

PUBLIC HEARING/SPECIAL TOWN COMMISSION MEETING HELD
SEPTEMBER 8, 2010

Public Hearing/Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, September 8, 2010, at 5:01PM in the Town Hall Meeting Chambers.

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

Commissioner Pugh Commissioner Bingham
Commissioner Allison Commissioner Brown
Mayor Kaleel

Pledge of Allegiance

PUBLIC HEARING

Presentation of Tentative Budget and Proposed Millage Rate for Fiscal Year 2009-2010

Clerk Hancsak summarized the approved revisions from the July budget meeting. It was voted to eliminate the \$1200 annual Flex monies for each employee and transfer the monies towards the \$2500 health insurance deductible. It was voted to purchase the 2011 Police Vehicle and package (\$26,000) that was in the Law Enforcement Capital Outlay account out of the current fiscal year, and also the trash pump (\$2100) and discharge hose for pump (\$200) out of this fiscal year also. It was voted to approve an internal Lieutenant position with the associated costs (\$4859 additional). The changes resulted in a reduction of \$23,441 in expenditures. As a result of the changes the amount to balance the budget decreased from \$97,010 to \$73,569. The Commission moved to adopt the proposed millage of 5.4000 generating \$3,572,483 in ad valorem revenue.

Manager Schenck stated that we had gone out to bid for the no-seeum spraying. Clarke Mosquito Control was the lowest bid, and therefore the budget could be reduced by \$9000. He recommended however keeping the \$9000 as a cushion, as last year the spraying time was extended because the winter was extremely hot.

Comment from Commissioners and Public

Commission Brown proposed to consider finding within the budget the funds to increase the Police Department expenses by \$34,000 to allow for the officers to be paid for 84 hours at their current rates. He suggested not spending \$14,000 for the entrance signs, and to reduce the no-seeum spraying by \$9000 and reduce the gasoline account by \$10-15,000. He felt it would go a long way to benefit the staff and that it needed to be done. Mayor Kaleel felt that there would probably be \$100,000 left over from this year's budget to offset both the \$34,000 and the \$73,569 to balance the budget without having to make additional changes to the budget. Mayor Kaleel also suggested that the millage be reduced to \$5.2500 per \$1,000 as assess valuation.

Comm. Bingham stated her concern with the way the step plan that was implemented years ago and asked to look at all benefits as a whole.

Comm. Allison was in favor of not reducing the salaries of any staff, and did not have a problem of taking monies from the reserve to balance the budget. Comm. Bingham agreed.

Comm. Brown motioned to amend the FY 2010/11 Proposed Budget by adding \$34,000 to the Police Dept. budget to fully fund the additional 104 hours worked by the officers at their current hourly rate with the implementation of 12 hour shifts with the cost offset by Fund Balance reserve monies. Seconded by Comm. Bingham.

Motion Carried – yea (5)

Dr. Goltz, 8 Ocean Harbour Circle, suggested that in order to get competitive pricing for health insurance rates that Ocean Ridge meet with various agents. He also stated that in the past

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municipalities had been restricted from joining together, but with the new health regulations this would be changing.

Sandra Foster, 5900 Old Ocean Blvd #B2 asked how she could obtain a copy of the budget. Clerk Hancsak stated that it was on-line, or a copy could be reviewed at the front desk.

Berndt Schulte, 5 Osprey Court stated that for the last 10 years Ocean Ridge had been building up their reserves, and felt that with current economic events we should start using them. He was in favor of using the reserves for the Police Dept, but asked for a lower millage rate.

Comm. Brown moved that a budget in the amount of \$5,301,852 be tentatively adopted for the 2010-2011 Operating Fund. Seconded by Comm. Allison

Motion Carried – yea (5).

Comm. Brown moved that a millage of \$5.2500 per \$1000 of assessed valuation be tentatively adopted for the 2010-2011 general operating revenues. Seconded by Comm. Pugh.

Mayor Kaleel summarized that in lowering the millage rate Ocean Ridge was now limited to any future millage increases. He also noted that Ocean Ridge was one of the few towns that had their millage rate go down.

Dr. Goltz, 8 Ocean Harbour Circle thanked Ocean Ridge for reducing the millage. Bernd Schulte, 5 Osprey Court, agreed.

Lisa Sivitilli, 10 Fayette Drive, stated that even though she was a part-time resident she felt that the Police Dept did a wonderful job, and felt that living in Ocean Ridge was a paradise. She asked if Ocean Ridge charged the residents for frivolous calls or false alarms. Chief Yannuzzi stated that they do not charge for false fire/burglar alarms, but that charges could be placed for filing a false police report.

Mayor Kaleel announced the computed millage rate is 9.4828% less than the rolled back rate.

Mayor Kaleel announced that the date and time of the second and final public hearing is established as 5:01 p.m. on Wednesday September 22, 2010. The 2010-2011 operating and capital projects budgets and corresponding millage will be finalized and adopted at that time.

Mayor Kaleel thanked the staff for all the hard work and effort in preparing the budget.

REGULAR MEETING

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Allison requested that the minutes be corrected on Page 1 to “Wednesday, September 8, 2010. Comm. Bingham requested to add a comment at the end of Item #15 regarding Town Boards. Manager Schenck requested to add a Change Order for the Island Bridge at the end of the Manager’s Report. Atty. Spillias requested to add 2 items under his comments: 1) candidacy vacancy 2) direction for a special district. Clerk Hancsak requested to remove Item #5. The owners are changing their plans and scaling back, and will then resubmit at a later time. Clerk Hancsak requested to add a Lien Reduction request for 6780 N. Ocean Blvd.

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

Motion Carried – yea (5).

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ANNOUNCEMENTS AND PROCLAMATIONS

3. Proclamation Declaring September as “National Sickle Cell Month”
 4. Proclamation “Recognizing the Contributions of the Ocean Ridge Garden Club”
- Mayor Kaleel read and presented to Zoanne Hennigan, President of the Ocean Ridge Garden Club, the Proclamation “Recognizing the Contributions of the Ocean Ridge Garden Club”. Zoanne Hennigan thanked the Mayor and stated that they do the work because of their love for Ocean Ridge and the community. Some of their projects included Beach Clean-up, Dune Beautification, and the Townhall Library, along with charitable scholarships.

PUBLIC COMMENT

Sandra Foster, 5900 Old Ocean Blvd, asked if donations to the Police Department could be designated for a specific item. Clerk Hancsak clarified that the “Ocean Ridge Support Group” was separate entity from the “Ocean Ridge Police Department”. Any donations made to “Ocean Ridge Police Department” went into the General Fund as a miscellaneous donation and assisted in offsetting any holiday bonuses approved by Commission.

5. Lien Reduction Request by Exit Realty for 6780 N. Ocean Blvd
- Clerk Hancsak stated that the representatives for Exit Realty were not currently present, and read their request for a lien reduction for Code Enforcement Case #2008-15 against 6780 N. Ocean Blvd. She summarized the background of the Code Enforcement Case and stated that this one lien totaled \$44,723.30. Ocean Ridge also had 6 other liens against the property and a current year garbage/trash fee for a Grand Total of \$49,659.77. Only the Commission has the authority to reduce a lien if they so desired.

It was discussed that there were other properties in Town that were being foreclosed also, and that a precedent needed to be established.

Comm. Bingham motioned to not approve a lien reduction for Code Enforcement Case #2008-15 for 6780 N.Ocean Blvd. Seconded by Comm. Allison

Motion Carried – yea (5).

REPORTS

6. Town Manager
- 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 – There should be substantial completion by mid September allowing it to open to two lane traffic. Finishing touches should be complete by mid October. 3) Old Ocean Blvd, The Garden Club Dune Committee has developed a plan to landscape this section and has completed 75% of the new plantings and should be done by early September. Once complete they propose to add a new bench. 4) Spanish River and Douglas Drainage Improvements – Bids were received on September 2nd, and will be addressed later in the meeting. 5) Energy Grants – We have received a notice to proceed from the County for \$50,000 for energy improvements on Town Hall and Ocean Ave. We have also received notification from the State that the grant was reduced from \$250,000 to \$171,965. The major reduction was in the residential rebates which were reduced from \$123,000 to \$38,465. This grant still includes funding for 2 hybrid vehicles. 6) Entrance Signs – The cost will be addressed later in the meeting. 7) Landscape – We are working with the owner at 5616 Old Ocean to replace the dead vegetation on the right of way. The owner had now planted sea grapes in front of the dead vegetation which will hide the problem when they grow. 8) Town Landscaping – We received 2 bids which will be addressed later in the meeting. 9) No-seeum Spraying – We received 3 bids

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and they will be addressed later in the meeting. 10) NPDES Permit – We have received approval of our 7th year drainage permit from EPA.

Manager Schenck stated that he had received a Change Order for the Island Dr Bridge Pier Caps in the amount of \$14,888.40. These were not in the original bid as they were omitted to allow the residents to be involved in the style selection, and recommended by staff.

Comm. Pugh motioned to approve the Change Order for the Island Drive Bridge Pier Caps in the amount of \$14,888.40 to be funded from the Capital Projects Fund. Seconded by Comm. Brown.

Motion Carried – yea (5).

ACTION ITEMS

10. Approval of Transferring Funds in the Amount Not to Exceed \$16,000 from the Beautification Reserves to the General Fund for Four New Town Entrance Signs By: Kenneth Schenck, Town Manager (THIS ITEM WAS DEFERRED UNTIL THE JULY THEN THE AUGUST MTG)

Manager Schenck reported that per the Commission's request he received pricing of wood signs from Jeff Industries with a cost of \$1050 per sign. They could be any size or dimension. He had sample photos of these type signs used by other municipalities.

It was discussed that the signs should be distinctive for Ocean Ridge, and that a concrete sign would last longer than wood and galvanized materials.

Comm. Bingham moved to obtain more designs with wood. There was no second and the motion died.

Comm. Brown motioned to approve Option #2 for the concrete signs with an amount not to exceed \$16,000 with the funds to be transferred from the Beautification Fund to the General Fund. Seconded by Comm. Pugh.

Motion Carried – yea (5).

7. Town Attorney

a. Discuss Filing Possible Injunction Action

Atty. Spillias reported that 28 Tropical Drive had been cited several times since 2007 for renting their property out less than 30 days. They were brought before the Special Magistrate and a lien had been placed with \$250 daily fines accruing. The property owner is ignoring the order and continues to rent out the property. Atty Spillias had also notified the Property Appraisers Office since the owners had filed a Homestead exemption file. He asked for direction from the Commission to file an injunction as the court has more significant power to deter them.

Comm. Allison moved to direct the Town Attorney to seek an injunction against 28 Tropical Drive. Seconded by Comm. Bingham.

Motion Carried – yea (5).

b. Discuss Candidate Vacancy Provisions.

Atty. Spillias reported that the requirements of Section 166.031(6), Florida Statutes state that each municipality shall by ordinance or charter provision provide procedures to fill a vacancy in office which would leave fewer than 2 candidates for an office. He recommended that the Town Commission direct him to prepare an ordinance that parrots 3.06 of the Charter and adds additional language to meet the FSS requirements rather than amending the Charter.

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There was a consensus for the Town Attorney to prepare an Ordinance to provide procedures for candidate vacancies.

c. Discuss abandoned or vacated properties.

Atty. Spillias reported that in the past the Town would go in and lien properties for code or lot violations. However these liens could be wiped out through foreclosures. The Town could create a Special District for vacant or abandoned properties. The Town could do the work and send the bill to the owner. If not paid, it could be attached to the tax bill as a special assessment for a fee. He noted that Fort Meade and Dade City currently have assessed 35 lots. He asked the Commission for direction to research information of ordinances and special districts and then he would come back with a full report. It would not be effective until the 2011 Tax Bill.

It was discussed if there is a price cap or if it was limited to outside growth and the expenses involved as the Town would be out the monies until payment was received.

A consensus was made for the Town Attorney to research special assessments for vacant or abandoned properties, and the costs related to it.

8. Police Chief

Chief Yannuzzi stated that his monthly report was attached, and that at 9 AM on Saturday, September 11th, 2010 at Roger Dean Stadium there would be a Multi-County 911 Commemorative Service, and the Ocean Ridge Police Department would be present. Comm. Brown thanked the Police Department for their quick response to a bicycle accident yesterday, and asked him to research as to the response time made by Boynton Beach Fire Dept & Ambulance service. Chief Yannuzzi stated that he would inform him of his findings. Chief Yannuzzi reported that 40 Hibiscus was found in violation at the Code Enforcement meeting yesterday and were given time to respond with a daily fine assessed. Chief Yannuzzi stated that on August 12th, FDLE had found that in the case of Officer Cazzolli, they sustained the actions taken by the Town and his misuse of office.

Chief Yannuzzi asked that in reference to the budget, if any adjustments could be made for the 4 Sergeants whose wages had been reduced to accommodate the 12 hour budgets. The Commission asked for a full breakdown of the adjustments including any related costs to the salaries.

Chief Yannuzzi announced that Ocean Ridge was participating in "Stuff the Bus". This was an organized effort by the United Way to get food to those in need. There was a barrel in Town Hall to collect donations of canned goods and everyone was welcome to participate.

9. Town Engineer

Engineer Tropepe was absent with notice.

11. Award of One Year Landscape Maintenance Contract with Chris Wayne and Assoc. Effective Oct. 1, 2010 in the Amount of \$40,800 from Budget Funds

Manager Schenck reported that 2 bids had been received with Chris Wayne and Assoc. as the lowest bid and was being recommended by staff.

Comm. Bingham motioned to award a one year landscape maintenance contract with Chris Wayne and Assoc. effective Oct. 1, 2010 in the amount of \$40,800 from budgeted funds. Seconded by Comm. Pugh.

Motion Carried – yea (5)

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Comm. Bingham asked how much is the cost for going out to bid. Clerk Hanscak stated that it can vary with the size of the advertisement, but the average cost is about \$500.

12. Award of One Year NoSeeum Spraying Contract with Clarke Mosquito Control in the Amount of \$26,825 from Budgeted Funds

Manager Schenck reported that he had received 3 bids with Clarke Mosquito Control having the lowest bid. The company had done spraying for Ocean Ridge in the past.

Comm. Pugh motioned to award a one year no-seeum spraying contract with Clarke Mosquito Control in the amount of \$26,825. Seconded by Comm. Allison.

Comm. Brown stated that 64 homes and common areas are sprayed, and calculated the costs to be \$11 per home per week. He felt that it was the responsibility of each homeowner to pay for it. Comm. Pugh stated that the nuisance of the no-seeums came from public property onto private land, and therefore the responsibility of the whole Town. The spraying affects more than the 64 homes, and he had noticed that foot traffic had increased since the spraying. Comm. Bingham agreed and stated that Ocean Avenue and Coconut Lane had also benefited.

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

13. Award of Drainage Improvements to Oceanview/Douglas Drive and Inlet Cay Island to be Funded from Monies in the Capital Projects Fund

Manager Schenck reported that 8 bids had been received. Staff recommended that the work be awarded to DP Development as they had the lowest bid. He had also contacted references and found favorable recommendations.

Comm. Bingham motioned to award drainage improvements to Oceanview/Douglas Drive and Inlet Cay Island by DP Development at a cost of \$58,389 plus the associated engineering costs to be funded from monies in the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea (5)

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

14. Ordinance No. 588; Amending the Code of Ordinances; 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 motioned to approve Ordinance No. 588; Amending the Code of Ordinances; 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. Seconded by Comm. Allison.

Bernd Schulte, 5 Osprey Court, stated that this was a “feel good” Ordinance and should not be made part of the Charter, as it may have future consequences because it would be difficult to enforce.

Comm. Pugh asked if the no-seeum spraying would be in violation of this ordinance and would be harming the birds. Atty. Spillias replied that there was no malicious intent involved with the spraying, not unless it was sprayed directly at the birds. Comm. Bingham stated that other towns with bird sanctuaries have mosquito spraying also.

Dr. Goltz, 8 Ocean Harbour Circle, stated that if he was given the list of chemicals used in the no-seeums, he would be glad to research and report results of how they affect the birds. He was in favor of the spraying, as it would help the human population and prevent disease.

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Motion Carried – yea (4), Comm. Pugh nae (1).

#15. Discussion of Town Boards

Comm. Bingham stated that she felt the appointment of chair and vice chair for boards should be done annually, similar to the appointment of the Mayor/Vice Mayor.

There was a consensus for the boards to have a reorganization meeting at their first meeting after appointments are made.

Mayor Kaleel acknowledged the presence of 2 representatives from Exit Realty. He informed them that the Commission had voted to deny their lien reduction request.

Comm. Allison motioned to reconsider the lien reduction request of Exit Realty for 6780 N.Ocean Blvd. Seconded by Comm. Bingham.

Motion Carried – yea (5)

Nick Jackson and Andre Harris, representatives for Exit Realty and Aurora Loan Services, 6780 N. Ocean Blvd., stated that the previous owners of the property had maliciously removed all fixtures. On June 11, 2010 they received the assignment, and stated that the bank wasn't aware of the liens, and felt it was a hardship. They were asking for a reduction as the bank could not afford to bring it all into compliance, and it took time for the bank to take possession of the title. The action was filed over a year ago, but was halted with attorneys contesting. He stated that the bank could not proceed with correcting the lien until they had the title and a permit correcting the violation had a final inspection Sept. 2, 2010.

Clerk Hancsak stated that a bank representative was present at the 2008 Code Enforcement hearing and was aware of the judgment since that time.

A consensus was made for the Town's Attorney to review with Exit Realty the foreclosure procedures and timelines and discuss a possible negotiation settlement, and then bring back to the September 22nd meeting.

Meeting adjourned at 7:05pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh