

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2008

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, Nov. 3rd, 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 October 6th, 2008 budget minutes, Item #9, 2nd Paragraph to say the following: "She requested that exotic vegetation be removed from the dunes and kept off of the dunes."

Comm. Brown requested to add Item #14A, Landscape Gift from the Garden Club.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Oct. 6, 2008
2. Authorize Mayor and Town Clerk to execute Outstanding Garbage/Trash and Alarm Monitoring Liens for FY 2007/08
3. Ocean Ridge Resolution No. 2008-12; Authorizing Execution of Mutual Aid Agreement Whereby Agencies May Request or Render Law Enforcement Assistance to the Other for the Purpose of Enforcement of Laws Directly Related to Sexual Predator and Offenders

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

Motion Carried - yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

1. The administrative offices will be closed on Tuesday, Nov. 11, 2008 and Thursday, Nov. 27th and Friday, Nov. 28, 2008 for the Official Holidays
2. Proclamation "Thanking Valentin and Georgeta Fodor for the Town Hall Entrance Sign"
3. The Holiday Light the Lights and Open House for the New Town Hall/Police Complex will be Held on Friday, Dec. 5, 2008 from 5:30 PM – 8:30 PM for Ocean Ridge Residents

PUBLIC COMMENT

Nancy Hogan, 37 Hibiscus Way, requested that the Town Manager's Report be posted on the website prior to the commission meetings. Clerk Hancsak stated that it is currently posted after the commission meeting, but it could be put on the website prior to the meetings.

Stella Kolb, 205 Beachway Drive, requested that doggie bags be placed by the beach. Mayor Kaleel stated that this was previously requested and researched, and was turned down, but if the residents were requesting it again, it would be looked into again. Comm. Bingham asked for code enforcement to issue fines as this would discourage violators.

REPORTS

7. Town Manager

Manager Schenck reported the following: 1) New Townhall: We are moved in and have done a walk-through with BSA for a final punch-list. He thanked the staff for their help and transition of

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the move. He specifically thanked Lieutenant Yannuzzi for his hard work and efforts in the construction of the building, and then coordinating the move out of the trailers. The trailers are gone, and \$784 was collected from the silent auction of the excess office equipment. Manager Schenck announced that the dedication of the building will be on December 5th at the Light the Lights. 2) Coconut Lane Drainage Project is on hold. 3) Ocean Ave. Landscape. A new well is needed, and a FDOT permit had been applied for. The landscaping would be complete after the well was installed. He had also met with the FDOT Contractor regarding the flooding that had occurred during the heavy rains and high tide. He was informed that Ocean Avenue had all drainage lines feed into a pipe in the center of the street and then flow into the ponds, and then the intra-coastal. A berm had been created over time, and this berm was causing the waters to backup. It was recommended that the mangroves be removed and swales reinstalled. 4) Island Drive Bridge. A pre-bid meeting was held on October 10th, and qualifying packages were due on October 22nd, 2008. Five contractors had qualified to bid the project, and final bids were due on November 7th, 2008. 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 second letter to the property owners regarding the east side of Old Ocean, and will follow up to bring the east side into compliance. 6) Inlet Cay Drainage. DBF Construction is complete except for some minor cleanup on Eleuthera Dr. Ranger Construction will pave the Inlet Cay roads starting around November 17th. It will take 3 to 4 days to complete the paving. 7) Election Review. Now that we are in the new building, a P&Z meeting would be set up to discuss the Commission election process.

Comm. Brown reported that some of the lights on Ocean Avenue were not working. Manager Schenck stated that when the holiday lights were installed, they would use the lift to do any repairs at that time. Comm. Brown also asked if pods were permitted in driveways, or if there was a time limit. Clerk Hancsak stated that pods were allowed for 2 weeks if not connected with a building permit. Manager Schenck asked for address locations, so they could be notified and made to comply. Comm. Brown reported a home on Old Ocean whose fence around the pool had been removed and not replaced. They have a hedge, but Comm. Brown felt it was unsafe for them to not reinstall the fence. Manager Schenck stated that there was a grandfather status and fences are not required for pools built before a certain date. Atty. Spillias asked staff to prepare a chronology of permits and work performed, and he would check for code compliance. Comm. Bingham asked why it was necessary for the new townhall to have 13 air conditioning systems. Manager Schenck stated that it was designed with various zones.

8. Town Attorney

Atty. Spillias reported that Ocean Ridge had intervened with Delray & Boca in regards to a litigation matter concerning Palm Beach County Fire Dispatch. Before 2005, Palm Beach County Fire District paid for their dispatch system, but after 2005 it was to be paid countywide through taxes. Delray Beach and Boca filed suit citing they should not be forced into paying when they have their dispatch. Various municipalities including Ocean Ridge joined as interveners. We sued and won at trial. Palm Beach County appealed and on October 29th, 2008 prevailed. He feels that there may be some basis to have it evaluated and reviewed in the Florida Supreme Court. The next appeal deadline is November 28th, 2008 and he would give the commission an updated report next month.

It was discussed that Ocean Ridge had wanted to keep their own dispatch, and not go through the County, and felt it was a tax encroachment on the rights of the municipalities whether we used

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Palm Beach County Dispatch or not. Atty. Spillias stated it was a pure taxation issue and everyone is getting taxed whether their service is used or not.

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

10. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

11. Authorize Pursuing County Property Transfer of Three (3) Parcels to Ocean Ridge
Manager Schenck reported that the Garden Club had expressed a desire to work on the dune parcel presently owned by the county. The Garden Club would like to make it a showplace on how a dune should look. If approved by the Commission, the County is willing to transfer the property to Ocean Ridge. Comm. Brown stated that the other two parcels were at the entrance to Harbour Drive, and could be used for landscaping. If the Commission approved, Manager Schenck would address the County for these parcels also.

It was discussed that Ocean Ridge had tried to obtain the dune parcel by Tropical Drive a few years ago, but was rejected by the County. The Garden Club has since spoken with the county and would like to enhance it with vegetation if the town can obtain it. Watering would be provided by the Town until the plantings were established.

Comm. Bingham motioned to authorize pursuing county property transfer of the dune parcel. Seconded by Comm. Allison.

Motion Carried – yea 5.

Comm. Brown motioned to authorize pursuing county property transfer of the 2 parcels at the entrance of Harbour Drive North and Harbour Drive South. Seconded by Comm. Allison.

Comm. Brown requested that these parcels (approximately 24' x 95') be used for future land projects. Comm. Bingham stated that she felt with budget restraints, new landscaping was not necessary at this time. She felt the grass was more appropriate. Comm. Allison agreed, but felt it would be nice to own. Comm. Pugh suggested that we contact the neighboring properties, and ask if they would like to obtain the adjacent properties. This would increase our tax base, and give the residents the opportunity to purchase it. Comm. Brown stated he did not believe the county could give the property to private owners. It was discussed to request the lands first, and then decide beautification at a later time.

Motion Carried – yea 5.

12. Discuss Functions in Community Room/Town Hall Chambers
Clerk Hancsak reported that in contacting other municipalities, they found that some had use agreements or reservation agreements. She reported that at this time three meetings have been requested to be held in the new Town Hall. The Garden Club had requested two meetings, and a condo association had also requested one meeting. She asked the commission for parameters for uses, security or cleaning deposits or other restrictions. It was also questioned if a separate insurance policy would be needed. A consensus was agreed that staff prepare a brief document to allow the use of the facilities with guidelines, and present it at the December meeting.

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Comm. Pugh motioned to allow all past organizations or entities to continue to have their meetings in Ocean Ridge, until a final recommendation is made in December 2008. Seconded by Comm. Bingham.

Motion Carried – yea 5.

13. Authorize Funding of \$47,121 for Paving of North and South Harbour Dr. with Remainder of Encumbered Monies

Manager Schenck reported that Ranger Construction had reduced their price for Inlet Cay to \$97,317, and he was recommending that remaining funds in the paving reserve be used to do some additional paving. He stated Ranger Construction had also reduced the paving for Harbour Drive North and Harbour Drive Sive from \$47,121 to \$46,100.

Comm. Pugh motioned to authorize funding of \$46,100 for paving of North and South Harbour Drive with the remainder of encumbered monies. Seconded by Comm. Bingham.

Motion Carried – yea 5.

14. Discuss Tree Trimming and ROW Maintenance Ordinances by Residents

Atty. Spillias stated that there were three situations of code enforcement issues regarding tree trimming and rights of way. 1) Property owners to trim trees in right of ways that are into power lines. The Code says we can ask property owners to maintain these trees. We do not have to defer to FPL but FPL also has the right to trim because of storm impact to residents with black outs. 2) Abutting right of ways between property lines and pavement. Atty. Spillias stated that legally we can place obligation on the property owner to maintain them. The property owner has rights to landscape this area subject to FDOT and Ocean Ridge approval and restrictions. 3) Regulate property owner to mow lawn. The Town does have the right to request the resident to maintain their property.

Chief Hillery stated that the major concern was not the high wires, but to restrict any foliage that would take down the poles or power lines and cause outages for the neighborhood. Comm. Brown did not feel it should be the homeowner's responsibility to trim, and asked for the policy to be reviewed. Mayor Kaleel noted that the purpose of the ordinance was to ask residents to trim or remove any foliage if necessary, as it was found that the homeowners were placing trees and landscape in the right of ways, causing power outages. He noted that we may have to change the policy for special cases.

Gary Kosinsky, 6000 Old Ocean Blvd, stated that he had a hedge planted in the right of way, and was asked to move it. He sent a letter to Ken Schenck and requested a response as to why he had to cut the dune down to 4ft, with no response.

Atty. Spillias stated that he would meet with the Town Manager to identify those areas in town, in regards to relieving the owner of the responsibility, and see if a distinction could be made to clarify the ordinance.

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14A. Garden Club request to donate \$500 for a live permanent tree in front of Townhall.

Comm. Brown stated that it was the wish of the Garden Club to donate \$500 for a live tree, an Eastern Red Cedar at Town Hall. This would include installation. Mayor Kaleel noted that it would have to coordinate with the site plan for Town Hall. It was unsure if it could be done in time for the holidays, and if a proper location could be found for it.

Comm. Pugh motioned to approve the donation from the Garden Club of \$500 for a live permanent tree, with a site to be determined later. Comm. Allison Seconded.

Motion Carried – yea 5.

Comm. Allison complimented the Coastal Star for their first issue, and felt it was a job well done.

15. Discuss Town Logo and Wall Coverings in New Building

It was discussed that many designs had been submitted, and that our original town logo was very unique among all of the other municipalities. The cost factor of changing had to be considered.

Comm. Brown motioned to maintain the existing town logo. Seconded by Comm. Bingham.

Motion Carried – yea 5.

Clerk Hancsak stated that other municipalities allow for local artists to showcase their work in TownHall. A consensus was made to survey other municipalities as to their procedures and policies for art hangings, and to give an update at the December meeting.

Mayor Kaleel stated that he felt that the first meeting in the new Town Hall was a momentous occasion. He thanked the support of the community, and all the staff who made it a reality, and felt it was a testament to all, It will stand tall as a showcase to Ocean Ridge and it’s residents, and we will be able to enjoy it for the years to come. He welcomed the residents to toast to the new building and take a tour after the meeting.

Adjournment at 7:40 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh