

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 6, 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

CONSENT AGENDA

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

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Friday, Dec. 24, 2010 and Friday, Dec. 31, 2010 for the official holidays

Comm. Bingham motioned to approve the agenda and consent agenda. Seconded by Comm. Allison. Mayor Kaleel asked for a change to the Agenda.

Motion Withdrawn by Comm. Bingham & Comm. Allison

Mayor Kaleel requested that the Holiday Bonus Memo be added as Item #3c after the Manager's Report. Atty. Spillias requested to add Item #4b the Concept of a Special District.

Comm. Allison motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Pugh. Motion Carried – yea (5).

PUBLIC COMMENT

John Wooton, 5907 N. Ocean Blvd, stated that he was an alternate for the Board of Adjustment and announced that he would be serve again if needed. He reported that Mr. Madison had painted a substitute picture for Town hall to replace the one that was sold. He was donating the picture to Ocean Ridge. Mr. Wooton requested a reimbursement for the cost of the frame. He and Steve Greenhut would donate a plaque for the dedication of the new painting. Clerk Hancsak stated that there was \$4000 in the budget for art show exhibit expenses. Mr. Wooton reported that a new exhibit show in January was being planned using local area artists. Many of the artwork pieces would be for sale, and refreshments and wine would be provided. The next exhibit show in May would be the Gulfstream School. Their artwork would be available for lease for \$200/year and he was hoping for local businesses to participate. Any proceeds would be split 50/50 with the School. He would plan and organize the details before he left out of the country. He asked for any assistance. Comm. Allison said she would assist him for the actual event. There was a consensus to approve the upcoming art exhibit shows.

Richard Bajakian, 55 Harbour Drive North, stated that he was still having problems with the no-seeums. He asked if the new company was also trapping and what their results were. Manager Schenck stated that they were trapping and he would get an update from them of the traps. Townhall had only received 2 complaints this month, so he thought the problem was being resolved. Mayor Kaleel and Comm. Allison stated that they had also received some complaints from residents regarding no-seeums. Mayor Kaleel asked the Town Manager to review the bid again and to verify that the same product was being used.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

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 – Construction is complete, and the landscaping installed 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) Old Ocean Avenue – In order to maintain the town's 6ft clearance in the right of way on Old Ocean Avenue, some exotics may have to be removed, and the cost to remove them was being researched and would be addressed in January. 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 \$173,500. The major reduction was in the residential rebates which were reduced from \$123,000 to \$38,465. EPA has decided they don't want to pay for hybrid vehicles, so we've requested those funds to be included with the residential rebate program. We don't know the restriction on the residential rebate program. Lantana is the lead agency on this grant and they are working with the State to finalize the grant. 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. 8) Capri Apts. – Their laundry room discharges into a catch basin and then into our drainage system. This is an illegal discharge that has been ongoing problem for many years. The apartments have hired a surveyor and a civil engineer to correct the problem and remove the discharge. They will be submitting plans to the Health Department in January.

a) Code enforcement issue against the Capri Apartments - It was discussed that the process of getting approval and permitting from the Health Dept. could be drawn out and lengthy, and that this matter needed to be resolved efficiently and without delay. A consensus was made to give them a written notice and a deadline of 60 days for compliance.

b) Comm. Bingham stated that in regards to Old Ocean Avenue, she asked that the holly vegetation be removed at the same time. Manager Schenck stated that FDEP only requires removal on east side when new plantings or dune trimmings are done. It was discussed that most of the scavola was dead and needed to be removed.

Manager Schenck stated that at the League of Cities Luncheon he spoke with the Mayor of Briny Breezes, and they were very happy with the service provided by our Ocean Ridge Police Department.

c) Holiday/Year End Bonuses for Employees

Manager Schenck recommended Holiday/Year End Bonuses for all 25 employees in the amount of \$500 each for a total of \$12,500.

Comm. Brown stated that he would like to approve this, but that Ocean Ridge had an Ordinance in regards to employee bonuses, and he did not feel that this was in compliance with the State guidelines. He also asked if this included those on probation or under discipline. Atty. Spillias stated that the Ordinance was for performance exceeding standards. Chief Yannuzzi stated that there is an evaluation process, and most employees fall within satisfactory. Manager Schenck questioned penalizing those again that had paid for their disciplinary action. Comm. Pugh requested that the memo give further detail as to why it was being recommended. He stated that in his own business not all employees received the same bonus amount. Comm. Allison stated that it was not their job to micromanage the Town Manager. The Town Manager felt that the staff exceeded the standard and was asking the Commission to follow his recommendation.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

Comm. Bingham motioned to approve the Manager's recommendation for all employees to receive a \$500 bonus for a total amount of \$12,500 to be funded from contingency. Seconded by Comm. Allison.

Comm. Brown stated that he felt this was a violation of the Town's Ordinance, and that it was being given to some who did not exceed standards. Comm. Pugh stated that he felt the manager's memo should have been more descriptive.

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

4. Town Attorney

a. Update on Edith Street ROW Abandonment Issue

Atty. Spillias stated that the litigation started 7 years ago. We did request a stay of action requesting the Town Manager to contact those not a part of the suit and determine their wants. Some of the claimants have dropped off and a few remain. He had spoken with Jeff Hochman and concluded that they would file a motion with the court to dismiss the lawsuit. It is scheduled for December 8th, 2010. The Court will probably grant this motion and this would allow those that still the rights of ways abandoned to come before the Commission then. He would provide an update report at the next meeting.

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

Atty. Spillias stated he had met with the Palm Beach County Appraiser's Office and the Town Manager to review the related costs. The Special Assessment District would not replace the procedures for Code Enforcement. If it was determined that a property was considered a health issue, the Town could choose to demand the property owner to bring it to code and if not the Town could demolish or upgrade the property and send an invoice and if not paid then apply a special assessment for it. PAPA informed him that the cost for the 1st year was a \$150 fee and 75cents per parcel, and after the first year the cost is just a \$150 fee. The application deadline was January 1st, but could be extended to March. The tax collector would get a percentage of the funds collected, and that could be negotiated. We would need to draft an Ordinance that would identify the process and type of violation and the intent of the Commission to utilize the provisions of the appropriate State Statutes. The estimated cost would be \$5000 - \$10,000. Both Port St. Lucie and the West Palm Beach were looking into Special Assessment Districts.

It was discussed that this would be used for violations with extreme nuisance that would affect the health, safety and welfare of others. The Town would advance the funds for the work performed, and if not paid, an assessment would be attached and paid through their tax bill. There was consensus for the 1st Reading of an Ordinance for a Special Assessment District. The Town Manager and Town Attorney would determine what would be a special assessment property.

5. Police Chief

Chief Yannuzzi presented his monthly report and stated there had been over 200 calls, and 21 calls to Briny Breezes. Although he was still waiting for official notification, the results of the vote for PBA was 11 – 0 by the police officers. He asked if there was any conflict with receiving bonuses as the Town was in negotiations with the Unions. Atty. Spillias stated that if the action of the Commission was detrimental there could be a conflict. He would check with his office and if there was a problem he would call a special meeting. Chief Yannuzzi also stated that the response time for the Boynton Beach Fire Department was 7 minutes for the call regarding the bicycle accident brought up last month, and since then he asked them to submit a monthly report to him. Chief Yannuzzi announced the Boat Parade was this weekend and that BBFD would have units on this side of the bridge. The Police Department received reimbursement for the

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

bullet proof vests, and they were also applying for a \$1000 grant for an IAD for the Townhall Lobby. The Support Group would pay the additional \$200 for the IAD. He presented to Officer Darville a Letter of Commendation for participating in the Dolphin Ride Challenge. It was 170 miles from Miami Gardens to City Place. There was \$5486 in donations raised to the cancer research, and he thanked the residents for being supportive.

6. Town Engineer
Engineer Tropepe was absent with notice.

7. Authorize Changing the Jan.Regular Meeting from Jan. 3rd to Jan. 10, 2011 at 6:00 PM
Comm. Bingham requested that the meeting be changed to January 10th, to allow her time to travel back to Florida without having to drive on New Year's Day. Comm. Brown stated that he would be unavailable if it was changed. A consensus was made to keep the January meeting scheduled for the 3rd of January.

8. Authorize Increasing the Original Contract with Bridge Design Assoc. an Additional \$3,300 Related to Engineering Professional Services for the Island Drive Bridge Replacement to be Funded from the Capital Projects Fund

Comm. Pugh motioned to increase the original contract with Bridge Design Assoc. an additional \$3300 related to engineering professional services for the Island Drive Bridge Replacement to be funded from the Capital Projects Fund. Seconded by Comm. Brown.

Motion Carried – yea (5).

9. Authorize Change Order #6 (\$6,230.38), Change Order #7 (\$6113.40), and Change Order #8 (\$49,309.19) with Anzac Contractors, Inc. Related to the Actual Bridge Construction to be funded from the Capital Projects Fund

Manager Schenck summarized that Change Order #6 was for an air release valve for the potable water line crossing the bridge. This was required by Boynton Beach. Change Order #7 was to paint the guard rails. He asked to pull Change Order #8 until he had a chance to review it with the contractor.

Comm. Bingham motioned to authorize Change Order #6 (6,230.38) and Change Order #7(\$6113.40) with Anzac Contractors, Inc. for the bridge construction to be funded from the Capital Projects Fund. Seconded by Comm. Allison.

Comm. Pugh questioned why these items were not included as part of the project. He felt it was the fault of Bridge Design to not include these items as part of the scope of work. Comm. Bingham agreed with Comm. Pugh. Manager Schenck stated that the water line was not exactly as it was shown on the water improvement plans, and Mayor Kaleel noted that maybe it should have been taken up with Boynton Beach.

Motion Carried – yea (5)

10. Ratify Contract with Chris Wayne & Assoc. to Provide Landscaping for the Island Drive Bridge Replacement in the amount of \$3,053 to be funded from the Capital Projects Fund and also to Amend the Annual Landscaping Contract by Adding an Additional \$100 Monthly for Maintenance of Same from General Fund Budget Monies

Mayor Kaleel stated that he felt the price was too high for such a small area. He also did not agree with \$100 increase to the monthly maintenance. Manager Schenck explained that part of the cost was to install fill and rock, for the initial plantings, and that he would speak with the contractor and ask for a fairer price on the monthly maintenance.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

Comm. Bingham moved to authorize the \$3053 payment for the landscape installation for the Island Drive Bridge from the Capital Projects Fund. Seconded by Comm. Brown.

Motion Carried – yea (5)

A consensus was made to defer the monthly maintenance to the January 3rd, 2010 meeting.

RESOLUTIONS (Possibly Requiring Discussion)

11. No. 2010-16; Authorizing the Mayor, Town Manager and Town Clerk to Execute the First Amendment to the Interlocal Agreement with Palm Beach County (R2008-0863) for the 800 MHZ Radio Maintenance

Comm. Pugh motioned to approve Resolution No. 2010-16; Authorizing the Mayor, Town Manager and Town Clerk to Execute the First Amendment to the Interlocal Agreement with Palm Beach County (R2008-0863) for the 800 MHZ Radio Maintenance. Seconded by Comm. Bingham.

Motion Carried – yea (5)

FIRST READING OF ORDINANCES

12. Ordinance No. 591; Prohibiting Fishing From or Loitering on Bridges Within the Town Where a Sign is Posted Prohibiting Such Activities

Comm. Bingham motioned to approve the First Reading of Ordinance No. 591; Prohibiting Fishing From or Loitering on Bridges Within the Town Where a Sign is Posted Prohibiting Such Activities Seconded by Comm. Brown.

Comm. Bingham requested that they be the small wooden signs by Jeff Industries.

Motion Carried – yea (5).

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

13. 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 adopt on Second Reading 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. Pugh.

Motion Carried – yea (5).

Atty Spillias summarized the Ordinance that there is a State Statute for filling the candidacies. Rather than a referendum as provided in the Charter, Ocean Ridge did it by an Ordinance by reproducing all of the procedures into the Code of Ordinances.

Meeting adjourned at 7:38pm.

Mayor Kaleel

Commissioner Allison

Attest By:

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 6, 2010

Town Clerk

Commissioner Bingham

Commissioner Brown

Commissioner Pugh