

REGULAR TOWN COMMISSION MEETING HELD JANUARY 3, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 3, 2011, 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 Allison Commissioner Brown
 Mayor Kaleel

Clerk Hancsak announced that Comm. Bingham was absent with notice, and Comm. Pugh was running late and would join them within a few minutes.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Dec. 6, 2010

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Jan 17th for the official holiday
3. 2011 Municipal election/Eleccion Municipal 2011
 - a. Proclamation for election Held on March 8, 2011/Proclamacion para eleccion sostenida el 8 de marzo de 2011
 - b. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada
 - c. Candidate Filing Dates run January 28, 2011 through 3:00 PM on February 11, 2011/Las fechas de la clasificacion del candidate corren el 28 de enero de 2011 por 3:00 PM el 11 de febrero de 2011

Comm. Allison motioned to approve the agenda and consent agenda. Seconded by Comm. Brown. Motion Carried – yea (4).

PUBLIC COMMENT

Stella Kolb, 5550 Osprey Drive wished the Commission a healthy and Happy New Year.

REPORTS

4. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-The State has confirmed the \$119,000 grant for this project. We are working with FPL to determine the best way to get power to the site. 2) Island Drive Bridge – Construction and landscape is complete. The final change order will be discussed later in the meeting. 3) Old Ocean Blvd Dune - The Garden Club Dune Committee is about 90% complete on the new plantings. Once complete they propose to add a new bench. 4) Old Ocean Blvd. – It was the Town's prior decision to maintain the 6ft clearance in the west right of way. A couple of the Commissioners requested that the exotics be removed from the west side of the road within our ROW. The estimated cost to remove the plants and replace with sod is \$6000. There is a problem with no irrigation however. Some scavoela has been removed already.

The Commission discussed that the price seemed high and maybe mulch or something that would not require watering could be used instead of sod. It was also suggested that day laborers or a bobcat be used to reduce the costs, and that the residents be informed of the Town's intentions. Manager Schenck advised that he would research to determine if he could obtain a better price.

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5) The 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 have been delivered to the Town and will be installed within the next 2 weeks. We have submitted a variance application to FDOT for the southern sign on A1A. It should take a week and a half to complete.

8) Capri Apts. – Their laundry room has an illegal discharge into a catch basin and then into our drainage system. The survey should be done by the first week of January, and the plans to eliminate the discharge should be submitted by the end of the month. The discharge will be replaced by a drainfield. They have until mid-March to get the Health Dept. permit.

Comm. Brown asked if a 60 day notice for compliance had been sent to the Capri Apartments. He advised that the Code states that a hearing should be scheduled immediately and a remedy be discussed. Atty. Spillias stated that the Code allows you to do that but does not mandate that we have immediate action. It is the discretion of Code Enforcement and the Town Manager to issue a violation or not. Comm Brown commented that there are several code violations that exist that have not been cited and he would provide a list to the Town Manager.

5. Town Attorney

Atty Spillias introduced Darren Leiser from his office and commented that he has been instrumental with the research regarding the Special Assessment Tax District, among other Town related items.

Atty Spillias commented that the attorney for the Cory Heath Suit was granted a postponement of the hearing until Jan. 12, 2011 because he was trying to get concurrence of the other affected owners to join the suit. He would keep the Commission informed.

6. Police Chief

Chief Yannuzzi presented his monthly report and stated there had been over 285 calls, and 23 calls to Briny Breezes. Concerning the yearend bonus question raised at the December meeting, he advised that if the Officers were routinely given a yearend bonus it would have been an unfair practice to deny any of them. He also stated that as requested he was provided an average time of 8.14 minutes for response by the Boynton Beach Fire Dept. but he has not yet spoken with Chief Bingham.

Comm Brown stated that the yearend bonuses are supposed to be based on performance and then questioned if the approval of funds was properly noticed because it was actually a request for funding that was added to the December agenda. Atty Spillias advised that it was an acceptable item that could be added to the Regular Town Commission meeting but not a Special Meeting.

7. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

8. Authorize Change Order #8 (\$74,077) with Anzac Contractors, Inc. Related to the Actual Bridge Construction to be funded from the Capital Projects Fund By: Kenneth Schenck, Town Manager (Postponed from Dec. 6, 2010)

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Town Manager Schenck reiterated the request for the approval of Change Order #8 by stating that the roadwork was expanded to provide more safety because of the narrow roadway and closing of one lane and the approaches had to be wider to make traffic flow as smooth as possible (majority of cost) and also because the dual water line underground had to be realigned to fit under the new roadway and align with the canal crossing (this was not discovered until the water lines were exposed). He did acknowledge that some of this work should have been anticipated by the designers; however, he was still recommending approval of the Change Order.

Comm Pugh questioned if any of these costs could be deferred to the designer to which Manager Schenck advised that he felt the fault primarily laid with the subcontractors for Bridge Design Assoc. Mayor Kaleel suggested having the Town Attorney review the contract and retainage with the Town Manager to see if he believed the Town can approach the designer with a request to absorb some of the cost.

Comm Brown moved to approve Change Order #8 in the amount of \$74,077 to be funded from the Capital Projects Fund. Comm Pugh seconded the motion.

Motion carried – Yea (4).

9. Request by Sloop Ventures, Inc. Regarding a Conservation Easement on Property Located Immediately South of Corrine St. Mangrove Restoration Area By: Kenneth Spillias, Town Attorney

Staff provided the Commission with a copy of a signed 2000 Agreement between Sloop Ventures, Inc. and the Town, and also an approved Resolution, to abandon and vacate the Town's interest in an unimproved 20' wide, platted right-of-way located on property within the Town of Ocean Ridge situated Westerly of Tracts 41 and 42 and Easterly of Tracts D and E of Amended Plat of Part of Boynton's Subdivision, recorded in Plat Book 12, Page 45. Staff also provided the Commission with an e-mail from Attorney Spillias explaining that the signed agreement and resolution called for a conservation easement to be granted to the Town, which was inadvertently never done. The property owner is now selling the property to Palm Beach County and the lack of this recorded easement is creating title problems. The attorney representing the owners is requesting the approval of the Deed of Conservation Easement that was never done.

Comm Brown moved to approve the acceptance of a Deed of Conservation Easement as presented, seconded by Comm Allison.

Motion carried – Yea (4)

RESOLUTIONS (Possibly Requiring Discussion)

10. Resolution No. 2011-01; Approving and Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the PBCty Supervisor of elections and the Town of Ocean Ridge

Atty Spillias disclosed for the record that he had assisted the Supervisor of Elections in making some of the changes to this agreement. He added that the primary change provided that the SOE and one PBC Commissioner would sit as the canvassing board to avoid the canvassing of individual audits by municipalities.

Town Clerk Hancsak also mentioned that the cost has not changed.

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Comm Pugh moved to adopt Resolution No. 2011-01; Authorizing the Execution of the Agreement between the PBC SOE and Town for Vote Processing Equipment Use and Election Services, seconded by Comm Allison.

Motion carried – Yea (4).

11. Resolution No. 2011-02; Designating the Supervisor of Elections as a Member of the Canvassing Board to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 9, 2010 and to Canvass Returns of Such Election Including the Absentee Ballots Following the Election; Assigning the Supervisor of Elections to Handle the Absentee Ballots; and Providing for Effective Date

Comm Allison moved to adopt Resolution No. 2011-02 including the provision for the SOE and One County Commissioner to sit as the canvassing board, seconded by Comm Brown.

Motion carried – Yea (4).

12. Resolution No. 2011-03; Pertaining to Non-Ad Valorem Assessments for Lot Clean-Up and Demolition or Repair of Unsafe Structures (Only to be reviewed/discussed at this meeting – Action to Adopt will be on the Feb. 7, 2011 Commission Meeting Under Public Hearings)

Atty Spillias commented that this resolution was not actually on the agenda for adoption at this meeting; however he did want to summarize it for the Commission. He stated that the resolution declares the Town's intent to impose two non-ad valorem assessments which, if imposed, will continue from year to year for Lot Clean-Up and Demolition of Unsafe Structures through the adoption of two ordinances (#592 and #593 further on the agenda). The resolution will also declare that the Town gave proper notice through a weekly advertisement providing Notice of its Intent to Utilize the Uniform Method of Imposing and Collecting Non-Ad Valorem Assessments Pursuant to Section 197.3632, Florida Statutes.

