of Cities, and congratulated him on this honor.

Comm. Bingham motioned to authorize the purchase of a table for 10 at the Gala at a cost of \$500.00 and for the funds to be taken from the contingency account. Seconded by Comm. Allison

Motion Carried – yea 5.

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Stella Kolb, 204 Beachway, asked for an update of the new town logo.

Comm. Pugh motioned to authorize a contest for a new town logo, with prize money awarded to the winner, and a deadline of July 1st, 2008. This could be posted on the website and the Ocean Ridge Reporter. Seconded by Comm. Allison.

Motion Carried – yea 5.

ADJOURNMENT

Meeting was adjourned at 7:15p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh