

REGULAR TOWN COMMISSION MEETING HELD MAY 6, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 6, 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 Allison	Commissioner Brookes
Commissioner Hennigan	Mayor Pugh

Comm. Aaskov was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Manager Schenck requested to move Item #17 to Item #11a, and to add Item #21a, First Reading of Ordinance 603; Rental Registration. He also requested that Item #14 be moved up to Item #8, as both items involve the same property.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of April 1, 2013

Comm. Allison motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Brookes.

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, May 27, 2013 for the Official Holiday
3. Proclamation Declaring May 25, 2013 as “National Missing Children’s Day”
4. Proclamation Declaring the Week of May 12-18, 2013 as National Police Week and May 15, 2013 as Peace Officers Memorial Day and Encourage all Residents to Fly Their Flags at Half-Mast on That Day
5. Proclamation Declaring May 19-25, 2013 as “National Public Works Week”
6. Proclamation Declaring May as “Civility Month”
7. Proclamation Declaring May 19-25, 2013 as “Water Reuse Week”

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

8. An application submitted by Luis Piedra, Building Systems Intl., 101 Plaza Real South, Suite 224H, Boca Raton FL 33432, representing the owner, Joseph Musacchio, 5000 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 swimming pool and pool decking that would extend a maximum of 162’2” east of the of the Coastal Construction Control Line (CCCL), and also relocation of the entrance driveway that would extend a maximum of 164’4” east of the Coastal Construction Control Line (CCCL) located at 5000 Old Ocean Blvd. or legally described as Palm Beach Shore Acres Blks A, B & Z Blk A (exact description available for review in the Clerk’s Office)

Clerk Hancsak read the application into the record. 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 exparte communications with the client or representatives. There was none.

Clerk Hancsak summarized that this request was to construct a new swimming pool and pool decking and relocate the entrance driveway east of the Coastal Construction Control Line. This request will also require the submittal and approval of the owner’s request to obstruct the right of way agreement, Item #14

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on the Agenda. There were no legal issues and no fiscal impact, and the staff was recommending approval contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

Luis Piedra, Building Systems Intl., and representative for 5000 Old Ocean Blvd, stated that their request was to build a new pool on the north side of the home and move the driveway. They were going to upgrade the hardscape/landscape of the property also.

Comm. Brookes motioned to approve the application as submitted by Luis Piedra, Building Systems Intl., representing the owner, Joseph Musacchio, 5000 Old Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Hennigan.

There was no public comment.

Motion Carried – yea (4).

14. Request to Obstruct the Right-of-Way with Landscaping at 5000 Old Ocean Blvd., By Luis Piedra, representing the owner, Joseph Musacchio
Manager Schenck stated that Mr. Musacchio was requesting permission to plant landscaping materials in the Town right of way on Old Ocean Blvd. There was already significant vegetation in the right of way, and none of the proposed will be any closer to the road than the existing vegetation. Staff was recommending approval. Clerk Hancsak noted that the Agreement to Obstruct the Right-of-Way was signed by Mr. Piedra in error, and it needed to be resigned by Mr. Musacchio, the owner.

Comm. Hennigan motioned to approve the request to obstruct the right-of-way with landscaping at 5000 Old Ocean Blvd. Seconded by Comm. Allison

Jim Bonfiglio, 5616 N Ocean Blvd was concerned with planting vegetation in the ROW, and was afraid that it would set a precedent. The previous Commission had done a good job a few years ago having a 6' pathway enforced through vegetation removal from the ROW on Old Ocean Blvd, and it had taken many long months for all the residents to comply. Manager Schenck stated that this vegetation was already set back, and would be in line with the existing.

Motion Carried – yea (4).

REPORTS

9. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The work is finished, and the contractor signed off the final change order. Chris Wayne & Associates will install vegetation to hide the generator and complete the project. 2) FDOT Discussions - FDOT has completed the plans for a proper pedestrian crossing at Woolbright Blvd and A1A. A special meeting was held on May 2nd to address the concerns of the residents. As a result of the meeting, the Commission forwarded to FDOT a letter requesting to not proceed with the project. He would advise the Commission of their response. 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. However; with the housing construction at the end of Bonito complete, the road will need another layer of asphalt to facilitate better drainage. 4) Inlet Cay Batter Pile Replacement – The pilings are complete for the north side of the road. The south side has a conflict with the power line, and FPL decided to shut down the power 3 days from 8am – noon, as we feel this will have the least impact the residents. 5) Inlet Cay Island – We've received 3 bids - \$188,846, \$199,152.87 and \$206,083.04 We are reviewing the bids and will make a recommendation at the June meeting, the funds will have to be transferred from the Reserves to the Capital Projects Fund. 6) PBA Contract Negotiations. –We have come to an agreement with the PBA on a 2 year contract, and will be discussed later in the meeting. 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) A1A Crosswalk at Town Hall. The design has been

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completed and submitted to FDOT for a permit. Once we receive the permit we'll obtain several bids for construction. 9) Planning and Zoning Commission Meeting – They met as requested by the Commission to discuss several items. Per their minutes they made a motion to change the screening requirements in Section 64-47. They tabled the FAR discussion to obtain more data on surrounding communities. Their recommendation for the sign ordinance-70-(4)(2) was that it was fine as is, and that you could have one of each type of sign listed. The commercial zoning will be discussed later in the meeting.

Manager Schenck stated that he had forms for any of the Commissioners who wished to attend Elected Officials Institute. He also stated that Briny Breezes had requested a new proposal for a 3 year police contract. It was discussed that he would present the proposal to the Commission prior to submitting it to Briny Breezes. Manager Schenck finished his report stating that he had received a preliminary tax report from Palm Beach County, and the tax values in Ocean Ridge had a projected increase of 2.5%.

10. Town Attorney

Atty. Spillias stated that the Inspector General had requested 2 appeals. The 1st appeal was already denied, and the 4th District Court had also denied their second appeal. Resolution should move forward quickly now that there are no more delays.

11. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. He had a letter of Commendation for Sgt. Wohlfiel, Officer Roy and Officer Giardino for their assistance.

17. Confirm the Hiring of Krystine Ramos as a Dispatcher/Clerk

Chief Yannuzzi stated that the Commission had approved the hiring of 2 dispatchers in March. Due to a delay in the background investigation, only one candidate was presented at the April Meeting. Krystine Ramos has served 12 years in the Air Force. Her duties included radio communications involving air traffic at Andrews Air force Base. She has an Associate Degree in English Education, an Associate Degree in Information Systems Technology and a Bachelor Degree in Criminal Justice. She will receive her State-mandated certification requirement in-house. This position is fully budgeted and there are adequate funds to cover this appointment. Manager Schenck and Chief Yannuzzi were requesting confirmation of the hiring of Ms Ramos as a dispatcher for Ocean Ridge.

Comm. Hennigan motioned to confirm the hiring of Krystine Ramos as a Dispatcher. Seconded by Comm. Allison.

Motion Carried – yea (4).

The Commission and Staff welcomed Ms. Ramos to Ocean Ridge. Chief Yannuzzi stated that all dispatch positions were now full.

12. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

13. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2011/12

Ron Bennett, Nowlen, Holt & Miner, thanked the Commission for allowing their firm to serve Ocean Ridge. The audit consisted of 3 reports and a management letter with all the required comments. There were no notes or findings to report and added that this doesn't happen often among municipalities. He thanked the management and staff for their help and assistance during the audit. He presented a bar chart showing the financial highlights of Ocean Ridge's Revenues and Expenses for the past 5 years. With the exception of the new Townhall expense in 2008, there were few variations, and it showed that Ocean Ridge was consistent. Mr. Bennett stated that most people only think of auditors at year-end; however they were available to the Commission or staff all year long.

Comm. Brookes questioned if the town could pay down the revolving loan. It was currently at 3%. Mr. Bennett stated that it would very difficult to get out of, as it is an interest rate swap, and was not sure if it could be made a flat rate, but added that 3% was a good rate.

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Comm. Allison motioned to accept the Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2011/12. Seconded by Comm. Brookes.

Motion Carried – yea (4).

15. Request for the Placement of a Construction/Sales/Mobile Office Trailer at 11 Adams Road and Known as Ocean Breeze, LLC

Ken Kaleel, representative for Ocean Breeze, LLC, stated that the old apartment building at 11 Adams Rd had been demolished, and the land seeded. Palm Beach Health Dept was requesting this project to be reclassified as Condominiums instead of Townhomes thereby providing for one lot instead of seven, as was originally replatted, so a replat will again be presented to the Commission at a later date. He stated that the purpose of this construction trailer was for marketing and the Code does not allow for a construction trailer on an empty lot without an approved building permit for the new structure(s).

Comm. Hennigan requested clarification of difference of “condominiums” vs. “townhomes”. Mr. Kaleel stated that there is a difference in the legal description and townhouses are under separate ownerships while condos are under group ownership. The Health Department is requiring that they be condominiums as they are sharing a sewage treatment system.

Manager Schenck stated that the approval from the Health Department for the main project should take about 3 months. The trailer would have to meet all handicap codes and have sufficient landscape. Clerk Hancsak stated that Ocean Harbour Estates had a sales/construction trailer.

Comm. Allison motioned to approve the request for the Placement of a Construction/Sales/Mobile Office Trailer at 11 Adams Road and Known as Ocean Breeze, LLC for a period of 6 months. Seconded by Comm. Hennigan.

James Bonfiglio, 5616 N Ocean Blvd, stated his concern that the trailer have a skirt around the bottom with full landscaping. Mr. Kaleel agreed that there would be skirting, and it would look nice with the landscaping.

Motion Carried – yea (4).

16. Appointment of Alternate to the P & Z Commission

Clerk Hancsak stated that the opening was advertized on the Town’s website and the Town’s newsletter and we had received one response. Terry Brown was a former Town Commissioner and a past member of the Board of Adjustment, and the Commissioners had a copy of his resume.

Comm. Hennigan motioned to appoint Terry Brown as Alternate to the P & Z Commission. Seconded by Comm. Brookes.

Motion Carried – yea (4)

18. Discuss Recommendation by the P & Z Commission Regarding Commercial Zoning Area

Manager Schenck stated that at the last P&Z Commission meeting they discussed the commercial area at the south end of Town. Their conclusion was to have a study done by a professional planner outlining the pros and cons of a mixed use zoning. Their major question was what to do with the 5011 Building, and they felt the area should be addressed as a whole from Tropical Dr. to Briny Breezes and A1A east to Old Ocean Blvd. to see if the noncommercial zoning was still the direction that the Town wanted to take. Manager Schenck had received a proposal from Urban Design Kilday Studios to do the study of the area; however if the Commission’s only concern was the 5011 Building then the study wouldn’t be necessary. The 5011 Building is scheduled to be phased out for commercial use in 2014.

Jerry Lower, Briny Breezes Planning & Zoning Chairman and Ocean Ridge resident, stated that Briny Breezes was waiting to get approval from FDCA in regards to a proposed mixed use for A1A. Briny Breezes was not using a consultant. As Briny Breezes was both a municipality and a corporation, it would require approval from both for any changes. Currently there was not a strong will to make changes. He was in favor of simplifying the commercial area to be the 5011 Building only. He asked them to not delay it while waiting on Briny Breezes.

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Atty. Spillias stated that if the Commission chose to restrict the Commercial use to the one property or expand it, then both the Comprehensive Plan and the Zoning Code would require change. Health regulations may also require that the 5011 Building be expanded and/or renovated. The Commission could set/and shape the type of commercial that would be allowed at their discretion.

James Bonfiglio, Planning & Zoning, stated that the P&Z was concerned with the intentions of Briny Breezes. They were possibly suggesting that a workshop be held to discuss the possibility of mixed use, and to restrict the type of shops. If only keeping the “commercial area” to the 5011 Building then P&Z did not feel that a consultant would be needed.

Penny Kosinski, 6000 Old Ocean Blvd, requested that the workshop be held in the fall to allow our seasonal residents to attend. Stella Kolb, 204 Beachway, agreed with Ms. Kosinski.

Bernd Schulte, 5 Osprey Court, did not feel the need for a consultant and asked the Commission to keep it to just the one building. He also felt it would be a waste of the Town’s finances to wait for Briny Breezes to make a decision.

Ken Kaleel, 86 Island Dr South, asked the Commission to realize what the impact/implications could be if the south end was made into a commercial area. He also asked the Commission to obtain professional advice, and use the summer to get the facts together, and prepare a list of what would have to be changed such as a new zoning category, comprehensive plan amendments, future implications such as septic issues, and basis of facts before making any decisions. He added that Atty Spillias had stated earlier that if the Town was actively engaged in possible zoning changes, an extension for the 5011 Building could be considered without it being defacto zoning.

The Commission discussed the time constraints before the commercial at the 5011 Building must be phased out. There were benefits to allow/keep commercial property in Ocean Ridge also versus more townhomes in the current economy. They were in favor of possibly holding a workshop and to allow community response. They also discussed that the “commercial district” be only the 5011 Building for now and possibly expanding the district to the adjacent lots/streets at a future time.

Manager Schenck stated that the Sivitilli’s (owners of the 5011 Building) had previously advised that they would make necessary repairs/improvements to the property if the Commission allowed their property to stay commercial.

Atty. Spillias summarized that the Commission had 3 options: 1) Keep Ocean Ridge a residential community, and require the 5011 Building to change to Townhomes at their current deadline. 2) Seek the advice of a consultant to review the entire south area to determine where to allow commercial property. 3) Get an estimate to change just the 5011 Building to a commercial or mixed use district, and how it could be legally obtained.

There was a consensus by the Commission directing the Town Manager to research the options, cost and legal vs zoning ramifications for a commercial zoning district in the south end of Town. Town Manager Schenck advised that he would obtain a cost from Urban Design for not extending the commercial east of A1A and also for just the 5011 Building. He added that he would ascertain the full process for the June meeting.

19. Discuss Recommendation by the P & Z Commission to Amend Section 64-47(c)(3)(b) Pertaining to Parking of Boats, Trailers or Recreational Vehicles and the Effective Screening of Same
Manager Schenck stated that the Commission had requested P&Z to discuss the screening of large equipment in the resident’s yards. P&Z recommended that stored boats, trailers and recreational vehicles not be permitted if they exceed 6ft in height, and that they must be screened from all 4 sides of the property. This will affect all properties whether on a canal or an abutting back yard. Staff however feels this would present several concerns. Most boats on a trailer or a travel trailer do exceed 6ft. Our code doesn’t allow fences over 6ft, and to screen something on all four sides would restrict the movement/use of

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the item – how would a boat get out? There could also be a concern of escalating the complaints to include playground and trampolines in the back yards in the future.

Chief Yannuzzi stated that the Police Department would enforce any decision made by the Commission. He noted that this concern was brought to light when a neighbor complained of their view across the canal of a their neighbor's boat trailer.

Kristine DeHaseth, 29 Sabal Island Drive, asked that this be taken on a case by case basis. She did not feel it necessary to include boats in the ordinance but felt motor homes should be included.

Mayor Pugh stated that P&Z had given their recommendation but it could have unintended consequences. He stated that Ocean Ridge was a seaside community and a majority of the residents have water frontage and have boats/trailers on the properties and several also have motor homes.

Consensus was to not take any action or change the Code.

20. Discuss and Possibly Authorize the Execution of the Police Benevolent Association (PBA) Agreement Which Would be Effective Through Sept. 30, 2014

Comm. Hennigan moved to authorize the execution of the Police Benevolent Association (PBA) Agreement which would be effective through September 30, 2014. Seconded by Comm. Allison.

Motion Carried – yea (4).

The Commission thanked Chief Yannuzzi and Mngr. Schenck for their assistance through the negotiations.

SECOND READING AND ADOPTION OF ORDINANCES

21. 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

Clerk Hancsak read Ordinance No. 602 into the record. Manager Schenck stated 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. Although this Ordinance is mandated, it would be very difficult to monitor by code enforcement.

Comm. Hennigan motioned to adopt on second reading Ordinance No. 602. Seconded by Comm. Brookes.

Manager Schenck advised that this was a State mandated ordinance that basically required commercial businesses to become certified.

Motion Carried – yea (4).

22. FIRST READING OF ORDINANCE NO. 603; Amending its Code of Ordinances at Chapter Thirty, Licenses and Business Regulations, by Creating a New Article VII, Business Permit Section 30-157, Residential rental Registration and Section 30-158, Fee

Mayor Pugh read Ordinance No. 603 by title only.

Atty. Spillias stated the Commission directed him to prepare this Ordinance to include all residential property owners, with the exception of condominiums or cooperatives, who usually have their own rules. He stated that the fees had to be on a reasonable basis. A condo has an application process, and they charge fees to register with them. The purpose of the ordinance is to keep track of the rental homes and to establish administration fees for registration and fines for those who are not in compliance.

Comm. Hennigan felt there was a conflict with the issues. This ordinance should be for all properties to treat all residents fairly. She did not feel a registration fee was necessary but felt the penalty fee should be high.

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Comm. Allison felt there was a safety issue for the neighboring properties of rental homes. She was in favor of the proposed ordinance. Comm. Brookes felt it was important to know which properties were being rented out and by whom.

Bernd Schulte, 5 Osprey Court, stated that only the honest homeowners would register their properties, the ones who were doing short-term rentals would not.

Penny Kosinski, was concerned with the bigger picture of those renting for less than 30 days. The current Code was not working and felt this section of the code should be tightened also. Regarding this proposed ordinance she requested a limit of 4 times a year. People expect to live in a quiet community in safety.

Kristine DeHaseth, 29 Sabal Island Dr, asked the Commission for a better avenue to inform the residents of the issues, citing the Woolbright crosswalks as an example. Comm. Brookes stated that this issue had been on the agenda for 22 months, only a few hundred residents have signed up to be on the Town's e-mail list. Most of the people don't want to keep informed. Comm Hennigan agreed. Chief Yannuzzi stated that this issue has been included in his annual letter to the residents also.

Cheryl Olanoff, 566 David Lane, stated that she felt property owners do not adhere to the current minimum 30 day requirement and felt this new ordinance should limit the rental to 4 to 6 times annually.

Comm Allison moved to approve Ordinance 603 on first reading, seconded by Comm Brookes.

Atty Spillias advised that no code requirement will make certain that things won't happen but this ordinance will provide a mechanism for enforcement. Chief Yannuzzi advised the police department will enforce this ordinance no different than any other.

Motion carried – Yea (4).

The Commission directed the staff to research the multi-family condominium/cooperative documents regarding their unit rental regulations/registrations.

Comm Allison mentioned that she attended the meeting by resident, Bob Weisblut, regarding future lecture series and it is progressing nicely. Several lectures are scheduled. She requested that the citizens spread the word in addition to notifications in the Town's email.

Meeting Adjourned at 7:05pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Hennigan

Commissioner Brookes