

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 1st, 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 Allison
Mayor Kaleel
Commissioner Brown
Commissioner Pugh

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty. Spillias requested to correct the minutes for November 3rd, Item #8 with minor corrections and to add "Fire District".

Comm. Brown requested to add Item #20, Discuss Possible Changes to the Building Code.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Nov. 3, 2008
2. Ocean Ridge Resolution No. 2008-13; Designating the Supervisor of Elections as a Member of the Canvassing Board to be in Attendance for the Testing of the computer Electronic Systems Tabulating Equipment to be Used for the February 10, 2009 Election, and to Canvass Returns of Such Election Including the Absentee Ballots and Assigning the Supervisor of Elections to Handle the Absentee Ballots
3. Authorize Closure of Administrative Offices on Friday, Dec. 26th, 2008 with Staff Utilizing Individual Vacation Days
4. Approve \$200 Sponsor Donation to the Tri-Cities Annual BBQ for the Palm Beach County League of Cities from the Contingency Account

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 Thursday, Dec. 25th and Friday, Dec. 26th, 2008 and Thursday, Jan. 1, 2009 for the Official Holidays
2. 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
3. 2009 Municipal Election
 - a. Date of Election is February 10, 2008
 - b. Two Commission Seats Open for Three Year Terms
 - c. Candidate Filing Dates run Dec. 22, 2008 through 3:00 PM on January 16, 2009

Mayor Kaleel presented a Proclamation to Valentin Fodor thanking them for the donation of the new Town Hall signage in front of the new complex.

PUBLIC COMMENT

Zoanne Hennigan, 91 Island Drive South, offered her congratulations to Comm. Allison on her recent marriage over the weekend. She also stated that as President of the Garden Club she was happy to announce 3 donations to Ocean Ridge: 1) Holiday Tree in the Lobby. 2) Exterior Tree,

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

an Eastern Red Cedar had been planted by the mailbox and flagpole. She noted that at a later time, there would be a permanent sign stating that it was donated by the Ocean Ridge Garden Club. 3) Townhall Library – a team of people headed by Stella Kolb were setting up the Library. There had been 400 books donated, but more are needed, and any new donations would be accepted at townhall.

Cheryl Olanoff, 566 David Lane, requested that something be done about the house on the corner of David Lane and Adams Rd. It had been devastated by Hurricane Wilma and had become rat infested and filled with mold. Manager Schenck reported that he had been speaking with the owner on scheduling a demolition company, but had not been given a definite date as to when the house would be demolished.

Tom Ambrose, 10 Hudson Avenue, complained about the house on Ocean Avenue behind his home. He stated that there were 2 abandoned cars with grass overgrown. He had sent a letter to the Town Manager 2 months ago, with no response. Manager Schenck stated that the letter was not signed, and therefore he was unable to send a reply. This property is scheduled for Code Enforcement in January.

Debbie Brookes, 15 E. Ocean Avenue, was also concerned of rats for this property. She reported that the vehicles never left the property, but were just moved around giving the appearance that someone was there.

Nancy Hogan, 37 Hibiscus Way, thanked the Town Manager for posting his report on the website prior to the meeting. She asked for there to be a clarification as to date changes for trash pickup during the holidays, and to include it in the Ocean Ridge e-mail letters. She stated that Ocean Ridge was not listed in the papers as to dates of service. Clerk Hancsak advised that since our normal service in on Fridays we were not affected by Thanksgiving changes. Nancy Hogan then reported that the South Lake Worth Inlet Committee had published an article regarding speed safety in the intra-coastal. She asked that this also be included on the website.

REPORTS

8. Town Manager

Manager Schenck reported as follows: 1)Townhall Dedication will be at the Light the Lights on December 5th. We've requested an inspection by FEMA on December 3rd to approve the \$379,000 in grant funds. 2) Coconut Lane Drainage, is on hold until the commission decides to proceed. 3) Ocean Ave Landscaping – a FDOT permit for a new well has been applied for, and a letter was sent to them requesting that they address the flooding on Ocean Ave and the overgrowth in the ponds on the north and south side of the road. 4) Island Drive Bridge will be addressed as Item #13. 5) Old Ocean Blvd – a second letter has been sent to the property owners regarding the east side of Old Ocean, and we are following up to bring the east side into compliance. 6) Inlet Cay. The work done by DBF Construction is complete except for some minor cleanup on Eleuthera. Ranger Construction will pave the roads starting Dec 1st. It was delayed because of the cold weather. Once Inlet Cay is complete, they will move to Harbour Dr. 7) Election Review – now that we are in the new building, P&Z will convene to discuss the commission election process. 8) Garden Club Tree. The tree donated by the Garden Club has been planted behind the kiosk in the island.

He also supplied to the Commission information related to the staff costs for Light the Lights and Holiday Bonuses. Comm. Pugh asked if the algae in the fountain on Anna Street had been resolved. Manager Scheck replied that it had corrected.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

19. Discuss Process and Schedule of Removal of Invasive Non-Native Plants from Town ROW's at Beach Crossovers

Comm. Bingham asked if we are requesting residents to remove any exotics on the dunes. Manager Schenck replied that as DEP permits are issued, residents are required to remove exotics. Manager Schenck also commented that the Town's Landscape Contractor, CWA, has been removing the exotics from the public ROW's.

9. Town Attorney

Atty. Spillias reminded the Commission that the decision of the Appellate Court was against the municipalities in the Fire Dispatch litigation with the County. A motion for rehearing before the Fourth District Court of Appeals had been filed and he was unsure as to how long before a final decision would be made, but would keep the commission apprised. Comm. Brown suggested a retraining of staff/commission in regards to public records request. Atty. Spillias stated that he was always available if the staff had any questions regarding public records. He reminded the Commission they were also subject to public records request.

10. Director of Public Safety

Chief Hillery noted that he was posting frequent safety updates on the website to the residents, and that he had nothing new to report at this time.

11. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

12. Approve Facility Use Application for Community/Town Hall Chambers

Atty Spillias presented a draft for an application for use of the Community Town Hall Chambers. Comm. Brown asked to include under the signature line, the applicant's position or title.

Comm. Pugh motioned to approve the Facility Use Application for Community/Town Hall Chambers and to add the Authorized Agent/Title under the signature. Comm. Bingham seconded.

Motion Carried – yea 5.

Mayor Kaleel requested that it be condensed to 2 pages.

13. Award Bid for Island Drive Replacement to Anzac Contractors in the Amount of \$590,496.52 and also \$33,200 to Bridge Design Assoc. for the Engineering from Monies Approved to be Transferred from the General Fund to the Capital Projects Fund For FY 2008/09

Manager Schenck stated that 5 bids had been received with a range of pricing from \$590,000 to over \$1mil. The time frame for construction is 210 days with total completion by 240 days. Bridge Design will do the engineering during construction, and their cost will be based on an hourly charge not to exceed \$33,220. There are sufficient funds for the project in the reserve account for this project. Atty. Spillias noted that Bridge Design would be responsible for the quality of materials used.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

Comm. Allison motioned to award the bid for Island Drive Replacement to Anzac Contractors in the amount of \$590,496,52 and also \$33,200 to Bridge Design Assoc. for the Engineering from Monies approved to be transferred from the General fund to the Capital Projects funds for FY Budget 2008/09. Seconded by Comm. Bingham

Motion Carried – yea 5.

Clerk Hancsak requested that Items #14 & #15 be switched to accommodate Bridges, Marsh & Associates.

15. Approval of Total Expenditure of \$48,839 for the Water Feature in Front of Town Hall/Police Complex

Manager Schenck reported that in January the Commission authorized \$33,000 to be used from the McGinty for the water feature and the sundial, and this amount was reduced from the BSA contract for these structures. The sundial was not constructed as it was too expensive, and the design and style of the water structure was to be developed by Mr. Digby Bridges and the Garden Club. Construction was started during the end of June and completed in the beginning of September. The total cost of the water feature is \$48,839. The addendum to the BSA contract was signed in July during his medical leave. Manager Schenck requested the commission to ratify the entire \$33,000 for the water feature plus an additional \$15,839 to cover the cost. The additional funds could come from the remainder of the McGinty funds or from the construction account.

Digby Bridges, Bridges, Marsh & Associates, first thanked the Garden Club for donating the exterior tree. It was a wonderful idea, and would be there for many years to come. In regards to the water feature and sun dial, he stated that these were removed from the contract price, and that the McGinty funds would be used instead. He had a meeting with the Garden Club and Comm. Bingham discussing the design of these items. It was his understanding that they did not want a water fountain but a water feature with fish. The price was to be between \$25,000 and \$35,000. He presented to the commission, a picture of the original drawing. The work was completed while he was in Africa.

Comm. Bingham stated that the meeting with the Garden Club was to discuss the plantings, as the fountain had not been designed yet. She asked for a Florida ocean design with sea shells and the price for the water feature needed to be brought forth and approved by the commission, not by herself as an individual commissioner.

It was discussed how the price grew from \$25,000 to \$48,839, and how the change order was approved and the work performed without commission approval.

Mark Marsh, Bridges, Marsh & Associates, stated that a change order was approved by Interim Manager Mathis in July. The original plans called for a water feature and sun dial, but the cost of the sun dial was too expensive, and eliminated from the plan. Even though the water feature was deleted from the contract it was later approved to be done and paid for with the McGinty funds. The rocks around the pond and the waterfall had been dug up and replaced in an attempt to change them out for a softer, ocean appearance. For aesthetics the pump had to be placed behind the building, which also increased costs.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

Atty. Spillias stated that generally speaking a town manager's authority extends to budget approved items or per the commission's approval. He can use his discretion if the item was approved by the town commission. The process that the Town manager signed off on a change order could result in estoppels against government, and legal fees.

Comm. Allison motioned to authorize payment of \$33,000 for the water feature, and to negotiate with BSA Contracting for any difference and return in January with a decision. Seconded by Comm. Pugh

Debbie Brookes, 15 E. Ocean Avenue, stated her concern that additional monies were being spent, and asked that Digby Bridges pay the difference, as she felt they were not authorized to perform the work. Mayor Kaleel noted that a change order was approved by management.

Nancy Hogan, 37 Hibiscus Way, stated her concern as a tax payer, and asked for solid procedures to be in place, and internal control.

Motion Carried – yea 5.

14. Discuss Boynton Beach's Inlet Modification Study and Rank the Various Alternatives Within the Study to be Forwarded to Boynton Beach

Manager Schenck reported that the Boynton Inlet Committee will meet on December 12th to rank the alternatives in their study for presentation to the Boynton City Commission. He asked the commission for a consensus as to their recommendation for ranking the alternatives.

It was discussed that the study was inconclusive, and that not enough information was provided to determine which recommendations were best. They felt that further detailed research needed to be done reporting that it would not impact our town.

Comm. Pugh motioned that the Town of Ocean Ridge convey that they were opposed to any changes, until impacts are provided. Seconded by Comm. Allison.

Motion Carried – yea 5.

16. Authorize Construction of Boardwalk at Woolbright Detention Area in the Amount Not to Exceed \$15,000 from the Contingency Account

Manager Schenck reported that originally a boardwalk was proposed at the Woolbright retention area, but was never constructed and the Commission directed him to obtain cost information to utilize the wood boardwalk from the trailers to possibly construct it. He advised that it would have to be constructed by hand, and the best location is the southwest corner of the preserve area. VPH quoted a price not to exceed \$15,000, and they anticipated 10 days to complete.

Comm. Pugh requested that the contractor give a firm bid with a survey, as he felt that \$15,000 was too high, and was unsure as to the exact location of the boardwalk without a survey.

Don Magruder, 9 Ridge Blvd, stated that when it was proposed, he thought it would extend the path into the pond, instead of only going around the edge. He was not in favor of it if it was not extending into the water. Mayor Kaleel replied that pilings would have been needed for it to extend into the water.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

Berde Schulte, 5 Osprey Court, thought it was to be a walkway around the detention pond. If that was being changed, then he did not feel it necessary to spend \$15,000.

Comm. Brown motioned to table this item at this time. Seconded by Comm. Bingham.

Motion carried – yea 5.

17. Discuss Displaying of Artwork in the Town Hall Area

Clerk Hancsak reported that several municipalities had been contacted, and it appears that they have committees that approve the artwork and set up art shows. Most of them also have some sort of application process which provides guidelines, timelines, etc.

Comm. Allison stated that she would be in favor of an Art Committee, and that she would be willing to volunteer for it. Comm. Bingham felt that with just moving into the building, other things needed to be completed first, such as the library. She also asked if there would be any room for historical items on display. Clerk Hancsak stated the staff was still waiting to determine the minimum requirements that must be met for it to qualify as a library in order for the library tax to be removed. There are 2 shelves that had been set aside for historical items, and possibly the top of shelves also.

Debbie Brookes, 15 E. Ocean Ave, stated that she felt that an Art Committee was an excellent idea, as she was on the Boynton Beach Art Committee, and could contact a Boynton Beach representative for setting it up.

Mayor Kaleel, liked the idea of a Community Affairs Advisory Board such as the one in South Palm Beach, and felt it would be good for community spirit. This board could be used as the art committee. There was a consensus for Atty. Spillias to research creating a board.

Comm. Bingham motioned to adopt a Community Affairs Advisory Board and create specifics for such a Board. Seconded by Comm. Allison.

Motion Carried – yea 5.

TOWN COMMISSION COMMENTS

18. Discuss Holiday Bonuses for Employees

Mayor Kaleel summarized that in prior years, the employees had received \$500 for holiday bonuses. Comm. Brown stated his concern for going around the budget process, and felt that spending should be controlled as the employees had received a 3% COLA in the budget. He asked if the bonuses were based on economic stimulus or performance based. Mayor Kaleel noted that it was based on good will for the Holidays. Comm. Bingham was in favor of holiday bonuses for staff and that at this time of the year she gave bonuses to her yard man or pool man.

Debbie Brookes, 15 E Ocean Avenue suggested that any monies negotiated with the Town Hall contractor be given to the employees. She stated that with the economy, many people were without jobs, and asked for everyone to watch the bottom line.

James Bonfiglio, 5616 N. Ocean Blvd, felt that Ocean Ridge had good personnel with longevity, and did not want employees to start leaving. He stated that while the employees received a 3%

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2008

COLA increase, the actual cost of living increase was closer to 11%. He was in favor of Holiday Bonuses.

Comm. Allison stated that everyone wanted to keep within the budget, but felt that the employees had alot to deal with in the last few months with the move, and felt that they deserved it.

Don Magruder, 9 Ridge Blvd, stated that after taxes a \$500 bonus would be reduced to \$325, and felt it was not a lot for Ocean Ridge to give their staff.

Comm. Bingham motioned to approve a \$500 Holiday Bonus for employees. Seconded by Comm. Pugh.

Motion carried – yea (4), nae (1). Comm. Brown voted nae.

20. Discuss Changes to the Building Codes

Comm. Brown suggested that the building codes be reviewed in regards to the flat roofs, and the 75% ruling for the second floor. The code was passed to avoid it, and builders had found ways around it. Mayor Kaleel stated that no matter what is passed there are exceptions and architects will find loopholes. There were upcoming issues concerning the use of green materials that may interfere with the code. He asked that the FAR be researched also.

Atty. Spillias stated that there are no exceptions without a variance. There are creative architects however, and to try and regulate the appearance of new residences through the code language is very hard to do. You can have provisions for architectural features or set up an Architectural Plan Review Board.

Comm. Bingham was in favor of Planning & Zoning reviewing these items, and asked for more space between and around homes to promote air flow. Comm. Brown asked to establish a Go Green Policy for solar panels but not for wind turbines, and to give rebates on permits fees once complete. Mayor Kaleel asked if grant monies were possibly available from municipalities to residents, and asked Planning & Zoning to consider these items.

Nancy Hogan, 37 Hibiscus Way, stated that Mr. Bridges had made a derogatory comment toward the audience while he was leaving, and asked the commission for an apology, as he was a contractor for the Town. Mayor Kaleel stated that as he did not hear the comment, but apologized for any offense.

Mayor Kaleel thanked the Garden Club for the beautiful interior decorations to Town Hall, and thanked Debbie Brookes who had coordinated it.

Adjournment at 8:15 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh