

REGULAR TOWN COMMISSION MEETING HELD APRIL 4, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 4, 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 Hennigan
Commissioner Brookes Commissioner Pugh
Mayor Kaleel

Pledge of Allegiance

CERTIFICATION OF ELECTION RESULTS

Clerk Hancsak read the official election results for the March 8, 2011 Municipal Election. Registered voters total 1495, Town Hall ballots totaled 411, absentee ballots totaled 37 and there were 108 Under Votes. Total Ballots cast were 448. The results were Zoanne Hennigan – 313, Edward Brookes – 277 and Betty Bingham – 198.

Comm. Allison motioned to certify the March 8, 2011 Municipal Election Results. Seconded by Comm. Pugh.

Motion Carried – yea (5).

Clerk Hancsak performed the oaths & swearing in ceremony for Edward Brookes & Zoanne Hennigan. Applause and congratulations from the audience and the Commission.

At this time outgoing Commission Betty Bingham was presented a plaque of appreciation for her 12 years serving on the Commission and also received applause from the audience.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Allison requested to make a comment as Item #18.

CONSENT AGENDA

1. a. Minutes of Regular Town Commission Meeting of March 7, 2011

Comm Hennigan and Atty Spillias pointed out two minor typographical errors.

ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring April as “Water Conservation Month”
3. Proclamation Declaring April as “Water Reuse Week in Florida”
4. Proclamation Declaring Week of April 11th as “National Public Safety Telecommunicators Week”

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

Motion Carried – yea (5).

PUBLIC COMMENT

James Many, 19 Harbour Drive North, mentioned that there was a Federal Assistance Program involving dredging of waterways and stated that a few communities have received assistance and the Town may also be eligible. Mayor Kaleel commented that in the past any dredging was done privately, however, the Town Manager would investigate it.

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Julia Walker, 108 Dolphin Drive, stated that the native garden has been planted at Town Hall by the Garden Club and she wanted to express special recognition to John Wootton and Rita Ginsky.

REPORTS

5. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-The project has been advertised and bids are due April 19, 2011 and there have currently been 11 requests. 2) Old Ocean Blvd Dune - The Garden Club Dune Committee has planned their final planting in mid April. Once complete they propose to add a new bench. 3) Old Ocean Blvd. – He met with the residents on Old Ocean Blvd. and is developing a plan to remove the scavoela and replant the area with native vegetation, and still maintain their privacy. 4) 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. As we have not received the State Grant, the County will allow us to use the County Grant for the engineering evaluation. The engineers are preparing the contract for the energy survey. 5) Entrance Signs – Three of the signs have been installed. A variance application to FDOT for the southern sign on A1A and we received comments back that we will work with them on. 6) Capri Apts. – The plans to remove the present laundry discharge have been submitted to the Health Dept and are under review for permits. He mentioned that one of the issues was that the Capri is actually over two parcels and there may be easement issue. 7) 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. Preliminary costs for the Town appear to be about \$3,750. Mandatory training will be given to all Commission, Board members and staff at an unknown date. 8) Staff has received preliminary plans for a renovation project at Boynton Beach Oceanfront Park to include gutting the men's restroom to make a pavilion and modifying the women's restroom to accommodate both sexes within the same footprint. Staff's interpretation is that a site modification approval is not necessary and is requesting the Commission to ratify this decision.

Comm Pugh moved to ratify the staff's interpretation regarding the renovations at the Boynton Beach Oceanfront Park. Comm Allison seconded the motion.

Motion carried – Yea (5).

Additional comments from the Town Manager included: a Special Atty/Client Meeting will be scheduled in May regarding the PBA discussions as staff is still working on figures and waiting for the preliminary ad valorem estimates; Pedestrian Sign replacement/repair has already cost \$941 because they are being hit constantly; the two cottages at 5006 Old Ocean Blvd. have been demolished; the evaluation of the Chief that was requested at the February meeting is still under review as staff is waiting for the results of several surveys; and Jamie Titcomb, Executive Director for the PBC League of Cities, was retiring and they were requesting donations of \$250 - \$500 towards a Retirement Function.

Comm Hennigan moved to approve \$500 from the Commission Travel and Per Diem account for the League of Cities function. Comm Allison seconded the motion.

