

REGULAR TOWN COMMISSION MEETING HELD JANUARY 4, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 4, 2010 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	

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Dec. 7, 2009

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Jan 18th for the official holidays
3. 2010 Municipal election/Eleccion Municipal 2010
 - a. Proclamation for election Held on March 9, 2010/Proclamacion para eleccion sostenida el 10 de marzo de 2010
 - b. One Commission Seat Open for a Three Year Term/Comision uno puesto para tres anos cada
 - c. Candidate Filing Dates run January 29, 2010 through 3:00 PM on February 12, 2010/Las fechas de la clasificacion del candidate corren el 29 de enero de 2010 por 3:00 PM el 12 de febrero de 2010

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

Motion Carried - yea (5)

PUBLIC COMMENT

Justus Brown, 29 Coconut Lane, stated that he enjoyed the Light the Lights and thanked the Commission for the event. He stated his concern for the flooding of Coconut Lane during the recent heavy rains. He was also concerned of the dog biting incident that occurred on New Year's Eve on his street, and asked for an update. Lt Yannuzzi reported that a resident on Coconut Lane was having a party and while his guests were trying to get into the home, a loose dog attacked and knocked down one of the guests. The guest was injured and taken by ambulance to the hospital with a broken collar bone and a dog bite. Palm Beach Animal Control was contacted as this was the second bite incident with this dog, and the dog was taken into custody. The owner of the dog was issued a citation. The dog will be held at PBC Animal Care & Control for 10 days for quarantine and proof of shots.

Nancy Hogan, 37 Hibiscus Way, stated her concern for the lien reduction of 32 Oceanview, and asked for a resolution with the deterioration of her neighbor's property. She believed that her seawall was being undermined due to the elevation of her neighbor's patio on the property, and she was having to research for a low interest rate loan to pay for the costly repairs. The Town Manager and Town Engineer had checked her property as to possible sources of the problem. She also did not feel it was necessary to spend additional money for the new building becoming

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more “green”. She noted that the new garbage service was throwing the garbage cans in front of the mailboxes impeding her mail service.

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 will meet on 1/19/10 regarding the “green” codes. 6) Pedestrian Street Signs- The signed agreement has been returned to FDOT, and we will order the signs as soon as we get their approval. 7) Police Report – The November 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. 10) Town Hall Painting Exhibit –the hangers for the paintings have been received and we will install them in January. We anticipate the first showing in the end of February. 11) Reverse 911 – we used the new reverse 911 to inform the residents of the free H1N1 Flu shots at Town Hall. The Health Dept. distributed 157 shots. This system can be used for a variety of announcements as needed. 12) Energy Grants – The Town Manager and Atty. Deady have met with other municipalities about a joint State grant application. The discussions are still ongoing as to the costs and each municipality’s goals. We are looking at a possible solar water heater loan/grant program for the residents. He had a discussion with Fl Public Utilities about natural gas. The cost for installation of natural gas is \$850,000 and the amount that could be obtained from the Grant is only \$250,000. Manager Schenck recommended a workshop regarding the costs and either a bond could be obtained or the monies taken from reserve, but he was waiting to see if we if we were eligible for the grant first.

Manager Schenck also reported that with the retirement of Officer Rosenberg and the upcoming retirement of Chief Hillery in March, they were going to hold off on the hiring new officers for a few months to await estimates from the Property Appraiser’s Office on possible shortfalls in revenue.

Mayor Kaleel asked the Town Manager for insight as to the retirement of Chief Hillery and how/who was to fill the position. Manager Schenck stated that at the February meeting, he would be recommending Lt. Yannuzzi for the position, as he had assisted in the move into Townhall, and had also taken on additional responsibilities and worked hand in hand with Chief Hillery. Hiring internally, would also relieve the town the time and expense to go outside for referrals. Comm. Brown clarified that the hiring would be contingent on a salary scale.

Clerk Hancsak announced that the Code Enforcement Meeting for Tuesday had been cancelled as the one case had come into compliance.

Manager Schenck noted that he had received a subpoena to give a deposition for the Pearson lawsuit involving Ocean Manor Condominium and that Ocean Ridge had been dismissed from

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the lawsuit. Atty. Spillias clarified that we were dismissed out of litigation as it had been handled by the council of our insurance company.

5. Town Attorney

Atty. Spillias stated that he had met with John Wootton to discuss implementing the art displays in Town Hall. Because of the Holidays, Mr. Wootton was not available and they would make policy recommendations at the next Commission meeting. The exhibition was to be scheduled for the end of February 2010.

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 (Deferred to Jan. 4, 2010)

Mayor Kaleel recused himself from any decision or discussion, and passed the gavel to Vice Mayor Pugh. Clerk Hancsak stated that she would provide the Voting Conflict Form to have executed.

Atty. Spillias reported that he had met with Riverside National Bank and it was discovered that the foreclosure was filed before our lien and the bank had precedent over our liens. The bank was under no obligation to do a lien search throughout the foreclosure, nor had any responsibility to the Town to pay anything. They were however willing to pay the \$7000 in order to expedite a clean release, and he had received 2 Satisfaction of Liens, and he found their paperwork in order. His recommendation was for the Commission to accept the offer from Riverside National Bank in the amount of \$7000 for the two liens.

It was discussed if the Town would be able to go back against the homeowner or the bank; and how Ocean Ridge could protect our liens if the mortgage company made a claim before us. Atty. Spillias explained that we could reduce it to a personal judgment that would transfer the lien to the person and any other properties held by that person, but it would be costly and time consuming. One could also foreclose on the lien, but if the first mortgage holder had a high loan with no equity, they would still come first before our lien.

Comm. Bingham motioned to approve the receipt of \$7000 from Riverside National Bank as payment in full for the two liens against 32 Oceanview Drive. Seconded by Comm. Brown.

Motion Carried – yea (4).

Clerk Hancsak requested that the original 2 Satisfactions of Lien be returned to Ocean Ridge.

9. Request to Obstruct the Right-of-Way on Old Ocean Blvd. at Colonial Ridge, 5505 N Ocean Blvd. with an Electric Gate attached to an Existing Wall that Already Encroaches into the Right-of-Way By: Patricia Colica and Mary Ellen Bernklau, 5505 N Ocean Blvd.(Colonial Ridge Club)

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Patricia Colica and Mary Ellen Bernklau, Co-Chairs of the Gate Project for Colonial Ridge were present. Ms. Colica stated that in the process of having a new survey done, it was discovered that their existing wall on Old Ocean Blvd encroached the Town's Right of Way. Colonial Ridge had many problems including beach parking, people cutting through their development using it as a short-cut, and unit break-ins. They were therefore requesting permission to place gates across the openings of the existing walls along A1A and Old Ocean Blvd. The proposed gate along A1A would be used as an Exit Gate only, while Old Ocean Blvd would be used as their entrance. Residents would utilize a clicker for access at Old Ocean; and a call-in box for guests only. Landscape contractors and garbage/trash vehicles would also use Old Ocean. There would be a Knox key available for emergency services also.

Comm. Bingham stated her concern for large trucks trying to enter from Old Ocean, and blocking traffic. With the gate being in the Town's ROW, she was concerned with potential liability to the Town if the gates caused traffic accidents. She was also concerned if this proposal had a majority vote of Colonial Ridge owners, and asked that copies of minutes or a resolution be included before approval of the Commission.

Patricia Colica stated that it was impossible to poll all of the unit owners, as some are out of the area, but each building representative had voted for their building, and it was unanimous vote and minutes were available.

Robert Sedorick, 5505 N. Ocean Blvd #108, President of Colonial Ridge Association, stated that once the plan was approved, they would have to change the direction of the parking spaces, and they would emphasize to their residents to exit onto A1A, and not try to use Old Ocean as an exit.

It was discussed that Boynton Beach Fire be contacted and approve the emergency service entrance on A1A utilizing a Knox key.

Atty. Spillias stated that a new site plan amendment may be needed if the number of parking spaces changed. Comm. Bingham stated that a letter of permission be provided also as a land rent agreement belongs to the heirs also. They advised they had written permission from the landowners.

A consensus was made to defer until Colonial Ridge could provide more information such as a site plan and minutes and meet with the Town Attorney to determine that proper approval has been received by the owners.

RESOLUTIONS (Possibly Requiring Discussion)

10. 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 (Deferred to Jan. 4, 2010)

Atty. Spillias stated that he had checked the contract for a termination date. The original 1999 contract had a 180 day termination date. Then in 2000, a resolution agreement was done that had a termination date for 99 years.

Comm. Brown motioned to approve 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. Seconded by Comm. Allison.

Motion Carried – yea (5).

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- 11. Resolution No. 2010-01; Approving and Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the PBCty Supervisor of elections and the Town of Ocean Ridge

Comm. Bingham motioned to approve Resolution No. 2010-01; Approving and Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the PBCty Supervisor of elections and the Town of Ocean Ridge. Seconded by Com. Pugh.

Motion Carried – yea (5).

FIRST READING OF ORDINANCES

- 12. Ordinance #585; Amending Chapter 67, Article III, Section 67-58(c) Providing Penalties for Commencing any Work on a Building or Structure Before Obtaining the Necessary Permit; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date

Comm. Pugh motioned to approve First Reading of Ordinance #585; Amending Chapter 67, Article III, Section 67-58(c) Providing Penalties for Commencing any Work on a Building or Structure Before Obtaining the Necessary Permit; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date. Seconded by Comm. Bingham.

No Public Comment.

Motion Carried – yea (5).

TOWN COMMISSION COMMENTS

- 13. Discuss Regulations for Landscapers

Comm. Bingham stated her concern that the town’s drains were being clogged from clippings or debris left behind by landscape contractors. She asked that contractor’s be fined for not bagging and removing their trimmings, and leaving it in the easement to clog up the drains.

Mayor Kaleel stated that he believed that the Town of Palm Beach and Gulfstream had restrictions with their contractors. Comm. Brown asked that the noise level of the blowers be checked also. Clerk Hancsak noted that the Republic Service contract was changed to include pick up of normal landscape maintenance whether the work is done by the homeowner or contractor.

Atty. Spillias stated that he would review other municipality codes, and report at the next Town Commission Meeting.

Adjournment at.7:05p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh