

REGULAR TOWN COMMISSION MEETING HELD MAY 3, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 3, 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

Comm. Brown requested to withdraw Item #11 at this time, and to add for discussion Ordinance #588 Bird Sanctuary. Comm. Brown suggested to move Item #14 during Public Discussion. Mayor Kaleel suggested after the general public comment.

Comm. Bingham requested to move Item #10 immediately after Public Comment and then discuss #14.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of April 5, 2010

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, May 31, 2010 for the Official Holiday
3. Proclamation Declaring May 25, 2010 as “National Missing Children’s Day”
4. Proclamation Declaring the Week of May 9-15, 2010 as National Police Week and May 15, 2010 as Peace Officers Memorial Day and Encourage all Residents to Fly Their Flags at Half-Mast on That Day
5. Proclamation Declaring May as “Sand Sifters Appreciation Month”

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

Motion Carried – yea (5).

Mayor Kaleel presented the Proclamation to the Sand Sifters declaring May as “Sand Sifters Appreciation Month and thanked them for their service to the Town. Gary Solomon, David Wagner, Soraya Figereatu, Robin Halahz were present to accept the award.

Audience responded in applause to the Sand Sifters.

PUBLIC COMMENT

Justus Brown, 29 Coconut Lane, stated his concern of the frequent flooding on Coconut Lane. He asked that with the approaching Hurricane Season, that a permanent pump be placed at the end of Coconut Lane.

Dr. Jim Weege, 15 Sabal Island Drive, stated his appreciation for the uniqueness of the koi pond and garden in front of Town Hall. In order to preserve it, he had started an independent committee with pledged donations to offset the costs of any repairs for maintenance of the koi pond. He welcomed any residents to participate either through donations or as a part of the committee.

Joe Belmonte, 5572 N Ocean Blvd, thanked the Commission for being supportive of beach cleanups.

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ACTION ITEMS

10. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2008/09. Ron Bennett, representing Nowlen, Holt & Miner, PA thanked the Town and Commission for allowing them to do the audit. He also thanked the staff in their assistance and stated that they were doing an excellent job. He stated that he would be glad to meet with any of the Commissioners individually to answer any questions. Mr. Bennett gave a brief presentation reviewing the audit for Fiscal Year 2008/09. Our current reserves were 38% of total expenditures, and he recommended that the reserves should not be less than 25%.

Comm. Brown questioned the decrease in the Capital Expenditures and the correlation with the Loan Payments. Comm. Pugh also asked if our 38% in reserves were too high.

Mr. Bennett explained that once the Capital Project for the Town Hall was complete, the Capital Expenditure also decreased accordingly. Page 26 of the audit listed the 2 loans and their payments and amortization breakdowns. Mr. Bennett stated that before 1988 and Hurricane Andrew, he would have recommended a 16% reserve rate for municipalities. During the 2004 & 2005 Hurricane Seasons however, municipalities found out that their reserves depleted rapidly. Mr. Bennett now recommends that the Town keep a minimum of 25% in reserves, and feels that our 38% is within a reasonable range.

Comm. Bingham motioned to accept the Annual Audit by Nowlen, Hold & Miner, PA for Fiscal Year 2008/09. Seconded by Comm. Allison

Motion Carried – yea (5)

14. Discuss NoSeeums By: Comm Pugh

Comm. Pugh stated that the no-seeums this year were severe, and impeded the quality of life for residents, and asked that spraying resume. He felt it was a public issue as the insects harbor on public land and then migrate over to private properties. All of Ocean Ridge paid for the drainage project, Town Hall, and bridge repair, not just those who utilize it, and that the spraying should be budgeted every year. He also felt that the no-seeums caused problems with real estate sales and decreased the values of the properties. He had invited Fleming Pest Management Inc. to give a presentation.

Doug Wilson, representative of Fleming Pest Mgmt. Inc, stated he was proposing a barrier application applied by backpacks around home sites and common areas that border the breeding sites. He stated that the application of their insecticides were in conformance and approved by the FDEP and EPA. He provided an area map of Ocean Ridge highlighting the intended areas that would be sprayed. The treatment would leave a residual smell that would deter the insects and keep them in the wetlands. They would not spray on blooming plants, and it would be done at dusk. This spray is not a synthetic and dries quickly in sunlight. He was working with his supplier to reduce the cost, so it could be done year round. If approved, he could start spraying next week. He would also provide a surveillance trap by the Town Hall to gauge the activity levels each week, and adjust the spraying accordingly.

Manager Schenck stated that he had also received pricing from Clarke Environmental, and their price was \$1300/week or \$28,600 for this fiscal year (22 wks left). Fleming Pest Management quoted a price of \$945/week or \$20,790 for this fiscal year (22 wks left).

Comm. Bingham asked if the pyrethrin was harmful to birds. She also asked if this product was similar to “Skin So Soft”, an Avon product that also deters the no-seeums.

Comm. Brown stated his concern that this product would kill bees or butterflies or other good insects, and affect the runoff containments into the waterway. He was also concerned about

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spraying into the areas controlled by DERM and the liability of the Town. He questioned what kind of insects might get caught in the traps.

Mr. Wilson reported that pyrethrin was not harmful to birds. The spray dries quickly, but if any insect lands on the plants within the first hour or two before it dries, it will kill them, but once it dries the smell is what deters the insects, and they will not spray on blooming plants. Most areas do have a buffer zone or easement next to the DERM areas, and they will not spray if there are impending rains. The amount of the chemical is minute compared to the size of the area that is sprayed. He stated that he could leave door hangers at the proposed homes. Billing would be based on a weekly basis, with cancellation at will.

Mayor Kaleel stated that when Ocean Ridge first started spraying 6 years ago, it was short term - June thru September, and it had dramatic results, so we increased it. He suggested to authorize temporary treatment, and then to revisit the results in July during the budget review. He feels that this would benefit the entire town.

Comm. Allison understood Comm. Brown's concerns, but was also concerned with the residents that are affected by it. She felt it was the Town's duty to provide this service for all residents.

Comm. Pugh motioned to direct the Town Manager to enter an agreement with Fleming Pest Management to spray at a cost not to exceed \$21,000 for the remainder of this Fiscal Year to be paid from the Contingency Account. Seconded by Comm. Allison.

Comm. Pugh felt it was a proper use of tax money for public use. Tax monies should be spent on the health, welfare and quality of life for our residents. Mayor Kaleel also felt that this benefits the public at large, and read Atty. Spillias memo regarding the use of public funds.

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

Justus Brown, 39 Coconut Lane, thanked the Commission, and stated that Boynton Beach also sprays for no-seeums at their parks and mangroves.

Elizabeth Ackerly, 31 Coconut Lane, did not feel that we should spray, as it would kill the good insects also. She felt it would be a great mistake.

Don Magruder, Hibiscus Way, asked that the Woolbright Detention Area be included in the spray area. Mr. Wilson stated that there are fish in the Detention Area, but would review it.

Theodore Gibson, 36 Harbour Drive North, stated that he had lost 2 real estate sales due to the no-seeums. He felt there was a health issue if spraying was not done along with the quality of life issue.

Ms. Mostafavi, 66 Harbour Drive North, stated that she works at Bethesda Hospital, and has seen infections caused by no-seeums and that it is a health issue.

6. Manager Report

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold due to the availability of funds. We are in line for a grant of \$119,000, with funds to be available next summer. 2) Island Drive Bridge – After a 4-6 week delay FPL and Comcast have moved the poles from the south side back to the north side, and the contractor is freeing up the cranes and expects to be back on sight within 2 weeks. 3) Town Hall Pond – It has been repaired and is operational. 4) Old Ocean Blvd, The Garden Club Dune Committee has developed a plan to landscape this section and remove the invasive vegetation before planting new. 5) Town Hall Painting Exhibit – The first show was a great success, and John Wootton has coordinated with the Gulfstream School for our 2nd Art Exhibit with a display of student art work. It is scheduled for May 25th from 6 to 8pm. 6) Energy Grants – We have received a grant offer from the County for

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\$50,000 for energy improvements on Town Hall. The County is expected to approve the grant at their meeting on May 4th. We are still hoping to submit additional grants to the state and federal government when they become available. 7) 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.

Mngr Schenck reported that at the next art exhibit, it was also planned to have a musical presentation by one of the students. Steinway was donating the use of one of their pianos; however the transportation costs would be \$750. He asked that this be approved and paid from the donated funds from the previous art exhibit. There was no consensus to fund the transportation costs of the piano. Mngr. Schenck stated that he would try to raise new donations to pay for it.

Mngr Schenck stated that per the Commission's direction he was gathering information for the new Town Signage for the next meeting. It was discussed that it include: colors, and types of materials to be used, price of base and any additional lighting. They wanted a total cost.

Mngr Schenck announced that on May 28th, the League of Cities was having an Induction Ceremony, and asked the Commissioners to notify him, if they planned to attend. Manager Schenck also announced that Fred Martin our maintenance man was retiring June 4th and that he would be advertising for the position, and see what the budget looks like.

Comm. Brown stated that residents had approached him regarding checking into the banning of gigging, spearing, or fishing for shark or netting the baiting fish. Delray Beach had banned it altogether, and asked that this be researched.

7. Town Attorney a. Revised Facility Use Agreement

Comm. Pugh motioned to approve the Revised Facility Use Agreement prohibiting political events. Seconded by Comm. Allison.

Motion Carried – yea (5)

8. Police Chief

Chief Yannuzzi thanked the Commission for the Proclamation of Police Officer Memorial Day, and noted that the U.S. Flags should be half-staff that day.

Comm. Pugh stated that the street lights on Spanish River Bridge were being vandalized. Chief Yannuzzi stated that he only had one incident report over the weekend where the light bulb & globe were broken. He also announced that he would be absent for a time in May, and Sgt. Tinfina would be in charge during his absence.

Comm. Brown thanked Chief Yannuzzi, for the police response to an event on Sunday.

9. Town Engineer

Engineer Tropepe was absent with notice.

FIRST READING OF ORDINANCES

12. Ordinance No. 589; Amending Chapter 54, Article III, Section 54-87 Modifying the Provisions for Overnight Parking on Public Streets or Vacant Lots

Atty. Spillias reported that it had come to his attention that we had conflicting language in the Code. One section prohibited parking on vacant lots, and the other said no parking on vacant lots

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during certain times only. This Ordinance would amend that conflict and provide no parking on vacant lots at any times.

Comm. Pugh motioned to approve Ordinance No. 589. Seconded by Comm. Allison.

Motion Carried – yea (5)

15. Ordinance No. 588; Bird Sanctuary.

Comm. Brown mentioned that this Ordinance had been tabled at the last meeting, and asked that it be revisited at the next meeting. He wanted it known that he was in favor of adopting the Ordinance for Ocean Ridge to be designated as a Bird Sanctuary.

Comm. Brown motioned to take Ordinance No. 588 off of the table, and be on the agenda for the next Commission Meeting. Seconded by Comm. Allison.

Motion Carried – yea (5).

There was a consensus to remove subparagraph (c) from the original Ordinance.

Jeff Lee, 15 Sabal Island Drive, handed out a summary stating that Ocean Ridge did qualify as a bird sanctuary. He felt it would promote bird awareness and encourage activity for residents and others.

Mayor Kaleel stated that he was more in favor in changing the penalty from criminal to civil. Atty. Spillias stated that our Code does have a provision that any code violation could be cited as a misdemeanor. Comm. Bingham stated that our Code did have provision for trapping and harming animals. She had contacted other areas with bird sanctuaries, and found them simplified.

Don Magruder asked for clarification of parking on vacant lots. He advised there was always designated parking on the Ridge Blvd right of way.

Elizabeth Ackerly, 31 Coconut Lane, stated that if Ocean Ridge was to be bird sanctuary, they would need bugs.

Bernd Schulte, 5 Osprey Court, was concerned that becoming a bird sanctuary could have unintended consequences and cause potential other problems.

Comm. Brown asked the Town Attorney if donated items to a municipal government was tax deductible. Atty. Spillias stated that he had checked with a tax consultant, and yes it was.

Adjournment at 7:35p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh