

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 1, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 1, 2010, at 6:00PM 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

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

There were none.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Oct. 4, 2010

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Thursday, Nov. 11, 2010 and Thursday, Nov. 25<sup>th</sup> and Friday, Nov. 26<sup>th</sup>, 2010 for the official holidays

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

Motion Carried – yea (5).

PUBLIC COMMENT

Bill Finley, 3 Beachway North, thanked the Commission for allowing him to speak, and stated that he enjoyed living in Ocean Ridge. He was the author of a new book, “Air Force Cowboy” a World War II Adventure Story. During World War II he was a B-17 pilot and had flown 35 missions over Germany. This book however is not an autobiography. He was also donating a copy of the book to the Ocean Ridge Library.

Dr. Jim Weege, Sabal Island Drive, gave an update of the koi pond. With the help of 3 residents, they had put in new plants and koi fish in the pond. They were raising funds locally for maintenance. Mayor Kaleel thanked him for his efforts, and that we had received many compliments.

Clerk Hancsak announced that we were collecting items for the Delta Demons through the City of Boynton Beach. There was a list of items that were needed, and people were welcome to drop off donations at Town Hall.

REPORTS

3. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-The State has confirmed the \$119,000 grant for this project. We are waiting to get the agreement before we advertise for bids, as they wouldn't reimburse us for work done prior to the signing of the Grant agreement. 2) Island Drive Bridge – The contractor is planning to pave the bridge on November 1<sup>st</sup>, and will be working on finishing touches in the meantime. 3) Old Ocean Blvd, The Garden Club Dune Committee is about 90% complete on the new plantings. They expect to complete it by January when the Club gets back together. 4) Spanish River and Douglas Drainage Improvements – The projects are complete. There were some unanticipated problems on Spanish River because the land was too flat, and wouldn't drain properly. They also found extensive coral rock at Oceanview and Douglas. A Change Order 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

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that the grant was reduced from \$250,000 to \$173,500. 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; however the Dept of Energy is backing off of paying for hybrids and only wants to pay for the difference between a regular car and the hybrid. 6) Entrance Signs – The concrete bases are being cast. We are in the process of applying for a FDOT variance to install the sign at the south end of Town. FDOT requires 18 ft of clearance and there is only about 14ft of clearance. 7) No-seeum Spraying – Clarke Environmental has started spraying in October.

The Commission discussed that the no-seeum problem seemed to be worse since Clarke Environment had taken over the contract in October. The company did not seem to be as professional as the other company either. Manager Schenck stated that we had received several complaints from residents, and he had sent Clarke Environmental written notice with one week to correct the problem. Comm. Brown stated that since their contract was for only 9 months, did we need to go out to bid after the time period. Atty. Spillias stated that the contract could be modified without having to go out to bid as long as it was at the same unit price.

Mike Ezekiel, 58 Harbour Drive, reported that he had only seen them on his property one time since October, and that it was noticeable afterwards, but it didn't seem to be working as good. Several residents from the audience corroborated his story as they had not seen any sprayings in their back yard either, and that the no-seeums were much worse.

Comm. Pugh stated that the residents of Ridge Harbour Estates had requested permission to install a sign at their entrance. He would be donating the slab, while others would be paying for the sign.

Comm. Allison moved to permit Ridge Harbour Estates to install a sign in the right of way, provided that an acceptable sketch be submitted. Seconded by Comm. Bingham.

Motion Carried. – yea (5).

#### 4. Town Attorney

##### a. Status Report on Injunction Filing for 28 Tropical Drive

Atty. Spillias reported that he had researched into filing an injunction against 28 Tropical Drive in regards to short term rentals. He had drafted a complaint for an injunctive relief but had not moved forward since the last time they had rented the property was in July, and was not sure if the court would view it as an ongoing issue. There were 2 choices: 1) Issue a citation or 2) keep diligent watch and file a complaint against the owner and companies leasing the property. We have the name/address of those receiving payments, and the leasing company is in Ft Lauderdale. We have also filed a complaint to the Palm Beach County Appraisers office, as the owners had applied for Homestead Exemption. He was notified that Palm Beach County was revoking it this year. He asked the Commission for direction.

Andrew Thomaka-Gazdik, 180 Royal Palm Way, stated that he had been retained by Jeffrey Kahn of 28 Tropical in regards to a short sale. The code enforcement lien was still accruing \$250/day totaling over \$75,000. He stated that Jeffery Kahn owed over a \$1 million and was scheduled to be incarcerated. The lien had stopped several interested buyers from proceeding forward. He asked the Commission to reduce the fines of the lien to accommodate a short sale.

