

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 1, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 1, 2010 at 6:00 PM in the Town Hall Meeting Chambers.

Pledge of Allegiance

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Bingham Commissioner Brown
Commissioner Pugh Commissioner Allison
Mayor Kaleel

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of January 4, 2010
2. Resolution No. 2010-02; 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
3. Resolution No. 2010-03; Declaring Support to Pursue Grant Opportunities for Energy Conservation and Energy Efficiency Projects

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Monday, Feb. 15th for the official holidays
5. 2010 Municipal election/Elección Municipal 2010
 - a. Proclamation for election Held on March 9, 2010/Proclamación para elección sostenida el 10 de marzo de 2010
 - b. One Commission Seat Open for a Three Year Term/Comisión uno puesto para tres años cada
 - c. Candidate Filing Dates run January 29, 2010 through 3:00 PM on February 12, 2010/Las fechas de la clasificación del candidato corren el 29 de enero de 2010 por 3:00 PM el 12 de febrero de 2010

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

Motion Carried - yea (5)

PUBLIC COMMENT

Cheryl Olanoff, thanked the Commission for the drainage repairs done on her street. Her home had stayed safe and dry even during the recent heavy rains.

John Wootton, 5907 North Ocean Blvd, asked Ocean Ridge to preserve the town's land and to not give public land away.

PUBLIC HEARINGS

6. An application submitted by Spanish Creek LLC (Jeff Eder), 5564 N Ocean Blvd., Ocean Ridge FL 33435, requesting a Public Hearing regarding the provisions of the Land Development Code at Chapter 64; Zoning, Article 5; Subdivisions; Sections 64-100 through 64-105 pertaining to replatting requirements. The applicants are requesting to replat the property from the parcel reflecting a 12 unit development back to the 3 original lots in the approximately the same original

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configuration and lot sizes. The property is comprised of 6480 N Ocean Blvd. through 6490 N Ocean Blvd. and an Adjacent Un-Numbered Parcel West of North Ocean Blvd. (Located just north of Ocean Ridge Town Hall, 6450 N Ocean Blvd.) or generally originally described as Lots 69 and 70 McCormick Mile Subdivision, and the property immediately south and west of Lot 70 (exact legal description located at Town Hall).

Clerk Hancsak explained that all fees had been paid and no additional correspondence had been received. Mayor Kaleel recused himself from any decision or discussion as he was the attorney for Mr. Eder, and passed the gavel to Vice Mayor Pugh. Clerk Hancsak stated that she would provide the Voting Conflict Form to have executed. Clerk Hancsak reported that Planning & Zoning had met on January 19th, and reviewed and recommended approval of Mr. Eder's request to replat the property north of Townhall. Atty. Spillias explained that this was a quasi-judicial hearing and asked the Commission if they had any exparte-communications with the applicant. There was none. He then swore in those who wished to give testimony.

Jeff Eder, 5564 N. Ocean Blvd, presented his request to replat the lot from 12 townhomes back to 3 lots. His intent is to build a single family residence for his family on the middle lot, and sell off the other 2 adjoining lots for single family use also and a portion of one of the lots would be a conservation easement. Comm. Bingham asked if he would be keeping the mangroves. Comm. Brown asked if the conservation easement was exclusive, and if there would be any access issues. Mr. Eder responded that he intended to donate all or a portion of the land to clean up the mangroves.

Comm. Brown motioned to approve Mr. Eder's request to replat from 12 unit parcel back to the original 3 parcel plat. Seconded by Comm. Allison.

No Public Comment.

Motion Carried – yea (4).

7. An application submitted by the Affiniti Architects, 6100 Broken Sound Parkway NW #8, Boca Raton FL, representing the owner, Bruce C. Etheridge as Trustee of the 6393 Ocean Blvd. Trust V/AID 7/21/09, 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 to permit the construction of a single family residence, pool and decking that will extend a maximum of 151'6" (+/-) (home will be 112'5") east of the Coastal Construction Control Line located at 6393 North Ocean Blvd. or legally described as the south 125' of north 175' of unnumbered block lying east of Ocean Blvd. in the Boynton Beach Park Subdivision (exact legal description available in Clerk's Office

Clerk Hancsak explained that all fees had been paid and no additional correspondence had been received. She requested that it should be added that the application should be contingent upon FDEP approval. Atty. Spillias explained that this was a quasi-judicial hearing and asked the Commission if they had any exparte-communications with the applicant. There was none. He then swore in those who wished to give testimony.

Ron Rickert, Affiniti Architects, and representative of 6393 N. Ocean Blvd was available for questions. Comm. Brown asked if the easement on the north side and adjacent to wall would be screened, and who owned the right of way. Clerk Hancsak stated that Ocean Ridge owned the right of way, and the Board of Adjustment had granted a variance for the wall. Mr. Rickert stated that palm trees would be planted within their 15ft setback, but they were still working on the

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landscape drawings, but it would be screened, as the screening would benefit both the Park and the homeowner.

There was no public comment.

Comm. Brown moved to approve the Land Development Permit as submitted contingent on FDEP approval. Seconded by Comm. Pugh.

Motion Carried – yea (5).

REGULAR AGENDA

REPORTS

8. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold until the Commission decides whether or not to proceed depending on the availability of funds. A verbal confirmation had been received that we were in line for a grant of \$119,000. 2) Ocean Ave. Landscape – With budget constraints we are working with our landscape company to do some fill in plantings in lieu of the original proposal. The Garden Club has taken on the planting of the lilies and would start the project soon. 3) Island Drive Bridge - Construction on the north side should be finished this month and then they will start on the south side. 4) Old Ocean Blvd - The Garden Club Dune Committee will be removing the exotics by the end of February or March and then planting by April. 5) Zoning Code Recommendations - The Planning and Zoning Board had met on 1/19/10 regarding the “green” codes and will be addressed later in the meeting. 6) Pedestrian Street Signs- The signed agreement has been returned by FDOT, and we have ordered the signs and are preparing for the installation. 7) Police Report – The December report is attached. 8) Harbour Drive Plantings – The residents of Harbour Drive have met and are discussing their desires for the entrance landscaping, and we are waiting for their comments before we proceed. 9) Town Hall Painting Exhibit – the hangers for the paintings have been received and installed. The first showing is scheduled to start February 25th. 10) Energy Grants – The Town Manager and Atty. Deady have met with other municipalities about a joint State grant application. The discussions are still ongoing as to the costs and each municipality’s goals. We are looking at a possible solar water heater loan/grant program for the residents. He had a discussion with Fl Public Utilities about natural gas. The cost for installation of natural gas is \$850,000 and the amount that might be obtained from the Grant is only \$500,000. Manager Schenck recommended a workshop regarding the costs and either a bond could be obtained or the monies taken from reserve, but he was waiting to see if we if we were eligible for the grant first. 11) Telephone Contract. We contracted with the League of Cities last year to review our telephone expenses. We are reviewing their cost saving ideas and also interviewing other companies besides ATT. Our present contract with ATT expires this summer, and we believe we’ll be able to reduce our telephone costs. 12) Town Hall Pond. During the heavy rains, problems occurred with the water feature. Digby Bridges met with the contractor to discuss the solution, and has reduced the price from \$5000 for repairs down to \$3000.

Comm. Allison asked what avenues the town was using to publicize the art exhibition, as this would be an historical event. Clerk Hancsak stated that it would be in both the Coastal Star and the Ocean Ridge Reporter. It was also posted on the website and in the Townhall newsletter.

John Wootton, 5907 N Ocean Blvd, announced that on February 25th, 2010 from 6-8pm, three artists that would be displaying their artwork in Ocean Ridge: Olga Moore and Max Matterson have oil and water color wall hangings, while Steven Greenhut would have bronze sculptures on exhibit. There will be a silent auction of 2 pieces and the proceeds will go toward funding public art for Ocean Ridge. The rest of the paintings are for sale and 35% of the proceeds will be

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donated for public art in Ocean Ridge; the bronze sculptures are not for sale however. He felt this was a great event for Ocean Ridge and thanked Atty. Spillias and Manager Schenck for all their assistance.

Manager Schenck advised that Atty. Deady finalized the February 12 Grant paperwork whereby the Town was requesting 2 Hybrid vehicles, and also \$2000 mini-grants for homeowners to retrofit in an acceptable manner. It was mentioned that discussions had taken place in regards to natural gas and the residents were recently given a questionnaire related to whether or not natural gas is desired in Town and explaining the approximate costs and manner to fund the project

Comm. Brown mentioned that St. Lucie County offers grants where banks loaned funds for retrofits and then the amount would be added on the tax bill to pay back the banks. He also mentioned that Lawrence Davenport may be helpful. Atty. Deady advised their firm wrote a bill to create a financing district and they were currently working on the legislation.

Comm. Pugh did not feel that Ocean Ridge should be responsible for the repairs of the fish pond and that the contractors should meet and decide who the responsible party was. Comm. Bingham agreed, and felt that the price of the pond should have included a cement base.

A consensus was made for BSA Contracting, Digby Bridges & Marsh & Assoc., and Brogen's Landscaping to meet and resolve the problem with the fish pond so it does not recur.

9. Town Attorney

Atty. Spillias stated that per the Commission's request he had researched and found 2 municipalities whose Code made reference to landscape blowers. The Town of Gulfstream addressed the noise issue only, where the Town of Palm Beach had a provision for leaf blowers restricting their work hours, and that they could not blow debris into the streets.

Comm. Bingham was concerned with people not bagging their trash and that the debris was causing drainage problems, and asked for P&Z to review the policy. Clerk Hancsak stated that the contract with Republic Services did restrict the size and that all loose vegetation be bagged. Any violations could be a matter for code enforcement. Comm. Pugh felt that most homes in Ocean Ridge did comply, and did not see a need for more regulations. Manager Schenck stated that he would check into the problem and report back.

Atty. Spillias also reported that he had prepared a draft for the Art Display Contract and Policies and had submitted it to everyone for review. He advised that artists may need to have their exhibits privately insured. Manager Schenck stated that he had checked with the Town's insurance policy and felt that the paintings would be covered up to \$50,000. Atty. Spillias stated that a final contract and policy would be ready for the March meeting and that it would include language as to the extent of our insurance coverage. He encouraged all the Commissioners to submit any suggested changes.

10. Director of Public Safety

Chief Hillery stated that he had submitted his intent to retire with Ocean Ridge at the end of March. Mayor Kaleel stated that he appreciated Chief Hillery for his dedication and thanked him for his 17 year service to the Town. The Commission and audience agreed with applause.

11. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

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12. Request to Obstruct the Right-of-Way on Old Ocean Blvd. at Colonial Ridge, 5505 N Ocean Blvd. with an Electric Gate attached to an Existing Wall that Already Encroaches into the Right-of-Way By: Patricia Colica and Mary Ellen Bernklau, 5505 N Ocean Blvd. (Colonial Ridge Maintenance Corp) (Deferred from Jan. 4, 2010)

Atty. Spillias reported that he had met representatives for the Gate Committee at Colonial Ridge and had requested additional information. There were 2 issues: 1) Determine if formal site plan review process was necessary. He advised he did not feel the changes were significant, other than the one way which could be decided during the permit process. 2) Determine if they had proper authorization to apply for the gates. The Florida Statute requires unanimity unless cooperative documents provide otherwise. He advised using caution in making decisions based on internal co-op decisions. Ocean Ridge did have the right to request proof that is notarized and certified to us according to the co-op's rules and regulations. Ocean Ridge could be brought into their court action if residents sued for improper authorization. If the Commission approved this request, it would need to be contingent upon FDEP & FDOT approval, any permit agency requirements and an engineer certification upon completion

Comm. Brown motioned to approve the license to obstruct right of way for Colonial Ridge Maintenance Corp contingent on statement of proper authorization and satisfaction of all Town and other agency permitting requirements for a one way entrance from Old Ocean Blvd. and exit from A1A. Seconded by Comm. Pugh.

James Bonfiglio, 5616 N Ocean Blvd, stated that Ocean Ridge had a history of encroachments in the town's right of ways. Other residents were asked to remove fences, hedges and even a lawsuit was filed on Hudson Avenue for easements. He felt this would set a bad precedent for others, and was not in favor of the obstruction.

John Wootton, 5907 N. Ocean Blvd, asked for safety of Old Ocean Blvd, and was not in favor of the town giving land away. He feels Old Ocean Blvd is a gift, and would one day like to have it as a linear park. He asked the Commission to do their job and not approve the encroachment of the right of way.

Bernice Behron, 5505 N Ocean Blvd, stated that they were not being granted the choice to have their parking lot closed off or not. Cheryl Olanoff, 566 David Land, was concerned of traffic build up along Old Ocean Blvd, if that was to be used as the only entrance. Bob Sidorik, 5505 N. Ocean Blvd, stated that the wall encroachment had occurred in the 1960's. Ocean Ridge wasn't aware of the encroachment until Colonial Ridge advised them of it. Other neighboring communities had gates, and for their safety they were requesting gates also. Pat Colica asked the Commission for approval so they could move forward and get their FDOT approval and more detailed plans. She also noted that one building did want to use Old Ocean Blvd instead of A1A as their exit.

Comm, Brown stated that this wall was existing, and the gate would be inside the wall. Mayor Kaleel asked if the gate could be relocated to be out of the Town's right of way, and was advised that this would take away condo parking spaces. Comm. Allison noted that the other neighboring gated communities seemed to have no problem with traffic backlogs along Old Ocean. She did not see it as an encroachment.

Scott Horne, 5505 N. Ocean Blvd stated he had notified the Police Dept of a trespassing vehicle, and was told by the officer that it was private property, and not within his authority.

Chief Hillery reported that in three years, 2007-2009 there had been 76 calls that included medical, trespassing, suspicious vehicles and illegal parking. He advised that as Colonial Ridge

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was private property it was within the condominium right to have the vehicle towed away. The police officer did not have the authority to write a ticket on private property.

Ron Early, 5505 N. Ocean Blvd, stated that he supported the concept of gates, but had problems with specific details. He felt that the co-op could work through their difference though. As the encroachment is by license only, Ocean Ridge could ask them to remove it at any time. He was concerned with a one way flow inside their parking however, and suggested allowing his community to proceed with discussions.

Comm. Bingham stated that when the wall was built in the 60's its purpose was for accent only, and Ocean Ridge should not have allowed it. She felt it was an encroachment. She suggested that most of their problems might be resolved if only a gate along A1A was installed. Mayor Kaleel noted his concern of a liability issue regarding the Town property on the other side of the gate including 2 parking spaces, and he asked for more detail. He felt that now that the Town was aware of the encroachment, it needed to be dealt with.

Atty. Spillias stated that if the Commission authorized to allow the gate, they could reserve final approval of the permit. This would allow them to see the whole detailed plan. Manager Schenck reported that the original request was for Old Ocean Blvd to be the only entrance.

Motion Carried – yea (4). Comm. Bingham nae (1).

13. Request for Monetary Donation to Assist the Sand Sifters for the Purchase of T-Shirts with the Town Logo on the Back for the March 2010 “Be Green, Spring Clean” and “Earth Day” Cleanup Events from 8:00 – 10:30 AM (from the Contingency Account)

Gary Solomon, Sand Sifters, stated that they were a volunteer group whose focus was on cleaning the beaches. Over the last few years their service had saved Ocean Ridge \$375,000. They had recently applied for a \$60,000 Grant from DEP, that would fund them for the next 10 years. Last year Ocean Ridge & Boynton Beach had split the costs for T-Shirts and the year before that beach bags. They had also partnered with several other businesses such as Publix, Forgotten Soldiers, Gulfstream & Boynton Beach Schools along with others. His request was for the \$1100 towards the purchase of T-Shirts for advertising (approximately \$3.75/shirt).

Comm. Brown asked how many times a month they clean our beach, and didn't feel that they went all the way to Gulfstream. Mr. Solomon replied that beach cleaning was the first Saturday of every month with 60 to 250 volunteers. The Boynton Beach Park is their home base to distribute bags, gloves, etc, as they allow them the use of parking and pavilions and they then work to the north and south.

Comm. Pugh motioned to authorize the purchase of T-Shirts with the Town Logo on the Back in the amount of \$1100 to be taken from the Contingency Account. Seconded by Comm. Allison.

Comm. Brown stated that though he did appreciate their work, he did not feel this was a government function to spend this money. He felt that next year's tax revenue would be dramatically lower, and any donations should be made privately. Mayor Kaleel noted that this was a budgeted item, but was removed because of constraints. Comm. Pugh noted that the town was receiving a benefit from the service.

Motion Carried – yea (3). Nae Comm. Brown & Comm. Bingham.

14. Recommendation to Hire Lt. Chris Yannuzzi to Replace Edward Hillery as Police Chief

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Manager Schenck stated that Chief Hillery was recommending Lieut. Yannuzzi as the new Police Chief. He acknowledged that he had been doing great work in organizing the Police Department, and he felt that Lieut. Yannuzzi was highly qualified and would do an excellent job.

Comm. Bingham motioned to approve the hiring of Lt. Chris Yannuzzi to replace Edward Hillery as Police Chief as stated in the Town Manager's recommendation. Seconded by Comm. Allison.

Comm. Brown clarified that the Police Chief position is exempt from the Police Bill of Rights. Atty. Spillias confirmed that a Police chief is an administrative position and can be fired.

Motion Carried – yea (5).

Manager Schenck advised that the Ocean Ridge Support Group was holding a retirement party for Chief Hillery at Benvenuto's in April. Tickets were selling for \$60/person. He asked if the Commission would agree to purchase a table for \$600 to be taken from the Contingency Account.

Comm. Brown again commented that he did not feel this was a government function and could not support it.

Comm. Bingham motioned to reserve a table for the retirement party for Chief Hillery for \$600 to be funded from the Contingency Account. Seconded by Comm. Pugh.

Motion Carried – yea (4). Nae – Comm. Brown

15. Discuss Recommendations from the Planning & Zoning Commission Related to Zoning Regulations

Manager Schenck summarized that Planning & Zoning had reviewed several issues including flat roof area, second floor rule, and floor area ratio and a going green incentive. After five meetings their only recommendation was to change the tie beam height requirements for the single story, and that the Town Attorney draft an Ordinance.

Comm. Bingham motioned to approve that the Town Attorney draft an Ordinance to change the tie beam of a single story residence from 16' to 12' and also reduce the maximum height to the ridge of the roof from 28' to 24'. Seconded by Comm. Allison.

James Bonfiglio, 5616 N. Ocean Blvd, and P&Z Chairman, stated that in regards to our Code, it was working fine and that other changes were not necessary. Mauro Walker, 108 Dolphin Rd, and also a P&Z member stated we have larger setbacks than other towns, and that both the Towns of Gulfstream & Manalapan use FAR also.

Motion Carried – yea (5).

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

16. Ordinance #585; Amending Chapter 67, Article III, Section 67-58(c) Providing Penalties for Commencing any Work on a Building or Structure Before Obtaining the Necessary Permit; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date

Comm. Pugh motioned to adopt Ordinance #585 for penalties for commencing any work on a building or structure before obtaining the necessary permit. Seconded by Comm. Allison

No Public Comment.

Motion Carried – yea (5).

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Mayor Kaleel noted that the Commission had received correspondence from Earl Jones in regards to budget preparation and looking at the needs of the town and having the budget reviewed by an outside source. With upcoming tax shortfalls, he felt that drastic steps may have to be taken such as possibly a 4 day work week.

Adjournment at.8:15p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh