

## REGULAR TOWN COMMISSION MEETING HELD APRIL 1, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 1, 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

Clerk Hancsak announced that Comm. Allison had run unopposed and as a result we had no election. Clerk Hancsak swore in Dr. Lynn Allison as a Commissioner for a 3 year term. Congratulations and applause from the Commission, staff and audience.

### 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 March 4, 2013

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

Motion Carried – yea (5).

### ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring April as “Child Abuse Prevention Month”
3. Proclamation Declaring Week of April 8<sup>th</sup> as “National Public Safety Telecommunicators Week”
4. Proclamation Declaring April as “Water Conservation Month”

### PUBLIC COMMENT

Robert Benisch, 6110 N Ocean Blvd, commented that Pelican Cove was requesting to install a freestanding numerical identification sign in front of the Guard House. There is an item later in the agenda questioning the interpretation of the Code. He stated that he believed the Code provided for more than one type of sign, and requested the Commission to approve proposed signage.

Robert Merkel, 118 Marlin Drive, stated that he had attended the last PBA meeting, and thanked the Commission for their negotiations with the PBA, as it sounded like they were close to coming to an agreement. He was still in favor however of a step plan for the officers.

### REPORTS

5. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The work is finished, and approval of the final Change Order will be discussed later in the meeting. 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 has removed the mangroves from 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 in a way that a flap gate could be installed. FDOT is still reviewing the plans to find a solution. 3) Bonito Dr Drainage – The project is complete and will eliminate the flooding at the west end of Bonito Dr. There is a discussion later in the meeting regarding the water line we had to replace in the cul-de-sac. 4) Inlet Cay Batter Pile Replacement – The pilings are being constructed and will be installed in April. 5) Inlet Cay Island – This design is almost complete, and we plan on going out for bids in April. 6) PBA Contract Negotiations. –A meeting is scheduled for April 28th at 11:00 am to discuss the PBA contract. 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) Town Hall Lecture Program – attached is a letter from Mr. Robert Weisblut suggesting a lecture program for Town Hall. We met with him and he is willing to take on the project. We sent a notification to the residents to see if anyone would be able to help him in the fall. 9) Town Hall Art Show – Ms Elizabeth Thompson, a resident will be displaying her paintings in Town Hall starting in April and through the end of the summer. A public showing is planned for sometime

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in September. The theme is the "The Everglades". She is a very well known artist and it will be a beautiful display.

Comm. Allison stated that she had spoken with Mr. Weisblut and was willing to assist him with the lecture program. She felt it would be good community project for Ocean Ridge.

### 6. Town Attorney

Atty. Spillias stated that the Inspector General had requested 2 appeals. The 4<sup>th</sup> District Court had denied their one appeal of their right to intervene in the suit involving the municipalities and the County. No decision had been made on the second appeal which was a request to direct the cities and the county to provide all relief that had been requested. It probably won't pass, but once a decision is made, then they can move forward.

Atty. Spillias requested direction from the Commission regarding a Rental Regulation Program for Ocean Ridge, and how in depth they wanted it. He had reviewed Delray Beach's Ordinance; it has an occupancy fee and requires inspections. He felt that our staffing was not sufficient to deal with the complete process. Delray requires the use of a vehicle decal system for all their residents; and both Lake Worth and Delray use their utility department to determine if the property is being rented. He stated that enforcement would be a big issue. Lake Worth was currently having problems with their program, and it was being revamped to alleviate staff time. Delray Beach requires a copy of the present lease; if it is an oral lease then it needed to be put in writing as a public record. There could be privacy issue problems, and a "Sober House" could also run into problems concerning HIPAA Laws and protecting a person's privacy.

Comm. Hennigan stated that our current Code is for no rentals less than 30 days and no more than 5 non-family members. She felt that the main purpose of the rental regulation besides increased revenue was to provide for the safety of our residents. She did feel there would be enforcement issues for our officers, and that word of mouth would be most productive. Atty. Spillias stated that most cases do come from concerned neighbors and the issues directly caused by renters. Mayor Pugh stated that this program should exempt condos as the HOA's for condos police their own. He did feel it is important that those renting should register with Ocean Ridge, however, collecting a registration fee wasn't as important as our residents being subject to new/different people renting next door to them week after week. Comm. Allison agreed with Mayor Pugh. Chief Yannuzzi announced that there had been over 14 incidents of short-term rentals, most of them from 6011 N Ocean Blvd. He felt that registration would benefit their department when complaints occurred if they had up-to-date owner information.

Atty. Spillias stated that fines can be determined as to whether it is a code enforcement case, misdemeanor through the court process or ultimately an injunction. The goal is for compliance. There was a consensus for the Town Attorney to prepare registration requirements for single family homes for renters over 30 days.

### 7. Police Chief

Chief Yannuzzi presented his monthly report and stated that there is now a separate category for rentals. There has been a major increase in the traffic this season. Construction trucks were frequenting A1A, and he notified the Florida Highway Patrol. In a little over a week, over 33 commercial vehicles were pulled over and 22 vehicles were inspected that resulted in \$1000's in fines being issued.

Chief Yannuzzi announced that our officers assisted with the parking for the Sunrise Service at the Oceanfront Beach Park, and that it had been a good turnout. He also stated that Ocean Ridge would be hosting a free document shredding on April 19<sup>th</sup>, from 9am to noon. There is a limit of 3 file boxes per household, and Cintas is sponsoring it. Residents were encouraged to participate.

### 8. Town Engineer

Engineer Tropepe was absent with notice.

## ACTION ITEMS

### 9. Approve Change Order #1 To Tenex Corp. Resulting in a Reduction Amount of \$59,325

Mngr. Schenck summarized that this Change Order was a result of 3 changes to their contract amount. Tenex had 3 additional requests totaling \$7024.33. There is also a \$2600 deduction for a deletion of piping, and a deduction of \$30,000 which was the contingency built into the original contract, and a \$33,750 deduction in liquidated damages because of the time delay. These total \$59,325.33 in deductions

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from the original contract bid of \$382,618.00. The final price is \$323,292. The final balance owed to Tenex is \$67,941.63. The money we saved will remain the Capital Improvement Funds to help pay for other approved projects and the overruns paid to Engenuity.

Mayor Pugh felt that Ocean Ridge had been more than fair with the contractor with the long delays caused by the contractor.

Comm. Aaskov motioned to approve Change Order #1 to Tenex Corp, resulting in a reduction amount of \$59,325. Seconded by Comm. Allison.

Motion Carried – yea (5)

10. Ratify \$3,851.50 Made Payable to Line Tec as a Capital Projects Expenditure to Replace Water Line on Bonito Drive

Mngr. Schenck stated that an unexpected expense had occurred in regards to the water line under the road on Bonito Drive. The valves to shut off the water at the end of the street were found buried under 12 inches of asphalt. Two valves had to be moved and raised up so they would be usable. In addition the water pipe leading around the cul-de-sac was made of concrete asbestos, which we had to replace with PVC pipe. Line Tec was contracted to do the water improvements and this saved the contractor's markup on the cost. These repairs were necessary to be performed before this meeting. Mngr. Schenck requested that \$3851.50 in repairs from the Capital Improvement Funds be ratified.

Comm. Allison motioned to approve the \$3851.50 made payable to Line Tec as a Capital Projects Expenditure to replace the water line on Bonito Drive. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

11. Discuss Section 70-4(2) Pertaining to Permanent Identification Signage

Mngr. Schenck requested clarification in regards to the Identification Sign Ordinance 70-4(2) for allowable signage. There are 3 different scenarios outlined in Sections 2a, 2b and 2c. One interpretation is that each property is permitted to use only one of the three scenarios. The other interpretation is to permit using a combination of them since the Ordinance doesn't state that only one option is allowable. He also cited Section 70-5(5), which refers to a numerical or address sign. The question is whether or not the free standing identification in Section 2(a) can also be used as an address sign as long as it meets the requirement of the Ordinance. The Ordinance is being interpreted both ways and we feel we need to clarify the issue. We are requesting the Commission to clarify their present intent and we can rewrite the Ordinance if necessary. The Commission could also request P&Z to address it at their April meeting.

Atty. Spillias stated that if there is general ambiguity then the Commission's decision should be in favor of the property owner, and not prohibit it. If the Commission knew now what their choice was, they can decide now rather than sending it to Planning & Zoning. But if you are not sure then you should have P&Z address it.

Comm. Hennigan moved to allow Pelican Cove install a free standing address sign in front of their guard house, and then to have the Planning & Zoning Commission to discuss/clarify the Sign Ordinance 70-4(2) regarding allowable signage at their next meeting. Seconded by Comm. Allison.

Motion Carried – yea (5).

12. Confirm the Hiring of Kristin Arroyo as a Dispatcher/Clerk

Chief Yannuzzi stated that the Commission had directed him at the March meeting to tentatively hire 2 dispatchers to fill funded vacancies that were created as a result of a resignation and a retirement, and then to confirm them at the April meeting. There was a delay in the background investigation however and he was only able to present one candidate for their consideration at this time. Kristin Arroyo was present in the audience. He stated that although she has no dispatch experience, she did have an Associate Degree and Baccalaureate Degree in Criminal Justice. She is bi-lingual, and has been employed as a certified after school counselor with the Palm Beach County School Board. All of her training can be completed here in

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house. Mngr. Schenck and Chief Yannuzzi were recommending Kristin Arroyo to be hired as a dispatcher effective April 15, 2013.

Comm. Allison motioned to approve the hiring of Kristin Arroyo as a Dispatcher/Clerk effective April 15, 2013. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

13. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission  
Clerk Hancsak stated that several appointments to the various boards will either lapse or have become open due to resignations and will need to be filled. In regards to the Board of Adjustment, the alternate members were Jeff Lee and Hans Kahlert, and both have volunteered to serve as alternates again. In regards to the Planning & Zoning Commission Mauro Walker & Dr Richard Bajakian have both expressed interest in serving as regular members again. Dr. Bajakian was moved from alternate to regular member in August 2012 after Ward Northrup resigned. The alternate member is currently Penny Kosinski, who indicated that she would like to serve again as alternate, leaving one open alternate position. In several of the prior years the Commission deferred one or more of the appointments for one month in the event additional residents wanted to submit a brief resume. If the Commission decides to do this again a motion would be necessary to retain the current board members until at least after the scheduled P&Z meeting this month. A motion would be necessary to appoint members for each board separately.

Comm. Allison motioned to retain Mauro Walker and Dr Richard Bajakian as regular members for Planning & Zoning, and Penny Kosinski as an alternate member. Seconded by Comm. Hennigan

Motion Carried yea – (5).

Comm. Hennigan motioned to retain Jeff Lee and Hans Kahlert as alternate members for the Board of Adjustment Commission. Seconded by Comm. Allison.

Motion Carried yea – (5).

Town Clerk Hancsak advised that they would advertise the open position on the Town's website and newsletter.

### RESOLUTIONS

14. Resolution No. 2013-02; Electing a Mayor

Comm. Allison nominated Geoffrey Pugh as Mayor. There were no other nominations.

Comm. Allison moved to adopt Resolution No. 2013-02 electing Geoffrey Pugh as Mayor, seconded by Comm. Brookes.

Clerk Hancsak read Resolution No. 2013-02; Electing a Mayor into the record.

Motion carried – Yea (5).

Mayor Pugh thanked the Commission and stated that he would continue doing the best job he could for Ocean Ridge.

15. Resolution No. 2013-03; Electing a Vice Mayor

Comm. Hennigan stated that in the spirit of rotation, she nominated Edward Brookes as Vice Mayor.

Comm. Aaskov nominated Dr. Lynn Allison as Vice Mayor.

Comm. Brookes thanked Comm. Hennigan, but declined the nomination. There were no other nominations.

Comm. Aaskov moved to adopt Resolution No. 2013-03 electing Dr. Lynn Allison as Vice Mayor, seconded by Comm. Allison.

Clerk Hancsak read Resolution No. 2013-03; Electing a Vice Mayor into the record.

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Motion carried – Yea (5).

Comm. Allison thanked the Commission.

16. Resolution No. 2013-04; Designating Depositories, authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Checks

Comm. Allison moved to adopt Resolution No. 2013-04. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

FIRST READING OF ORDINANCES

17. Ordinance No. 602; Amending its Code of Ordinances, at Chapter 66 Article IV, Landscaping, by Creating a New Division 5 – Florida-Friendly Use of Fertilizer – Sections 66-162 to 66-170  
Mngr. Schenck stated that this is a State mandated requirement for all communities. The purpose is to decrease the use of excess fertilizer that washes into the surrounding waterways presenting eutrophication problems. Staff recommends adoption of the ordinance.

Comm. Hennigan motioned to approve the First Reading of Ordinance No. 602. Seconded by Comm. Allison.

Motion Carried – yea (5).

SECOND READING AND ADOPTION OF ORDINANCES

18. 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  
Mngr. Schenck stated that this ordinance modifies our present code to satisfy the State’s and County’s requirement for turtle protection. We are already following the requirements 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. March 1<sup>st</sup> started turtle season and we will be following these requirements. The major regulation revolves around lighting restrictions. Staff recommended the adoption of Ordinance 601 on second reading.

Comm. Allison motioned to approve the Second Reading of Ordinance No. 601. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

Meeting Adjourned at 7:05pm.

Attest By:

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Town Clerk

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Mayor Pugh

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Commissioner Aaskov

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Commissioner Allison

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Commissioner Hennigan

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Commissioner Brookes