

REGULAR TOWN COMMISSION MEETING HELD MARCH 2, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 2nd, 2009 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. Brown requested to add to Item#14 substitute language for Section 2 (a).

CONSENT AGENDA

1. Minutes of Town Commission Meeting of Feb. 2, 2009
2. Minutes of Special Town Commission Meeting of Feb. 13, 2009

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

Motion Carried - yea 5.

PUBLIC COMMENT

Carol Besler, 32 Anna Street, stated that her home is along Lake Matilda, and in the last few years, the water level had become so low, that she has had to rent dockage at the Boynton Inlet for her boat. She asked for the engineer to review the new preserve as she feels that the sludge is a result of the creation of the preserve along with an increase of rat infestation, and fewer birds. She presented photos. Mayor Kaleel stated that he would have staff look into the situation and report.

Bernd Schulte, 5 Osprey Drive, noted that an election discussion is further in the agenda and stated that as other towns require that a candidate submit a petition of 1% of the voters to qualify, he suggested the Town also consider this change.

Stella Kolb, 204 Beachway Drive, agreed with Mr. Schulte and asked the commission to give serious thought to using a petition to qualify.

Nancy Hogan, 37 Hibiscus Way, congratulated Mayor Kaleel and Comm. Pugh for winning the election, and that she had enjoyed the election process. She felt however that Mr. Schulte's comment would restrict the participation of a resident's opinion. She thanked the staff for posting the Manager's Report on the website but noted that the "attached" police report was missing. She reported that no repair had been done with the drop-off at Midlane Road and Woolbright, and felt it was a safety issue and the road seemed to be chipping back to the white paint. Manager Schenck stated that it was a deep swale that may be partially filled in, but he would have to look into it to see if was possible.

Francis Yates, 30 Anna Street, stated that when she had purchased her home she was told that she had 5feet of water at low tide, and that has not been the case the last few years. She was mooring her boat along the front of her property until she was notified that the Town Ordinance did not

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allow for it. Comm. Bingham stated that she might be able to apply for a variance to allow for mooring extending out from her residence. Clerk Hancsak stated that this might be infringing on Pelican Cove's property as they own the majority of the water in Lake Matilda. Manager Schenck stated that staff would review the situation and report back.

REPORTS

3. Town Manager

Manager Schenck reported the following: 1) New Town Hall - The punch list items have been completed on the building and parking area. FEMA inspected the building for the grant and they're reviewing our information. 2) Coconut Lane Drainage - This project is on hold until the Commission decides whether or not to proceed depending on the availability of funds. We have received the construction permits from the SFWMD and are good for 5 years and the dewatering permit for 1 year. 3) Ocean Ave. Landscape - The well on Ocean Avenue is complete and the irrigation system has been repaired also. The operation permit has been submitted to the SFWMD. We're working with our landscape company to recommend improvements in the landscaping. FDOT has begun removing the mangroves in their catchment ponds along the road. The south side is almost complete and then they'll start on the north side. 4) Island Drive Bridge - The contracts have been signed and a preconstruction meeting was held. We are presently waiting on FPL to tell us when they can move the line that runs along the north side of the bridge as it will be in the way of the pile driver. 5) Old Ocean Blvd.- A meeting was held with Mark Taynton of FDEP and Paul Davis of DERM to discuss a plan to work with the homeowners to address the vegetation on the dunes. We will be working with them to develop an educational program to use with the homeowners and landscapers. 6) Inlet Cay Paving- Ranger Construction has completed the paving and we're working with them to clean up a couple of areas such as the bridge. The paving has also been completed on Harbour Dr. North & South. New plaques have been ordered to replace what was broken during the paving. We have reviewed the color differences in the paving, and had an independent testing company look at the road. The quality of the paving is as contracted with the exception of the coloration. They have tried various methods to blend the coloration differences without complete success. To try anything further will probably make it worse. Through weather and road usage we have been assured the road will blend together. 7) Inlet Cay Seawall- An independent contractor has been contacted for the seawall repairs and we are waiting for his recommendation and quote for the repairs. It appears it will be less expensive than a design and bid process. 8) No Wake Zone - The County and State have been contacted about a no wake zone in the Intracoastal for manatee protection. A written request needs to be sent to the Florida Fish and Wildlife Conservation Commission and they will determine if they want to look into it further in order to make the change.

Comm. Pugh questioned the boundaries of the No Wake Zone and suggested that it go up to the bridge. He also suggested at Minimum Wake Zone or a Slow Speed Zone if a No Wake Zone was turned down.

Manager Schenck continued his report: 9) Zoning Code Recommendations - Planning and Zoning will meet again in March to discuss possible changes in the zoning code. 10) January Police Report was attached. 11) Chickasaw Linear Park- a meeting was held with Ernie Varvarikas and a Crown Colony representative to discuss the park. Cleanup has been completed and the reflective tape has been put on the dock pilings. 12) Boynton Beach Fire Dept. Request - Boynton Beach Fire Dept. is requesting the town's support to change the state legislation to allow them to address life safety issues inside the towns they serve. Rep. Hasner has agreed to address the issue in Tallahassee. The Commission concurred that they were not in favor of it, and that Ocean Ridge should not allow others to have control over them. Mayor Kaleel felt that this went beyond life threatening issues such as a fire service fee in our town. He would contact Rep. Hasner on this issue.

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Manager Schenck finalized his report: 13) No-Seeum Spraying – Clarke Mosquito Control gave a pricing of \$1000/month for weekly truck spraying or \$100/home for 4 backpack sprayings. Comm. Bingham stated that she felt the cost should be the responsibility of individual homeowners. Mayor Kaleel noted that a barrier was required for the spraying to have an impact. Comm. Brown stated that he was not in favor of spraying as he felt it harmed butterflies, bees, and birds. Comm. Pugh noted that it was removed because of budgetary restraints this year.

Manager Schenck also noted that the 2-year beach sand transfer station construction would be starting soon. He thanked the staff and town for the support he had received in the last month since his wife's passing.

4. Town Attorney

Atty. Spillias reported on the ROW abandonment case from 2003 and stated that he had met with the new insurance attorney and discussed the issue of stay. The court was asked to lift the stay and make active so it could go forward. A hearing is scheduled for March 12, 2009, and if the case is dismissed then all remains the same and the Town still owns the property.

Atty Spillias also researched and found that the Town Melbourne and the City of Treasure Island have an ordinance requiring mortgage holders to maintain the property. Once it is determined that the homeowner has defaulted, they are required to register the property with the town. They supply contact information and a responsible property manager maintains the property and then they are subject to code violation. He would research to see if the ordinance has been challenged. If the commission directed he could prepare an ordinance. Comm. Brown reported that Palm Beach foreclosures had increased 400%, and that Ocean Ridge needed to be prepared as some banks are not quick to foreclose, and this could affect several properties in Ocean Ridge.

James Bonfiglio, 5616 N.Ocean Blvd, commented that he was an attorney who defends mortgage foreclosures and that there have been 35,000 foreclosures in Palm Beach County. There have been problems with banks going into properties and taking over. There is a judiciary process and the homeowners have a right to redeem their properties. There could also be potential insurance liability, and he foresaw problems until there was a title. Some mortgage companies may just be a lien holder and not have any property rights.

Nancy Hogan, 37 Hibiscus Way, stated that as a member of the Distressed Property Committee for the Realtor's Association, she felt that this was a national issue and that realtors want the properties sold as quickly as possible. Liens on properties slow down real estate loans and sales.

Stella Kolb, 204 Beachway Drive, asked for an update of the home on Adams Rd. Manager Schenck reported that they had applied for a demolition permit but it was being held up by releases from Comcast and Bellsouth.

5. Director of Public Safety

Chief Hillery had nothing to report.

6. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

7. Action to Fill Appointments to Board of Adjustment and Planning & Zoning Commission
Clerk Hancsak reported that the Board of Adjustment had 2 regular seats open and the current members, Bernd Schulte and Richard Lucibella were willing to serve again as well as the two alternate members Jeff Lee and Eric Kramer.

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Comm. Bingham motioned to approve Bernd Schulte and Richard Lucibella to the Board of Adjustment and Jeff Lee and Eric Kramer as alternate members to the Board of Adjustment. Seconded by Comm. Pugh.

Motion Carried – yea 5.

Clerk Hancsak reported that the Planning & Zoning Commission had 2 open alternate positions and that both Dr Richard Bajakian and Penny Kosinski indicated they would like to serve again as alternates.

Comm. Pugh motioned to approve Dr. Richard Bajakian and Penny Kosinski as alternate members to the Planning and Zoning Commission. Seconded by Comm. Brown.

Motion Carried – yea 5.

8. Submittal and Discussion of P&Z's Recommendations Sitting as the Election Charter Review Committee

Manager Schenck reported that the Planning & Zoning's recommendation as it relates to the election is that the current election process remain the same. Planning and Zoning also discussed the election date and the consensus was to keep it the same after it was conveyed that an independent election is probably more beneficial because it can be quicker and less confusing than having multiple municipalities. Staff also suggested to recommend changing the qualifying dates from not more than 50 days prior to the election or not less than 25 days to not more than 50 days prior to the election or less than 32 days. This would reduce the qualifying period by one week; however it still provides 18+/- days and provides more time for the Supervisor of Elections to prepare for the election. The P&Z agreed with this recommendation. Staff would need direction to draft an ordinance to change the qualifying dates.

Comm. Brown recommended a change of the qualifying time to 14 days in lieu of 18+/- day. He reminded the commission that a P&Z recommendation was not always necessary, and that the commission was a legislative office and able to make decisions. He was in favor of residents voting for a mayoral seat rather than a commission seat, although he was not in favor of a "strong" mayor. Comm. Bingham stated that she liked the election process as it was rather than making it a popularity contest. Comm. Pugh also felt that the mayoral seat should be determined from the commission rather than the public. Comm. Allison felt that the mayor represents the town on a whole and did not recommend a change.

After a brief discussion a consensus was for staff to survey other towns that utilize election petitions and/or any fees associated with a buyout in lieu of a petition and to authorize staff to draft an ordinance changing the qualifying dates to 14 days.

9. Approve \$730 from the Contingency Account as Additional Funding for the Municipal Underground Consortium

Manager Schenck reported that the cost had increased because some of the towns had dropped out. The group has been actively talking with FPL, and has been attempting to get FPL to pay 50% of the costs. FPL currently only wanted to pay 25% though.

Comm. Allison moved to approve \$730 from the Contingency Account as additional funding for the Municipal Underground Consortium. Seconded by Comm. Pugh.

Motion Carried – yea 5.

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10. Discuss and Possibly Authorize \$4,239.80 for Excess Flood Insurance Coverage for the New Town Hall/Police Complex from the Contingency Account
Manager Schenck reported that the basic flood insurance coverage on the building is \$500,000 and contents \$500,000. He received 2 quotes for excess coverage for the remaining \$3,124,000 value. Plastridge Insurance had the lowest with a rate of \$4239.80/year and terrorism coverage for an additional \$1075.

The Commission felt the existing coverage was adequate but suggested staff research lower supplemental insurance.

RESOLUTIONS

11. No. 2009-03; Electing a Mayor
Comm. Allison nominated Kenneth Kaleel as Mayor of Ocean Ridge. There were no other nominations. Clerk Hancsak read the resolution in its entirety.

Comm. Allison motioned to approve Kenneth Kaleel as Mayor of Ocean Ridge. Seconded by Comm. Bingham.

Motion Carried – yea 5.

12. No. 2009-04; Electing a Vice Mayor
Comm. Bingham nominated Lynn Allison as Vice Mayor, and Comm. Brown nominated Geoff Pugh as Vice Mayor.

Comm. Bingham moved to close the nominations for Vice Mayor. Seconded by Comm. Pugh.

Motion Carried – yea 5.

A written ballot was supplied by each of the commissioners, with Geoff Pugh receiving 3 votes, and Lynn Allison receiving two votes.

Clerk Hancsak read the resolution in its entirety.

Comm. Brown motioned to approve Geoff Pugh as Vice Mayor. Seconded by Comm. Bingham.

Motion Carried – yea 5.

13. No. 2009-05; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks

Clerk Hancsak advised that this Resolution added SunTrust Bank, Grand Bank and Bank Atlantic as Depositories.

Comm. Allison motioned to authorize Resolution No. 2009-05 Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks. Seconded by Comm. Bingham.

Motion Carried – yea 5.

FIRST READING OF ORDINANCES

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14. Ordinance No. 582; Establishing a Lump Sum Bonus Payment Program to Reward Outstanding Employees Whose Performance Exceed Standards in Accordance with Florida Statutes, Sections 166.021(7) and 215.425

Atty. Spillias reported that he had surveyed other cities in Palm Beach and had contacted approximately one third of the towns' attorneys and none of them had an ordinance for bonuses. However, he did find that Belle Glade had an annual ordinance for performance exceeding standards and gave their staff a longevity bonus. He had prepared a draft ordinance and asked for the commission's direction.

Comm. Brown asked for substitute language for 2a of the Draft Ordinance No. 582: 2a. The Town Manager, as chief administrative official, shall submit annually to the Town Commission, a list of those employees whose performance exceeds standards as provided in Section 166.021 (7), Florida Statutes. This would make 2a become 2b, 2b become 2c and 2c become 2d.

Commission Allison motioned to approve Ordinance No. 582 on the first reading with the inclusion of the substitute language for 2a, making 2a become 2b, 2b becoming 2c, 2c becoming then 2d. Seconded by Comm. Brown.

Motion Carried – yea 5.

TOWN COMMISSION COMMENTS

15. Discuss Senate Bill 360, Community Renewal Act, Changes to the Department of Community Affairs' Regulations and Land Use Reviews

Comm. Brown reported that this Senate Bill 360 would be reviewed at open session tomorrow, and asked residents to go on the website and research it. Mayor Kaleel reported that this ordinance would have a large impact on Ocean Ridge. Atty. Spillias reported that if it passed, Briney Breezes would have been able to bypass obstacles that had hindered their project such as a Comp. Plan, Traffic Study and the review process with DCA. The Senate Bill if approved would allow a town that had 1000 people per square mile to govern themselves. Mayor Kaleel stated that the League of Cities and League of Counties oppose the bill; the City of Tampa however is in favor of it along with realtors and developers.

16. Discuss Town Code Regarding No Dogs on Beach By: Comm. Brown

Comm. Brown suggested the code be rewritten to state "No Dogs on the Sandy Area of the Beach". He could see the problem escalating as the population increased along federal highway. Chief Hillery stated that there was an issue with private properties and owing to the mean high water mark. Atty. Spillias reported that it could become very complicated as each deed had different property rights, and use of easements.

Stella Kolb, 204 Beachway Drive, stated some of the resident's whose property line goes down to the water mark, let their dogs run up and down the beach, and causes confusion for others who were not allowed to have their dogs on the beach.

17. Discuss Use of Tagless Golf Carts on Town's Roadways

Comm. Brown noted that several golf carts have been seen on Old Ocean with no tags. Atty. Spillias stated that State Law prohibits them except in certain conditions, but if they comply with the Statue they do not need to be registered. No one under 14 years old is allowed to operate them and certain county roads can be designated for their use. Local municipalities can be more restrictive than state if desired. Chief Hillery reported that Briny Breezes allows golf carts within their city limits as they have both sides of A1A.

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18. Discuss Proposed Lecture Series in Community Room

Mayor Kaleel proposed that Ocean Ridge have a lecture series in the Community Room. South Florida Waste Management has some information on horticulture and water treatment that could become a series of lectures or a fair.

A consensus was made to set up a program for a series of lectures to be held in Ocean Ridge.

Mayor Kaleel noticed that some work was being done on the outside of the kiosk, and asked what they were doing. Chief Hillery reported that some lattice was to be added to the outside of the kiosk. Mayor Kaleel suggested mural paintings for the outside of the kiosk.

ADJOURNMENT

Adjournment at 8:23 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh