

REGULAR TOWN COMMISSION MEETING HELD AUGUST 3, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 3rd, 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 Pugh	Commissioner Allison
Mayor Kaleel	

It was announced that Clerk Hancsak was absent with notice, and that Deputy Town Clerk Hallahan was in her stead.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty. Spillias requested to add to his report: **6b)** Scheduling a meeting date for an Appeal to the Commission.

CONSENT AGENDA

1. Minutes of Town Commission Meeting of July 6, 2009
2. Ocean Ridge Resolution No. 2009-08; Requesting the Assistance of Governor Crist and the Florida Legislature in Order to Provide Adequate Funding and Stronger Legislation Directed Toward Solutions for the Enormous Problem of Beach Erosion Within the State of Florida

ANNOUNCEMENTS AND PROCLAMATIONS

3. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Thursday, Sept. 10, 2009 at 5:01 PM and Regular Meeting Immediately to Follow
4. The Administrative Office will be Closed Monday, Sept. 7, 2009 for the Official Holiday

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

Motion Carried - yea 5.

PUBLIC COMMENT

Joe Belmonte, 5572 North Ocean Blvd, questioned what authority responded to complaints of the Inlet Park such as excessive noise or nuisances. Chief Hillery replied that Ocean Ridge, Palm Beach County and the Coast Guard patrol and monitor the park, and stated if any problems occur to please notify the Police Department. Mayor Kaleel commented that since Sheriff's Marine Unit moved in, there have been fewer problems or complaints.

REGULAR AGENDA

REPORTS

5. Town Manager

Manager Schenck reported the following: 1) New Town Hall. We have received 90% of our FEMA Grant and additional funds of \$86,000 have been requested from FEMA, and it looks like we may get a portion of that also. 2) Coconut Lane Drainage. This project is on hold until Commission approval to proceed. We have submitted the project to the State for a 319 Grant that

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would pay for 30% of the cost. 3) Ocean Ave Landscape. We are working with the landscape company to develop a plan to improve the landscaping. They have submitted their ideas and we're working on reducing the cost. 4) Island Drive Bridge. Preconstruction meetings have been held, and we have issued the notice to proceed to the contractor, as FPL had moved their power lines out of the way on the north side. The Island Drive Bridge start date will be on August 17th. 5) Old Ocean Blvd. We have received the recorded deed from the County transferring the section of the dune to the Town. The Garden Club Committee has met with FDEP & DERM and they will be working with them on developing a plan for the dune to present to the Commission. 6) Inlet Cay Seawall. Repairs have been completed on the seawall. 7) No Wake Zone. State & County has been contacted about a no wake zone for manatee protection, but at this time their concern is for boater safety. To reduce the speed zone, a written request would need to be sent to the FL Fish & Wildlife Conservation Commission. The Town Manager has spoken to them, and they will look into it, but they don't make changes often, and they must agree that there's a problem. According to the County and State they do not have the manpower for stronger speed enforcement. 8) Zoning Code Recommendations. They will meet again to discuss possible changes in the code, but a date hasn't been set yet. 9) Noseum Spraying. Clarke Environment has started the spraying and we are only spraying in the back of homes where we have permission from the resident. Of the letters sent out, only 2 have declined. They are spraying once a week on Tues. or Wed. depending on the weather. 10) Pedestrian Street Signs. The permit application has been submitted to FDOT, and is presently being reviewed in Ft Lauderdale. 11) Police Report. The June police report was supplied. 12) Briny Breezes. We have received a request from Briny Breezes for a proposal to provide police coverage for their town. It is due by the end of August, and we will be submitting a proposal.

Manager Schenck also reported that we received a letter from Palm Beach County denying our request to be removed from the library MSTU. According to the new guidelines our library did not qualify. Their regulations had changed since Gulfstream, and other small towns that had implemented their libraries. There were many issues such as computer/online availability, books being purchased rather than donated, staff, and library cards.

Comm. Bingham asked if a decision had been made on the "No Wake Zone" request. She stated her concern as she had seen several speeders along the Woolbright Bridge, and asked for heavier enforcement. Manager Schenck stated that he reported the violations to the County.

Manager Schenck stated that today a request was made from the contractor for the sand transfer station to allow them to work from 7-7 to install a new pipe. Manalapan only approved them from 8a.m. to 6:30p.m. A consensus was made to allow them to work from 8a.m. to 6:30p.m.

Manager Schenck finalized his report that they had received 5 sanitation bids with the lowest being from Republic Services. The prices ranged from \$10.96/unit to \$29.80/unit. He had scheduled a meeting with Republic Services to review their bid and to verify the exact services that would be rendered. He had checked their references and found them excellent. Atty. Spillias commented that their firm represented Republic in other areas, and asked for direction in regards to reviewing the contract or other documents. A consensus was made that the Commission did not regard any conflict in interest, and he would be authorized to review their contract once a decision had been made.

Comm. Brown noted that the Manager's Report showed the Code Enforcement Hearing as being on August 11th, 2009. Manager Schenck apologized for the error and stated that the Code Enforcement Meeting was scheduled for August 4th, 2009 instead.

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6. Town Attorney

a. Discuss/ Direction RE: Request from City of Riviera Beach to Support the City in an Appeal in a Case They Lost Involving the Sunshine Law.

Atty. Spillias stated that a request had been received from the City of Riviera Beach asking municipalities to join in their case involving the Sunshine Law. Riviera Beach had not been preparing written minutes for their agenda review meetings, and their argument was that their meetings were tape recorded. The judge did not accept their argument, and Riviera Beach lost. Atty. Spillias' recommendation was not to get involved: 1) there is case law against their position, and 2) if they were to prevail, there could be a danger of tampering with the Sunshine Law. He also noted that Ocean Ridge does keep minutes of all meetings. Mayor Kaleel stated that he liked to support fellow cities, but considered this to be a bad case. Comm. Brown stated that he felt that Riviera Beach should have been keeping minutes all along. The consensus was not to get involved with this appeal.

b. Scheduling a meeting date for an Appeal to the Commission.

Atty. Spillias stated that the Town Manager has taken a personnel action against a police officer and the officer has been terminated. Per the Code, the employee is entitled to an appeal at the Regular Town Commission Mtg. or at a Special Town Commission Mtg. We received a request to postpone the original meeting from his counsel. They are requesting the week of August 17th or 24th 2009 for the appeal. We would control the agenda. Our charter specifies the process but no detailed guidelines are given. The officer has been terminated, but now has the right to an appeal. Atty. Spillias asked for the Commission to avoid contact with the employee or his counsel. He had also advised the Town Manager, Chief Hillery, and Lieutenant Yannuzzi not to discuss any information. Comm. Allison disclosed that prior to this meeting she had contacted the employee and spoke with him on the phone. Atty. Spillias asked if she could make a fair decision without bias. Comm. Allison stated that at this time she felt she could be unbiased, and if not, she would reclude herself. Comm. Brown asked if the Commissioners' decision was final, or could their decision be appealed. Atty. Spillias advised that an Appeal with the Circuit Court could be filed, and if the employee won, it would reverse the Town Manager's decision or suggest a lesser discipline. He could at that time be reinstated with benefits, and any back pay due to him from the date of termination.

A consensus was made to schedule a Special Town Commission Meeting on Wednesday, August 26th, 2009 at 8:30 a.m., pending the Commissioner's calendars.

7. Chief of Police

Chief Hillery had nothing further to report.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Request to Purchase a Computer Server for Town Hall (\$9,000), 1 Police Vehicle (\$22,000), 7 Portable Stop Signs (\$1,400), and a Weed-Eater (\$200) Totaling \$32,600 from the Contingency Account By: Kenneth Schenck, Town Manager

Manager Schenck reported that based on the July 29th, Budget Meeting, these items had been removed from the 2009/2010 Budget as there was funding could be available in this fiscal year 2008/2009 to purchase these items.

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Comm. Pugh motioned to approve the Request to Purchase a Computer Server for Town Hall (\$9,000), 1 Police Vehicle (\$22,000), 7 Portable Stop Signs (\$1,400), and a Weed-Eater (\$200) Totaling \$32,600 from the Contingency Account. Seconded by Comm. Bingham.

Motion Carried – yea (5)

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

10. Ordinance No. 583; Amending Article V, Section 2-193 of the Code of Ordinances to Reduce the Qualifying Time for Candidates for the office of Town Commissioner from Twenty-Five Days to Fourteen Days

Comm. Bingham motioned to approve Ordinance No. 583; Amending Article V, Section 2-193 of the Code of Ordinances to Reduce the Qualifying Time for Candidates for the office of Town Commissioner from Twenty-Five Days to Fourteen Days. Seconded by Comm. Allison.

Nancy Hogan, 37 Hibiscus Way, requested if she could comment on Item #9, and Mayor Kaleel informed her that she was out of order. She stated that regarding the ordinance, she was not in favor of shortening the qualifying times for candidates. Ocean Ridge was a small community, and she felt this would stymie any action of the people who want to be involved. She felt it was un-American and didn't understand the logic behind it.

Helen Clemente, 5900 N Ocean Blvd, asked for clarity concerning this Ordinance. She also asked if the candidate had to qualify in person, as many people might not be in town during that time. Mayor Kaleel informed her that this Ordinance reduced the time to qualify from 25 days to 14 days, and we would be more consistent with other municipalities that use 14 days also. Comm. Brown stated that this would not restrict the candidate from opening their account earlier or announcing their candidacy, they just had 14 days to get the paperwork into Townhall in person.

Motion Carried – yea (5)

TOWN COMMISSION COMMENTS

Atty. Spillias announced that he would not be available at the September meeting, but would send a representative in his place.

Adjournment at.6:35 p.m.

Attest By:

Deputy Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh