

## REGULAR TOWN COMMISSION MEETING HELD OCTOBER 6, 2008

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 6<sup>th</sup>, 2008 at 6:00 PM in the Town Hall Meeting Chambers.

Pledge of Allegiance

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Bingham                      Commissioner Brown  
Commissioner Allison                      Commissioner Pugh  
Mayor Kaleel

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

Comm. Bingham requested to amend the September 24<sup>th</sup>, 2008 budget minutes regarding her opening statement requesting to drop the milage to \$5.09 and the COLA to 3%, and to fund the \$500 employee health insurance deductible.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Sept. 15, 2008
2. Final Budget Adoption Meeting of Sept. 24, 2008

Comm. Allison motioned to approve the consent agenda as amended, and agenda as presented. Seconded by Comm. Pugh.

Motion Carried - yea 5.

### ANNOUNCEMENTS AND PROCLAMATIONS

3. The administrative offices will be closed on Monday, Oct. 13, 2008 for the official holiday

### PUBLIC COMMENT

Pat Kropp, 16 Tropical Drive, was happy to report that the newly installed pumps on Tropical had been working fine and consistent with the recent heavy rains and thanked the town for a job well done.

Rosemarie Peterson, 22 Harbour Drive North, questioned the tree trimming Ordinance, Chapter 66.1B. She recently received a code enforcement violation for not tree trimming in the right of way, and was brought before the magistrate for non-compliance. She felt that she was not treated fairly as she was found in violation and given 2 weeks to comply, and she did not feel that the tree in the DOT Right of Way was her responsibility when the right of way is on the side of her property. FPL came and trimmed before the two weeks were up, but she asked the commission to re-evaluate the ordinance. Mayor Kaleel commented that at the last commission meeting another resident had the same complaint, and it was being re-evaluated.

Don Magruder, 9 Ridge Blvd, stated his concern for the recent burglaries on Ridge Blvd. There had been 5 in the last 12 months. He asked the police to park and walk around the properties as he felt there was a danger for elderly residents. He discovered one home with the blinds pulled back and a broken window and reported it to the police. The police found that the home had been ransacked. Mayor Kaleel responded that the police could not go on propertiers without permission. Chief Hillery stated that there is a dark house list that the police do check those vacant homes daily while the residents are out of town, and the one home that he mentioned was not on the list. He requested that the residents notify the police department when they are leaving for vacations or travel and to set their alarms also. Comm. Brown noted that the police used to park at the south end of town while on patrol, and felt this would be an additional deterrent.

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Zoanne Hennigan, 91 Island Drive South, congratulated the commission and staff for moving into the new Townhall/Police Complex in the morning. She requested an update for the town logo. Mayor Kaleel reported that they would discuss it at the end of the meeting.

### PUBLIC HEARINGS

4. An application submitted by Lester and Kathleen Miller, 6133 North Ocean Blvd., Ocean Ridge FL 33435 requesting a Land Development Permit from the provisions of the Land Development Code, Chapter 66; ENVIRONMENTAL REGULATIONS; Article IV; Landscaping, Division 4; Dune Preservation, Section 66-161; Vegetation, (a) permit required for planting or removal of vegetation and (f) seagrape trimming and windowing, to permit the removal of approximately 3,072 sq ft (32'x96') of seagrapes from the eastern edge of property and replanting the same area with sea oseye daisy, railroad vine, and sea oats located at 6133 North Ocean Blvd. or legally described as the South ½ of Lot 8, Lots 9-12, of Blocks 3 and 10 in the Boynton's Subdivision (exact legal description located in the Clerk's Office)

Clerk Hancsak reported that all fees had been paid and that no additional correspondence had been received. Atty. Spillias reported that as this was a Quasi-Judicial Hearing, he asked if there had been any exparte communications between the commission and the claimant. The response was none. He then swore in all those that would give evidence to this request.

Jeffrey Pennell, Environmental Services, summarized that this was an application by Lester and Kathleen Miller to remove seagrapes along the eastern edge of their property as they were impeding the view of their new pool and replanting with native dune vegetation. This request would be contingent upon DEP approval. Comm. Brown noted that there was a seawall on the property and stated that the sea oats were planted for the dune protection, and asked if there would be any new plantings on the east side to help sustain and protect the dunes. Comm. Bingham asked if the dunes were part of their property, and asked for new plantings on the east side to hide the seawall and prevent erosion. Jeffrey Pannell stated that he would propose to his clients any requests made by the commission.

Comm. Pugh motioned to approve the application for a Land Development Permit submitted by Lester and Kathleen Miller for 6133 North Ocean Blvd, Ocean Ridge, contingent upon FDEP approval. Seconded by Comm. Bingham.

Motion Carried – yea 5.

### REGULAR AGENDA REPORTS

5. Town Manager

Manager Schenck reported: 1)Townhall update: repairs have been completed on the damage caused by the airplane. We have met with our insurance company and agreed with the work that needs to be done but are still reviewing the costs. We are anticipating moving in the week of October 6<sup>th</sup> even though there has been a delay in some of the furniture delivery. 2) Coconut Lane Drainage – project is on hold until the commission decides whether or not to proceed depending on the availability of funds. The construction permit is good for 5 years, and the dewatering permit for 1year. 3) Ocean Ave Landscape. We have started the permitting for the new well and are in process of digging a test well to see how deep we need to go to obtain a good water source. The landscaping will be installed when the water is available. 4) Island Drive Bridge. We have advertised for a contractor to build the bridge and a mandatory prebid meeting will be held on October 10<sup>th</sup> at 10a.m. and bids will be due on October 28<sup>th</sup> by 2pm. This project is expected to take between 7 to 8 months to complete. 5) Old Ocean Blvd. All of the properties south of Corrine and corner properties are in compliance. The properties north of Corrine will comply as a part of their underground utility. The town has sent a letter to the property owners

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regarding the east side of Old Ocean. The P&Z Board has met and discussed the dune vegetation as requested by the Commission, and recommended not changing in the existing regulations. 6) Inlet Cay Drainage – DBF Construction has completed the work, and there was a problem with a valve on Spanish River Drive, but it has been corrected. 7) Additional Projects: The guardrails on the Inlet Cay and Sabal Island bridges have been painted, and then we will be improving the landscaping. 8) Election review by P&Z will convene after the move to discuss the election process. He also mentioned that the cost for the generator slab/wall at Turtle Beach had reduced to \$13,690 and the cost to landscape was \$700.

Comm. Pugh questioned the flooding that had occurred on Spanish River Drive. Manager Schenck reported that a new valve had broken loose, and was being replaced. It was discussed that one resident on Old Ocean still had coconut trees in the 6ft zone, and another had a solid hedge. The commission requested that no one be exempt from compliance unless they applied for a license to obstruct. They cited the palm trees may actually make that area safer.

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

7. Director of Public Safety  
Chief Hillery had nothing to report

8. Town Engineer  
Engineer Tropepe was absent with notice.

### ACTION ITEMS

9. Discuss Report from Planning & Zoning Commission from their meeting held Sept. 15, 2008 RE: Parking on Public Streets During Daytime Hours and also Invasive Dune Vegetation

Manager Schenck summarized the Planning & Zoning meeting: 1) Parking during the day. Their conclusion was that the existing regulations were satisfactory. If a problem area develops it could be addressed in the future. 2) Vegetation on the dunes. Planning & Zoning concluded that the existing regulations were satisfactory. They didn't feel it necessary to force the property owners to remove non-native vegetations and Mark Taynton, FDEP, agreed. However, if someone comes in for a FDEP permit to modify the dune, the permit would require they remove non-native vegetation at that time.

Comm. Bingham stated that several things were built on the dune without approval, and asked to be diligent in monitoring the dunes to ensure that when exotic vegetation is removed it is not permitted to grow back. Comm. Brown also stated that he had noticed scavola that should have been removed when a dune structure was built in the area of the Capri. Clerk Hancsak replied that she would have Mark Taynton investigate.

10. Authorize Repaving of Inlet Cay Island and River Drive to Ranger Construction in the Amount of \$105,304 from the \$75,000 Encumbered Monies from FY 2006/07 and \$75,000 Encumbered Monies from FY 2007/08

Manager Schenck stated that he had received proposals from 3 major paving companies, with Ranger Construction having the lowest bid of \$105,304. He recommended the approval of the Ranger bid with funds coming from the encumbered monies for paving. The remaining balance in this account (\$44,000) could be used to either pave some additional streets or to put in reserves for future use.

Mayor Kaleel felt that with the decline in the economy, that if we went out for bid again we might receive lower pricing. Comm. Bingham asked to include another street to the scope of work, as it might be cost effective. Manager Schenck was asked to try to negotiate a lower price.

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Comm. Brown motioned to authorize the repaving of Inlet Cay Island and River Drive in the amount of \$105,304 from the encumbered monies. Comm. Allison Seconded.

It was requested that Manager Schenck bring back pricing for paving an additional street using the \$44,000 balance.

Motion Carried – yea 5.

11. Authorize a Public Sale to be Held on Oct. 18, 2008 from 10:00 AM – 12:00 Noon for Various Surplus Items.

Manager Schenck reported that after the move into the new facility, the old furniture and equipment left in the trailers would be available for sale. Per Florida Statutes the surplus items must either be sold to another governmental agency or through a public sale. Staff is proposing to hold a Public Sale through a silent auction on Saturday, October 18<sup>th</sup>, 2008.

Mayor Kaleel requested that the decking and stairs around the trailers be reused as a boardwalk for the detention area at Woolbright Road, and noted that the original plans called for a boardwalk. It was discussed that a bench and stairs be made also.

Nancy Hogan, 37 Hibiscus, requested that is we do anything, that there be fair representation.

Don Magruder, 9 Ridge Blvd, asked if the landscape company was maintaining and cleaning the detention area. He suggested that this property be part of the green list on the internet. Manager Schenk replied that the landscape company was maintaining the area.

### TOWN COMMISSION COMMENTS

12. Discuss Light the Lights and Grand Opening

A consensus was agreed upon for the Town Manager to proceed with plans for the Lighting of the Lights on December 5<sup>th</sup>, up to the budgeted amount.

Nancy Hogan, 37 Hibiscus, asked that the celebration for the opening of the new building be for all residents and a family event for all. She felt that some had been excluded at the last function.

13. Discuss Flooding on Ocean Ave.

Comm. Bingham stated that on September 24<sup>th</sup> between 5pm and 6pm there had been flooding at the light at A1A and Ocean Avenue. She felt that this was a result of a lack of maintenance of the retention pond. She asked for drastic action from FDOT to assume responsibility and clean out the swamp. She commented that with the equinox and the tropical storms in the Ocean, the flooding had come in from the backside, and that high tides and storms frequently coincide and may cause additional flooding. She also felt that widening of the inlet could become detrimental.

There was a consensus for Manager Schenck to contact FDOT to manage the flooding. Manager Schenck reported that he had contacted FDOT, and was told that the discharge line does not go through the retention area, but that a red valve or gate was needed to eliminate the high tide from coming into the street, but he would talk with them again.

Comm. Brown asked for an update of the abandoned property on Oceanview Drive. Clerk Hancsak reported that the property had gone before Code Enforcement and was found in violation. There was now a lien on the property that was accruing \$150/day and it is awaiting foreclosure.

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Manager Schenck announced that Townhall would be closed tomorrow, to move into the new building as the phones & computers would be down.

Meeting was adjourned at 7:10p.m.

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 Brown

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Commissioner Pugh