

REGULAR TOWN COMMISSION MEETING HELD MARCH 4, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 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

There were no additions, deletions or modifications to the agenda.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of February 4, 2013
2. Ocean Ridge Resolution No. 2013-001; Supporting a Ban on Texting While Driving

Comm. Allison motioned to approve the minutes and agenda. Seconded by Comm. Brookes.

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

3. Proclaiming April 17th, 2013 as “Military Family and Community Covenant Day”

ACTION ITEMS

PUBLIC COMMENT

Charles Ranson, 6782 N Ocean Blvd, requested that the Commission consider a zoning code amendment. Currently boat trailers or campers are only prohibited from street view. Because Ocean Ridge is such a large water community he requested a change be made that these items also be shielded from the waterway also. Clerk Hancsak stated that this could be added to the future Planning & Zoning meeting concerning “Commercial Use”. Atty. Spillias requested appropriate time to review any legal issues. There was a consensus for this item to be reviewed by P&Z.

PUBLIC HEARINGS

4. An application submitted by the Terry Lessard, Affiniti Architects, 6100 Broken Sound Parkway, Suite 8, Boca Raton FL 33487, representing the owner, Martha Joa Family Trust, 35 Hersey Drive, 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 with garage with a maximum finished floor elevation of 17.95’ NGVD which would extend a maximum of 68’4” east of the Coastal Construction Control Line (CCCL), pool and deck area which would extend a maximum of 85’5” east of the Coastal Construction Control Line (CCCL) located at 35 Hersey Drive (extreme eastern end of Hersey Drive) or legally described as the Southerly Portions of Lots “A” and “B” of the Shoreview Subdivision (exact description available for review in the Clerk’s Office)

Clerk Hancsak summarized that this Public Hearing Request per the Land Development Code was to construct a single family residence, pool and deck that will extend east of the Coastal Construction Control Line. The applicant has provided draft site plans, and it appears that there are still a few items that may not meet all of the zoning requirements. These non-compliant issues however will be addressed by the applicant prior to our letter to the DEP and should not change this Land Development Permit request regarding their encroachment. The Commission may address this in 2 ways: 1) Approve the request contingent upon DEP approval once it is verified that it meets all of the zoning regulations. 2) Deny it until it is verified that it meets all our land development regulations and require a continuation or a rehearing. There are no legal issues and there is no fiscal impact; staff was recommending approval of the applicant’s request for 35 Hersey Drive contingent upon acceptable zoning revisions and DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

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Clerk Hancsak 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 ex parte communications with the client or representatives. There was none.

Terry Lessard, Affiniti Architects, presented a 3-D power point of the proposed home. There were no questions from the Commission and it was open for public comment.

Pat Kropp, Tropical Drive, asked how much of property would be east of the CCCL. Clerk Hancsak presented to her the plans showing that almost all of the residence would be east of the CCCL.

Comm. Allison motioned to approve the application as submitted by the Terry Lessard, Affiniti Architects, representing the owner, Martha Joa Family Trust, 35 Hersey Drive, Ocean Ridge FL 33435, contingent upon acceptable zoning revisions and DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

REPORTS

5. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The work is finished, we removed the request for it to be lighted from the project. A final accounting is needed, and with the daily penalty accruing for the contractor not finishing by the deadline, there will be a balance owed to Ocean Ridge. 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. We are still working on the flap gate issue to reduce the flooding. The original plans show that the pond discharge was not built so that a flap gate could be installed. FDOT is still reviewing the plans to find a solution. The pedestrian crossover at Town Hall will be discussed later in the agenda for approval. 3) Bonito Dr Drainage – FPL and AT&T have relocated their lines. The contractor ran into another problem with the service line connecting the 2 houses at the end. The original builder had used asbestos pipe, and we had to replace it with a PVC pipe first before completing. 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. FDEP is requiring additional steel in order to approve their permit, and will require a \$1000 addition to the contract. 5) Inlet Cay Island – This project will be discussed later in the agenda. 6) PBA Contract Negotiations. –A shade meeting was held at 5:00 just prior to this meeting and no comments/updates were given. 7) Salary Survey – The surveys we want to use for the analysis have not been completed yet. Once complete, we will develop a report for the Commission. 8) Housing Rental Fees – Atty. Spillias working on this ordinance, and it should be ready for the April meeting.

Manager Schenck announced that some of the Town's hedges had to be treated because of white fly, at a cost of \$5500. We have also received new bridge reports from FDOT; there are a few areas with exposed steel, but overall the report shows the bridges are in good standing. He had also received the annual report from the Palm Beach County Ethics Board and it was available for review.

6. Town Attorney

Atty. Spillias stated that at the February Commission meeting he was instructed to draft an Ordinance for rentals. It was not complete yet, and he hoped to have it for the April meeting.

It was discussed that some residents were continually stating that "family members" were occupying a residence to hide the fact that they were renting. Atty. Spillias stated that it would be hard to determine who was "family", and the police could only pry so far. The purpose of the Ordinance was for rentals to register properly with showing proper inspections and paying a registration fee. Zoning only defines the use of the property. It was also discussed that a property being advertized as a weekly rental could be used as proof of it being used as a commercial property because it was less than the 30 day requirement. Once it is cited as being used for short term rentals, the crime is a misdemeanor and we could seek an injunction. The Court has stronger power, but it could become cumbersome, and it may cost the Town more for manpower and research than what you could collect. It was also discussed that the Homestead Exemption status could be removed if proven it is not a primary residence. The purpose of the town is to keep Ocean Ridge a safe and secure environment. Atty. Spillias cautioned that the fee was to cover the cost only, and could not be used as a means to increase revenues.

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Manager Schenck also advised that he received a copy of the Briny Breezes Comprehensive Plan and it is available for review. He added that the contract for Police Services will end this year and their attorney advised it must be put out to bid but we are confident they are satisfied with our services.

Atty. Spillias announced that he had just had a book published. The title is "Widow's Walk" Part 1, and was available on Amazon.com. He also noted that Comm. Aaskov had just finished her book, "Signal 5", a True Story of the triple homicide and suicide. It was based on the deaths of the Joe & Serena Gomez in 2006 who were former employees of Ocean Ridge.

7. Police Chief

Chief Yannuzzi presented his monthly report. He stated that the new police vehicle was on the road, and being noticed by many. He cautioned the residents that it is tax season, and criminals are trying to beat you to your refund. He suggested filing your taxes early and take precautions to maintain control of personal information. Ocean Ridge would also be hosting a free document shredding on April 19th, from 9am to noon. There is a limit of 3 file boxes per household, and Cintas is sponsoring it.

There had also been several incidents of door-to-door soliciting in January. He cautioned the residents that some have criminal records and fraudulent businesses. If someone comes to their door inform them that you are calling the police department and ask them to leave. Ocean Ridge has also had incidents of "Distraction Thefts", where one person engages the homeowner in conversation while an accomplice(s) sneaks into the homes and steals jewelry and other valuables. Ocean Club also had 2 auto burglaries. Chief Yannuzzi showed pictures taken from the Ocean Club's new security cameras. The quality of the picture was not clear enough to determine the license plate. Chief Yannuzzi stated that he is in the process of collecting prices from 3 vendors for a new camera system at the town's entrances with superior quality.

Chief Yannuzzi advised that on March 10th, there would be bike event for Cystic Fibrosis, and on the 23rd a Marathon from Ft Lauderdale and a Delray Beach Twilight bike event on the same day. On March 31st, there would be an Easter Sunrise Service at the Boynton Beach Park, and the officers would be on hand. Turtle Season began March 1st and our officers have been patrolling the beach and will be notifying those who are not in compliance.

Comm. Brookes cautioned that the purchase of a camera system should be listed along with the other needs of the Town during the budget process and then prioritized before a decision is made to purchase them. Comm. Hennigan agreed that cameras should be prioritized during the budget process, but felt that getting the costs now is a good idea. Chief Yannuzzi stated that Manalapan was not interested at this time in becoming involved in a joint camera purchase venture, and that he was still checking to see how or if it could work out with the other municipalities. Mayor Pugh stated that our cost may be reduced if the Sheriff's Dept/Palm Beach County and maybe even Boynton Beach joined in paying for a portion of it.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Approve and Accept a Donation from the Ocean Ridge Garden Club of Two Mosaic Turtle Design Boards to be Located on the North and South Side of the Kiosk at Town Hall

Manager Schenck stated that the Garden Club is seeking permission to donate 2 mosaic turtle design mounts to be affixed on the north and south side of the kiosk located in front of Town Hall.

Rita Ginsky, 54 Ocean Harbour Dr North, representing the Ocean Ridge Garden Club Beautification Committee, stated that last year they had installed the new plantings around the kiosk. This year was the final phase to decorate the panels on either side of the kiosk. She thanked Mayor Pugh for donating the two mosaic turtle designs.

Comm. Aaskov motioned to approve and accept a donation from the Ocean Ridge Garden Club of 2 mosaic turtle design boards to be located on the North and South Side of the Kiosk at Town Hall. Seconded by Comm. Allison.

Motion Carried – yea (5).

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10. Request to Plant Seagrapes in Town's Right-of-Way Just South of Boynton Beach's Oceanfront Park and Execute Agreement to Obstruct the Right-of-Way

Manager Schenck summarized that Mr. Napleton was building the home across from Town Hall, 6393 N Ocean Blvd. They had to remove some vegetation in the back of the property within our 50 ft easement to build a wall on the north side of the property. They want to replant seagrapes on the southeast side of the wall in the back of the property adjacent to the dune. The seagrapes will be in the Town's easement and will be about 5 ft wide and 52 ft in length while not impeding foot or vehicle traffic. Staff was recommending approval to sign the agreement to obstruct the Right-of-Way.

Comm. Brookes motioned to approve the request to plant seagrapes in the Town's Right-of Way just south of Boynton Beach's Oceanfront Park and execute the agreement to obstruct the Right of Way. Seconded by Comm. Allison.

Motion Carried – yea (5).

11. Confirm the Hiring of New Police Officer Nubia Savino

Chief Yannuzzi stated that in March 2012 the Commission had approved the hiring of an additional patrol officer. After background investigation, and interview process, Nubia Savino has been provided a conditional offer of employment pending your approval. Ms. Savino served the Riviera Beach Police Dept. for 4½ years. She is fluent in 3 languages, English, Spanish and Portuguese. Prior to Riviera Bch, she was a Police Dispatcher for the City of Boca Raton. The Town Manager and Chief Yannuzzi recommend approval to hire Ms. Savino.

Comm. Allison motioned to approve the hiring of Nubia Savino as a new officer effective March 5, 2013. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

Mayor Pugh welcomed Ms. Savino to Ocean Ridge and was pleased to have another female officer on staff.

12. Authorize \$13,500 from the Contingency Account to Fund the Town Hall Pedestrian Crossing Consisting of \$6,500 to Engenuity Group for Engineering Services and \$7,000 for Construction Services

Manager Schenck reported that FDOT has approved our request to construct a pedestrian crossing south of Town Hall. The project will consist of signage, street markings and an ADA sidewalk connecting the crossing to the parking lot inside Boynton's Park, and Boynton has approved the sidewalk location. Engenuity's engineering, inspection and permitting costs are estimated at \$6500. FDOT requires engineering plans for the permit and an engineer's sign off of the completed project. The construction cost should be less than \$7000. Most of the cost is for signs and the sidewalk. We budgeted \$50,000 in contingency and have \$32,200 remaining. He was requesting that we solicit 3 bids for the construction rather than go through the expense of advertising. The actual costs will probably be lower than the projected costs.

Comm. Allison asked if Boynton Beach would be sharing part of the cost, as this was allowing people access to their park. Mngr. Schenck stated that they had no interest in having a crossover, and therefore were not interested in sharing the cost.

Comm. Brookes moved to authorize an amount not to exceed \$13,500 from the Contingency Account to Fund the Town Hall Pedestrian Crossing Consisting of \$6,500 to Engenuity Group for Engineering Services and \$7,000 for Construction Services. Seconded by Comm. Allison.

Motion Carried – yea (5).

13. Authorize Design and Also Bidding Services for Drainage Improvements to the Three (3) Cul-de-sacs on Inlet Cay Island to Engenuity Group in an Amount of \$12,700 from the Capital Projects Fund and also Authorize Bid Advertisement

Manager Schenck summarized that the cul-de-sacs on the Inlet Cay Island have had some drainage problems as various areas of the island were eroding and not draining properly. Engenuity has surveyed

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the roads, and we have met with homeowners and they have agreed with our proposed plan and look forward to completing the work. Once the cul-de-sacs are done, we will address the individual homes on Spanish River that are also having drainage problems. The estimated construction costs will be \$150,000 - \$200,000. It will take 30 days to design, 30 days to go out to bid and construction should begin within 3 months.

Comm. Brookes motioned to authorize the design and bidding services for Drainage Improvements to the Three (3) Cul-de-sacs on Inlet Cay Island to Engenuity Group in an Amount not to exceed \$12,700 from the Capital Projects Fund and also Authorize Bid Advertisement. Seconded by Comm. Allison.

Motion Carried – yea (5).

14. Authorize Temporary Hirings of Possibly Two Dispatcher/Clerks to Fill the Vacant Positions to be Confirmed at the April 1st Meeting

Chief Yannuzzi reported that due to the retirement and resignation of 2 dispatchers there are 2 open positions to fill. In the past 2 years the State of Florida has implemented a mandatory telecommunications certification by the Florida Dept. of Health. Our dispatch center is now a designated training facility so we can train our dispatchers here on site. Chief Yannuzzi was proud to report that all ORPD officers have received certification, and he was not aware of any other Police Dept that has this distinction, He also thanked all the officers for the outstanding job and dedication of filling in the vacant shifts as needed.

Comm. Hennigan motioned to authorize the temporary hiring of possibly 2 dispatcher/clerks to fill the vacant position, and to be confirmed at the April 1st Meeting. Seconded by Comm. Allison.

Motion Carried – yea (5).

FIRST READING OF ORDINANCES

15. Ordinance No. 601; Amending Its Code of Ordinances, at Chapter 66, Environmental Regulations by Repealing and Creating a New Article I Section 66-2, Protection of Sea Turtles

Manager Schenck stated that the attached ordinance modifies our present code to satisfy the State’s and County’s requirements for turtle protection. We are already following the requirement set forth in the County’s code. This ordinance is one of the requirements for the beach renourishment program we will have scheduled for the end of this year by the Corps of Engineers. The police department has already started to check the beach for lights. Clerk Hancsak stated through the permit process as homes are being constructed and as old windows are being replaced, the building department checks for compliance.

Comm. Brookes motioned to approve the First Reading of Ordinance No. 601; Amending Its Code of Ordinances, at Chapter 66, Environmental Regulations by Repealing and Creating a New Article I Section 66-2, Protection of Sea Turtles. Seconded by Comm. Allison.

Motion Carried – yea (5)

Betty Bingham, 1 E Ocean Ave, questioned the handicap accessible requirement. Mngr. Schenck stated that in order for it to be considered, it was required that it be ADA accessible. Most of the sidewalk is in the FDOT’s and Ocean Ridge’s Right-of-Way, very little of it is on the Boynton Beach’s property.

Meeting Adjourned at 7:05pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Hennigan

Commissioner Brookes