Atty Spillias advised that subsequent to the adoption of the ordinances and resolution at the Feb. 7, 2011 Public Hearing he will work on an Interlocal Agreement with the County.

As a point of information Town Clerk Hancsak advised the Commission that the Town had received the lien monies for both 28 Tropical Drive and 16 Adams Road. Atty Spillias also mentioned that the new owner of 6780 N Ocean Blvd. notified him of the purchase and he wanted to discuss his desire to pay at least the administrative costs for the prior liens. He would report back to the Commission.

FIRST READING OF ORDINANCES

13. Ordinance No. 592; Pertaining to Public Health and Safety; Amending Article VII of Chapter 67 of the Code of Ordinances Pertaining to the Demolition or Repair of Unsafe Structures by Adding a New Division 2 to Authorize the Town To Utilize the Uniform Non-Ad Valorem Assessment Method to Impose, Levy, and Collect Non-Ad Valorem Assessments if Costs Are Incurred by the Town and not Reimbursed by the Property Owner; Providing the Purpose and Intent of the Revision to Article VII of Chapter 67; Requiring Notices of Assessment; Establishing the Town as a Special Assessment District; Authorizing an Agreement with the Palm Beach County Property Appraiser and Tax Collector; Providing for Annual Non-ad Valorem Assessment Rolls; Providing Transition Provisions and Ratifying Assessments to Recover Costs Incurred by the Town Prior to the Ordinance's Enactment; Providing for Severability; Providing for Inclusion in the Code; Providing for An Effective Date

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Mayor Kaleel read the title and explained that this ordinance would provide the mechanism for the Town to demolish unsafe structures after proper documentation and notification to property owners and then to special tax assess the property.

Atty Spillias commented that there was a minor amendment to delete the portion of ordinance regarding the transition etc. but it would not affect first reading.

Comm Allison moved to approve Ordinance No. 592 on first reading, seconded by Comm Brown.

There was no public comment.

Motion carried – Yea (4).

14. Ordinance No. 593; Pertaining to Public Health and Safety; Amending Chapter 34 of the Town's Code of ordinances Adding a New Article V Declaring Certain Conditions on Lots, Parcels, and Tracts Within the Town Boundaries to be a Nuisance; Prohibiting the Accumulation of Trash, Junk, or Debris, Living and Nonliving Plant Material, and Stagnant Water; Prohibiting the Excessive Growth of Grass, Weeds, Brush, and Other Overgrowth; Prohibiting the Keeping of Fill on property that Results in Conditions that Constitute the Imminent Threat to Public Health; Authorizing the Town to Undertake Immediate Abatement and Remedy of Imminent Public-Health Threats; Providing for Enforcement of Violations of This New Article V; Requiring Notices to Owners and, if Applicable, Agents, Custodians, Lessees, and Occupants of Property in Violation of This New Article V; Providing for Appeals of Violation Notices; Authorizing the Imposition and Levy of Special Assessments if Costs are Incurred by the Town and not Reimburses by the Property Owner or, if Applicable, the Property Agent, Custodian, Lessee, or Occupant; Requiring Notices of Assessment; Providing for Assessments for the cost of Lot Clean-up; Establishing the Town as a Special Assessment District; Authorizing the Levy of Non-Ad Valorem Assessments in Connection with Violations of the Provisions of Article V; Providing for the Collection of Non-Ad Valorem Assessments; Authorizing an Agreement with the Palm Beach County Property Appraiser and Tax Collector; Authorizing and Requiring the Adoption of a Resolution Regarding the Town's Use of the Uniform Method of Collecting Non-Ad Valorem Assessments; Providing for Annual Non-Ad Valorem Assessment Rolls; Providing for Severability; Providing an Effective Date

Mayor Kaleel read the ordinance title.

Comm Brown moved to approve Ordinance No. 593 on first reading, seconded by Comm Allison.

There was no public comment.

Motion carried – Yea (4).

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

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

Mayor Kaleel read the ordinance title.

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Comm Brown moved to adopt Ordinance 591 on second reading. Comm Pugh seconded the motion.

Mayor Kaleel explained that the signs have been at the three bridges for a long period of time and this ordinance now provides a mechanism for enforcement.

Motion carried – Yea (4).

Meeting adjourned at 6:55pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brown

Commissioner Pugh