

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 7, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 7, 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
Commissioner Bingham Commissioner Pugh
Mayor Kaleel

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Jan. 3, 2011

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Feb. 21st for the official holiday
3. 2011 Municipal election/Elección Municipal 2011
 - a. Proclamation for election Held on March 8, 2011/Proclamación para elección sostenida el 8 de marzo de 2011
 - b. Two Commission Seats Open for a Three Year Term/Comisión dos puesto para tres años cada
 - c. Candidate Filing Dates run January 28, 2011 through 3:00 PM on February 11, 2011/Las fechas de la clasificación del candidato corren el 28 de enero de 2011 por 3:00 PM el 11 de febrero de 2011

Comm. Brown requested to add 3 Items – at the end of the meeting 1) Discuss the Possible Changes to Florida State Retirement; 2) The Banning of Shark Fishing; 3) Cross Walking Signage. Atty. Spillias requested to add to his report a Proposal from 6780 N. Ocean Blvd regarding Code Violations and Claim of Liens. Clerk Hancsak requested to change the minutes of the January meeting: Page 4, #11 to “Comm. Allison motioned to adopt Resolution No. 2011-02; including the provision for the Supervisor of Elections and one County Commissioner to sit as the Canvassing Board. Seconded by Comm. Brown.”

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

Motion Carried – yea (5).

PUBLIC COMMENT

Kristen Puhalainen, representative of the Palm Beach County League of Cities, was present. She invited the public to check out their website for weekly updates. This week their meeting would be held at the Marina Complex River Area and the President of the Florida League of Cities would be present.

John Wootton, 5907 N. Ocean Blvd, announced that Ocean Ridge would be hosting three upcoming events. On Wednesday, February 9th, 2011 from 6-8pm there would be an Art Exhibit with 7 local artists. Wine/water would be served. He invited the public to attend and meet their neighbors. Thirty percent of the art proceeds would be given to the town to help with any future exhibits. On February 24th, at 7pm the Women’s League of Voters would be hosting a candidate forum, for all qualified candidates. Mr. Wootton requested permission for Ocean Ridge to host the first lecture series in March. He had requested Digby Bridges, Architect, to speak on the architecture style of Ocean Ridge Town Hall, and it will be held on March 9th, at 6pm. There was a consensus from the Commission for Mr. Wootton to proceed with planning the lecture.

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Stella Kolb, 204 Beachway Drive, thanked Chief Yannuzzi for the Annual Report. There was an incident in her neighborhood, and she appreciated the police stopping by and giving her the results of their investigation.

Comm. Allison announced that the Ocean Ridge Garden Club would be hosting a Rummage Sale on Saturday, March 12th at Townhall. Residents were welcome to drop off any household goods, clothing, or assorted items on Friday prior to the sale. Any proceeds for the sale would be going toward scholarships, and various other Ocean Ridge Garden Club Projects.

Clerk Hancsak announced that she still needs 1 more election worker for the March election.

Mayor Kaleel was proud to announce that Ocean Ridge had an employee that had just had a 30 year anniversary, Karen Hancsak. He thanked Clerk Karen Hancsak for her hard work and dedication to Ocean Ridge and presented her with a Gold Clock/Plaque. Applause from the audience.

PUBLIC HEARINGS

4. An application submitted by the Ralph Choeff Architect , 8425 Biscayne Blvd., Miami FL 33138, representing the owner, Lorelle Enterprises, Inc., 6161 N Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new single family home and garage with a maximum finished floor elevation of 21.69' NGVD (replacing a demolished structure), pool, ,cabana, and patio area which would extend a maximum of 177'2" and 188'0" east of the Coastal Construction Control Line located at 6161 No. Ocean Blvd. or legally described as Lot 3, 4, & 5, Block 3, and Lots 3,4, & 5, Block 10 of the Amended Plat of Boyntons Sub (exact description available for review in the Clerk's Office)

Clerk Hancsak explained that all fees had been paid and no additional correspondence had been received. Atty. Spillias explained that this was a quasi-judicial hearing and asked if the Commission had any exparte-communications with the applicant. There was none. He then swore in those who wished to give testimony. Clerk Hancsak explained that this was not a Variance Request, but a request for the Land Development Plan, and would be contingent upon approval of all other agencies.

Mr. Choeff, Architect and representative for 6161 N. Ocean Blvd was present and explained that his associate was more familiar with the project to answer questions, but was stuck in traffic and not available yet. He would attempt to answer any questions that the Commission did have however.

Comm. Brown motioned to approve the application for 6161 N. Ocean Blvd requesting a Land Development Permit. There was no second, the motion died.

Comm. Allison motioned to move Item #4 to Item #15 to allow time for the other associate to appear. Seconded by Comm. Bingham.

Motion Carried – yea (5)

At that time Raphael Levy, his associate of R.C. Designs arrived.

Comm. Bingham moved to bring Item #15 back as Item #4. Seconded by Comm. Allison.
Motion Carried – yea (5).

Atty. Spillias swore him in to testify.

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Raphael Levy, associate of R.C. Designs reported that they design a more modern style to take advantage of the beach views and water features. He presented proposed colored elevations of the new residence. Comm. Bingham stated her concern for the size of the proposed boardwalk and platforms that lead to the Ocean, and any potential damage to the dunes.

Ralph Choeff stated that there was an existing boardwalk, which was deteriorated and needed to be replaced. They did not plan to touch any of the existing vegetation.

Comm. Brown motioned to approve the application submitted by the Ralph Choeff Architect, 8425 Biscayne Blvd., Miami FL 33138, representing the owner, Lorelle Enterprises, Inc., 6161 N Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code. Seconded by Comm. Pugh.

Motion Carried – yea (5).

RESOLUTIONS (PUBLIC HEARING)

5. 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 explained that the Commission must approve this Resolution along with Ordinances No. 592 & 593 for the creation of a Special Assessment District. Its purpose is for lot clearance and other public health issues and demolition of unsafe structures that would need to be addressed because of the lack of maintenance. Once passed, we will adopt an Interlocal Agreement with both the Property Appraiser and Tax Collector.

Comm. Pugh motioned to approve Resolution No. 2011-03; Pertaining to Non-Ad Valorem Assessments for Lot Clean-Up and Demolition or Repair of Unsafe Structures. Seconded by Comm. Allison.

Mike McKinney, 24 Island Drive South, questioned who would make the determination of public health hazards and improper maintenance. He knew of 2 properties in town that have these issues. Atty. Spillias stated that Code Enforcement and the Town Manager make the initial determination as to the level of public health danger. Currently the order is: Code Enforcement, Magistrate, Fines and then finally Liens. Once foreclosure proceedings start however liens are very hard to enforce. The 5th District Court of Appeals upheld a summary judgment regarding liens against the Town of Palm Bay, and said that the Town Ordinance could not trump the State Statute of Foreclosures. The League of Cities is seeking support from other towns to intervene and appeal this decision. There are other towns that are succeeding with using the Special Assessment Districts. West Palm Beach, Fort Meade and Windemere are also in the process of setting up Special Assessment Districts.

Nancy Hogan, 27 Hibiscus Way feels that Ocean Ridge has been behind in enforcing the Code Enforcement issues. She is in support of using the Special Assessment Districts.

Motion Carried – yea (5)

SECOND READING AND ADOPTION OF ORDINANCES (PUBLIC HEARING)

6. 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

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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

Atty. Spillias summarized that this would enforce the above Resolution and would be effective on March 1, 2011.

Comm. Bingham motioned to approve the Second Reading and Adoption of Ordinance No. 592. Seconded by Comm. Allison.

Motion Carried – yea (5)

7. 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

Atty. Spillias requested this item to be tabled and that a Special Meeting be held on February 23rd, 2011 at 8:30am. There was an error in title of the advertisement, and this would allow it time to be re-advertised.

Comm. Allison motioned to table the Second Reading of Ordinance No. 593 until the Special Meeting on February 23rd, 2011 at 8:30am. Seconded by Comm. Bingham.

Motion Carried – yea (5).

REGULAR AGENDA

REPORTS

8. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-We received the State Grant for \$119,415. Approval is later in the agenda 2) Island Drive Bridge – Construction and landscape is complete. 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. – He met with the residents on Old Ocean Blvd and is developing a plan to remove the scavolla and replant the area with native vegetation, and still maintain their privacy. 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. A corresponding State Grant is on hold as the

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government has pulled back all grant funding at this time. 6) Entrance Signs – Three of the signs have been installed. We have submitted a variance application to FDOT for the southern sign on A1A. 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 submit the Health Dept. permit. The State is considering Capri Apts. as commercial, and it appears that a larger septic system will be required. 9) Ethics Commission – A committee made up of representatives of the County and the League of Cities is presently developing the ordinances and needed documents to implement the Ethics Commission voted on by the residents in the last election. All of the municipalities passed the referendum. The Inspector General's office was supposed to be funded by a ¼% of the municipal and county contracts. The contracts that would be subject to this fee were not defined. There are discussions however to change the funding to be based on a community's budget rather than the contract percentage.

Comm. Bingham stated that at the League of Cities Meeting it appeared that the representative for the Ethics Commission was not being straightforward with their responses. Manager Schenck stated that Alan Johnson would be scheduling a mandatory meeting for Commissioners and staff.

9. Town Attorney

Atty Spillias reiterated that 6780 North Ocean Boulevard was in negotiations with the bank and realtor to reduce the liens and fines. The new owner of the property was not involved in the negotiations and they in turn closed and the liens were nullified. Mr. O'Connor, the new owner has offered to pay \$1000 to cover the town's administrative costs incurred during the lien process. He recommended that the Commission accept Mr. O'Connor's offer and move forward.

Comm. Bingham motioned to accept a \$1000 payment to cover the town's administrative fees related to the liens and to release the liens of 6780 N. Ocean Blvd. Seconded by Comm. Pugh.

Finbar O'Connor, new owner of 6780 N. Ocean Blvd, was present and advised that he had cleaned up the front of the building. The back however was still in a state of disrepair as he was in the process of determining if the pool needed to be replaced or if it only required repairs.

Mayor Kaleel stated that the neighbors would like it to be resolved as soon as possible as it had been a blight for a long time. Chief Yannuzzi stated that Sgt. Eubanks would be available Tuesday at 2pm to meet with the homeowner and review Code Enforcement issues that needed to be resolved.

Dr. Weege, Sabal Island Drive, stated that he was thankful that something was being done about the property as it was an eyesore to the community.

Mayor Kaleel stated that a previous agreement had been made between the bank's attorney for lien satisfaction of this property, and asked the Town Attorney to follow-up on that matter.

Motion Carried – yea (5).

Atty. Spillias reported that concerning the Cory Heith et. Town of Ocean Ridge there was supposed to be a hearing in January. Since then however, Mr. Hawk had received a letter canceling the hearing and by February 11th there would either be new plaintiffs added to the petition or it would be dismissed. He would give the Commissioners a report next month.

10. Police Chief

a. December Monthly Report

Chief Yannuzzi presented his monthly report and stated there had been over 358 calls, and 54 calls to Briny Breezes. He also stated that as requested he was provided an average time of 7.37

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minutes for response by the Boynton Beach Fire Dept. Comm Bingham asked if their medical response always had a firetruck? Chief Yannuzzi responded that they do.

b. Annual Police Report 2010

Chief Yannuzzi summarized his Annual Report showing a decrease in Overtime. He also reminded the residents to sign up for the E-Mail List at Townhall. It is a quick way to keep the residents informed of emergencies or road closures, etc...

Comm. Brown asked for a consensus for the Town Manager to do a review of Chief Yannuzzi for an increase to the Chief's salary, and then discuss it for April. Mayor Kaleel responded that while he had no problem with the exercise, it was not budgeted and this should have been discussed at that time of the budget process.

11. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

12. Approval of Resolution No. 2011-04; Authorizing the Mayor to Execute the DEP Agreement No. G0313 Pursuant to Environmental Protection Agency Grant Award(s) an Amount Not to Exceed \$119,415 for the Coconut Lane Outfall Improvements

Manager Schenck reported that this was the last major drainage repair and it would be ready to go out to bid in March if approved.

Comm. Bingham motioned to approve Resolution No. 2011-04; Authorizing the Mayor to Execute the DEP Agreement No. G0313 Pursuant to Environmental Protection Agency Grant Award(s) an Amount Not to Exceed \$119,415 for the Coconut Lane Outfall Improvements. Seconded by Comm. Allison.

Motion Carried – yea (5)

13. Authorize Purchase of New Police Vehicle and Extended Warranty (2x) at an Amount Not to Exceed \$28,763 from the Contingency Account

Comm. Bingham motioned to authorize the purchase of a new police vehicle and extended warranty (2x) at an amount not to exceed \$28,763 from the Contingency Account. Seconded by Comm. Allison.

Motion Carried – yea (5).

RESOLUTIONS

14. Resolution No. 2011-05; Designating the Supervisor of Elections and One (1) Palm Beach County Commissioner as the Canvassing Board or, in the Alternative, Designating the Supervisor of Elections and the Town Clerk as 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 8, 2011 and to Canvass Returns of Such Election Including the Absentee Ballots Following the Election; Assigning Supervisor of Elections to Handle the Absentee Ballots

Atty. Spillias explained that this Resolution would repeal the prior Resolution and would allow the Supervisor of Elections and one Palm Bch. County Commissioner or the Supervisor of Elections and the Town Clerk to serve as the Canvassing Board. Some municipalities are questioning the legalities of establishing a Central Canvassing Board through an interlocal agreement and now there may not be enough cities interested. This Resolution would provide for either alternative. A decision will be made this week.

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Comm. Bingham motioned to approve Resolution No. 2011-05; Designating the Supervisor of Elections and One (1) Palm Beach County Commissioner as the Canvassing Board or, in the Alternative, Designating the Supervisor of Elections and the Town Clerk as 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 8, 2011 and to Canvass Returns of Such Election Including the Absentee Ballots Following the Election; Assigning Supervisor of Elections to Handle the Absentee Ballots. Seconded by Comm. Pugh.

Motion Carried – yea (5).

15. Commission Comments

Comm. Brown stated that he had spoken with Manager Schenck in regard to the condition of the property at the corner of Old Ocean Blvd and Tropical Drive. The owners were trying to sell. He noted that the Town of Palm Beach had 2 properties where they were able to close on the liens and sold the property at auction, and felt Ocean Ridge should be do the same thing.

Comm. Brown was concerned with the safety at the crosswalks, especially the crosswalk at Inlet Park. He asked if FDOT could find a safer placement for it or better lighting. He thanked Comm. Pugh for his suggestion for the crosswalks last year.

Comm. Brown noted that the City of Boca Raton had an ordinance that outlaws fishing on the city beaches. It also prohibits chumming, and baiting of sharks. He has seen people in Ocean Ridge go to the beach to fish for sharks and is concerned with the safety of other swimmers. Comm. Bingham noted that at one time the Town did not allow for chumming but was unsure if it was an ordinance. All concurred that the Town Attorney should review Boca’s Ordinance and draft one for Ocean Ridge.

Comm. Brown stated that in June there may be changes to the Florida State Retirement Fund. They are considering asking that the employees fund 5% of the contributions. If an employee makes \$40,000 this would be approximately \$200/month. He was proposing that the Commission consider supplementing this since they currently fund it entirely and to not penalize the employees from having their salaries reduced.

Mayor Kaleel commented that with the pedestrian crosswalks we may be creating a problem from those that are not aware of the stopped traffic. Comm. Brown mentioned flag holders by the crosswalks for the pedestrians to carry across. Comm. Bingham asked the pedestrians to stay alert also.

Meeting adjourned at 7:35pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh