

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 7, 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 Pugh
Mayor Kaleel
Commissioner Brown
Commissioner Allison

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Kaleel requested to add Year End Bonuses for Employees as Item #12A.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Nov. 2, 2009

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Friday, Dec. 25th and Friday, Jan. 1, 2010 for the official holidays
3. The Holiday Light the Lights will be held on Friday, Dec. 4, 2009 from 5:30 PM – 7:30 PM for Ocean Ridge Residents (Light Snacks will be served)

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

Motion Carried - yea (5)

PUBLIC COMMENT

Nancy Hogan, 37 Hibiscus Way, reiterated her concerns related to her neighbor's abandoned property and pool, and felt that if the Town was more watchful of permitting, then this property would not be in its current state. She also believed that her seawall was being undermined from the outfall of her neighbor's property. She noted that Sgt Eubanks has been helpful in keeping her advised on the code enforcement status, but asked for more communication from the Commission in regards to this problem. She noted that the City of Delray does mow the lawn of abandoned properties and did not allow them to degrade, and asked the Town Attorney had check to see if Ocean Ridge could do this as well.

Brandon Caldwell, 66 Spanish River Drive stated that he had worked with many other municipalities, and thanked our Town Manager for his courteous assistance.

Steven Greenhut, 5907 N. Ocean Blvd, stated that he was not in favor of installing crosswalk signs on A1A. He had done an informal survey of the adjacent cities to Ocean Ridge, and only found 4 out of 30 locations that have vertical signage. These areas had heavy foot traffic, and some were double signage. He felt that the signage along A1A was too intense, and that our traffic was not heavy or dense, and that pedestrians could be able to wait until the traffic is clear before crossing. He was concerned with Ocean Ridge's budget and the cost to maintain them. He felt that these signs could be double sided and on the side of the road instead of the middle.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Comm. Bingham questioned the width of the roads that had these signs and if the crosswalks were painted. Mr. Greenhut stated that in Palm Beach, the roundabout was very narrow and in Delray the street was wide, but it had curb parking. The crosswalks were painted also.

REGULAR AGENDA

REPORTS

4. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold until the Commission decides whether or not to proceed depending on the availability of funds. A verbal confirmation had been received that we were in line for a grant of \$119,000. 2) Ocean Ave. Landscape – With budget constraints we are working with our landscape company to do some fill in plantings in lieu of the original proposal. The Garden Club has taken on the planting of the lilies and will start the project soon. 3) Island Drive Bridge - Construction on the north side should be finished this month and then they will start on the south side. 4) Old Ocean Blvd - The Garden Club Dune Committee is assisting us with this effort, and hope to have a plan by January, and start planting in the spring. 5) Zoning Code Recommendations - The Planning and Zoning Board met on November 20th, 2009 to discuss possible changes in the zoning code, and will be meeting again before Christmas. 6) Pedestrian Street Signs- This will be discussed as Item#14. 7) Police Report – The October report is attached. 9) Harbour Drive Plantings – The residents of Harbour Drive have met and are discussing their desires for the entrance landscaping, and we are waiting for their comments before we proceed.

Manager Schenck added that FP&L had performed a street light survey in Town which resulted in a \$3300+ credit from overbilling of too many street lights. Manager Schenck stated that he had met with John Wootton, regarding art in Town Hall, and he was available for a presentation.

John Wootton, 5907 North Ocean Blvd, reported that he had found a gallery system for wall hangings in the foyer and along the side wall of the chambers. This system had two methods: for heavy paintings over 40lbs – 2 wires; for lighter paintings a tape was available. He suggested that the wiring be used and the cost was \$757. He had 3 artists available who would be willing to put on a show in 6-8 weeks, and two of those artists would donate a piece of artwork for silent auction and those proceeds to be given to Ocean Ridge. The oil and water color paintings would be on sale, and 35% of the proceeds would go to Ocean Ridge. One artist was providing a sculpture that would not be for sale. Amy Estra, a resident, stated that she would be available to help hang the artwork. Refreshments would be served for the art show. He felt this would be a starting point for Ocean Ridge and the proceeds would help offset the start up costs. He added that at some point maybe a committee could be formed.

Comm. Bingham felt that this was an excellent idea, and asked if the profits needed to go into a special fund. Atty. Spillias stated that he would meet with Mr. Wootton in regards to setting up the art show and guidelines required.

Comm. Allison moved to approve funding for the gallery system for art work in Town Hall not to exceed \$1000 from the other current charges in Gen Govt. Seconded by Comm. Bingham.

Comm. Brown noted that the Commission appointed the Manager and Clerk to approve the artwork, however he did support that artwork be displayed in the Town Hall.

Motion Carried – yea (5).

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Clerk Hancsak announced that the Board of Adjustment was scheduled for December 9, 2009 at 8:30 a.m.

5. Town Attorney

Atty. Spillias stated that at the last Planning & Zoning Meeting, Atty. Deady had given a presentation in regards to the Building Code "Green Initiatives". Atty. Deady reiterated that grants were available at both State and County levels, and the Florida Energy & Climate Committee was responsible for giving out the funds. It was also discussed a possibility of a joint venture with other cities for grant monies. Ocean Ridge could then provide rebates or tax credits for residents who were installing solar panels, retrofits, lighting or other approved energy efficient products. She also noted that the grants provide that 10% administrative fees could be reimbursed.

Manager Schenck stated that he had been advised that the cost for solar panels at the new Townhall would be approximately \$200,000 and it would take many years to recoup the cost. Comm. Brown stated that the Martin County Schools had solar panels and were renting out the use of their roofs to others. Mayor Kaleel requested that Atty. Deady contact Florida Public Utilities and the possibility of using grant monies for installation of natural gas lines.

A consensus was made for the Town Manager to come back with specific recommendations at the next Commission meeting.

6. Director of Public Safety

Chief Hillery had nothing to report.

7. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

8. Request to Reduce Code Enforcement Lien/s for 32 Oceanview Drive By: Camella Manion, Law Office of Camella Manion, representing owner, Riverside National Bank

Atty. Spillias stated that Mayor Kaleel had informed him that he had been the attorney for the prior owner of this property and felt he had to recuse himself for a possible conflict of interest. Mayor Kaleel then recused himself from any decision or discussion. Clerk Hancsak stated that she would provide the Voting Conflict Form to have executed.

Clerk Hancsak stated that in August 2008 this property went before the Special Magistrate as a code enforcement case for code violations. The Magistrate found the property in violation and assessed a fine of \$150/day commencing from Augusts 29, 2008 with administrative recovery costs of \$431.98. It was the staffs understanding that the bank was aware for some time that the renovations were going to take place and that there was a lien on the property. Riverside National Bank obtained a permit to complete the demolition on October 7, 2009 and the final inspection took place on October 28, 2009. The total fees due through the compliance date are \$40,576.98 for the lot violation. There is also a second lien of \$436.27 for unpaid garbage/trash fees for 2007/08. The Commission has the only authority to reduce the liens.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Camella Manion, representative for Riverside National Bank stated that the property was foreclosed on in June, and they were not aware of the liens until 9/3/09 when a lien search was performed. They were asking for relief.

It was discussed how/why the Bank had not been aware of the liens at the time of the foreclosure, and who was responsible for the oversight. Atty. Spillias stated that the Town had determined that the property was a health hazard when it was sent to Code Enforcement. Only the Commission has the power to reduce or release the lien.

Comm. Allison moved to accept a total of \$7000 for both liens. Seconded by Comm. Bingham.

James Bonfiglio, 5616 N. Ocean Blvd, stated that the bank should have checked any claims on the title at the time of the foreclosure, and that it was the responsibility of the Title Company to perform a complete title search. He did not feel that the Commission should reduce the amount because the Town would only be relieving prior persons for their error. The bank could put a claim against the title company, and the bank could re-foreclose the lien.

Nancy Hogan, 37 Hibiscus Way, stated that she felt this would set precedent for what people would expect and our procedures of future foreclosures. She asked the Commission to be consistent.

Atty. Spillias explained that not all information is requested in a Title Search, and that he would like to meet with the associates of Riverside National Bank and see what Ocean Ridge would be entitled to and come back with complete information and a recommended settlement amount.

Comm. Allison and Comm. Bingham withdrew their motion.

Comm. Brown did not feel that the amount should be reduced, as the bank was already in debt with the mortgage.

A consensus was made to authorize the Town Attorney to meet with Riverside National Bank and to come back at the next meeting with his recommendation.

9. Discuss Amending Section 67-58 (c) of the Town's Code of Ordinances by Increasing the Fee from Double Fee to Four Times the Fee for Work Commencing Before Obtaining a Building Permit

Manager Schenck reported problems of work being performed in town without a permit – both by contractors and homeowners. A survey was performed and it was discovered that most of the communities charge 4 times the normal permitting fee for work being done without a permit, and some add an administrative fee. Ocean Ridge was currently only charging double permit fees.

Comm. Pugh felt that home owners should be only charged double, but that contractors should be charged 4 times, as they should know what work needed permitting. As a contractor himself he researches and knows the requirements for permits in each town he works.

It was discussed that some homeowners may not know what requires a permit, and that it may be hard to determine who was responsible for the fault – the contractor or home owner, and if the work was done with a willful disregard or innocent mistake and also that the homeowner may purposely pull the permits so the contractor does not have to pay the 4x the amount.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Comm. Pugh motioned to draft an ordinance to approve that any work performed without a permit would result in a double permit fee plus a \$200 administrative cost for work performed under \$5000. Any work performed without a permit above \$5000, would result in a permit fee of 4 times the normal permit cost. Seconded by Comm. Allison.

Motion Carried – yea (5).

10. Discuss the Reserve Police Officers and Confirm the Existing Members

Manager Schenck summarized the role of the Support Group, and that it was a nonprofit organization whose sole purpose is to raise funds in support of our Police Department. In the past they purchased exercise equipment in Town Hall, radar guns, decibel meters for testing motorcycle noise, and any expenses for the Reserve Police Officers such as uniforms, equipment and their testing. The Support Group pays for the expenses of the Reserves but they are not responsible for the hiring/firing of them. The Police Reserve officers are approved only by the Police Chief and only become members of the Support Group if approved by them. All employees of the Town must be confirmed by the Town Commission, even the Reserve. There has been an oversight; as the Reserve Officers had not been confirmed by the Commission in the past, and we wish to correct it now. In the future all proposed reserve officers will also be brought to the Commission for confirmation. He added that he included brief resumes of the current Police Reserve Officers.

Manager Schenck advised that this oversight was discovered during the preparation of the employee manual. He commented that the Police Reserve officers are considered employees because they are covered by the Town's workers compensation insurance even though they are not paid. Even though this vote seemed perfunctory, it was necessary and in the Charter.

Comm. Bingham motioned to confirm the 6 Police Reserve Officers (including Gene Rosenberg) for Ocean Ridge. Seconded by Comm. Allison.

Motion Carried – yea (5).

11. Discuss Covering Additional Health Insurance Deductible for 2010 Calendar Year with Surplus Funds from FY 2008/09

Manager Schenck stated that when the health insurance policy was renewed in August the deductible changed from \$1500 to \$2100 per employee per calendar year. Because of budget constraints the Commission approved paying \$1100 and that at fiscal year end they would review any surplus to determine if there were funds available to cover the additional \$1000 per employee. Upon review of the Fiscal Year End budget it was determined that approximately \$42,000 was left in the health insurance accounts. He stated that a total of \$26,000 (\$1000/26 employees) would be required, leaving a balance of \$16,000.

Comm. Allison stated that in a year without employee raises, she was in favor of it. Comm. Bingham asked where the \$42,000 was, and Clerk Hanscak replied that it was in reserves.

Comm. Allison moved to approve the \$26,000 to fund the additional health insurance deductible for 2010 Calendar Year with surplus funds from FY 2008/09. Seconded by Comm. Bingham.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Comm. Brown stated that he was in favor of this, but felt that with property values plummeting, next year's budget would be more limited.

Motioned Carried – yea (5).

Manager Schenck thanked the Commission on behalf of the employees.

12. Discuss and Possibly Authorize Retirement Bonus for Officer Gene Rosenberg
Manager Schenck stated that in the past the Commission had awarded retirees a bonus based on the number of years of service. Part time employees received \$50 for each year. Officer Rosenberg had been with Ocean Ridge for 16 years, and the bonus would be \$800. In addition he would receive his service weapon upon retirement. He plans to continue serving the Town as a reserve officer.

Comm. Brown motioned to approve a retirement bonus of \$800 to Officer Gene Rosenberg for his outstanding service to Ocean Ridge. Seconded by Comm. Allison

It was discussed that Officer Rosenberg had been a great impact to Ocean Ridge for only being a part time officer, and his years of service were very much appreciated.

Motion Carried – yea (5).

12. a) Year End Bonuses for Employees

Mayor Kaleel mentioned that in the past the employees were given \$500 bonuses for their outstanding service.

Manager Schenck noted that the administrative staff wears several hats and had a variety of duties to perform and the Police Department staff had also been working hard with 700 more files on record this year and he felt they all exceeded performance standards.

Comm. Allison felt that Ocean Ridge had a great staff and was in favor of the Year End Bonuses.

Comm. Pugh motioned to approve a \$500 Bonus for each employee to be paid from the Contingency Account. Seconded by Comm. Allison.

Motion Carried – yea (5).

RESOLUTIONS

13. Resolution No. 2009-12; Authorizing the Town Manager and Town Clerk to Execute an Interlocal Agreement Between the City of Boynton Beach and the Town of Ocean Ridge for Overflow Beach Parking at Ocean Ridge Town Hall

Manager Schenck stated that in June 2000 the Town signed a Dispute Resolution with Boynton Beach to purchase the property north and south of the Town Hall that included the Town agreeing to allow Boynton to use part of our parking lot for their beach overflow parking if necessary. Because of the changes in our parking lot, the existing agreement needs to be modified to fit the new building.

Mayor Kaleel questioned if a termination date needed to be added to the agreement.

Comm. Bingham motioned to have the Town Attorney review this agreement and the original agreement and add a termination date if necessary for the next Commission meeting. Seconded by Comm. Allison.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 7, 2009

Motion Carried – yea (5).

- 14. Resolution No. 2009-13; Approving and Adopting the Maintenance Memorandum of Agreement to Construction /Install Pedestrian Crosswalk Median Signs with the State of Florida Department of Transportation as Amendment Number One to the Agreement Dated Sept. 7, 2005

Comm. Pugh motioned to approve Resolution No. 2009-1: Approving and Adopting the Maintenance Memorandum of Agreement to Construction /Install Pedestrian Crosswalk Median Signs with the State of Florida Department of Transportation as Amendment Number One to the Agreement Dated Sept. 7, 2005 . Seconded by Comm. Brown.

Comm. Bingham stated her concern that our streets were not wide enough to accommodate these signs. She asked that the crosswalks be painted and place signs on the side of the road instead of the middle. Comm. Pugh noted that people stop for pedestrians if the signs are in the middle of the road, and felt that the signs would not be as effective if just placed along the sides. Comm. Brown stated that this could serve as a pilot program that could be monitored to see if it was effective, and if not, then they could be removed. Mayor Kaleel was willing to try them, and felt that there would be better results with dual signs instead of single signage. He felt that the signage by the Boynton Inlet would have a greater impact and slow down traffic before coming into Ocean Ridge. Comm. Allison also stated that she would be willing to try the signage.

Motion Carried – yea (4). Comm. Bingham – nae (1)

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

- 15. Ordinance #584; Providing for the Date of the Annual Town Election as the Second Tuesday in March; Providing for Codification; Providing for Repeal of all Ordinances in Conflict; Providing for Severability

Comm. Bingham motioned to approve Ordinance #584; Providing for the Date of the Annual Town Election as the Second Tuesday in March; Providing for Codification; Providing for Repeal of all Ordinances in Conflict; Providing for Severability. Seconded by Comm. Pugh

Nancy Hogan, 37 Hibiscus Way, commented that she was glad that the elections were moving to March.

Motion Carried – yea (5).

Adjournment at.8:02 p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh