

REGULAR TOWN COMMISSION MEETING HELD JULY 8, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 8, 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 Hennigan
Commissioner Brookes	Mayor Pugh

Comm. Allison was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak requested a correction concerning the minutes for the Commission Meeting on June 3rd, 2013 - Mr. Spott's comment on Page 1 – the word "inappropriate" should be changed to "appropriate".

CONSENT AGENDA

1. Minutes of Special Town Commission Meeting of June 3, 2013
2. Ocean Ridge Resolution No. 2013-06; Authorizing the Town Manager and/or his Designees to Sign Florida Department of Transportation Construction Agreements on Behalf of the Town of Ocean Ridge, Florida
3. Approval of the 2nd Amendment to Extend the Interlocal Agreement until Nov. 1, 2017 Between Palm Beach County and the Town of Ocean Ridge to Allow for the Interoperability with Palm Beach County Through the Countywide 800 MHZ Trunked Radio System

Comm. Aaskov motioned to approve the agenda and minutes as amended. Seconded by Comm. Brookes

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The FY 2013/14 Budget Presentation/Adopt Proposed Millage Meeting will be held on Wednesday, July 24, 2013 at 8:30 AM

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

5. An Application Submitted by Ocean Breeze, LLC, % 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 64; Zoning, Article 5; Subdivisions; Sections 64-100 through 64-105 Pertaining To Replatting Requirements. The applicants, Ocean Breeze LLC, are Requesting to Replat the Existing Property from Seven Lots with a Common Area to One Lot. The Property is Located at 3-11 Adams Road or Generally Described as Lots 3-7, Ocean Shore Estates Subdivision (exact legal description located at Town Hall)

Clerk Hancsak read the title of the application, and summarized that this request was to replat the property from 7 lots with a common area to one lot. P&Z and Town Commission re-approved the site plan for this project in January and February of 2013. Because of the Health Dept requirements, however; the project must be changed from a 7 townhouse unit property to a condominium of 7 residential units with no change to the site plan. There appear to be no legal issues other than the applicant will need to file the necessary condominium declarations and documents with the appropriate agencies. Staff recommends approval of the replat contingent on review by our Town Engineer. All zoning and building requirements will be reviewed upon actual building permit submittal.

Clerk Hancsak stated that all fees have been paid and that no additional correspondence had been received. As this was a quasi-judicial hearing, Those proving testimony were sworn in at this time. He asked the Commission if they had exparte communications with the client or representatives. There was none.

Ken Kaleel, representative for Ocean Breeze, LLC, stated that the purpose of the replat was due to Palm Beach County's Health Department requirements and he had nothing further to add.

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There was no Public Comment.

Comm. Aaskov motioned to approve the application submitted by Ocean Breeze, LLC contingent upon approval by the Town Engineer. Seconded by Comm. Brookes.

Motion Carried – yea (4)

REPORTS

6. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The project is complete and working as designed. Telemetry has been installed to connect the station to Town Hall for monitoring. Ocean Ridge had received a \$107,000 check from the FDEP Grant and he presented a blown-up version of this check to the Commission. 2) FDOT Discussions - we are still working on the flap gate issue to reduce the flooding on Ocean Ave during high tides. 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) 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. The replacement of the pilings on the south side has presented some conflicts we're working on to correct. 4) Inlet Cay Island – The contract for the 3 cul-de-sac improvements was awarded to Anzco Inc. in the June meeting, and the project started today with Bimini Cove Drive. 5) 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. 6) A1A Crosswalk at Town Hall - The design has been completed and submitted to FDOT for a permit. Once we receive the permit we'll obtain bids for construction. 7) DERM's Groin Modification – DERM had a study done to evaluate how the sand transfer down the beach from north to south is affected by the groins on the beach. The study recommended a minor modification to the rock configuration of the groins. The goal is to allow more sand to flow southward down the beach. Our coastal engineer, Cliff Truitt reviewed the report to make sure we weren't going to be adversely impacted. He concluded that the project would not harm Ocean Ridge, but we're not sure how much good it will do either. This project is tentatively scheduled for November. There is no cost to Ocean Ridge, as DERM is paying for the project. 8) Beach Renourishment Project – It has cleared all of the State and Federal requirements and is set to go sometime in November or December.

Manager Schenck stated that the Florida League of Cities had an upcoming Convention in Orlando. It was confirmed with the Commission that no delegate from Ocean Ridge would be attending this year.

6. Town Attorney

Atty. Spillias stated that the State Legislature had in the last session passed a legislation regarding that public comment at meetings. Robert's Rules apply if a municipality has no written policy. He requested that the Commission direct him to prepare a set of policies and procedures for conduct at Commission Meetings with rules and guidelines for voting and due process. There was a consensus directing the Town Attorney to prepare a Resolution to set the Town's policy/procedure for conduct at public meetings.

Clerk Hancsak stated that it was required for all staff including the Commission to attend an Ethics Training Class every 2 years. She would try to set up a date to hold an Ethics Training Course in Townhall. Those who would not be able to attend would have to watch the video. The training course would also be open to neighboring communities if they wished to attend also.

7. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. Officer McAllister had received a letter of recommendation for his professional service performed at a traffic stop. Manager Schenck was glad to announce that Briny Breezes had renewed our contract for police service in the amount of \$203,500. This was a 10% increase from our existing contract and it has built in an increase for the next 2 years based on 1.5% plus the CPI.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

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10. Award of NoSeeum Spraying Contract with Clarke Mosquito Control for up to a 12 Month Period at a Maximum Cost of \$42,744 from Budgeted Funds

Manager Schenck stated the contract with Clarke Mosquito Control expires on September 30, 2013. They were holding the same price. In the past we have advertised and only one other company has ever responded with the experience we require. That company is still unable to meet Clarke's price. Staff recommends renewing the contract with Clarke for \$42,744.

Comm. Aaskov motioned to award the NoSeeum Spraying Contract with Clarke Mosquito Control for up to a 12 Month Period at a Maximum Cost of \$42,744 from Budgeted Funds. Seconded by Comm. Hennigan.

Motion Carried – yea (4).

11. Approval of One (1) Year Landscaping Contract with Chris Wayne and Assoc. in the Amount of \$43,008 Commencing on Oct. 1, 2013

Manager Schenck stated our contract with Chris Wayne and Assoc., expires September 30th, 2013. They have agreed to not raise their price. They have been doing our landscape since 2008 and doing a good job. They are cooperative and easy to work with on a variety of projects. The last time we went out to bid, we only received one other bid from Miami with a much higher price. Manager Schenck recommended that we renew their contract for another year at \$43,008.00.

Comm. Brookes motioned to approve the One (1) Year Landscaping Contract with Chris Wayne and Assoc. in the Amount of \$43,008 Commencing on Oct. 1, 2013. Seconded by Comm. Hennigan.

Motion Carried – yea (4).

12. Discuss Possible Abandonment of a Section of Old Ocean Blvd. on the West Side South of Beachway Drive

Manager Schenck stated that for some time we have been trying to figure out what to do with the scavola in the right of way on the west side of 5514 and 5516 Old Ocean Blvd. These plants have died off in large unsightly sections. Once we get rid of the scavola, we could plant trees or hedges or just grass. The major problem beside expense (\$10,000 or more) is the fact that we don't have any water in the area to supply any new plantings. The owner of 5514 Old Ocean Blvd has made an offer for the area in front of his property. He said that if we abandon the land to him, he would clear the scavola and landscape it with plants, trees and bushes, and provide water. The right of way in front of this home is 100ft in length and 35ft wide. If the Commission decided to abandon this property, there are 2 possibilities. We could deed the entire property to him with an easement restriction for our use of 10ft or whatever footage is preferred, while requiring the homeowner to maintain the easement. Another option would be to deed all but the easement and we retain the easement property. He would still be required to maintain the easement. It seemed that the first option would be the simplest. Manager Schenck had not spoken to the homeowner at 5516 Old Ocean Blvd yet. If the Commission decided to abandon the property, the Town Attorney would determine the method to accomplish the transfer and if a public hearing and advertisement would be required.

It was discussed that maybe we should lease instead of abandon the ROW east of the 2 properties to avoid a domino effect, and also that all 4 adjacent homeowners needed to be contacted before a decision could be made. Atty. Spillias stated that if the Town ever decided to widen the street or add sidewalk, there could be issues if the property was abandoned. He also stated that generally homeowners must maintain the right of way in front of their property.

There was a consensus by the Commission that the Town Manager meet with all 4 homeowners on Old Ocean Blvd and present a menu of options at the next Commission Meeting.

13. Discuss Potential Rezoning of 5011 N Ocean Blvd.

Manager Schenck presented a proposal from Urban Design Kilday Studio to make the changes to the Town's Comprehensive Plan to allow for mixed use zoning at the 5011 Building. The cost is \$9200, and additional costs for direct mail and legal ads would be an additional \$2500. Since the change would allow businesses to operate in the building the conditions and requirements for business occupancy are different

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and stricter than for residential use. The building inspector has asked that due to the age of the building that an engineering inspection be completed prior to any change in zoning to be sure the building is satisfactory for business use. Staff agrees with the recommendation that the owner have a building safety inspection completed by a certified engineer prior to undertaking the expense of rezoning.

Comm. Hennigan apologized for not being at the last meeting when this item had been discussed, and asked if there would be changes to the parking if it was rezoned, and what the building standards were for commercial properties and if the Commission had any control concerning the type of business that would be allowed. She was also concerned in the future if the Commission decided again to remove commercial business, if could it be done.

Lisa Sivitilli, owner of 5011 N Ocean Blvd, thanked the Commission for the opportunity to speak to the community. In regards to the parking there should not be an issue, some of the spaces would be widened, and they may lose 1-2 spaces; however the businesses do not have heavy traffic, and the current business owners park on the side to allow for customers. Boynton Fire Dept performs an annual inspection, and the Sivitilli's have been waiting on a final decision from the Commission before they proceed with beautification improvements. They had met with some contractors regarding painting, new awnings, repaving the parking lot, and some new landscape. There would also be new business signage. Sometimes an office has been left empty to wait for the right type of tenant and in the past they have worked with Townhall concerning the types of businesses. They did not desire to have a business that generated high traffic, food, or a chain store. They did not consider it a road block to spend monies for an engineering inspection, especially if the Commission were in favor of keeping the mixed use.

Atty. Spillias stated that the Code could define the use of the property with criteria concerning the type of businesses or business uses. If in the future the Commission decided to phase out commercial business again, it could be done within a reasonable period of time to allow the owner to recoup their investment. With a mixed use zoning, it could be commercial and/or changed to Townhomes. Urban Design is knowledgeable in designing a comp plan and they would address the code requirements. The Commission may want to consider a variance or waiver process in return for items offered by the property owners, and Urban Design can review how best to proceed with this.

Mayor Pugh stated that the cost to change the Comprehensive Plan and Zoning Code just for the sake of one property in Town was high, and he wanted to see that the Town's money was well spent. He asked for an engineer's inspection report and a list of proposed improvements that would be done.

Consensus by the Commission for the owners of the 5011 North Ocean Building to obtain an engineer's report and a rendering of proposed enhancements to the property prior to initiating a contract with Urban Design Kilday Studios to complete a Comprehensive Plan Amendment/Zoning Change to allow for mixed use (Residential/Commercial) for the 5011 Building Only.

TOWN COMMISSION ITEMS

14. Recognizing a Good Samaritan By: Comm. Hennigan
Comm. Hennigan recognized "Good Samaritan" Dwight Saulter, the Ocean Ridge Police Dept., and also the Boynton Beach Fire Dept., for the assistance provide to an 88 year young resident who needed EMS assistance. On June 22, 2013 through Mr. Saulter's persistent efforts of trying to contact Ms. Edge, the Ocean Ridge Police Department obtained access to Ms. Edge's home and found that she had fallen and needed medical assistance.

Meeting Adjourned at 6:53pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Brookes

Commissioner Hennigan