

REGULAR TOWN COMMISSION MEETING HELD JANUARY 9, 2012

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 9, 2012, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Allison                      Commissioner Brookes  
Commissioner Hennigan                  Commissioner Pugh  
Mayor Kaleel

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Kaleel requested Page 5 be changed to reflect that he was not opposed to a Civic Association. Comm Hennigan stated that she had a comment under the Town Manager report.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Dec. 5, 2011
2. Ocean Ridge Resolution No. 2012-01; Adopting and Authorizing Execution of the Interlocal Agreement for a Dialogic Geographic-Based Alert and Notification System between the Town of Ocean Ridge and Palm Beach County Providing for an Effective Date

Comm Pugh moved to adopt the agenda as amended, seconded by Comm Allison.

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

3. The Administrative Offices will be closed on Monday, Jan. 16, 2012 for the official holiday
4. 2012 Municipal election/Elección Municipal 2012
  - a. Proclamation for election Held on March 13, 2012/Proclamación para elección sostenida el 13 de marzo de 2012
  - b. Two Commission Seats Open for a Three Year Term/Comisión dos puesto para tres años cada
  - c. Candidate Filing Dates run February 3, 2012 through 3:00 PM on February 17, 2012/Las fechas de la clasificación del candidato corren el 3 de febrero 2012 por 3:00 PM el 17 de febrero de 2012

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

5. An application submitted by Bridges, Marsh & Assoc., 18 Via Mizner, Palm Beach FL 33480, representing the owner, 6019 Old Ocean Blvd. Land Trust Agreement (Tenenbaum), 6019 Old 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 covered 900 sq ft patio/deck which would extend a maximum of 185' (+/-) east of the Coastal Construction Control Line located at 6019 Old Ocean Blvd. or legally described as Lot 9 & 10, Block 4, of the Amended Plat of Boyntons Sub (exact description available for review in the Clerk's Office)

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Mayor Kaleel read the application request. Comm Pugh stated that he had to recues himself from the discussion because the owner is a current customer of his. Clerk Hancsak advised that she would provide him with the Voting Conflict Form. Mayor Kaleel mentioned that he served as the escrow agent for all of those area residents during the underground electric construction but he has no present business with the property owner. Atty Spillias advised he did not have a conflict.

Atty Spillias reminded the Commission that this was a quasi-judicial hearing and asked if anyone had any ex-parte communication with the applicant or representative. Mayor Kaleel commented the Mr. Duffy had called him expressing his concern with the project. There was no other communication. All individuals planning on providing testimony were sworn in.

Town Clerk Hancsak advised that all fees had been paid and the only correspondence received was a letter (and attachments) from Martin Perry, attorney representing the adjacent neighbor, Bill Duffy, requesting a postponement until the February meeting to allow sufficient time to review the application. The attachment cited that due to the holidays Mr. Duffy was not aware of the application request until Jan. 4, 2012.

Mark Marsh, Bridges, Marsh & Associates, Inc., representing 6019 Old Ocean Blvd. Land Trust Agreement (Tenenbaum), commented that this request was for a Land Development Permit only for construction east of the Coastal Construction Control Line (CCCL) and he was not seeking any variance requests. He added that it was merely a procedural request. Mr. Marsh then gave a brief presentation summarizing the application submittal documents and showing photographs of the property as existing. He added that during the application process staff pointed out that the total flat roof area exceeded the 20% permitted by code and the plans were subsequently modified to remove the existing widow walk to reduce the total proposed flat roof area. He stated that he was aware that the neighbor to the north was concerned with their view being impeded but the proposed construction meets all code requirements and this was a technical approval for submittal to DEP. He requested that the application be considered and approved.

Atty Perry, Perry & Taylor, P.A., stated that the adjacent property owner was requesting a postponement so he could attend the hearing. He acknowledged that the Clerk sent out the notices as required however due to the holidays his client did not become aware of the hearing until last week. He commented that while Mr. Marsh provided an excellent presentation his client was concerned with the 900 sq ft porch/deck and the close proximity to his property. He also stated that the Commission has the right, authority, and ability to step in and determine if the construction meets the design of the Town.

Mayor Kaleel questioned if the application met all of the code requirements what reason would there be to deny it to which Atty Perry commented the Commission could determine whether it was in the best interest of the Town. Comm Brookes stated that Mr. Duffy already had some of this privacy forfeited with the existing wood deck to which Atty Perry advised the existing deck is to the rear of his client.

Mayor Kaleel question Mr. Marsh if there was any harm in waiting until next month. Mr. Marsh advised that it was a time issue to submit to DEP and again stated that they were not asking for what they were not entitled to nor were they seeking any variances.

Clerk Hancsak commented that the notice was sent to 3 different addresses for Mr. Duffy and then asked the Town Atty if the application could be denied if it met all of the zoning requirements. Atty Spillias advised that if the application meets the code the applicant has the right to build the deck contingent on DEP approval. He stated that DEP has the authority to

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approve an application east of the CCCL, however; in prior years the Town adopted a code that requires that any construction east of the CCCL be heard through a public hearing process so the Town was aware of proposed construction in its jurisdiction east of the line. He added that DEP will not go forward without preliminary approval by the Town that it appears to meet all zoning/building requirements. He stated the Town could continue the hearing until February 6, 2012 with the applicants testimony already in the record, however; they were not legally required to do so because the legal notice complied with the code. He concluded by stating that if the hearing was continued the public hearing aspect could be kept open.

Comm Brookes stated that he felt the Commission could only make a motion concerning the application. After a brief discussion the majority of the Commission agreed to continue the hearing until February 6, 2012.

Comm Allison moved to continue the Public Hearing until February 6, 2012 at 6 PM. Comm Hennigan seconded the motion.

Motion carried – Yea (Allison, Hennigan, Kaleel)  
Nay (Brookes)

### REGULAR AGENDA REPORTS

#### 6. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – There had been a pre-construction meeting with Tenex, and construction will start in January. The generator contractor is fabricating the fuel tank prior to its installation, and the factory is constructing the generator. There have been a few delays for the parts. 2) Old Ocean Blvd – Due the increased rains, we will start developing the cost of removing the scavoela and replanting the area with native vegetation. They were still resolving the replanting - one resident wants just grass, and the others want to address the privacy issue. 3) Inlet Cay and Sabal Island Bridge Repairs – Bridge Design has completed the plans to repair the two bridges and bids will go out in January. The contractors estimate is \$50,000 including inspection services to be funded from the reserves. 4) Entrance Signs – we have the construction permit from FDOT for the sign at the south end of Town. It should be installed in January. 5) Energy Grants – The 3 municipalities in the State residential rebate program are Ocean Ridge Atlantis and Haverhill. Lantana is overseeing the whole grant. EcoSmart PR has begun advertising for participants. We were awarded \$112,000 to use for rebates on energy savings improvements for the residents, however; a budget adjustment will be necessary to front the funding prior to reimbursement. It will not have an overall impact on the budget. The County Grant for the Town Hall Energy Reduction Program bids were opened on 12/28/11. One bid was received for \$44,022 with an alternate bid of \$13,100 for the solar pump for the fish pond. The engineers estimate was \$27,000 and the pump was not a part of the original program. The engineers are reviewing the bids. 6) Capri Apts. – The Health Dept. finally issued a permit to construct a drainfield for the washing machine. Their Board is scheduled to meet in February to select a contractor. 7) Police Union Discussions – We met with the union reps on 12/21/11 and have a general agreement on 29 of the 31 articles. The remaining 2 articles involve the budget and require us to meet with the Commission to get direction on the open articles. We anticipate that meeting to occur prior to the Jan regular meeting. 8) FDOT Discussions - FDOT is still evaluating our request to construct a pedestrian crossing at Woolbright Blvd and A1A. They are also still reviewing our request to look at the retention ponds on Ocean Avenue regarding the tidal influence and flooding.

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Comm Hennigan commented that she approached the Town Manager with a resident issue concerning the rabbits on the Island Drive island and he is working on it. She wanted to make the Commission aware that a future discussion regarding a possible ordinance may take place.

Comm Hennigan also stated after meeting with the Town Manager several times there is a final version of the Action Plan and questioned whether it would be discussed at a Commission meeting or would it be best to have a special meeting set up for the review because it is coming up. Manager Schenck advised that he would forward the final version to the other Commissioners. Mayor Kaleel commented that if the Commission still felt the need then they could schedule a special meeting after the February meeting. The consensus was to discuss it further at the February meeting.

### 7. Town Attorney

Atty. Spillias commented that the parties involved in the Inspector General Litigation were in the process of scheduling a staff level meeting for 1/19/12 pursuant to Chapter 164 of the Florida Statutes. He added that the Town Manager can attend, however; since West Palm Beach is the lead party they have been designated to represent all parties. He also stated that a meeting between the elected officials with counsel was in the process of being scheduled for either Feb. 7<sup>th</sup> or 9<sup>th</sup> and it would require at least 3 of the Commissioners to attend, but hopefully all 5 could be present. The Commissioners all advised that they would make themselves available and would wait to hear from him.

Atty Spillias commented that at the last meeting he was directed to review the opinions provided by the Ethics Commission regarding holiday gifts. He stated that holiday gifts can be given to employees by either vendors or residents provided they do not exceed \$100.

### 8. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. He stated that his monthly reports will be presented in a new format due to the implementation of the CAD software program after next month. He stated that he asked the Ethics Commission whether the police personnel could be given their individual holiday gifts of \$50 that were given to them by a resident to which he was advised that he could. He also inquired whether the donations requested through the support group presented any problems to which they advised him that he could not use his position to solicit any funds and he should remove his name from their letterhead. He also announced the resignation of Anita Calhoun, 8 year employee, and added that they have begun re-reviewing the applications from the summer in hopes to avoid re-advertisement. He concluded by stating that the police department went on line with the new 911 system and he was advised that it was their smoothest transition thus far.

### 9. Town Engineer

Engineer Tropepe was absent with notice.

## ACTION ITEMS

### 10. Request for Lien Reductions/Removals for 6 Sabal Island Drive By: Tim Atteberry, representing owner Wilson Wengert (DEFERRED)

Town Clerk Hancsak advised that since the last meeting staff has provided updated information for the total costs for the liens and the 2 open code enforcement cases (now there is a 3<sup>rd</sup> case) to Mr. Atteberry. She stated that Mr. Atteberry submitted documents and a proposal for lien reductions of \$1,239.79 for the garbage/trash liens and \$8,905, and \$8,905.68 for the 2 code enforcement liens. His letter stated that the perspective buyer is prepared to immediately correct the violations. She reminded the Commission that they had the sole authority to reduce a lien.

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Mr. Atteberry concurred with Clerk Hancsak's comments and added that the current property owner resides in Utah and advised that he will not try to block the sale, the deadline is Thursday or the offer would be null and void.

Mayor Kaleel questioned what would happen to the liens if a foreclosure occurred to which Atty Spillias advised he is unsure at this point.

Comm Pugh moved to accept the \$19,050.47 for full satisfaction of the outstanding liens at 6 Sabal Island Drive. Comm Allison seconded the motion.

Motion carried – Yea (5).

Meeting Adjourned at 7:10pm.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Brookes

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Commissioner Hennigan

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Commissioner Pugh