Mayor Kaleel asked Mr. Thomaka-Gazdik and the Town's Attorney to excuse themselves and see if they could negotiate an agreement during the meeting.

Chief Yannuzzi stated that the Police Department had spent a lot of time issuing multiple violations and that the property was still accruing \$250/day until in compliance. At one time,

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there had also been conflicting leases, as two groups of renters had made complaints of lease agreements for the same time periods. He also noted that Aurora Loans was the same foreclosure company as 6780 N. Ocean Blvd.

### b. Report and Request for Direction Regarding Special Assessment District for Abandoned Properties

Atty. Spillias stated he had researched and discovered that when a property was not being maintained, and considered a health issue, the Town could file a code violation and lien the property. Once a property was foreclosed however, it may be hard to collect the lien. Some towns have created a Special Assessment District to avoid this problem. We could make the entire town a Special Assessment District, and once the Town has taken care of the property, assess the property on their tax bill. Property Taxes would be given a higher priority over a lien. The costs generated from the process could be recouped as part of the assessment. He would check with the appraiser's office as to their assessment fee. He asked the Commission for direction if they were interested in proceeding.

There was consensus made for the Town Attorney to proceed with creating a Special Assessment District.

Comm. Brown also suggested reviewing whether bank loans for energy efficiency could be placed on the tax bills.

### 11. Police Chief

Chief Yannuzzi presented his monthly report and had included a breakdown showing the wear and tear on the fleet. It was noted that the engine mileage for Police Car #566 was almost 200,000. Because of grant funds not being available the car was still on the road. He informed the Commission that it would probably need replaced before the end of this fiscal year, and he may have to ask the Commission for funding at that time.

Comm. Brown stated that with the "Next Generation 911 Article" he asked the Chief if he had a list of alternative phone companies. Chief Yannuzzi stated that he did not have such any list. In regards to the emergency response, he had asked Chief Bingham for an average response time of their emergency services. Mayor Kaleel asked to research the BBFD contract and see what response time if any was promised by them.

Chief Yannuzzi reported that he had just returned from the Chief Police Conference in Orlando. Eighty percent of the chiefs in attendance had departments with less than 50 employees. There were 14,500 present, and it was interesting to learn all the new technology available. The new officer David Kurz was hired, and is proceeding nicely. He announced that's the PBA Voting was from October 14 – November 5, 2010 and he would advise them of the results. He also attended the Briny Breezes Town Meeting. This month there had been 17 calls, and overall the residents of Briny Breezes have been very glad to have us back.

Chief Yannuzzi announced that the Dolphins Cycling Challenge for Cancer Research would be held November 20<sup>th</sup> – 21<sup>st</sup>. They would be heading northbound on A1A and would be using the Boynton Beach Park as a watering station from 10:30 – 3:30pm. Both he and Officer Darville would be riding for a total of 170 miles. They were asking for donations and were hoping to raise over \$300,000, but the participation has been low so far.

### 6. Town Engineer

Engineer Tropepe was absent with notice.

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### 7. Authorize Execution of Partial Release of Lien for 6780 N Ocean Blvd. in Return for Partial Payment of Liens

Atty. Spillias reported that at the last 2 Commission meetings the Commission had received a request to reduce the outstanding fines for code violations and claims of lien for 6780 N Ocean Blvd. The individual who made the presentations to Commission was not authorized by the owner to discuss foreclosure law. There is a possibility that the Claim of Lien could be wiped out, or should they lose the present sale, could bring an action against the Town. There was a scheduled closing for October. He spoke with the Bank's attorney and the bank is willing to pay off all of the smaller outstanding liens in the amount of \$4965.30, and \$5000 of the larger lien for a total of \$9965.30. It was his recommendation that we accept the \$9965.30 as our liens are subordinate to the bank. He also mentioned that the potential buyer may file with the Title Company to get the liens barred and then it would be up to the Town if they wanted to fight it.

Comm. Bingham motioned to not approve a \$4965.30 for liens against 6780 N. Ocean Blvd, and a lien reduction in the amount of \$5000 for Code Enforcement Case #2008-15 for 6780 N. Ocean Blvd for a total amount of \$9,965.30. Seconded by Comm. Pugh.

Motion Carried – yea (5)

### 8. Discuss “No Fishing/Loitering” Signage and Possible Ordinance for Same

Manager Schenck requested the Commission to authorize the Town Attorney to draft an ordinance to allow the Police to enforce the “no fishing and loitering” on the bridges at Sabal Island, Inlet Cay, and Island Drive.

Comm. Bingham requested that it be a wood sign matching those from Jeff Industries. Comm. Pugh asked if it was for local residents also. Chief Yannuzzi stated that this sign would allow us an opportunity to investigate any suspicious activity but that they would use their discretion. Comm. Brown stated that this was also a public safety issue as there were no rails and one could step back into traffic.

Mark Hanna, 5 Sailfish Lane, suggested that Ocean Ridge charge for a fishing license, and that the license be issued to residents only. There was no consensus for a fishing license.

Comm. Brown motioned to authorize the Town Attorney to draft an Ordinance to post and enforce “No Fishing & Loitering” signs at the bridges on Sabal Island, Inlet Cay and Island Drive. Seconded by Comm. Allison.

Motion Carried – yea (5)

### 9. Authorize Change Order #1 with DP Development in the Total Amount of \$35,833 for both the Spanish River and Douglas/Oceanview Drainage Improvements to be Funded from the Capital Projects Fund

Manager Schenck reported during the drainage improvements of Oceanview and Spanish River the contractor is asking for approval for a change Order totaling \$35,833. The change order for Spanish River Drive is \$11,703, and includes several changes made as the work was being done. The area was sinking and it created problems with the drainage. The major change was in the area at the end of the street near Bimini Cove Dr, and they had to raise a position of the street and adjust the elevation of 3 driveways. The Change Order for Oceanview was \$24,130, and due to finding a coral rock ridge when excavating the pipe. Even with the change order the job was still under budget, and Staff recommends approval of the change order.

Comm. Bingham motioned to approve Change Order #1 with DP Development in the total amount of \$35,833 for both the Spanish River and Douglas/Oceanview Drainage Improvement to be funded from the Capital Projects Fund. Seconded by Comm. Allison.

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Comm. Bingham stated that she was glad the work was done but felt the engineer/contractor should have known about the ridge and bid the drainage accordingly. Manager Schenck stated that they had performed surveys, but when they removed the gutter, they discovered a bigger problem.

Motion Carried – yea (5).

Comm. Brown excused himself from the meeting due to his health, and did not return.

### 10. Discuss Light-the-Lights

Clerk Hancsak stated that \$6000 had been budgeted for Light the Lights. Last year it was scaled down to lighting Town Hall only, light snacks, a bounce house, face painting and a Santa for the children. She asked the Commission for guidance and permission to proceed with the planning of Light the Lights on December 3<sup>rd</sup>, the first Friday after Thanksgiving. This would not conflict with the Boat Parade or the Tri-Cities BBQ by the PBC League of Cities.

Comm. Pugh motioned to authorize Clerk Hancsak to proceed with planning “Light the Lights” on December 3<sup>rd</sup>, 2010. Seconded by Comm. Allison.

Motion Carried – yea (4)

Comm. Allison motioned to authorize the Town Manager to approve holiday lighting on Ocean Avenue in an amount not to exceed \$2500 to be paid from the Contingency Account. Seconded by Comm. Pugh.

Motion Carried – yea (4)

### FIRST READING OF ORDINANCES

11. Ordinance No. 590; Implementing the Procedures Found in Article III, Section 3.06 of the Town’s Charter for Filling Vacancies in the Office of Commissioner and Adding Procedures for Filling Vacancies in Candidacy for the Office of Commissioner Occurring after the Close of Qualifying as Required by Section 166.031(6), Florida Statutes

Comm. Bingham motioned to approve the First Reading of Ordinance no. 590; Implementing the Procedures Found in Article III, Section 3.06 of the Town’s Charter for Filling Vacancies in the Office of Commissioner and Adding Procedures for Filling Vacancies in Candidacy for the Office of Commissioner Occurring after the Close of Qualifying as Required by Section 166.031(6), Florida Statutes. Seconded by Comm. Allison.

Motion Carried – yea (4).

Atty. Spillias reported that in his discussion with the Attorney for 28 Tropical, it was mentioned that the repeat violation argument may only be sued when rented. Atty. Spillias recommended that we seek payment of \$250 for each day the property was in violation, which would be approximately \$15,000 instead of the \$75,000.

Comm. Bingham motioned to authorize the Town Attorney to offer a settlement for \$15,000 as a lien reduction. Seconded by Comm. Pugh.

James Bonfiglio, 5616 N. Ocean Blvd, Chairman of Planning & Zoning Board, stated that this code violation was not only for the actual short term rentals, but included the advertisement of short term rentals also.

Motion Carried – yea (4)

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Meeting adjourned at 7:07pm.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Bingham

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Commissioner Brown

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Commissioner Pugh