

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 2, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 2nd, 2009 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

Mayor Kaleel announced that Manager Schenck's wife, Amy, passed away on Jan. 30th and announced the arrangements. He expressed the Town's condolences and prayers to Ken and his family.

Clerk Hancsak stated that Comm. Brown had requested to amend the January minutes, at the end of Item #7 stating the following: "Comm. Brown stated that he wanted to have a discussion of the issue of extra employee compensation or bonuses, but would defer any discussion until a later time."

Comm. Bingham requested to add Item #10 Discussion of Chickasaw Linear Park.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of January 5, 2009

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

2. The administrative offices will be closed on Monday, Feb. 16, 2009 for the official holiday
3. 2009 Municipal Election/Elección Municipal 2009
 - a. February 10, 2009/10 de febrero de 2009
 - b. Two Commission Seats for Three Year Terms Each/Comisión dos puestos para tres años cada uno
 - c. Polls open 7:00 AM – 7:00 PM/entre la hor de 7:00 a.m. y 7:00 p.m.
4. Proclamation to Acknowledge the Program, Achievements by Head Coach Howard Schnellenberger, his Fellow Staff, and the Florida Atlantic University Owl Football Players

PUBLIC COMMENT

Cheryl Olanoff, 566 David Lane, stated her concern that she had been promised that the residence at 16 Adams Rd would be demolished by now, as it was a blight and health hazard from the mold, but the house was still standing. Clerk Hancsak reported that Manager Schenck had been in contact with Cushing Demolition. The contractor had drained the septic tank and was waiting on their permit with Palm Bch Co. Health Department for the abandonment of the tank. Once

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complete, the contractor could then obtain their demolition permit, and the house could be demolished.

Don Magruder, 9 Ridge Blvd, agreed with Ms. Olanoff and stated that he considered the property at Ocean Breeze to be blight also. The garbage from Ocean Breeze would accumulate along the street, and the leftover debris clogged the drains. Mayor Kaleel asked Chief Hillery to contact the construction company and get a status on their permit. Comm. Brown also asked Chief Hillery to enforce garbage pickup of beds and refrigerators. Chief Hillery stated that bulk items were allowed to be placed out for Tuesday morning pickup.

Robert Happ, 8 Inlet Cay Drive, stated that the paving done on Inlet Cay Drive was a disgrace. He had spoken with the Town Manager and engineer and was concerned that it was not corrected yet. Mayor Kaleel agreed with the paving results, and stated that payment had not been made yet and would not until it was satisfactory to the Town.

Nancy Hogan, 37 Hibiscus Way, stated that the paving on Midlane Rd had never been done properly either. They had painted a white line along the edge as a caution for the steep edge, but the steep edge was now chipping away. She stated her concern that the Ocean Ridge Reporter was being displayed in the lobby of Town Hall. She felt that she was being personally abused by the paper. She stated that she was running for the commission seat because she felt that the people in Ocean Ridge were being treated improperly.

REPORTS

5. Town Manager

Mayor Kaleel advised that the Manager's Report was as follows, and is available on line: 1) New Town Hall. The project is complete as are the punch list items. FEMA inspected the building and is reviewing our information for the grant. 2) Coconut Lane Drainage. This project is on hold at this time. 3) Ocean Ave. Landscape. The well on Ocean Avenue is complete and we are presently repairing the distribution system. FDOT has informed us that they're putting together the plans to remove the mangroves from the detention areas along Ocean Ave. They are keeping us informed on their progress. 4) Island Dr Bridge. The contracts have been forwarded to Anzac Contractors for signature, and once received we can authorize the start of construction. 5) Old Ocean Blvd. A meeting is planned with Mark Taynton of FDEP in February to discuss a plan to work the homeowners to address the vegetation on the dunes. Since the State has jurisdiction on the dunes their input is necessary. 6) Inlet Cay. Ranger has completed the paving and we're working with them to clean up a couple of areas such as the bridge. The paving has also been complete on Harbour Drive, and a recommendation will be forthcoming for a seawall repair. 7) No Wake Zone. The County and State have been contacted regarding a no wake zone in the Intracoastal for manatee protection. The State is looking at speed zones relating to boater safety. Manager Schenck contacted the Florida Fish and Wildlife Conservation Commission and discussed a speed zone.

6. Town Attorney

Atty. Spillias reported that Code Enforcement does have a process to deal with nuisances and abandoned properties. The Town Code permits the write up of properties that are not in compliance and does address when the Town can overtake. He could prepare a memo for the Town Manager and Commission for these specific items. A FMAA report mentioned that some municipalities had passed an ordinance requiring banks to assume responsibility for properties under foreclosure. The fines could be up to \$500/day, and the banks needed to register the empty homes with the local police departments. The current code stated that we can only go after

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property owners not the banks. Some banks were filing foreclosure complaints and leaving the properties and not assuming the responsibility of maintaining them.

The consensus was to have the attorney research whether the Town can enact an ordinance to require banks to maintain properties during foreclosures.

Regarding the Palm Beach County Fire Dispatch Suit, Atty Spillias advised that the attorneys for Boca Raton and Delray Beach filed a notice to invoke discretionary position of the Supreme Court and he advised them to continue including the Town in the petition as an intervener only.

7. Director of Public Safety

Chief Hillery stated that his monthly report was submitted in conjunction with the manager's report, and he had nothing further to add at this time.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Request Direction Regarding Development of Ordinance Concerning Employee Bonus Policy.

Atty Spillias reported that the holiday bonus policy was changed in 2004 from the Ocean Ridge Support Group to the Town. It was reviewed and found that the town could distribute bonuses by Ordinance. However he could not find that an ordinance had been prepared. Comm. Brown stated that since 2004 the bonuses at year end did not meet the requirements of these statues. This year he had voted No for bonuses as they were not performance based, and did not comply with Florida Statutes as regarding how public funds could be used. Atty. Spillias stated that either the commission or town manager could develop the policy if so directed. Some towns do have ordinances or policies in place. Mayor Kaleel asked the town attorney to survey other towns, and see what ordinances they have in place. Comm. Pugh felt that bonuses should be separate from cost of living increases. Comm. Brown stated that bonuses could not be added to COLA. Atty. Spillias suggested 26 bi-weekly payments and then at December the extra money could be distributed. It had to be based on present performance however. Mayor Kaleel asked Atty. Spillias to create a policy or ordinance that provided for pay at year end like a benefit, and to make it liberal or flexible like an extra vacation pay to be determined by commission. Comm. Allison felt that with Ocean Ridge being a small town, if employees were not performing they would not be here long. A consensus was reached for the town attorney to survey other municipalities and prepare a proposed ordinance to establish criteria for performance and also extra compensation that would meet state requirements and could be determined on a year by year basis if budget funds were available.

10. Chickasaw Linear Park.

Comm. Bingham stated her concern at Chickasaw Linear Park becoming a mangrove swamp. She presented photos for the commission showing the kayak access, and the height of the ficus trees. She also stated that the docks were hard to see at night. Clerk Hancsak stated that the docks were to have reflective bands. Comm. Pugh stated he was unsure if there were bands, but they did have solar dock lights which were not very bright. Mayor Kaleel stated that any problems should be directed to the homeowner association, and Chief Hillery stated that he would get with the Army Corp of Engineers for lighting criteria required for docks in the intra-coastal.

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Clerk Hancsak requested permission to close Town Hall on Tuesday at 1:30 PM in order for Town Hall staff to attend the funeral service of Amy Schenck. There was no objection.

Clerk Hancsak presented to each of the commission a photo album of the new Town Hall, prepared by Bridges, Marsh & Associates.

Comm. Brown suggested the Planning & Zoning Commission review solar collectors/panels and other energy efficient equipment in conjunction with a Green Policy. He also stated that the Renewal Energy Bill stated that solar panels or clothes lines could not be prohibited. Mayor Kaleel stated that Frank McKinney in Manalapan had developed an environmentally friendly residence, and he suggested asking him to attend the Planning & Zoning Meeting to comment on his designs. Comm. Brown also suggested that Paul Davis, DERM, be invited to participate in the meeting with Mark Taynton, FDEP.

Adjournment at 6:58 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh