

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

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

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak requested to amend the minutes by adding the brief discussion brought up by Comm. Brown to discuss changes to the charter in regards to the mayoral position, and voting for specific commission seats. Mayor Kaleel requested to change Item #15 to immediately after Public Comment.

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

Motion Carried – yea 5.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of July 7, 2008
2. Minutes of Special Town Commission Meeting/Proposed Millage of July 28, 2008

ANNOUNCEMENTS AND PROCLAMATIONS

- 2a. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Monday, Sept. 15, 2008 at 5:01 PM and Regular Meeting Immediately to Follow
3. The Administrative Office will be Closed Monday, Sept. 1, 2008 for the Official Holiday
4. Proclamation Recognizing “Grand Bank and Trust of Florida” as Trustee for Fund for Gomez Children
5. Proclamation Declaring August 4-8, 2008 as “Florida Water Professionals Week”

Comm. Brown thanked the commission for their thoughts and prayers during his surgery, and for the flowers sent to him, and he said he was doing well. Manager Schenck also thanked the town and Bill Mathis for filling in for him while he was out with his ankle injury, and that he was glad to be back.

Mayor Kaleel thanked the town for their donations received to the Grand Bank and Trust of Florida for the Gomez children. There were enough funds to purchase Justin Gomez a 4yr college plan, and Saxton & Brianna a 2yr college plan each.

PUBLIC COMMENT

PUBLIC HEARINGS

John Wootton, 5907 N Ocean Blvd, thanked the town for resolving most of the safety issues for the west side of Old Ocean Blvd. He had sent a letter to the Town Manager stating that he felt there were still safety issues on the east side though between Corrine & Thompson. The grass was not cut or maintained. Comm. Bingham stated that some of the areas have double hedges also, which makes the area a safety issue. Interim Manager Mathis stated that Sgt Eubanks was drafting a letter to send to all property owners, advising them to comply.

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

Nancy Hogan, 27 Hibiscus Way, stated she was not pleased with the spending in Ocean Ridge. She felt that those not protected by Save Our Homes would have a hard time to maintain the properties, and felt that Ocean Ridge should use the cash reserve to pay off the debts. She agreed with Comm. Brown regarding reducing the cost of living for the staff. She quoted millage rates of other municipalities, and feels that our proposed millage is too high, and asked that the town show leadership and say NO to higher taxes.

REGULAR AGENDA

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

15. Ordinance 578; Providing for the Repeal of Ordinance 575 and for the Rezoning of a Parcel of land Consisting of 556 Square Feet, More or Less, Located Along the Northern Boundary of Property Owned by the Town Located at the North West Corner of Woolbright Road and A1A, as Described More Particularly Herein, From Preservation/Conservation ("PC") to the Single Family Residential District ("RSF")

Atty. Spillias stated that as this was quasi-judicial meeting, he asked if there had been any exparte communications with the homeowner regarding this matter. Response was no. He then swore in those that would be giving testimony regarding this matter. He stated that this was Second Reading, and that the written records were still part of the record.

Atty. Spillias summarized that there was a few feet of deck encroachment and James Bonfiglio had an agreement with National Wild Life to have the first right to purchase. There was an error in the first ordinance and this ordinance repealed and corrects it. Susan Taylor, attorney for James Bonfiglio stated that she had nothing to add, but would be available for public comment.

Nancy Hogan, 27 Hibiscus Way, felt that this was a precedent for all properties lining the detention area, and did not feel that everyone had the same rights to purchase the land. She still felt that Atty. Spillias comments regarding it not being "free property as James Bonfilgio had paid \$10,000 for it" was uncalled for.

Comm. Bingham motioned to approve Ordinance #578. Seconded by Comm. Brown.

Motion Carried - yea 5.

REPORTS

6. Town Manager

Manager Schenk reported: 1) Townhall update. Prior to the plane crash on July 22, 2008 the building project was proceeding toward a tentative occupancy date of August 15, 2008. Following the crash, work on all areas of the building was back to normal the next day, and that the only room that suffered damage was the Library. There are 3 structural engineers preparing reports on the repair needs and associated costs, and their reports are due during the week of August 4, 2008. We are seeking the opinion of the engineers, building officials and our insurance company to determine if a temporary certificate of occupancy can be issued while the repair work is in progress. 2) Coconut Lane Drainage. This project is on hold until the commission decides whether or not to proceed with this project this fiscal year. 3) Harbour Dr South. The valves have finally come in and once installed, this project is complete. 4) Ocean Ave. Landscape. FDOT reported that they could not locate any landscape plans for Ocean Ave, but would do more research. 5) Island Drive Bridge. Bridge Design Associates were still finalizing the design plans. 6) Old Ocean Blvd. The properties north of Corrine were in preparation of installing the underground utilities, and that would make all in compliance with the 25 ft clearance. 7) Inlet Cay Drainage. A punch list had been given to DBF, but it was considered substantially complete.

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

The final payment would be made when the punch list is complete. 8) Hurricane Information. The Police Dept. sent out letters to the residents reminding them to trim all vegetation and trees located near or under power lines. Most were complying, but a few code violations had been issued.

Comm. Brown asked what type of street lighting was to be installed from Corrine to Anna Street. Manager Schenck responded that Anthony Mauro was coordinating the underground utilities for Old Ocean and that 2 turtle lights were proposed.

Clerk Hancsak thanked those residents and the commission that contacted the town hall and the police department showing their concern after the plane crash on July 22nd. Mayor Kaleel also thanked Interim Manager Mathis for filling in for Manager Schenck while he was out on leave.

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

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

9. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2006/07
Ron Bennett, Senior Mgr of Nowlen, Holt & Miner, PA thanked the town for allowing them to serve as their auditors and staff for all their assistance throughout the audit. He reported that as this was a government audit, there were several compliance items that had to be researched. He gave Ocean Ridge a clean and fairly stated opinion, and there were no items out of the ordinary cited. Pgs 38&39 noted that a single audit is necessary if monies received totaled more than \$500,000. Pgs 42 & 45 has 2 minor issues concerning: 1) The Loan Covenants, whereby certain revenue items were pledged at 115%, but with the recession, they came short. 2) Some of the expenditures were over, but overall the expenditures were \$290,000 less than the total appropriations. The Balance Sheet shows a reserve of \$3.1mil. Prior to 2004, the minimum reserve was 60 days, but since the 2004 hurricanes and since Amendment #1, he advises municipalities to reserve a minimum of 4-6 months, and to err on the side of caution.

Comm. Allison motioned to approve the annual audit for fiscal year 2006/07 as presented by Nowlen, Holt & Miner, PA. Seconded by Comm. Bingham.

Motion Carried - yea 5.

11. Authorize Purchase of Furniture in the Amount Not to Exceed \$120,000 for the New Town Hall/Police Complex from the Town Hall Capital Projects Account from an Approved Transfer from the General Fund

Manager Schenck stated that this was for the furniture, cabinets, and desks for the new town hall/police complex. It was given as 2 proposals, with the police department on the smaller proposal as this would be submitted to Palm Beach County 911 for reimbursement. This is lower than the first bid by a different corporation, and it will need a 6 week lead time for delivery.

Comm. Pugh motioned to authorize the purchase of furniture in the amount not to exceed \$120,000 for the new Town Hall/Police Complex from the Town Hall Capital Projects Account from an approved transfer from the General Fund. Seconded by Comm. Allison.

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

Motion Carried - yea 5.

RESOLUTIONS

12. Resolution No. 2008-09; Revising the Building Permit Fee Schedule
Clerk Hancsak reminded the commission that at the July Budget Meeting, staff recommended changing the flat tier amount of the permit fee schedule from \$60 to \$100 for permits with an estimated cost between \$1000 and \$3000. She stated that this would bring Ocean Ridge in line with fee schedules of other communities. It would also generate approximately \$28,000 in additional revenue and assist in defraying overall associated costs.

Comm. Bingham motioned to authorize Resolution No. 2008-09 revising the Building Permit Fee Schedule. Seconded by Comm. Brown.

Motion Carried - yea 5.

FIRST READING OF ORDINANCES

13. Ordinance No. 579; Amending Article II, Section 50-26 of the Code of Ordinances to Increase the Levy of the Town's Public Service Tax Therein from 8.5 Percent to 10 Percent

Clerk Hancsak advised that as was discussed at the July Budget Meeting, the Town's Public Service Tax was one of the revenues noted on the audit as being short. It was pledged to help repay the State Revolving Drainage Loan, and an increase from 8.5% to 10% would generate approximately \$27,000 in the first year and \$35,000 - \$40,000 in subsequent years. Staff recommended approval of Ordinance #570 on first reading and that notification be sent to the Dept of Revenue. Atty. Spillias asked for 2 changes: 1) 1st Paragraph, should change "public service tax revenue" to "rates and charges revenues. 2) 2nd Paragraph, should change "public service tax" to "such".

Comm. Bingham motioned to approve the First Reading of Ordinance #579 as amended. Seconded by Comm. Brown.

Motion Carried - yea 5.

14. Ordinance No. 580; Renaming Chapter 65 of the Code of Ordinances "Telecommunications Facilities"; Creating Article I of Chapter 65 of the Code of Ordinances Entitled "Telecommunication Towers and Antennas" and Including Therein Current Sections 65-1 Thru 65-8; Creating Article II of Chapter 65 of the Code of Ordinances Entitled "Construction and Maintenance of Telecommunications Facilities in the Town's Rights-of-Way"; Transferring Chapter 14 of the Code of Ordinances Created by Ordinance No. 556 to Article II of Chapter 65 of the Code of Ordinances and Renumbering Accordingly

Atty. Spillias reported that when Ordinance 556 was adopted it created a new chapter and when Municipal Code was working on the supplement they felt it better to be combined with the other communications in Chapter 65. This ordinance will accomplish the relocation.

Comm. Brown motioned to approve First Reading of Ordinance No. 580. Seconded by Comm. Allison.

Motion Carried - yea 5.

TOWN COMMISSION COMMENTS

16. Discuss Insurance, Damage and Funding for Repairs Resulting from the Plane Crash into the New Building Complex

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

Mayor Kaleel reported that in regards to the plane crash, they were still waiting on the structural reports from the engineer, and they were also unsure if the pilot had insurance. He asked the commission to move forward in finishing the new building, as it could be very costly waiting for the insurance companies to resolve, especially with the contractor already available on the jobsite. Comm. Pugh was concerned that the current contractor may quote a higher price, than if it went out to bid. Interim Manager Mathis reported that the contractor would be using the rate schedule that is on their contract. Atty. Spillias stated that the insurance terms are for replacement cost, and they have an obligation to mitigate damages. They were waiting for analysis to see what the position is from the insurance companies. Ocean Ridge may need to send a letter to preserve our rights.

James Bonfiglio, 5616 N.Ocean Blvd., asked if the town was anticipating any delays, and did their contract call for any bonuses or fines if the job was not complete on time. He was advised that the contract does not make any reference to bonuses or fines.

Interim Manager Mathis mentioned that they were attempting to get a partial CO, and partition off the damaged area, to allow us to move in while they were waiting on the insurance companies.

17. Discuss Possible Ballot Question for the Process of Electing a Mayor
Comm. Brown suggested researching possible Charter changes concerning the method for electing/appointing municipal officials if there was an interest. Several different mayoral models were discussed, such as a strong mayor, a mayor with administrative authority, a mayor with a chair, a ceremonial mayor that has no vote, or a mayor that has veto authority and controls the decisions. The possibility of splitting Ocean Ridge into districts was also discussed. Atty. Spillias requested that the staff do a study, as there were a lot of varieties.

Steve Greenhut, 5907 N. Ocean Blvd, asked if they change the mayor seat, is there a limitation as to advertising with posters, and flyers or how much can be spent. Atty. Spillias stated that there is no limit for expenditures or signage and advertisements. He also felt that the commissioners know who would be the best leader without it being a popularity contest.

John Wootton, 5907 N. Ocean Blvd, asked why change it, as it would be costly. He asked if term limits should be considered, and didn't think Ocean Ridge was large enough for districts. He also was not in favor of seat voting. He also felt it would be rushed to have it done by the February ballot, and that Mayor Kaleel had been a good representative for Ocean Ridge with Briny Breezes.

Bernd Schulte, 5 Osprey Court, agrees with Mr. Wootton and asked what their objective was. He was not in favor of a popular mayor, but would rather have a peer mayor, one chosen by the other commissioners.

Bruce Gimmy, 12 E Ocean Avenue, stated that he came from a small town in New Jersey, whose mayor was chosen by the public. Over the years it seemed that the mayor became less efficient and began to lose his objectivity, but because of his popularity he was re-elected year after year.

Nancy Hogan, 37 Hibiscus Way, state that it should not matter what types were used, and asked that all elected officials should be treated fairly, and maturely. She felt that term limits were important. She was not in favor of the mayor having VETO power, and felt it was a negative approach and use of power. She felt her power to speak was restricted in regards Briny Breezes.

REGULAR COMMISSION MEETING HELD AUGUST 4, 2008

Comm. Brown motioned to approve a study to regarding models of election and seat voting.
Seconded by Comm. Allison.

Motion Carried – yea 5.

ADJOURNMENT

Meeting was adjourned at 7:35p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh