

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

Public Hearing/Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, September 15th, 2008 at 5:01 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

PUBLIC HEARING

Presentation of Tentative Budget and Proposed Millage Rate for Fiscal Year 2008-2009

Clerk Hancsak summarized the following revisions made to the budget at the July meeting:

Changes to Expenditures: 1) Legal The Special Counsel account was reduced from \$50,000 to \$25,000. 2) Environmental The Town Engineering account was reduced by \$20,000, the \$62,000 No-Seeum Spraying was eliminated, and the \$25,000 Right of Way maintenance was eliminated. Total reduction to this department is \$107,000. 3) Public Works Road Materials and Supplies Account was reduced by \$75,000 by eliminating the 5th year appropriated paving. These changes reduced the total expenditures by **\$207,000**.

Changes to Revenue: 1) The Utility Svc Taxes through an ordinance will be increased from 8.5% to 10% (approximately \$27,000). 2) The Building Permit revenue will be raised an approximate \$28,000 by approving an increase in the flat permit fee from \$60 to \$100 in the \$1001 to \$3000 range. 3) Garbage Trash revenue will increase raising the single family fees to \$180 annually. 4) Alarm revenue was inadvertently omitted and now reflects an anticipated \$54,000 in revenue. 5) Other General Govt. Charges would be added in the amount of \$1500. Total Increase to revenues is **\$125,500**.

An error was discovered in the revised revenue page for the electric utility tax, and \$178,000 was not used in the revision when calculating the millage and the unappropriated fund balance needed to balance the budget. As a result the millage actually needed to fund the anticipated expenditures if \$5.09 not \$5.30. This would require \$2203 to balance the budget. She presented the following millage rates of \$5.09, \$5.15, \$5.2, \$5.25, \$5.3 showing budget increases and generated ad valorem. She had also prepared a \$5.0 millage that would result in \$75,000 from reserves to balance the budget. Clerk Hancsak summarized that any of these millages are still below the \$5.49 provided in the proposed tax notice, and all or part of any surplus for FY 2008/09 year end could be placed in a "Capital Projects Reserve Account" or a "Debt Reduction Reserve Account".

a. Comment from Commissioners and Public

Comm. Bingham stated her concern for next year's property taxes, as they are one year behind the appraisals, and felt the town should protect itself from a shortfall. Ocean Ridge has \$3mil in reserves and there are two big projects that are costing the town \$1.1 million. She felt that in order to be fiscally responsible that the millage should be \$5.2 to cover debt services with \$90,000 in contingency. She also asked that the COLA be reduced to 3% for the employees. Comm. Brown also requested that the employees be paid 3% cost of living in lieu of 4% that is proposed in the budget. He felt that some projects that were delayed needed to be taken care of and any balance should be put in the reserve fund. Clerk Hancsak reminded the commission that whatever millage rate was decided upon this evening would be advertised. This millage rate could be lowered at the next meeting but it could not be raised. Also if the vote was not unanimous, Ocean Ridge would lose the ½ cent sales tax. Comm. Allison stated she felt that the

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

commission and staff had done a good job of going through the budget and cutting where possible. She asked that the millage rate be no higher than \$5.2. Mayor Kaleel asked to hold the reserves with a proposed millage rate of \$5.2. He was fearful of the future projects such as Coconut Lane and the Bridge, and remainder of the Town Hall.

Public Comment

Earl Jones, 14 Sailfish Lane, stated that \$5.09 millage rate would be a 7% increase; \$5.15 millage rate would be an 8.5% increase; and \$5.49 millage rate would be 15% increase. He reviewed his Palm Beach Co. taxes and saw that they went down; he still feels that Ocean Ridge is too high.

Bernd Shulte, 5 Osprey Court, felt the risk of dipping into the reserves at \$5.0 was not meaningful, and felt that given the size of the surplus, a \$5.0 millage would be sufficient.

Nancy Hogan, 37 Hibiscus Way, stated that as a prior Ocean Ridge commissioner for 3 years, and with her financial background, she feels that Ocean Ridge's millage rate is too high, and higher than neighboring municipalities. She asked for good financial control, and felt that the auditor was too late in completing the audit. She cited that 3 departments were overspent and there was not enough revenue for the pledged loans. The people voted for Amendment #1 to save their homes, and stated that there was not enough revenue to do all the projects.

James Bonfiglio, 5616 N. Ocean Blvd, stated that he has dealings with mortgage foreclosures on a frequent basis, and feels that Ocean Ridge should save as much as possible. There is a possibility that Ocean Ridge's tax receipts will also be affected by these foreclosures in the future. He feels that the economy is in a crisis and doesn't feel the money will be there in the future.

Clerk Hancsak explained that the State Revenue and Public Service Tax was pledged at 115%, and that the State money received was lower than what was expected. The Commission voted for Ordinance #579 to increase this tax, and deter a shortfall for upcoming years. Mayor Kaleel stated that he felt that the fiscal management of Ocean Ridge was good. He does see the changes and felt it would irresponsible of Ocean Ridge to go below \$5.0 millage, but not as high as \$5.49.

b. Adoption of Tentative Budget for Fiscal Year 2008-2009

Comm. Allison moved that a budget in the amount of \$5,528,484 be tentatively adopted for the 2008-2009 Operating Fund. Seconded by Comm. Pugh.

Motion Carried - yea 5.

c. Adoption of Tentative Millage Rate for Fiscal Year 2008-2009

Comm. Bingham moved that a millage of \$5.2000 per \$1,000 of assessed valuation be tentatively adopted for the 2008-2009 general operating revenues.

Motion Carried – yea 5.

d. Announce Computed Millage Rate Exceeds Rolled Back Rate by 10.58%

Mayor Kaleel announced the percentage, if any, by which the computed millage rate exceeds the rolled back rate which is 8.49%.

e. Public Hearing Date for Final Adoption is Monday, Sept. 24, 2008 at 5:01 PM

Mayor Kaleel announced the date and time of the second and final public hearing is established as 5:01 P.M. (after 5:01 P.M.) on Wednesday, Sept. 24, 2008. The 2008-2009 operating and/or debt service budgets and corresponding millages will be finalized and adopted at that time.

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

REGULAR MEETING

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Bingham requested to add item #14 regarding plantings.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Aug. 4, 2008
2. Special Town Commission Meeting of Aug. 22, 2008
3. Authorize Additional Cost of 50% Travel Time for Special Magistrate with Majority Reimbursed Through the Administrative Recovery Costs

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

Motion Carried - yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

4. Proclamation Declaring September as "National Sickle Cell Month"

PUBLIC COMMENT

Daniel Spotts, 1 Sailfish Lane, asked the commission to reconsider Ordinance #555. He stated that this Ordinance was designed to ask residents to trim vegetation around power lines, but felt that Code Enforcement was expanding it to all trees for laterals and feeder power lines also. He stated that according to the FPL website, FPL has maintenance programs to trim the vegetation at no charge. FPL takes full responsibility for maintenance, and have trained personnel for the work. Ocean Ridge's Code Enforcement is giving that responsibility now to the homeowners. He was directed by the special magistrate to cut the vegetation at a cost of \$1500. He stated that FPL had religiously over the last 5 years cut his trees, but now they are slowing down. He stated that most of the power outages were not caused from overgrown vegetation, but from too much weight strain placed on the poles. He saw his elderly neighbor on a ladder attempting to cut his trees, and felt it to be a potential lawsuit if he had been injured. He asked the commission to reevaluate the ordinance.

Mayor Kaleel thanked him for his request as it had merit, but the intent at the time was for all trees in/out of the right of way. Comm. Brown stated that he was not a commissioner when it passed, but at the time he had a large ficus tree on his own property that he had to cut back. He stated that FPL was responsible for clearing all lines, as they were the principal parties. He agrees that the ordinance needs to be revisited. A consensus was approved to revisit Ordinance #555.

Cheryl Olanoff, 566 David Lane, stated that she has one tree behind her home that she has reported every year. It's palm frons fall on the power lines, catch fire and causes cable and power outages for the whole neighborhood.

Chief Hillery noted that there was another ordinance that stated that property owner was responsible for the area between the edge of pavement and their property line. Mayor Kaleel stated they would also be reviewed.

REPORTS

5. Town Manager

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

Manager Schenck reported the following: 1) New Town Hall – repairs had begun on the damage caused by the plane, and they were in contact with the insurance company for the reimbursement. The insurance company has agreed with the work that needed to be done but not on the price. There was a delay in some of the furniture ordered, but we still anticipate moving in October. 2) Coconut Lane Drainage – is on hold until the commission decided whether or not to proceed with this project. 3) Harbour Drive So. – is complete, and the main tideflex valve has been replaced. 4) Ocean Ave. Landscape – FDOT stated that they did not have any landscape plans for Ocean Avenue. He would be meeting with the landscape architect this week and have a final plan for the October meeting. The well for watering on Ocean Ave has died, and we have started the permitting process for drilling a new one. 5) Island Dr Bridge – the project design by Bridge Design Assoc. is complete, and there is a request on the agenda to go out for bids. 6) Old Ocean Blvd. – The Town has sent a letter to the property owners regarding the east side of Old Ocean, and we will follow up on an individual basis one P&Z has made any additional recommendations to the Commission. P&Z met this morning to discuss maintaining the dunes and plantings allowed/disallowed. 7) Inlet Cay Drainage. The work by DBF Construction is complete with the exception of one small area of valley gutter that is being done now. This project has resulted in drainage improvements for the area. 8) Woolbright Detention Area- the final report has been submitted to FDEP on the monitoring and it has been approved, and this part of the project is now complete.

Manager Schenck also added that an item of the employee manual was being resolved. It regarded the first 72 hours to be paid at double time once a state of emergency was declared. They needed to clarify it to say that “Ocean Ridge” needed to be included as part of the affected area.

Mayor Kaleel asked Clerk Hancsak if there were funds in the health insurance to pay the \$500 deductible for the employees. Clerk Hancsak advised that the commission had originally approved excess funds from FY 2006/07 to pay the 2007 deductible but the deductibles have been covered all in the FY 2007/08 budget. Therefore there will not be a large amount of extra funds in this fiscal year of 07/08. Mayor Kaleel asked her to calculate the balance and felt that the employees should be rewarded for good health.

6. Town Attorney

Atty. Spillias stated that they were still monitoring Briny Breezes regarding the planning & zoning for their EAR Report and Comprehensive Plan. It did not establish any broad perimeters, but allowed for an increase of 1700 people. They will continue to monitor and keep the commission informed of any changes.

7. Director of Public Safety

Chief Hillery had nothing to report

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Authorize Expenditure in Amount Not to Exceed \$20,000 to Construct Concrete Slab and Block Wall to House the Emergency Generator at Turtle Beach to be Funded from the Contingency Account

Manager Schenck reported that he had received 2 bids; one from DBF Construction for \$16,500 and the other from BSA for \$15,692. Staff recommends the approval to contract with BSA for \$15,692. Once it is complete, we’ll have to move the generator and plant trees around the wall. The total cost should not exceed \$20,000.

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

Comm. Bingham motioned to approve to authorize expenditure in amount not to exceed \$15,692 to construction concrete slab and block wall to house the emergency generator at Turtle Beach and plantings and also to authorize the Town Manager to sign and execute the contract to be funded from the Contingency Account. Seconded by Comm. Brown.

Motion Carried - yea 5.

10. Authorize Bid Process for the Island Drive Bridge Replacement

Comm. Bingham motioned to authorize the bid process for the Island Drive Bridge replacement. Seconded. By Comm. Pugh.

Motion Carried - yea 5.

11. Discuss Election Procedures for Municipal Officials

A survey had been performed of the municipalities in Palm Beach County to determine how the Mayors and Commissioners are elected. Twenty-five of the municipalities elect their Mayor, and in twelve communities the Mayor is appointed by the Commission. Most of the municipalities elect their commissioners by seat.

Mayor Kaleel suggested that a panel be established to review this, and asked each of the commissioners to name someone. Comm. Pugh suggested that it be put out on the internet.

Eric Kramer, 58 Harbour Drive North, noted that if each of the commissioners put in a name then he/she would be their representative. Dr. Bajakian, 37 Harbour Drive North, asked why this was being discussed. Mayor Kaleel replied that our election procedure was being reviewed regarding seat or district voting, and they were going to appoint a review committee.

Comm. Brown motioned to appoint all the members of Planning & Zoning as the Charter Review Committee to review the election process. Seconded by Comm. Pugh.

Motion Carried - yea 5.

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

12. 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

Comm. Pugh motioned to approve 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. Seconded by Comm. Bingham. There was no public comment.

Motion Carried - yea 5.

13. 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

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 15, 2008

Comm. Pugh motioned to approve 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. Seconded by Comm. Brown. There was no public comment.

Motion Carried - yea 5.

14. Discuss Plantings by Comm. Bingham.

Comm. Bingham stated that she felt the plantings and trees around Town Hall and the flag pole were too big. She suggested moving the larger trees to the side patio, and replant with small hedges and mulch that would allow them to grow.

TOWN COMMISSION COMMENTS

Mayor Kaleel questioned why there had been no progress with new landscape on Ocean Avenue. Comm. Bingham replied that the well that irrigated both sides of Ocean Avenue had dried up and needed to be replaced. Manager Schenck stated that they are to test the well on Wednesday, and they would be obtaining a permit for a new well and would provide an update at the next meeting. Comm. Brown suggested that we tie into Boynton Beach and install a drip system.

Meeting was adjourned at 6:45p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh