

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 4, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 4, 2013, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov Commissioner Allison
Commissioner Brookes Commissioner Hennigan
Mayor Pugh

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Hennigan requested to move Item #12 before Public Comment, and to Change Item #16 Town Commission "Comments" to "Items", so an action could possibly be taken. Comm. Aaskov questioned that it was not advertized as an action item. Atty. Spillias clarified that if it was changed to "Item" an action could be taken, and that the complete Agenda was advertized. The consensus was to change the format to "Items".

Comm. Brookes requested to add Item #17 discussion of the Trolley Tour sponsored by the Florida Coalition and the Coastal Star, and Item #18 Kenetic Show held by Boynton Beach.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of January 7, 2013
2. Special Town Commission Meeting of January 16, 2013
3. Approve Poll Workers for March 12, 2013 Election

Comm. Allison motioned to approve the agenda/consent agenda as amended. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Monday, Feb. 18, 2013 for the official holiday
5. 2013 Municipal election/Eleccion Municipal 2013
 - a. Proclamation for election Held on March 12, 2013/Proclamacion para eleccion sostenida el 12 de marzo de 2013
 - b. One Commission Seats Open for a Three Year Term/Comision uno puesto para tres anos cada
 - c. Candidate Filing Dates run February 1, 2013 through 3:00 PM on February 15, 2013/Las fechas de la clasificacion del candidate corren el 1 de febrero 2013 por 3:00 PM el 15 de febrero de 2013

ACTION ITEMS

12. Approve \$1,200 Donation to the Sea Angels Towards Beach Cleaning Assistance

Comm. Hennigan motioned to approve \$1200 Donation to the Sea Angels toward Beach Cleaning Assistance. Seconded by Comm. Allison.

Motion Carried – yea (5).

PUBLIC COMMENT

Gerry Magruder, 9 Ridge Blvd, thanked the Police Department for their 3-4 minute burglar alarm response time to her residence last week. She was amazed at the damage that could occur even in a few minutes. She requested that the Town have an alarm monitoring sign and window decals available to the residents that use the Ocean Ridge Police monitoring service. She felt that a sign stating that the "Ocean Ridge Police Dept monitors this property" would be a great deterrent for criminals. She would be willing to pay for the signage to put in her yard, and on her windows. There was a consensus for staff to research alarm monitoring signs and stickers.

Comm. Brookes requested clarification of our current Zoning Code in regards to vacation properties in the Residential Districts. Atty. Spillias clarified that transient housing less than 30 days is not permitted and is a Code Violation. He stated that the Town took the position that less than 30 days was akin to a Commercial use and since the Town wants to maintain a residential character to it we don't allow rentals

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less than 30 days. Over 30 days there is no limitation. Comm. Brookes mentioned properties in Town that are strictly rented and asked if this was commercial. Atty. Spillias stated that an annual lease is still considered residential. Once it goes before the magistrate and if a violation is found, the fine for repeat violations can increase up to \$250/day. The State identifies rentals over 6 months as residential and less than 6 months as commercial. He also discussed the use of property as a place of business.

Dorinda Burroughs, 6013 N Ocean Blvd, had complained several times to the police department regarding noise by renters, and one property has had short term rentals at least three times. She thanked the Police Dept for their swift action, and the owner was levied fines. However she did not feel \$125 was steep enough to deter them. She suggested a 3 strike rule or a rental tax. She asked that an e-mail be sent out to residents requesting them to notify the Police Dept of short term rentals.

Penny Kosinski, 6000 Old Ocean Blvd, supported Ms. Burroughs concerns. She also had contacted the Town Manager and Chief Yannuzzi regarding some properties being rented less than 30 days. She suggested that the code be changed to less than 4 times per year for rentals, and clarify the number of unrelated persons in home. The consensus was to discuss this further under the Town Manager Report.

Don Magruder, 9 Ridge Blvd, supported his wife's statements. He suggested that the alarms have outside sirens. Although his neighbors were home during the burglary, none of them heard his alarms or knew he was being burglarized at the time. Mr. Magruder also stated that he was present at the Town Manager's evaluation, and apologized to Manager Schenck for his comments made at the meeting regarding the job description and he has since realized it was a generic description encompassing a large scope.

Betty Bingham, 1 E Ocean Avenue, stated her disappointment that she was unable to discuss the \$1200 donation to the Sea Angels. She felt that cleaning the beach is a public's responsibility, and she was not in favor of the donation. She questions the medical waste that was found on the beach, and if research had been done to locate and prosecute the offenders.

Cheryl Olanoff, 566 David Lane, stated that the home north of her property was constantly being turned over as a rental unit, and requested that action be taken. In regards to the new units on Adams Rd, she loved the project, but felt that 7 units were too dense, would prefer 6 units.

PUBLIC HEARINGS

6. An application submitted by Miller Land Planning, Inc. (Bradley Miller), 508 E. Boynton Beach Blvd., Boynton Beach FL 33435, representing LC Homes of South Florida, LLC, 351 N Congress Ave., Boynton Beach FL 33426, 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 existing 2 lots located at the extreme southwestern end of Hudson Ave. into 2 new configured lots to make possible for two waterfront lots. The property is located at the extreme west end of Hudson Ave. on the south side or generally described as Lot 15 & 16 (subject to an easement for ROW for the Intracoastal Waterway – A/K/A Florida East Coast Canal), Blk 6, Boynton Beach Park Subdivision (exact legal description located at Town Hall).

Clerk Hanscak summarized that this request was to replat the existing 2 lots and reconfigure them into 2 waterfront lots. In January the applicant appeared before the Planning & Zoning Commission and the proposed replat was approved as submitted. Since the meeting the applicant had obtained a letter from the Boynton Beach Fire Dept, with 2 additional recommendations that include adding a 2' wide stabilized area which can be sodded on the west side of the 10' wide driveway to Lot 2 should fire trucks need to enter. They also recommended that they provide bollards around the existing hydrant to better protect it should vehicles veer off of the pavement. There are no legal issues and there is no fiscal impact, staff was recommending approval of the applicant's request for the replat of the 2 lots contingent upon approval of the final plat by Engenuity Group. It would be the responsibility of the owner to obtain all other required agency approvals and incorporate the 2 recommendations made by the Boynton Fire Dept. All zoning and building requirements will be reviewed upon actual building permit submittal. Clerk Hanscak stated that all fees have been paid and that no additional correspondence had been received. As this was a quasi-judicial hearing, Atty. Spillias advised that anyone who would be giving testimony must be sworn in at this time. He asked the Commission if they had exparte communications with the client or representatives. There was none. Atty. Spillias requested a partial presentation to support the approval or denial by the Commission.

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Bradley Miller, Miller Land Planning & Associates, compared the 1925 plat of the 2 lots to the current platting, and it showed that a large portion of the Lot 16 was now under water and is now part of intra-coastal. The purpose of the replat was to allow both lots to be built upon and accommodate current code guidelines. He presented site plans and renderings of the 2 proposed homes. He also felt that 2 waterfronts would allow for more tax revenue for the Town.

James Bonfiglio, 5616 N Ocean Blvd, stated that per the Planning & Zoning minutes, he was concerned with the driveway and the location of the fire hydrant. He also felt that configuration was out of character to the area. Neither he nor Mark Marsh from the P&Z Commission were in favor of it.

Debbie Brookes, 15 Ocean Avenue, was in favor of having new higher priced homes in the area, and she trusted the Boynton Beach Fire Dept's approval of the fire hydrant location.

Atty. Spillias clarified the definition of a flag lot, and advised these were not. He stated that these lots were unique in Ocean Ridge with having the ability to create/configure 2 water front properties. He also clarified that this review was for platting purposes only, and not zoning review. If it meets the platting requirement, the Commission must approve it. Staff did not find any reasons to deny it. There were still several departments and steps that had to be taken for final building approval.

Comm. Aaskov motioned to authorize the approval to replat the existing 2 lots located at the extreme southwestern end of Hudson Ave. into 2 new configured lots to make possible for two waterfront lots contingent upon approval of any other agencies to include the Boynton Beach Fire Dept recommendations. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

Mayor Pugh thanked the P&Z Board for their review, and stated that these lots have been through many changes over the years; it would be nice to have new residences there to increase the property values and taxes.

7. An application submitted by Ocean Breeze, LLC (Jeffrey Parker, Manager), % Ernie Varvarikos, 5582-A N Ocean Blvd., Ocean Ridge FL 33435, requesting a Public Hearing regarding the provisions of the Land Development Code at Chapter 63; General and Administrative Provisions, Article IV; Site Plan Review Procedures, Section 63-53; Major Development Application and Site Plan Requirements Site Plan Review Procedures, Section 63-51(a)(4) Site Plan approval of minor or major development application or modification and Section 63-51(b)(2) Major Development review for what is known as the Ocean Breeze, LLC. The applicants are requesting to demolish the current four building, fifteen unit complex and rebuild seven two-story townhome units with a roof deck area with individual pools, and individual parking spaces, density permitted as a result of Ordinance 565. The property is located at 11 Adams Road or generally described as Lots 3-7, Ocean Shore Estates Subdivision (exact legal description located at Town Hall).

Clerk Hancsak stated that this request was a repeat of an approved 7 unit Town House project, with individual pools and parking spaces that was originally approved in 2006 along with the replat. Due to the economy the project was never started and the approval lapsed. The applicant is now seeking approval again. The appearance of the Townhouses remain the same however the sq footage has decreased from 3 Story to 2 Story and approximately 4000 sq ft to 3000 sq feet and from 4 bedrooms/4-1/2 baths to 3 bedrooms 3' 1/2 baths. It appears to meet the current zoning regulations. Staff will review the building plans at the time of the actual building permit application. The applicant appeared before the Planning & Zoning Commission on 1/14/13, and they recommended approval of the proposed site plan as submitted contingent on additional landscaping on the northwest and northeast side of the property, and removal of the spiral staircases leading up to the roof deck and to delineate an access to the rear portion of the property from either one or both sides of the property for emergency reasons. The applicant has since revised the architectural drawings to remove the spiral staircase thereby making the roof deck useful only for housing the a/c condensers. They are also not opposed to the recommended landscape enhancements or the walkway. There are no legal issues and no fiscal impact. Staff recommends approval of the applicants request for the demolition of the 14 unit complex that will be replaced with 7 Two Story Townhouse units. Clerk Hancsak stated that all fees have been paid and no additional correspondence has been received. As this was a quasi-judicial hearing, Atty. Spillias advised that anyone who would be

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giving testimony must be sworn in at this time. He asked the Commission if they had exparte communications with the client or representatives. There was none. Clerk Hancsak also stated that the replat had been recorded and was complete.

Ken Kaleel, Kaleel & Crosier, representing the Ocean Breeze LLC, thanked Clerk Hancsak for summarizing the request, and reminded the Commission that this project had been approved back in 2006.

Ernie Varvarikas, Ocean Breeze LLC, stated that it was currently 15 apartments with a large asphalt parking lot, and the new Key West Style townhouses would each have a 2 car garage and splash pool. All materials would be pervious with an exfiltration trench. Each unit would have slightly different colors and garage doors. A traffic survey had been done, and he felt it would be a benefit to area.

Patricia Mahan, 5801 N Ocean Blvd, was on their condo board, and although it was not as high as a 3 story, she was concerned with the elevation height. She also felt that the splash pools would be dangerous. Mayor Pugh explained that the Florida Building Code required all pools to be surrounded by a wall or fence along and or a door alarm. It was required that the gates be self-latching.

Cheryl Olanoff, 566 David Lane, welcomed the improvement, but felt it was too dense, and not enough green space.

Gail Bernhein, 5709 N Ocean Blvd, was not in favor of having 2 Story buildings or a wall behind her. She had moved to Ocean Ridge to get away from neighbors and noise. She was also not in favor of the density and was concerned for the noise from the air conditioners.

James Bonfiglio, 5616 N Ocean Blvd, commended Mr. Varvarikas for scaling the project down from 2006. Planning & Zoning had spent a lot of time reviewing the project. They felt that the new landscape would be a buffer, and they did incorporate a walkway for the emergency access.

Cynthia Yeo, 5801 N Ocean Blvd was also concerned with the pool enclosures, and asked for higher plantings as a noise buffer. William Yeo, 5801 N Ocean Blvd also requested more plantings for a screening. Mr. Varvarikas stated that there would be additional landscaping incorporated in the plan.

Comm. Allison motioned to authorize the approval for the demolition of the 15 unit complex that will be replaced with 7 Two Story Townhouse Units, and to include the recommendations by the P&Z Commission, contingent upon approval of any other agencies. Seconded by Comm. Aaskov.

Comm. Hennigan thanked the P&Z Board for performing a thoughtful review of both projects and addressing the Town's concerns. She felt they were a big asset to Ocean Ridge. Comm. Brookes agreed. Comm. Allison stated that she was a Commissioner the first time this was submitted, and felt this was a more improved plan now. Historically Mr. Varvarikas has kept his promises of maintaining or upgrading his projects as requested, but at the same time she was sorry for the residents that would be affected from the change. Chief Yannuzzi stated that in the past the Police Department has had some issues with the current buildings, and feels that having property owners in lieu of renters would be good for the Town.

Mr. Kaleel stated that their intent is to apply for a demo permit in March for the existing property.

Mayor Pugh stated that there was no comparison between the existing property of renters compared to 7 family residences. As a small boy, he had grown up right next to this property with the neon light shining in his bedroom window. He felt this was a good project that would benefit the Town.

Motion Carried – yea (5).

REPORTS

8 Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The final startup test had gone well and everything was working as expected; only a few cosmetic changes needed to be done, but it is operating. 2) FDOT Discussions - FDOT has completed the plans for a proper pedestrian crossing at Woolbright Blvd and A1A and it should be completed this summer. FDOT is cleaning out the ponds on Ocean Ave. The north side needs to dry out before they can remove the mangroves. We are still working on the flap gate issue to reduce the flooding, and Transfield Services is getting the original plans to review

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the problem. We have completed the survey for the pedestrian crosswalk at Town Hall, and it does meet the guidelines. The report has been submitted and we are waiting permission to put in the crossing markings. Engineering plans will be needed for the FDOT permit. Boynton Beach will work with us on an appropriate location to install the sidewalk to connect the crossing to their paved parking lot. 3) Bonito Dr Drainage – FPL and AT&T have relocated their lines so we could install the discharge pipe this week. The contractor will redo the cul-de-sac once the piping is installed. 4) Inlet Cay Batter Pile Replacement – We've received the FDEP permit to install the pilings, and the contractor is setting his schedule to start the project. 5) Inlet Cay Island – He and the Town Engineer are reviewing the survey to isolate the problem areas and develop some preliminary plans to alleviate the standing water. Then they'll meet with the residents to go over the plans. Once finalized, he will submit to the Commission the cost and for bid request. 6) PBA Contract Negotiations. – We are waiting to hear from them for some new dates. 7) Salary Survey – The surveys we want to use for the analysis have not been completed yet. Once they are, we will develop a report for the Commission. 8) Housing Rental Fees – A survey was done regarding charging a license fee to homeowners who rent their homes to vacationers and only half of the communities charge a renter's fee. The larger communities that do charge a fee have the staff to oversee the collections. There are 3 ways to find out who is renting their homes. First is to track it by the municipalities utility billings for name changes like Lake Worth and Boynton. Another way is to follow the trade papers that list properties for rent. We have used this method when we get an actual complaint on rentals less than 30 days. The last way is word of mouth by neighboring residents. Manager Schenck didn't recommend we undertake this program, and the manpower needed to tract the process properly could cost us more than we collect. 9) Manager's Job Description – A memo and documentation outlines the Town Manager's job description was provided.

There was a discussion and consensus for the Town Attorney to draft an Ordinance requiring the registering of rental properties and inspections related thereto.

9. Town Attorney

Atty. Spillias gave an update regarding the Inspector General litigation. The Inspector General has filed 2 appeals, and both are pending. One is regarding the Inspection General filing as an intervener and the other is an order for the cities to pay. Atty. Spillias would keep the Commission updated.

10. Police Chief

Chief Yannuzzi presented his monthly report, along with the monthly and annual fire reports, and asked if there were any questions. He clarified that they had discovered the person that was responsible for the 7 recent breaking and enterings at Briny Breezes. However he passed away before he could be apprehended. He had been a Briny Breezes' resident.

11. Town Engineer

Engineer Tropepe was absent with notice.

13. Request to Obstruct the Right-of-Way (ROW) on Old Ocean Blvd. at 5512 Old Ocean Blvd.

Mayor Pugh requested to be recused as he was the pool contractor for this property, and passed the gavel to Vice Mayor Allison. Atty. Spillias directed him to complete the voter conflict form.

Paul Gale, 5512 Old Ocean Blvd stated that he was a new resident to Ocean Ridge, and was requesting permission to construct a 4ft fence within the right of way on Old Ocean Blvd in front of his home. The fence would be 23ft from the edge of pavement. The fence would be about 4ft closer to the road than the neighboring fence at Colonial Ridge. If approved he would sign the agreement to obstruct the ROW with the understanding that maintenance will be his responsibility and if the Town needs it moved he will do so at his expense. He presently maintains the grass in the right of way.

James Bonfiglio, 5616 N Ocean Blvd, noted that P&Z several years ago had spend a lot of time clearing out the ROW, and felt this would be a step backwards. He also felt this would cause a domino affect with neighboring residents.

Betty Bingham, 1 E Ocean Ave, was not in favor of obstructions in the right of way or abandoning any rights of way. She was not in favor of it, as it would take away peoples access. If allowed could it be taken back. Mngr. Schenck stated that it could be taken back.

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Don Magruder, 9 Ridge Lane, stated that Colonial Ridge currently had a ROW Obstruction granted to them also.

Comm. Brookes stated that the Town was not giving up the ROW; he noted that many other residents had fences closer to the road than this request. He did not see an issue with this request.

Comm. Aaskov motioned to approve the request to obstruct the Right-of-Way on Old Ocean Blvd. Seconded by Comm. Brookes.

Motion Carried – yea (4).

14. Approval of the Revised Employee Manual

Mngr. Schenck submitted the revised Employee Handbook. Revisions suggested by Comm. Hennigan have been incorporated.

Comm. Allison stated her concern with the retirement bonus applicable for those only over 20 years. She knew in the past that bonuses were given for those with less than 20 years. Atty. Spillias stated that with state laws, bonuses cannot be given based on past performance, and the Commission had determined that a 20 year employee showed loyalty, and met the criteria. He cautioned changing it for those with less than 20 years of service.

Comm. Hennigan motioned to approve the Employee Manual as Revised. Seconded by Comm. Allison.

Motion Carried – yea (5)

15. Discuss the P & Z Commission Meeting Regarding Commercial Zoning Area/s

Mngr. Schenck stated that the Commission had requested P&Z to review commercial zones in the Town. The 5011 Building had been granted a 2 year extension to phase out commercial by June 2015. The Commission was unsure if the 1969 decision to phase out commercial business in Ocean Ridge was still in the Town's best interest.

Jim Bonfiglio, 5616 N Ocean Blvd, requested a more comprehensive direction from the Commission. Did the Commission want them to address one building or a larger section? He suggested the possibility of a joint workshop of both P&Z and the Town Commission to allow for input from all the residents. He felt they needed more direction.

It was discussed that the Town had 2 choices: 1) nothing and commercial properties would be phased out in 2015. 2) Create a Commercial District in Ocean Ridge to allow for commercial properties. There was a concern for transient housing in Commercial properties.

Atty. Spillias stated that if the Town determined a willingness to keep commercial properties, the Comprehensive Plan would have to be amended, and they would need to create a Zoning District with limitation and guidelines. The consensus was for the Town Manger to contact Kilday or Urban Design to discuss a cost estimate and rough ideas for commercial use in the south end and/or possible overlay changes with the P&Z Commission.

TOWN COMMISSION COMMENTS

16. Discuss Succession Planning By: Comm. Hennigan

Comm. Hennigan commented that, with her Human Resource background, she was suggesting that the Commission consider some type of succession planning for when the Town Clerk retires or when the Town Manager leaves the employ of the Town. She suggested and volunteered to review the job descriptions and actual job duties of the staff and contract vendors (ie Engenuity, etc). This would be done to properly evaluate where the duties currently lie and where they might possibly change, shift, or even possibly outsource in the future.

The consensus was for Comm. Hennigan to work with staff at their convenience since it is an immediate change.

17. Trolley Tour

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Comm. Brookes thanked the Coastal Star for their assistance with the Trolley Tour of the Intra-Coastal Municipalities. There was a nice turnout, and it was very informative.

18. Kinetic Show held by Boynton Beach

Comm. Brookes stated that Boynton Beach would be holding a Kinetic Show this weekend.

James Bonfiglio, 5616 N Ocean Blvd, commented again about the south end and the commercial district and suggested to create a district for Townhomes in the south end of Town. A Land Planner may recommend this.

Ken Kaleel suggested hiring a professional land planner to look at that area and plan for the future. The Land Planner could look at the area and present recommendations to the Planning & Zoning for discussion. He asked for a long term objective, such as creating a Village. It would upgrade the properties at the south end with property owners instead of renters.

Mary Lemming, 2 Harbour Dr North, stated that Briny Breezes was revising their Comprehensive Plan, and they were contemplating a mixed use within their jurisdiction. She commented a possible regional area. Ken Kaleel agreed.

Betty Bingham, 1 Ocean Ave, agreed with Mr. Kaleel but added that any new ideas should not be detrimental to those that have built single family homes through the current overlay provisions.

It was discussed that Ocean Ridge currently had an overlay of Ocean View – it allowed for decreased setbacks and FAR for single family homes. Its’ purpose was for people to tear down multiple family structures and build new single family residences. The Commission valued Planning & Zoning’s expertise and wanted them to review the Commercial Zoning. There was a consensus for the Town Manager to have a couple of firms look at that area of Town and see what could be done and come up with planning suggestions and prices.

Meeting Adjourned at 8:30pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Hennigan

Commissioner Brookes