Motion carried – Yea (5).

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Town Manager Schenck also mentioned Mr. Joy has brought to his attention that a dock is partially located on the Town's western Thompson St. ROW and 62 Harbour Dr No. An issue has been raised with their insurance company and the liability involved. Manager Schenck advised there were 3 options including the Town taking over the dock and accepting the related liability and maintenance or demolishing it at an estimated cost of \$13,000(+/-) or deeding the dock to the homeowner who has agreed to accept the property assuming all liability and maintenance.

Mayor Kaleel suggested a Bill of Sale or a License Agreement where the Town still owns it.

Atty Spillias suggested obtaining a survey first and he would review the options. The Commission concurred.

6. Town Attorney

There was no report.

7. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. He mentioned that Chief Bingham was leaving soon and Deputy Chief Carter would serve as interim until a permanent replacement was made. He stated that the Town purchased a new AED for the Town Hall Building through a \$1,000 grant and a \$500 donation from the Support Group.

8. Town Engineer

Engineer Tropepe was absent with notice.

RESOLUTIONS

9. Resolution No. 2011-12; Electing a Mayor

Comm. Pugh nominated Ken Kaleel commenting that he felt he has volunteered the most time and put in the most heart of all the past Mayors and he didn't feel there was a better choice to run the meetings as efficiently. There were no other nominations.

Comm Allison moved to adopt Resolution No. 2011-12 electing Kenneth Kaleel as Mayor, seconded by Comm Brookes.

Motion carried – Yea (5).

10. Resolution No. 2011-13; Electing a Vice Mayor

Comm Allison nominated Geoff Pugh. There were no other nominations.

Comm Allison moved to adopt Resolution N. 2011-13 electing Geoffrey Pugh as Vice Mayor, seconded by Comm Brookes.

Motion carried – Yea (5).

11. Resolution No. 2011-14; Designating Depositories, authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Checks

Comm Pugh moved to adopt Resolution No. 2011-14, seconded by Comm Allison.

Motion carried – Yea (5).

ACTION ITEMS

12. Appointment to the Intergovernmental Coordination Issues Forum By: Kenneth Schenck, Town Manager

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Town Manager commented that Comm Bingham served on this forum that discusses multi-jurisdiction subjects such as transportation and developments of regional impact. Comm Hennigan volunteered to serve.

Comm Pugh moved to appoint Comm Hennigan to serve on the Intergovernmental Coordination Issues Forum, seconded by Comm Allison.

Motion carried – Yea (5).

13. Authorize the Main Voting Delegate and Any One of the Commissioners or Town Manager as Alternate(s) for the Palm Beach County League of Cities By: Karen Hancsak, Town Clerk

Town Clerk Hancsak stated that Mayor Kaleel has been the main delegate in the past with the other Commissioners and the Town Manager as alternates.

Comm Allison moved to appoint Ken Kaleel as the main delegate and the other four Commissioners and Town Manager as alternates. Comm Pugh seconded the motion.

Motion carried – Yea (5).

14. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission By: Karen Hancsak, Town Clerk

Town Clerk Hancsak stated that there were 3 Regular Member Appointments (Gail Aaskov, Bruce Gimmy, Mark Hanna) and 2 Alternate Member Appointments (John Wootton, Jeffrey Lee) for the Board of Adjustment and 3 Regular Member Appointments (James Bonfiglio, Mark Marsh, Gerald Goray) and 2 Alternate Member Appointments (Penny Kosinski, Dr. Richard Bajakian) for the Planning & Zoning Commission open. She commented that all of the existing members are willing to serve again and the alternates are willing to serve in either capacity. She also stated in the past few years the Commission has deferred the item for one month to see if other residents wanted to volunteer, however; she did request that the existing members serve until at least the May meeting.

Mark Hanna, speaking from the audience, stated that he now was not planning to serve again.

Comm Pugh moved to defer the appointments for one month and to continue the existing members through April. Comm Allison seconded the motion.

Motion carried – Yea (5).

15. Resolution No. 2011-11; Adopting and Authorizing Execution of the Interlocal Agreement for a Dialogic Geographic-Based Alert and Notification system Between the Town and Palm Beach County

Chief Yannuzzi advised that this was actually renewal agreement for the maintenance of what is commonly known as the Reverse 911 System.

Comm Pugh moved to adopt Resolution No. 2011-11, seconded by Comm Brookes.

Motion carried – Yea (5).

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FIRST READING OF ORDINANCES

16. Ordinance No. 594; Prohibiting Chumming, Fishing for Sharks, and Using Shark Fishing Equipment from the Town's Beaches (Deferred to April 4, 2011)

Atty Spillias stated that this item was deferred so he could speak with Delray Beach regarding their ordinance. He spoke with their Asst. City Attorney who advised that their ordinance only applies to Delray Beach's public beach at Atlantic and Linton. He added that they view their legal boundaries as extending into the water and it has not been challenged as of yet.

Chief Yannuzzi stated that according to our Charter and the engineer's survey our boundary does not extend into the water.

Comm Hennigan questioned if an ordinance could be enforced once an individual actually crosses into our jurisdiction to which she was advised that the fishing still actually occur in the water.

Mayor Kaleel suggested trying to convince the County to adopt an ordinance because their overall boundary may include the water. Atty Spillias stated that if Comm Abrams was interested he could suggest that their attorney research it. Mayor Kaleel stated that he would contact Comm Abrams.

Comm Pugh moved to table Ordinance No. 594 indefinitely, seconded by Comm Hennigan.

Motion carried – Yea (5).

TOWN COMMISSION COMMENTS

(Information Items Only – 3 minute limit per item)

17. Discuss the Possibility of Adding Another Public Comment to the End of Meeting By:
Comm Hennigan

Comm Hennigan suggested having public comment at both the beginning and end of the meeting to allow audience members an opportunity for additional comments but added that the time should be limited to 3 minutes. She said that when she was an audience member there were times that she would have liked to provide additional comments on agenda items once the discussion had already taken place or that even public comment was not offered on every item.

Mayor Kaleel commented that the public portion used to be at the end but it was stopped because the meetings at times actually became problematic and more antagonistic than productive. He added that the meetings are run similarly to a Board Meeting and that some items do not need or require public comment and the residents trusted in them to make such decisions.

Comm Allison stated that the beginning public comments allow residents to discuss topics specific to their needs and if necessary the Commission could discuss/vote on the item at a future meeting.

Mark Hanna, 5 Sailfish Lane, stated that supported public comment at the end of the meeting for the reason Comm Hennigan cited. He then brought up the previously discussed item of dogs on the beach and Ordinance 594 citing that the Town should possibly make the instruments they use illegal. He also suggested adopting an ordinance now and then approaching the County.

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Comm Brookes commented that with all due respect Mr. Hanna just made the point on why not to add it on the end of the agenda because it draws the Commission to re-discuss the items already discussed and possibly made a decision on. He then added that an individual can request to be placed on the agenda for a specific item up to 30 days prior to the meeting. He stated that he agreed with Mayor Kaleel.

Mr. Belamonte, 5600 N Ocean Blvd., and John Wootton, 5907 N Ocean Blvd. concurred with Mayor Kaleel and Commissioner Brookes.

Mayor Kaleel offered to monitor the requests for public comment in the future.

#18. Comments by Commissioner Allison

Comm Allison wanted to extend appreciation from the Garden Club for the staff's assistance and the donors that provided items for the Annual Rummage Sale. She also stated that she, along with Comm Hennigan, attended the Earth Day celebration at the Boynton Beach Oceanfront Park.

Comm Allison stated that she had read an article concerning one of our past contractors, Chaz Equipment. Town Manager Schenck commented that several months ago the Town Clerk had received a public records request and provided the State Attorney Office with correspondence relating to our contracts with Chaz. He stated that the Palm Beach Post also requested and was provided with information.

Prior to the adjournment, Mayor Kaleel mentioned that related to the relocation of public comment on the agenda a heading "Town Commission Comments" was added to the end of the agenda. This was done in order to curtail the Commissioners from raising a lot of items the night of the meeting thereby not allowing the staff time to research and properly answer the inquiries. He stated that this provided an unflattering light for both the Commission and staff.

Meeting adjourned at 7:06pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brookes

Commissioner Pugh

Commissioner Hennigan