

REGULAR COMMISSION MEETING HELD MAY 5, 2008

Regular Commission Meeting of the Town of Ocean Ridge held on Monday, May 5th, 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 Pugh
Commissioner Allison Commissioner Brown
Mayor Kaleel

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty Spillias requested to correct the town commission minutes of April 7, 2008. Manager Schenck requested to add Item #11A in regards to the Drainage at Inlet Cay.

Comm. Pugh motioned to approve the agenda as presented. Seconded by Comm. Allison.

Motion Carried – yea 5.

Atty Spillias requested to correct the minutes to read on Page 2, the last paragraph, “the “First” District Court issued an opinion” and on Page 3, “criteria of cost used by FDOT in this case.” and “did not have total discretion” and the court has some limitations” and “point to discussing case law.”, and resolved on a case by case”.

Comm. Allison asked if it was limited to 2 abreast of bicyclists on the road. Atty. Spillias confirmed that they were restricted to 2 abreast.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of April 7, 2008
2. Minutes of Atty/Client Meeting of April 16, 2008
3. Authorize Mayor Kaleel as Voting Delegate and Any One of the Commissioners or Town Manager as Alternate(s) for the Palm Beach County League of Cities, Inc.

Comm. Brown motioned to approve the Agenda and Consent Agenda as amended. Seconded by Comm. Bingham.

Motion Carried – yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

4. Proclamation Declaring May as “Civility Month”

PUBLIC COMMENT

Gerry Magruder, 9 Ridge Lane, expressed her concern with the three recent burglaries directly in her area and suggested installing cameras at the bridges, which had been discussed in previous meetings. She also suggested providing more information of problems in the area to the residents. She believed that one of her neighbors had his guns stolen. She asked that all Ocean Ridge residents be alert and contact the police department immediately to any suspicious or potential problems.

James Bonfiglio, 5616 N. Ocean Blvd, asked that the police investigate workers in town, as they may be casing the neighborhoods for absentee homeowners.

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Stella Kolb, 204 Beachway, reported that her home had been robbed. She asked all residents to contact the police immediately of any suspicious activity, as they are quick to respond.

Nancy Hogan, 37 Hibiscus Way, stated her concerns: 1) Robberies. She asked the commission to notify residents possibly through blast e-mails. In her neighborhood she had three robberies in one week. She asked for an awareness of those coming over the bridge that may have different values. 2) Closing of Woolbright Bridge. She questioned if the municipalities and those responsible for various bridges, coordinate and communicate with each other. 3) Status of the Fiscal Year Closing. Clerk Hancsak reported that she had closed through January, and only the months of February and March were outstanding and the auditors had completed the background work. 4) Code Enforcement. She had previously reported to Manager Schenck of a possible code enforcement issue concerning her neighbor's yard, and asked for an update. Manager Schenck advised her that code enforcement was working on it. 5) She provided a public records request concerning the EMS response from Boynton Beach and asked which Boynton Beach stations were used for first, 2nd or 3rd response.

Chief Hillery reported that there had been 3 burglaries in that area. Within the 2 days following the burglaries, the police went house to house to interview residents and asked if they had observed any suspicious behavior. The guns had not been stolen, the neighbor found them in his closet.

Comm. Bingham asked if there are police checks done for the workers in the town. Chief Hillery reported that they do check companies for license and registration. He asked that the residents remember to put on their alarms at all times, as never once had a burglary taken place while an alarm was armed.

Gail Aaskov, 27 Hibiscus Way, reported that there had been an attempted burglary at her home, her alarm was on, but the signal was not getting through to the police station. Her dogs diverted the robbers from gaining access to her home. Mayor Kaleel stated that all residents need to take measures to protect themselves. Residents must take precautions and immediately contact the police of any suspicious activity. He added that for this reason several years ago, the officers were increased to 3 men per shift.

PUBLIC HEARINGS

5. NOTICE OF PUBLIC HEARING ON PROPOSED REZONING, AND FUTURE LAND USE MAP AMENDMENT

ORDINANCE NO.576

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AUTHORIZING THE REVISION OF THE FUTURE LAND USE MAP (FLUM) TO AMEND THE DESIGNATION OF 556 SQUARE FEET, MORE OR LESS, LOCATED ALONG THE NORTHERN BOUNDARY OF PROPERTY OWNED BY THE TOWN OF OCEAN RIDGE LOCATED AT THE NORTH WEST CORNER OF WOOLBRIGHT ROAD AND A1A, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM CONSERVATION TO SINGLE FAMILY RESIDENCE AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO.577

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, PROVIDING FOR THE REZONING OF A PARCEL OF LAND CONSISTING OF 556 SQUARE FEET,

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MORE OR LESS, LOCATED ALONG THE NORTHERN BOUNDARY OF PROPERTY OWNED BY THE TOWN OF OCEAN RIDGE LOCATED AT THE NORTH WEST CORNER OF WOOLBRIGHT ROAD AND A1A, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM PUBLIC OWNERSHIP ("PO") TO THE SINGLE FAMILY RESIDENTIAL DISTRICT ("RSF").

Atty. Spillias stated that this was considered a small scale amendment, and as this was a quasi-judicial proceeding, he asked if any of the commissioners had had ex parte discussions with the claimant since the initial filing. Response was no. He swore in those who would give testimony regarding the proceedings. Atty. Spillias reported that pursuant to the settlement agreement, there was an encroachment of his deck and the property was being purchased by James Bonfiglio. It had been brought before Planning & Zoning, sitting as the Local Planning Agency and the recommendation was to amend the Zoning and Land Use Map. He advised the commission that there is a settlement agreement, but they are not obligated to approve the Ordinance tonight. Clerk Hancsak reported that she provided a draft of the Planning and Zoning, sitting as the Local Planning Agency, minutes, and no additional correspondence had been received, and all fees had been paid. She added the notification will be for the 2nd Reading. Atty Spillias stated that the commission had the final decision on this matter.

Susan Taylor, representative for James Bonfiglio was present and stated that she would answer any questions from the public.

Nancy Hogan, 37 Hibiscus Way, felt that this neighborhood had taken on the burden for the Town of Ocean Ridge, and repeated a statement that Mark Marsh had said at the last meeting, that we should not make it a habit of taking open space and giving it to private citizens. She felt that Mr. Bonfiglio should have paid less.

Atty. Spillias stated that the application and all representations were part of record, and the staff portion advises that it had met all Zoning requirements.

Jerry Magruder, 9 Ridge Blvd, stated that her pool had been built at the same time as Mr. Bonfiglio, and National Wildlife Federation had sent them both letters advising them of the encroachment and then nothing for several years. She asked that the town approve his request, but did not feel that it was his monetary responsibility to pay for it.

Comm. Bingham motioned to authorize the approval of Ordinance #576 for First Reading. Seconded by Comm. Pugh.

Motion Carried – yea 5.

Comm. Allison motioned to authorize the approval of Ordinance #577 for First Reading. Seconded by Comm. Bingham.

Motion Carried – yea 5.

REGULAR AGENDA

REPORTS

6. Town Manager

Manager Schenck reported the following: 1) Stormwater Drainage Project – South Phase is complete and the easements are being prepared to locate the generator at Turtle Beach as approved by the Commission. 2) Woolbright Detention Area Landscaping is complete. The water quality report had been submitted to FDEP for review as required by the 319 grant. He had met with them and answered some questions. There were minor changes and modifications being made. The final report will be submitted in May. 3) New Town Hall project is 45% complete

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and costs are at 25% to date. It is scheduled for completion in August. The unleaded fuel tank had been installed, and the diesel tank is scheduled for installation in a few months. 4) Coconut Lane Drainage. A design had been submitted to the Water Management District. A few items were still in question, and once approved, it would be submitted to the commission for authorization to bid the project. 5) Harbor Drive South had some valves still on order. He would check to see what was delaying these items. 6) Ocean Ave Landscape. The permit request from FDOT had been withdrawn. The commission approved the trimming of the calaphylum trees, but was postponed until we get the FDOT plan for the road. We just received the plan, and would be meeting again to review with the landscape architect. 7) Island Drive Bridge. The design is under design by Bridge Design Associates, Inc. and is about 70% complete. 8) Old Ocean Blvd. All of the properties south of Corrine St have complied with the 6ft clearance zone, and the north side will comply as a part of the underground utility project. 9) Inlet Cay Drainage in on the Agenda as Item #11A. 10) A1A Problems. Some of these issues have been corrected, but a few are still being addressed.

7. Town Attorney

Atty. Spillias reported that Section 66.1 of the Dunes, 2 Prov. stated the following: 1) Grandfathered in November 1974. 2) Evasive should be removed. Removing the evasive plants could be done at the time a new permit, but there was no clear authority to require to remove them. It was discussed that the town allow for 12 months for the removal of evasive with non-evasive plants. Clerk Hancsak noted that Planning & Zoning would be meeting to clarify any changes giving town authority.

Comm. Bingham stated that when DEP issues new dune permits, they should require that evasive plants be removed also. Comm. Brown stated that the all evasive plants should be removed to preserve our dunes.

Atty. Spillias reported that regarding the bicyclists' case the Motion for Rehearing in the 1st District was denied, and was now being considered whether to seek Supreme Court review. The Palm Beach County Dispatch suit was now in the 4th District Court of Appeal stating the county's efforts as improper.

8. Director of Public Safety

Chief Hillery reported that the computer laptops were installed in the vehicles and were online.

Mayor Kaleel asked about a letter he had received from the City of Boynton Beach regarding an alarm user fee of \$30.00 to the residents of Ocean Ridge. Chief Hillery reported that it is a part of their ordinance and contract that we are to be treated the same as the Boynton residents as far as fees. Mayor Kaleel asked Atty. Spillias to look into this as the alarm monitoring contract was with Ocean Ridge, not Boynton Beach.

Jeffrey Goltz, 8 Ocean Harbour Circle, stated that he had contacted Boynton when he got his letter, and he was told that it was a one time fee, but that other fees would be forthcoming.

9. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Request by the Ocean Club of Florida, Inc. for an Irrevocable Declaration of Unity of Title, Restriction and Covenant and Acceptance

Thomas Sliney, Attorney representing the Ocean Club of Florida, Inc., stated that this Irrevocable Declaration of Unity of Title was to preserve the existing use of the Club, and would remain as is

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in perpetuity. It is reserved as low rise, low density. If both parties signed, it would go to Palm Beach County for approval.

Comm. Brown asked if hurricanes destroyed the building, could it be rebuilt as a high rise. Atty. Spillias stated that it would have to stay a club, and the height would be limited to the current zoning requirements if this document was approved.

Comm. Brown motioned to accept the irrevocable declaration of Unity of Titles, Restriction and Covenant and Acceptance submitted by Ocean Club of Florida, Inc. Seconded by Comm. Bingham.

Motion Carried – yea 5.

11. Authorize Funding for County Charter Amendment that was Previously Approved Through Resolution No. 2007-08 in an Amount of \$2350 to be Funded from the Contingency Account

Comm. Bingham motioned to authorize funding for County Charter Amendment that was previously approved through Resolution N. 2007-08 in an amount of \$2350 to be funded from the contingency account. Seconded by Comm. Brown.

Motion Carried – yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

12. No. 577; Amending Article IV, Division 4; Section 66-161(G), of the Code of Ordinances to Provide Consistency with Requirements of the Florida Department of Environmental Protection

Comm. Bingham motioned to authorize the Second Reading of Ordinance #577. Seconded by Comm. Pugh.

There was no public comment.

Motion Carried – yea 5.

TOWN COMMISSION COMMENTS

13. Update on the Human Resource Manual

Comm Allison reported that she had been meeting with the Town Manager, Town Clerk and Zoanne Hennigan to prepare a Human Resource Manual for Ocean Ridge. It was being reviewed by the town’s attorney, and hoped to be finalized by next month.

ADJOURNMENT

Meeting was adjourned at 7:02p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh