

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 11, 2005 at 6:00 PM in the Town Hall Meeting Chambers

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

Commissioner Allison
Commissioner Hogan

Commissioner Bingham
Commissioner Pugh

Mayor Kaleel

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Mayor Kaleel requested to table item #10, a request from the Ocean Club to install six environmental tennis court site lights.

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of June 6, 2005
2. Minutes of Town Hall Renovation Meeting of June 17, 2005
3. Ocean Ridge Resolution No. 2005-11; Establishing Personnel and Administrative Policies for Pay for Work During Emergencies or Disasters
4. Ocean Ridge Resolution No. 2005-12; Approving the Contract for the Zoning/Building Official Duties with Hy-Byrd, Inc. Inspections Services for a One Year Period
5. Ocean Ridge Resolution No. 2005-13; Approving and Authorizing Execution of an Interlocal Agreement with Palm Beach County for a Reverse 911 System at an annual cost of \$1,500
6. Authorize Commissioner Hogan to Attend the Florida League of Cities Annual Conference from Aug. 18-20, 2005 at an Approximate Cost of \$500 Funded from the Town Manager Travel Account and Authorize Appointing Commissioner Hogan as the Voting Delegate
7. Approve \$600 Monthly Vehicle Allowance for Town Manager for Remainder of FY 2004/05 (\$1,800) to be Funded from the Town Manager Travel Account
8. Authorize Mayor Kaleel to Execute Settlement Agreement with Gary Cantor and Abercrombie & Kent Regarding Code Enforcement Case No. CE2004-36 (46 Bimini Cove Drive)

Comm Hogan moved to approve the agenda and consent agenda as amended, seconded by Comm Pugh.

Motion carried - yea 5.

Announcements and Proclamations

9. The Proposed FY 2005/06 Budget/Adopt Proposed Millage Meeting will be held on Monday, July 25, 2005 at 8:00 AM

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Mayor Kaleel read the above announcement.

Public Comment

Justis Brown, 39 Coconut Lane, thanked the Chief for making sure the flooding on Coconut Lane was pumped out over the weekend. He also questioned why his address was not on the list for noseem spraying. Town Clerk Hancsak advised that she sent an executed hold harmless agreement from Mr. Brown to Clark Environmental and was looking into why his residence was not on the original list for barrier spraying.

George Breyer, 4 Coconut Lane, stated that he and Terrence Cudmore of 5 Coconut Lane were building new homes at 4 and 5 Coconut Lane and were in the process of purchasing 10 Coconut Lane. Mr. Breyer stated that there was heavy rain over the weekend and he felt that the flooding on Coconut needed to be addressed. He asked that the Commission direct the engineer to look into solutions for Coconut Lane.

Manager Mathis advised that street elevations were taken and that the Town was applying for a grant for Coconut Lane. Mayor Kaleel also mentioned that Engineer Tropepe would be able to discuss the issue at the next Commission meeting.

Patricia Kropp, 16 Tropical Drive, thanked Chief Hillery for the recent law enforcement efforts on Tropical Drive and stated that the area has been much better.

Regular Agenda

Reports

11. Town Manager

Manager Mathis advised that Chaz Equipment Co. will need to close a portion of A1A for 3 to 4 days to install piping and that the dates will be posted as soon as they are known. He also mentioned that the Town of Gulfstream will be closing a portion of A1A in their Town for approximately 4 to 12 days but he will not know the specifics until next week. Mayor Kaleel suggested that there be an evacuation plan in place in case of an emergency.

12. Town Attorney

Town Atty Spillias advised that he received and reviewed the memo from former Comm Schulte in reference to his reimbursement request. He stated that the Town could reimburse Mr. Schulte for costs relating to the ethics complaint, however he did not feel the Town could reimburse costs incurred involving the election complaint. Atty Spillias stated that Mr. Schulte submitted a request in the amount of \$10,000 for attorney fees and \$900 for his traveling costs. He stated that it is unknown what the insurance company will reimburse to the Town but he was confident that they should reimburse 75% of the attorney's fees.

There was a discussion regarding whether the Town should reimburse Mr. Schulte before submitting the request for reimbursement or to wait for the insurance company to review and respond to the request.

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Comm Hogan felt that it was the insurance company's responsibility to review and decide what should be reimbursed and the Town should wait for their decision. Atty Spillias advised that the Town has the authority to decide what expenses they wish to reimburse before they submit the claim to the insurance company and that the insurance company may only provide an informal review.

Comm Pugh moved to reimburse Bernd Schulte \$10,900 from Fund Balance for attorney fees and traveling expenses, seconded by Comm Allison.

Motion carried - yea 5.

Public Comment

Bernd Schulte, 5 Osprey Court, commented that the new insurance policy the Town recently purchased now protects the Commissioners and Staff from past, current and future claims while they are in office. He also stated that the Town has the authority to make the decision for reimbursement.

James Bonfiglio, 5616 N Ocean Blvd., commented that the Town and taxpayers pay for the insurance policies and the person being accused of the violation pays fees for representation. He felt that it was unfair that the accuser does not have to pay a fair share of the costs for making a false claim.

Mayor Kaleel mentioned that with the Commission consensus he would like to write a letter of his displeasure on behalf of the Town regarding the Florida Ethics and Election complaint process.

There was a consensus for Mayor Kaleel to write a letter on behalf of the Town and to forward a copy to the Commissioners.

13. Chief of Police

Chief Hillery advised that notices are being sent regarding loose roof tiles and trimming trees in power lines. He thanked the residents that are taking quick action and mentioned that they are being corrected.

14. Town Engineer (SFRN, Inc.) – Drainage Update

Town Manager Mathis advised that Engineer Tropepe is working on assisting the owners with having the vacant lots on Hudson Avenue filled. He mentioned that they are still attempting to locate the owner of one of the lots and it will be cited for code enforcement. Manager Mathis also thanked Chief Hillery for keeping the water pumped off of Coconut Lane.

ACTION ITEMS

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15. Approval of Health Insurance Renewal for Employees By: D. Bill Mathis, Town Manager

Steve Olsen, Accordia Vice-President, stated that there is an 18% increase for the current insurance policy which was not out of line for the national average. He advised that some employers shift some of the costs to employees however most municipalities pay the total costs for employees health coverage.

Mayor Kaleel asked if the employees were satisfied with the current insurance policy. Manager Mathis advised that it was the policy that the employees voted for last year and they were happy with the plan.

Comm Pugh moved to renew the current health insurance policy for employees with Blue Cross Blue Shield, seconded by Comm Hogan.

Motion carried - yea 5.

16. Presentation of the Annual Audit Prepared by Henry Blakiston, CPA (along with Rives & Company) for Fiscal Year 2004/05 By: D. Bill Mathis, Town Manager

Henry Blakiston advised that the financial report is far different than in the past and the mandated changes were not as easy as he expected which is why it took longer to complete. He stated that the Town is in a very sound financial position and the bottom line is that the Town spent less than expected and revenues exceeded expenditures.

Comm Allison moved to approve the annual 2003/2004 audit for submittal to the State of Florida, seconded by Comm Hogan.

Motion carried - yea 5.

17. Request to Permit Monuments for the Inlet Cay Bridge and Assistance with Funding By: D. Bill Mathis, Town Manager

Manager Mathis advised that in March 2005, the Commission voted to approve landscaping for the Inlet Cay Bridge and would consider helping in the cost of the monuments. He stated that residents, John Cox and Edward Kraus have contracted Mr. Don Sparling of Stone Craft Systems to install two monuments at a cost of \$7,150. Manager Mathis also advised that the monuments would be installed in the Town's ROW which may require formal agreements between the Town and homeowners.

Edward Krauss, 20 Eleuthera Dr., advised that the Town funded the landscaping for the Inlet Cay Bridge and the residents have been raising funds for the monuments. He stated that the residents are asking for the Town to share 50% of the cost and would appreciate any funding the Town could contribute.

Manager Mathis added that the residents of Island Drive and Sabal Island may ask the Commission for similar funding in the future.

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- 20. Resolution No. 2005-14; Approving and Authorizing Execution of FDOT Maintenance Memorandum of Agreement for Landscaping on A1A By: D. Bill Mathis, Town Manager

Manager Mathis advised that FDOT has requested the Town sign a Maintenance Memorandum of Agreement for landscaping along SR A1A through out the Town of Ocean Ridge.

Comm Bingham stated she was not in favor of the agreement because FDOT was proposing to plant pitch apple trees which were dangerous and she felt they were requesting too much for the proposed Coconut Palms. Mayor Kaleel suggested that the proposed landscaping be sent to P&Z for review.

There was a consensus for the Planning and Zoning Commission to review Resolution No. 2005-14 and bring back recommendations to the Commission.

First Reading of Ordinances

- 21. Ordinance #557; Amending the Code of Ordinances Chapter 2; Article 3, Division 2, to Delete References to the Department of Public Safety and Modify the Language to Reflect that the Police Department has Assumed the Duties and Functions of the Department of Public Safety with the Exception of Duties and Responsibilities Pertaining to Fire Fighting and Emergency Medical Services; Amending all Code Sections that Refer to the Department of Public Safety

Chief Hillery explained that there is a professional distinction between Public Safety Director and Chief of Police. He advised that we are no longer in the fire business and he is no longer a Public Safety Director, he is the Chief of Police

Comm Hogan moved to approve Ordinance #557 on first reading, amending the code of ordinances to modify the language in the Police Department, seconded by Comm Allison.

Motion carried - yea 5.

Adjournment

Meeting adjourned at 8:05 PM

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh