

REGULAR TOWN COMMISSION MEETING HELD MAY 4, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 4th , 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 Allison
Commissioner Pugh	Commissioner Brown
Mayor Kaleel	

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Brown requested to move Items#12 & #13 to the Action Section, and to add Item #14 Artwork in Townhall.

Comm. Bingham requested to add Item #15 regarding Hedges & Trees

Mayor Kaleel requested to add Planning & Zoning Green Initiatives as Item #13a.

Atty. Spillias requested to amend the April minutes as follows: Page 2, 2nd Paragraph, “exparte with applicant or anyone else”. Also on Page 5, the last Paragraph, change it to read “court” not “tort”.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of April 6, 2009
2. Reappoint Kenneth Schenck as the Alternate Member to the South Lake Worth Inlet Advisory Committee (Geoff Pugh is the already the Regular Member)

ANNOUNCEMENTS AND PROCLAMATIONS

1. The Administrative Offices will be closed on Monday, May 25, 2009 for the Official Holiday
2. Introduction of the Honorable Steven Abrams, Palm Beach County Commissioner for District IV to the Commissioners and Residents

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

Motion Carried - yea 5.

Mayor Kaleel introduced the Honorable Steven Abrams, the former mayor of Boca Raton, and now the new Palm Beach County Commissioner for District IV. The Honorable Steven Abrams stated that he was looking forward to a working relationship with Ocean Ridge and would be ready to assist Ocean Ridge, as he was familiar with the coastal issues that affect our town. He was available for any concerns and could be reached through the Palm Bch Co. Commission website by clicking on his photo.

Comm. Brown stated that as a small town, Ocean Ridge was concerned with developments surrounding us, such as Briny Breezes & Boynton Beach along Federal Hwy. He also asked for consideration with the Boynton Inlet. Mr. Abrams stated that at this time no one had come to him regarding expanding the inlet, but he wouldn't go forward without the input of the neighboring

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communities. Mayor Kaleel thanked Mr. Abrams for being present and felt that they couldn't have appointed anyone better for the position to represent Palm Beach County.

PUBLIC COMMENT

Kristine DeHaseth, the Executive Director of Florida Coalition for Preservation, stated that she applauded Ocean Ridge's efforts to conserve the mangroves and she asked that we respect the environment, water and natural habitat. She had spoken with Jonathan Day, Entomologist of the University of Florida, regarding no-seeums, and he suggested that rather than spraying, an alternative method be used that trapped the no-seeums. It involved running CO2 lines that would attract them and catch them in tins. This targeting method would not affect any other plants or wildlife. It was not however currently available commercially.

John Wootton, 5907 N Ocean Blvd, stated that he had researched the no-seeum issue last year, and found that the chemicals used did not in adversely affect the environment. No-seeums do affect the quality of life, for those who like to be outside, and asked Ocean Ridge to resume spraying.

Nancy Hogan, 37 Hibiscus Way, stated that she had researched it, and that Palm Beach County feels it is safe. The County doesn't use it because of the cost to the taxpayers however. She asked that we be careful with the chemicals used in town. She was also concerned with the "No Wake Zone", and feels the intra-coastal is so narrow and unsafe, and that the wakes cause damage to sea walls. She asked the Commission to be present at the meetings and ask the boaters to slow down. She thanked the Comm. Abrams for being present and congratulated him on his appointment.

Tim McKinney, 36 Spanish River Drive, asked the Commission to resume spraying.

Cheryl Olanoff, 566 David Lane, thanked the town for recently cleaning the drains near her home. She asked of the status of the demolition of 16 Adams Road, and was concerned of the health issues of the deteriorated property. Manager Schenck reported that they do have their permit, and it was scheduled for Code Enforcement tomorrow, and the special magistrate would give his ruling.

Dr Goltz, 8 Ocean Harbour Circle read a letter to the Commission from Ned Evans, Sabal Island Drive citing that one of the chemicals is known to increase the chance of Parkinson disease in humans. Dr. Gotz felt there was no creditable evidence showing that the spraying is directly related to Parkinson's Disease.

Jonathan May, 5512 North Ocean Blvd, handed out a proposal to change Old Ocean Blvd to a "One Way" street traversing north. From Tropical Drive south, it would be dual traffic, but starting north of Tropical Drive it would be "One Way". He also asked to reverse the "One Way" on Anna Street to the other direction. He felt that this change would improve the safety and beautification of the road, and also reduce traffic by 40%. He had done an informal polling of residents along Old Ocean Blvd, and had not found any objections. He also suggested a left turn lane for southbound traffic at Beachway Drive and A1A. Clerk Hancsak noted that when FDOT designed a "Right Turn Lane" for Beachway Drive they required the left-hand turn lane be eliminated.

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Marrett Hanna, 5 Sailfish Lane, asked that Ocean Ridge be eco-smart, and that there are other ways more personal and inexpensive. She feels it is fool-hardy to spend \$60,000 in this economy. She also noted that the Florida Coalition was not in favor of it.

Robert Happ, 8 Inlet Cay Drive, stated his friends had purchased a special screen for his patio so that they could enjoy the evenings. Even with special screening, the no-seeums were still a problem. He also stated his dissatisfaction with the paving of Inlet Cay and felt that the work did not meet building standards.

George McElray, 6880 N Ocean Blvd #2, was concerned with Ocean Ridge resuming the spraying for no-seeums, and felt that it did affect those with Parkinson's disease or those with cancer, and also felt that it would affect the runoff drainage. He requested that it not be put in the budget, and felt that residents could individually spray their own yards if desired.

PUBLIC HEARINGS

1. CONSIDER AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN BASED ON THE TOWN'S ADOPTED EVALUATION AND APPRAISAL REPORT WITH URBAN DESIGN STUDIOS

Marty Minor, representing Kilday Urban Design Studios, stated that these Comp Plan amendments are mandated by State Statutes. Planning & Zoning sitting as the Local Planning Agency, had reviewed it and made changes. He requested that it be approved as amended, and after approved, it would be sent to DCA. Atty. Spillias stated that this Comprehensive Plan has had no substantial changes since 1989.

Comm. Bingham asked if we could direct Palm Beach County to properly maintain Hammock Park through this Comprehensive Plan. Atty. Spillias stated that no, it would have to be done through an ordinance.

Comm. Pugh motioned to approve the amendments to Town's Comprehensive Plan based on the Town's adopted evaluation and appraisal report. Seconded by Comm. Allison.

Motion Carried – yea 5.

REPORTS

6. Town Manager

Manager Schenck gave the following report: 1) New Town Hall. Information for the Grant is being reviewed by FEMA and is believed to be satisfactory. We had received \$6,646.77 from FEMA as reimbursement for expenses for Tropical Storm Faye and a \$94,307.97 reimbursement check from our insurance company for the plane crash. He stated he had a letter from the contractor that we didn't have any Chinese drywall in the building. 2) Coconut Lane Drainage. This project is on hold until Commission approval to proceed. 3) Ocean Ave. Landscape. The new well and irrigation has been repaired and we are working with the landscape company to develop a plan to improve the landscaping. 4) Island Drive Bridge Preconstruction Meetings have been held, and construction cannot start until FPL moves their power lines. 5) Old Ocean Blvd. The Garden Club Committee has met with FDEP & DERM and they will be working with the State and DERM on developing a plan for the dune to present to the Commission. On May 5th, Palm Beach County is approving the transfer of ownership of part of the dune to Ocean Ridge. 6) Inlet Cay Paving. The paving is complete and we had an independent testing company analyze samples of the asphalt due to the concerns about the paving job. The reports demonstrate

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that the asphalt has met all of the standards required for Type S-1 and FDOT standards. The imperfections are starting to blend and should continue to do so with weather and traffic. 7) Inlet Cay Seawall. We received 2 additional bids with \$8200 being the lowest and it included a 5 year warranty. 8) No Wake Zone. He noted that state legislature has adopted a law that makes it harder to change the speed zones. Proof must be shown that it relates to safety. He has checked with the County and State regarding more speed enforcement, and they stated that they do not have the manpower. 9) Planning & Zoning would be meeting to discuss possible changes in the code, but a definite date had not been set yet. 10) Police Report. March police report was supplied.

Manager Schenck reported that the Commission had approved the sale of Town equipment. He had received one price of \$1500 for the pump, and \$1200 for the generator with a fuel tank and \$1000 for the generator without the fuel tank. He asked for direction from the Commission. It was discussed that these items were worth more than the bid price, and that we should keep the equipment for the time being.

Comm. Pugh motioned to reject the received bids for the pump and generator. Seconded by Comm. Bingham.

Motion Carried – yea 5.

Comm. Allison asked on the status of the plane engines from the plane crash. Manager Schenck reported that Zuccala Towing had them now, and we were hopeful that they could use the salvage of the plane for the price of the towing. Mayor Kaleel asked for a Planning Zoning update when available of their review of “green” initiative building codes, and asked them to make it a standing issue.

James Bonfiglio, Chairman for Planning & Zoning, reported that they agreed to review it and will keep the Commission advised.

7. Town Attorney

Atty. Spillias gave an update of the Florida Lawyer Class Action Lawsuit regarding occupational licenses. There was a pending motion for all counties outside Hillsboro to be removed from the lawsuit, and the motion was granted, but then a few days later it was appealed. At this time Ocean Ridge is not part of the class suit, but he would keep the Commission updated, as this will be a lengthy lawsuit.

8. Chief of Police

Chief Hillery stated that April’s Police Report had been supplied and that he had nothing further to report.

Comm. Brown requested that the area in front the Capri Apts be made a “No Dumping Site” as large items were being dumped there repetitively. Chief Hillery stated that whenever a violation is discovered, the property manager is contacted and asked to remove the items. Comm. Brown requested to meet with the Chief and show him the exact area.

Comm. Allison commented that the number of garage doors left open and unlocked cars seemed high, and asked for a reminder to be put on the website. Chief Hillery urgently reminded all residents to set their alarms, and lock their homes and vehicles. He also reminded them that all

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bicyclists on Old Ocean Blvd have to respect the same traffic laws as vehicles, such as stopping at stop signs.

9. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Presentation by Clarke Mosquito Control regarding No Seeum Spraying
Manager Schenck reported that he had spoken with the County and found that they used the same type of chemical, and they were not aware of any health hazards if it was used as directed. Mayor Kaleel asked if DERM was asked to be present. Manager Schenck stated that the EPA and Dept. of Agriculture regulate spraying not DERM. Frank Clarke from Clarke Environmental Services was present.

Frank Clarke, Clarke Environmental Services gave a presentation of their company showing their balance of sound science with responsible products and services. They do service many other counties in Florida including the west coast and parts of Orlando, and they are called in for emergency sprayings after hurricanes and storms. Their goal is to reduce no-seeums. They create a residual barrier using FLIT13.3 which is EPA approved and has a 7/10 residual. It is applied within 3 feet of vegetation and is less than 1 ounce per acres and mixed with water. They do not spray if winds are more than 15 mph. They are also developing new pesticides for larvae, but the larvae originate in the mud, and are hard to eradicate.

Comm. Brown asked if any other towns had no-seeum spraying, and stated he was concerned with the native bees and butterflies. He also asked if their men were trained to know the areas that should not be sprayed. With the new Preserve areas in Ocean Ridge, he felt it would also affect the small insects, and cited potential problems with run-off. Mr. Clarke stated that other towns do have no-seeum spraying and the technicians are asked to not spray on blooming target areas. They rotate the products to reduce an immunity build-up. Runoff is not impacted when used as directed.

Comm. Pugh asked for difference of the 2 types of chemicals used BIO 434, and FLIT. Mr. Clark stated the BIO 434 is oil based and used in the truck spraying. It is applied at night and designed to drift through and affect anything in the air. FLIT is water based and dries on the vegetation and dissipates within minutes. Comm. Pugh suggested to use the back pack spraying only to create the barrier, this would reduce the cost by limiting the area and number of sprays to 3/month.

Comm. Allison stated that she was conscious of the affects to environment protection, but felt that the quality of life overshadowed it and should take precedent. She asked how often the backpack spraying was done. Mr. Clarke responded that once a week during high seasons, and then is tapered off.

Comm. Bingham asked if the no-seeums have any natural enemies. Mr. Clarke stated that they had no natural enemies, and commercial traps are not available yet because of their high cost.

Mayor Kaleel noted that Clarke Mosquito has done a presentation 3-4 times before, and that the reason for both truck and barrier spraying was because it was combative team effort and was the most effective.

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Carol Bessler, 32 Anna St, stated that as a new resident she could tell the difference this year without the spraying. She asked for better training of the technicians who do the backpack spraying, as last year she saw the lack of safety equipment being worn. Some had no gloves, masks, and were wearing shorts.

Robert Happ, 8 Inlet Cay Drive, stated to get EPA approval of any chemical was tough, and he felt we should respect their approval. He also stated that this same type of chemical is utilized in head lice products and pet shampoos also. He also stated that to have your yard individually sprayed would cost \$1400/month.

Marett Hanna, 5 Sailfish Lane, stated that residents were aware of the problems of moving to the intra-coastal. She asked that a more environmental friendly method be utilized, and that any residents involved pay individually, rather than all residents being taxed for it.

It was discussed and agreed that Clarke Environment prepare pricing for backpack spraying to create a barrier and return for the June meeting.

11. Report on Election Procedures

Clerk Hancsak reported that at a prior meeting it had been suggested to implement election petition or buy out in lieu of a petition. A survey of ten towns showed that 3 municipalities require a petition ranging from 15 signatures to 3% of the registered voters while seven have no petition requirements. None offer a buyout in lieu of a petition. The fees cited are related to qualifying fees which vary. The only fee we currently collect is a \$12 Election Assessment Fee. Clerk Hancsak also stated that Susan Bucher, Supervisor of Elections was contemplating the idea of having each town pay the full cost of their elections. She suggested changing our commission election to correspond with the regular election to reduce the costs.

Consensus was to put Ordinance 583 regarding reducing the qualifying times on the June meeting; but to keep our same election schedule until Palm Beach County has reached a final decision.

12. Request for Pedestrian Crossing Signs at the Harbour Drive, Ocean Club and Hammock Park at a Cost Not to Exceed \$1,500 from the Contingency Account

Manager Schenck reported per Comm. Brown's request that he researched crossing signs to improve the safety at the three pedestrian crossings on A1A: Harbour Dr, the Ocean Club and Hammock Park. FDOT has approved the installation of the signs, and as they will be our signs, it will be our responsibility to maintain and replace them as necessary. The posts are galvanized metal that will breakaway in case someone hits them. The signs are 12" wide, and to be installed in the middle of the street.

Comm. Pugh motioned to approve the pedestrian crossing signs at Harbour Drive, Ocean Club and Hammock Park at a Cost Not to Exceed \$1500 from the Contingency Account. Comm. Allison Seconded.

Comm. Bingham stated her concern that it would cause accidents and asked who would be assuming the liability. She was also concerned of trying to pass bicyclists with the sign in the middle of the road. Comm. Brown stated that it was a pedestrian safety issue. Chief Hillery was concerned that these signs could be very dangerous because of our narrow roadways, and suggested flashing yellow caution lights.

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Lucy Brown, 23 Harbour Drive South suggested that we contact the other municipalities that are using these FDOT signs and ask them for recommendations or any problems that have resulted.

Comm. Pugh and Comm. Allison withdrew their motion.

A consensus was made to provide a sample sign at the June meeting as there is a concern for pedestrian safety and vehicle safety as well. Mayor Kaleel suggested that the crosswalk at the Inlet Park be included also. Atty. Spillias stated there would not be a liability issue as it was a public road and easily visible. Manager Schenck stated that these signs were FDOT approved, and that a FDOT permit would be needed also.

Comm. Allison announced that she was appointed on the Education & Government Program Advisory Board.

13. Request for Street Light at Corrine St. and Old Ocean Blvd. in an Amount Not to Exceed \$6,000 from the Contingency Account

Manager Schenck reported that Comm. Brown had requested research for installation of a street light at the corner of Corrine and Old Ocean, as he felt there was a safety issue. Any light installed would have to be turtle friendly with underground wiring and the cost would be approximately \$6000 from contingency. The light had been removed several years ago, at the request of a resident, and the pole was recently removed as part of the underground lighting project on Old Ocean.

Comm. Brown questioned if it as a liability for the town to remove a street light and that he had brought it up last year, but wanted it on record that he felt there was a safety issue as that area was very dark.

It was discussed that \$6000 was a lot to spend for one light with current budget restraints. Manager Schenck stated that this light was turtle friendly, and most of the cost was for the underground FPL wiring.

Comm. Brown motioned to approve the request for a street light at Corrine St and Old Ocean Blvd in an amount not to exceed \$6000 from the Contingency Account.

There was no second, and the motion died.

Comm. Pugh mentioned an alternative light such as solar.

14. Artwork in Townhall

Comm. Brown requested that the town form an Artwork Selection Committee or Public Art Committee. It would include one Town Commissioner, Town Clerk, and one member in good standing from the Ocean Ridge Garden Club, and two other residents that were not members of the ORGC. A request would be sent to the town to submit personally owned artwork to the committee for selections to be displayed in Town Hall under certain conditions. Artwork could then be displayed using a permanently installed Gallery System. There would be a loan agreement between resident lender and the town, and the Town would not accept responsibility for the loaned artwork. Three walls in the town lobby could be utilized and the cost of the gallery

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system was approximately \$300-\$400. Comm. Brown offered to fund the cost of the gallery system if the budget did not allow for it.

Consensus was for the Town Attorney to check whether the committee would be subject to Sunshine Laws and the process to start it.

15. Hedges and Trees

Comm. Bingham requested that this item be included at the next meeting and distributed suggested language to amend the tree permit section of the code.

Comm. Pugh stated that there was an audio feedback from the sound system, and that the microphone at the podium did not seem to be working. He asked that it be checked out.

Adjournment at 8:45 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh