

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 5, 2010 at 6:00 PM in the Town Hall Meeting Chambers.

Pledge of Allegiance

The meeting was called to order by Vice Mayor Pugh and roll call was answered by the following:

Commissioner Bingham	Commissioner Brown
Commissioner Pugh	Commissioner Allison
Mayor Kaleel	

CERTIFICATION OF ELECTION RESULTS

Clerk Hancsak read the official election results for the March 9, 2010 Municipal Election. Registered voters total 1472, and the total ballots cast at the Town Hall were 292 with absentee ballots of 21 and no Under Votes. The Total Ballots cast were 313. The results were Lynn Allison with 233 votes and Nancy L. Hogan with 80 votes.

Comm. Brown motioned to certify the March 9, 2010 Municipal Election Results. Seconded by Comm. Bingham.

Motion Carried – yea (5).

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Pugh requested to add Item #22 to discuss Town Signage. Comm. Brown requested to move Item #15 immediately after Item #13.

COMMISSIONER OATH BY LYNN ALLISON

Clerk Hancsak administered the Oath with Lynn Allison’s son and daughter standing beside her.

POLICE CHIEF OATH BY CHRISTOPHER T. YANNUZZI

Clerk Hancsak administered the Oath with Christopher Yannuzzi’s sons standing beside him.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of March 1, 2010

ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring April as “Water Conservation Month”
3. Proclamation Declaring April as “Water Reuse Week in Florida”
4. Proclamation Declaring Week of April 11th as “National Public Safety Telecommunicators Week”

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

Motion Carried – yea (5).

PUBLIC COMMENT

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

Joe Belmonte, 5572 N. Ocean Blvd requested clarification of the leash law and having dogs on public and private property at the beach, and the high tide water line.

Chief Yannuzzi explained that the high tide is a mean average over a 19 year period, and that it changes frequently. Mayor Kaleel asked for Chief Yannuzzi to give a detailed explanation in the Town's newsletter.

Justus Brown, 29 Coconut Lane, commented that he had notified officials of speeding boats in the middle of the night up/down the intra-coastal. The Boynton Police Marine Unit arrived and it appeared that arrests had been made.

Mayor Kaleel acknowledged Comm. Steve Abrams. Comm. Steve Abrams congratulated Comm. Allison and Chief Yannuzzi for their appointments, and he was impressed with the turn-out at the new Town Hall.

PUBLIC HEARINGS

5. Public Hearing to Adopt Ordinance No. 587; Amending the Adopted Town of Ocean Ridge Comprehensive Plan by Adopting the Evaluation and Appraisal Report-Based Comprehensive Plan Amendments as Set Forth Herein and Attached Hereto; Providing for Severability; Repealing all Ordinances or Parts of Ordinances in Conflict Thereof; Providing for Codification and Providing for an Effective Date (2nd Reading and Adoption)

Comm. Bingham motioned to adopt Ordinance No. 587 at Second Reading. Seconded by Comm. Allison.

There was no public comment.

Motion Carried – yea (5).

6. Manager Report

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold due to 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 – The Garden Club planted lilies along Ocean Ave, and no further work is planned at this time. 3) South Lake Worth Advisory Committee – They met on March 11th to discuss the status of the sand transfer station, and review the results of the Boynton Bch Inlet Study. 4) Island Drive Bridge – After a 4-6 week delay FPL started to move the poles from the south side back to the north side on March 31st. 5) Old Ocean Blvd - The Garden Club Dune Committee has completed the Landscape plan to remove the invasive vegetation in April. They will present the final plan to the Commission for approval. 6) Pedestrian Crossing Street Signs. The signs have been installed at the four crosswalks, and FDOT approved. 7) Police Report – The February report is attached. 8) 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. 9) Town Hall Pond – The heavy rains caused some problems, and will be addressed later in the meeting. 10) Town Hall Painting Exhibit – the first showing opened on Feb. 25th with 3 artists displaying their paints and sculptures and it was a huge success with approximately 130 people attending. John Wootton has been working with the Gulfstream School to follow up with a display of student art work. 11) Energy Grants – We have received a grant offer from the County for \$50,000 for energy improvements on Town Hall. We submitted a separate grant for \$225,000 to the State to purchase a hybrid truck and a police S.U.V.. This State grant also includes funding for residential

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

energy savings incentives. Our Grant has been ranked 56 out of 150 other applications, and they only accepted the top 24. There is a third grant that will be available at a later time, but there are no details concerning it yet. Over 1000 questionnaires were sent out concerning the installation of gas lines in Ocean Ridge, and we received 341 responses: single family – 125 yea, 134 nay; multi-family: 24 yea, 48 nay. 12) Telephone Contract. We contracted with the League of Cities last year to review our telephone expenses, and we are interviewing other phone companies as our AT&T contract expires this summer.

Jerry Lower, 2 Harbour Drive North, stated that in regards to Old Ocean, the Garden Club was revising their plans, and was planning to start removing the exotics in the next few months.

John Wootton, 5907 N. Ocean Blvd thanked all the staff for helping out with the Art Exhibit. He requested that the Commission consider purchasing the large painting in the lobby as the first art piece for Townhall. The artist had agreed to reduce the price from \$1800 to \$900, and the cost to frame it would be approximately \$400. The next Art Exhibit is tentatively scheduled for May 25th, 2-4pm with the students of Gulf Stream School artwork and a possible musical performance. Mayor Kaleel thanked Mr. Wootton for all his efforts.

Comm. Bingham motioned to purchase the artwork for \$900 and the framing cost of \$400. Seconded by Comm. Pugh.

Comm. Brown stated that he was opposed to using public funds for this purchase and felt the Commission was becoming the art selection committee, and that the funds should be spent otherwise. Mayor Kaleel noted that art work was budgeted and planned for with the new Townhall, but never done. He did agree that it was public funds but a decision could be made if the Commission wanted to purchase this particular piece. Comm. Allison and Comm. Pugh agreed and felt it was a beautiful piece and appreciated the price reduction. Comm. Bingham felt that the first piece of artwork should come from the First Art Exhibit. Mayor Kaleel suggested a plaque be made commemorating the 1st Art Exhibit “Thompson Avenue – Sunrise/Sunset”.

John Wootton, 5907 N. Ocean Blvd, stated that he felt it was not tax dollars spent because it would be funded directly from art proceeds.

Motion Carried – yea (4); nay (1) Comm. Brown

7. Town Attorney

a. Art and Town Hall Policy and Agreement

Atty. Spillias stated that he had prepared a Townhall Policy and Contract for future displays. He was also preparing an application that would be ready for the next meeting.

Comm. Allison motioned to approve the Townhall Policy and Contract for future art displays. Seconded by Comm. Bingham.

Comm. Brown questioned Item #4 regarding the Manager’s discretion of art. He felt it questioned the test of the 1st Amendment, and felt there could potential problem. Comm. Allison asked to change the verbiage of #4 to be his/her. Atty. Spillias commented that there is always a potential for 1st Amendment issues but he believed the Commission did not want to be involved in the criteria and suggested not changing it.

Motion Carried – yea (5).

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

8. Police Chief

Chief Yannuzzi stated that he had provided an update in the April Newsletter. He also announced that the U.S. Census would be going door to door throughout town, and asked the residents to request for identification, and if anyone appeared suspicious to contact the police department immediately. Hurricane preparation notices were being sent out soon also.

Chief Yannuzzi announced that an old tattered U.S. Flag with 48 stars had been found in the rubble of the old Townhall. It had 48 stars on it, which means it was preceded 1959. He presented the flag and a plaque to the Commission and asked that the items be placed in the Town Hall Library. The audience applauded.

9. Town Engineer

Engineer Tropepe was absent with notice.

RESOLUTIONS

10. Resolution No. 2010-05; Electing a Mayor

Comm. Pugh nominated Kenneth Kaleel as Mayor. There were no further nominations, and nominations closed. Mayor Kaleel accepted the nomination.

Comm. Pugh motioned to approve Kenneth Kaleel as Mayor. Seconded by Comm. Bingham.

Motion Carried – yea (5).

11. Resolution No. 2010-06; Electing a Vice Mayor

Comm. Pugh nominated Lynn Allison as Vice Mayor. There were no further nominations and the nominations closed. Lynn Allison accepted the nomination.

Comm. Pugh motioned to approve Lynn Allison as Vice Mayor. Seconded by Comm. Bingham.

Motion Carried – yea (5).

12. Resolution No. 2010-07; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Town Checks

Comm. Pugh motioned to approve Resolution No. 2010-07. Seconded by Comm. Bingham.

Motion Carried – yea (5).

13. Resolution No. 2010-08; Declaring Support for Creating/Inclusion in a Potential Interlocal Service Boundary Agreement (ISBA), That Would Include the Neighboring Municipalities of City of Boynton Beach, Town of Gulfstream, Town of Briny Breezes, and the Town of Ocean Ridge, Along with Palm Beach County

Comm. Pugh motioned to approve Resolution No. 2010-08. Seconded by Comm. Bingham.

Comm. Brown questioned the delay of presenting this resolution as Boynton had adopted theirs 60 days ago and also why they didn't forward a copy to us. Manager Schenck stated we had to wait for Palm Beach County approval which was on February 26th, 2010, and that we had 60 days from then to make the resolution.

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

Motion Carried – yea (5).

15. Resolution No. 2010-10; Adopting a Resolution Confirming the Town's Support to Retain its Low Density, Residential Character, by Submitting to the Voters Any Proposed Changes to the Comprehensive Plan, Density, Land Use, Zoning Changes, Etc; Proposed by Comm Brown

Comm. Brown presented this resolution and stated that its purpose was to regulate any changes in the future concerning Zoning, Land Density Rules, and to preserve the character of the Town and keep it low density. He felt that there was an urgency to this matter and that this Resolution was a timely and clear statement to the community.

Mayor Kaleel stated that he agreed with the resolution, but disagreed on how it was presented. The usual format is that a Commissioner brings the topic for discussion at a meeting, and then a consensus is made by the whole Commission before any action is taken by the attorney or staff. The other Commissioners agreed that this is the normal procedure.

A consensus was made to table to the May 3rd meeting to allow the Town Attorney to review and suggest any changes

14. Resolution No. 2010-09; Authorizing the Mayor, Town Manager, and Town Clerk to Execute the Grant Agreement for the Energy Efficiency and Conservation Competitive Grant Program for Local Governmental Organizations Between Palm Beach County and the Town

Comm. Pugh motioned to approve Resolution No. 2010-09. Seconded by Comm. Bingham.

Motion Carried – yea (5)

ACTION ITEMS

16. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission Clerk Hancsak reiterated that there are 2 open Board of Adjustment alternate appointments, and 2 regular and 2 alternate Planning & Zoning Commission appointments. Since the last meeting she had received resumes from John Wootton and Nancy Hogan for the open Board of Adjustment alternate member.

Comm. Allison nominated John Wootton for the alternate member for the Board of Adjustment and to retain Jeff Lee as an alternate member for the Board of Adjustment. Seconded by Comm. Pugh.

Motion Carried – yea (5)

Comm. Pugh motioned to retain Ward Northrup and Mauro Walker as regular members of the Planning & Zoning Commission, and to retain Dr. Richard Bajakian and Penny Kosinski as alternate members of the Planning & Zoning Commission.

Motion Carried – yea (5)

17. Request for Political Event – Meet and Greet for Carl Domino (running for State Senator) on May 4, 2010 from 4:00 – 5:00 PM as a Permitted Use for Community Room and Discuss Policy for Same

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

Clerk Hancsak stated that a request had been received to hold a political event for a Meet and Greet in the Community Room for Carl Domino, running for the State Senate Seat.

It was discussed that it would not be a good idea as this could be used for political fund raising, and that it might set a precedent.

A consensus was made that the Town Attorney revise the Facility Use Agreement to prohibit using the Community Room for political events.

18. Authorize \$1,708 from Contingency Account as the Town's Portion of the Water Feature Repairs By: Kenneth Schenck, Town Manager

Comm. Pugh motioned to approve \$1708 from the Contingency Account as the Town's portion of the water feature repairs. Seconded by Comm. Allison.

Comm. Bingham stated that considering the high cost of the pond, she was disappointed that the architects could not resolve the matter without additional cost to the Town. Comm. Brown felt that this should not have been brought up to the Commission but that the Town Manager should have resolved the situation. Manager Schenck stated that this was not a budgeted item and therefore needed Commission approval to take funds from the Contingency Account and he therefore waited for the meeting.

Motion carried – yea (5)

19. Authorize the Main Voting Delegate and Any One of the Commissioners or Town Manager as Alternate(s) for the Palm Beach County League of Cities

Manager Schenck stated the Town had received a request regarding an update on the approved voting delegates for the PBC League of Cities, Inc. Mayor Kaleel is one of the board members and has been the voting delegate in the past with the other Commissioners and Town Manager as alternate members.

Comm. Brown nominated Comm. Bingham to serve as a voting delegate for the Palm Beach County League of Cities, with Comm. Brown as backup as well as the remaining Commissioners and Town Manager. Seconded by Comm. Allison.

Motion Carried – yea (5)

FIRST READING OF ORDINANCES

20. Ordinance No. 588; Amending Chapter 66, Article I, General Provisions, Sea Turtles and Wetlands, by Adding a New Section 66-3 to be Entitled Bird Sanctuary, Providing for the Designation of the Town of Ocean Ridge as a Bird Sanctuary

Comm. Brown asked how this would support the protection of wildlife, and if a criminal penalty was attached. He did not want this to be just a cosmetic ordinance but something that could be enforceable if anyone was harming birds or their environment such as pesticides or feral cats.

Atty. Spillias explained that he used another town's ordinance as a template, and if needed he could research the Federal and/or State Statutes.

After discussion, the majority of the Commissioners were not in favor of rules the ordinance may create and the item was tabled.

REGULAR TOWN COMMISSION MEETING HELD APRIL 5, 2010

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

21. No. 586; Amending the Code of Ordinances, Chapters 64, Section 64-1(j)(3) and (k)(3) Decreasing the Maximum Height of a Single Story Residence; Amending Chapter 64, Section 64-1, Figure 64-6 Reflecting the Reduction of Maximum Height of a Single-Story Residence and Reducing the Maximum Tie Beam for a Single-Story Residence
Comm. Bingham motioned to approve Ordinance No. 586. Seconded by Comm. Brown

Brandon Caldwell, 66 Spanish River Drive, felt that 16ft height allowed for a design element; but that reducing the height to 12ft would change the style of the house, and limit the views and value of the home. He asked for more discussion before a final vote.

Steve Greenhut, 5907 N. Ocean Blvd, stated that his home was built with a 14½ft tie beam and felt that the 12ft would have limited the architectural design.

Comm. Bingham requested to withdraw her motion and to defer this to the June 7th meeting at 6:00pm to provide for a comparison or visual reflecting both heights. Seconded by Comm. Brown.

Motion Carried – yea (5)

22. Town Signage

Comm. Pugh stated his concern for the entrance town signs. The stucco was deteriorating, and they were in desperate need of replacement. He suggested signage similar to the Town Hall identification monument.

A consensus was made to have the Town Manager research information for new signage and related costs.

Mayor Kaleel again congratulated Chief Yannuzzi and the retired Chief Hillery. He also acknowledged retired Officer Rosenberg and thanked him for his years of service. He welcomed the audience to stay for a small reception to welcome the new Police Chief.

Adjournment at 7:30p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh