

REGULAR TOWN COMMISSION MEETING HELD AUGUST 5, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 5, 2013, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov	Commissioner Brookes
Commissioner Allison	Commissioner Hennigan

Mayor Pugh was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak requested to add a Proclamation for Florida Water Professionals Week, August 12 – 16, 2013, as Item #5A to the Agenda, and the minutes of the July 31st, 2013 Budget Meeting as Item #2A. Atty. Spillias requested to change his comment made in the July 31st, 2013 minutes, Page 4 "...type of tenants" should be changed to "type of business or business units". Also on the July 31st minutes. Page 2, Item #5 "bonuses" should be changed to "salary increases".

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of July 8, 2013
2. Minutes of Special Town Commission/Proposed Millage Meeting of July 24, 2013
3. Approval of Annual Floodplain Management Report for FY 2012/13

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

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Office will be Closed on Monday, Sept. 2, 2013 for the Official Holiday
5. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Tuesday, Sept. 10, 2013 at 5:01 PM – Regular Meeting Immediately to Follow and The Final Budget Adoption Meeting will be held on Tuesday, Sept. 17, 2013 at 5:10 PM

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

6. An application submitted by Bridges, Marsh & Associates, 18 Via Mizner, Palm Beach, FL 33480, representing the owner, Ocean Club of Florida, Inc., 6849 North 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 expansion of the existing snack bar/bar on the ground floor and expansion of an existing balcony on the second floor that would extend a maximum of 25'6" (+/-) east of Coastal Construction Control Line (CCCL) and also a new relocated exterior staircase that would extend a maximum of 64'6" (+/-) east of the of the (CCCL) located at 6849 North Ocean Blvd. or legally described as the North 200' of the South 4353.93', as measured at right angles, of that portion of Section 22, lying East of the East Right-of-Way Line of Florida SR A1A & Lots C, D, and E, Addition 1 McCormick Mile (exact description available for review in the Clerk's Office)

Clerk Hancsak read the title of the application, and summarized that this request was a proposed expansion of the existing snack bar/bar at ground floor and expansion of an existing balcony on the 2nd Floor with a covered roof area on the north side, and also to relocate the exterior staircase. The Town Code required a Land Development Permit for any construction east of the CCCL, and requires that a public hearing be held for any work that requires submittal to DEP for formal permitting. Upon review of the site plans, it appears that all of the zoning requirements will be met, and that it will not require a site plan modification or a variance request because the existing encroachment of the roof line will remain the same and exterior

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stairs are not considered part of the structure. The Commission may either approve the request contingent upon DEP approval once it is verified that it meets all of the zoning regulations or deny it if it does not meet all our land development regulations. Staff recommends approval of the applicant's request contingent on DEP approval and meeting all of the zoning and building requirement upon actual building permit submittal and review.

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

Mark Marsh, Bridges, Marsh & Associates, thanked Clerk Hancsak for summarizing the request. This was a modest proposed renovation, requested by the members of the Ocean Club to improve the property.

There was no Public Comment.

Comm. Brookes motioned to approve the application submitted by Ocean Club of Florida, Inc. contingent upon 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 (4)

Atty. Spillias clarified that although Comm. Aaskov was a member of Ocean Club of Florida, Inc. there was not a conflict of interest as this request was done by the organization and not a benefit to a specific individual.

REPORTS

7. Town Manager

Manager Schenck reported the following: 1) 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. 2) Inlet Cay Batter Pile Replacement – The piles have been installed and the concrete seawall has been poured on both sides of Inlet Cay Dr. We're working with the contractor to clean up the site. 3) Inlet Cay Island – The contract for the 3 cul-de-sac improvements was awarded to Anzco Inc. in the June meeting. Bimini Cove Drive is now complete; they'll start working on Eleuthera Dr next. 4) A1A Crosswalk at Town Hall – We received the construction agreement from FDOT. It was signed and returned to them. Once we get it back, we will obtain bids for the project. We plan to give the plans to several contractors and obtain competitive bids, rather than incur the expense for advertising. 5) Beach Renourishment Project – It has cleared all of the State and Federal requirements and is set to start in November or December. 6) Old Ocean Blvd Right of Way – All 4 residents of 5512-5518 Old Ocean Blvd. had been contacted regarding the possibility of turning over some of the right of way to them and were in agreement depending on the final method and details. It will be discussed later in the agenda.

Manager Schenck announced that starting this fall, the Palm Beach County Mobile Library would stop at Townhall. He would notify the Commission of their schedule once it was received. Comm. Allison thanked Lisa Burns for the beautiful job she had done on preparing the brochure of the upcoming lecture series at Ocean Ridge Town Hall. The 6 lectures would start October 10th, 2013 and run through April 10th, 2014 and requested it be placed in each newsletter.

8. Town Attorney

Atty. Spillias stated the Palm Beach Post printed an article concerning the public cost of the legal dispute regarding the Inspector General. Of the 15 municipalities listed – Ocean Ridge had the highest legal cost, which was a concern of the Commission. First, he stated that the \$265 hourly rate listed in the article was not correct – it is \$205/hour, he then explained the purpose and importance of the municipalities' legal action against the Inspector General, and the future monetary impact to the municipalities. If the Inspector General won, it would change the relationship between the County and Cities. It would be the first county program funded by the cities' taxpayers in addition to all of the County taxpayers. Ocean Ridge would not have control over their budget and how much of an increase could be assessed. Atty. Spillias also stated

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that his firm only represented Ocean Ridge while some of the municipalities share an attorney and therefore share attorney costs also, making their costs lower than Ocean Ridge's. He stated that the Commission has a few choices: 1) Pull out completely from the lawsuit. 2) He would stay on if requested. 3) His firm could withdraw and then Ocean Ridge could hire a different firm and lower their costs.

Comm. Brookes understood the importance of the legal dispute but he was very concerned that Ocean Ridge had incurred much higher costs than any other municipality. He was in favor of changing to Corbett & White and share in the costs with some of the other towns. Comm. Hennigan asked that if Ocean Ridge dropped out, would we still benefit from the lawsuit. She also asked if the cities could put a referendum on the ballot to overturn it. Comm. Allison agreed with Comm. Brookes and Comm. Hennigan regarding the high costs to Ocean Ridge and was in favor of finding an alternative to reduce the costs.

Atty. Spillias stated that if the court decision was found that the Inspector General's costs were unconstitutional then Ocean Ridge could still benefit without being part of the lawsuit, however if we dropped out purely from the financial aspect then he would have to inquire as to the result for Ocean Ridge. Ocean Ridge would also still owe any back payments owed to the Inspector General. The County Clerk was currently holding any funds that Ocean Ridge had paid, until the lawsuit was complete. If Ocean Ridge wanted to join with another firm, he stated that he would like to first contact the other firm to see how the costs would be allocated and if they would be in favor of Ocean Ridge joining them.

There was a consensus to have the town attorney research alternatives and what ramifications would occur if Ocean Ridge dropped from the lawsuit, or the possibility of Ocean Ridge changing to another attorney to lower the costs.

Atty. Spillias stated that due to an illness, he had been unable to research the change to our Policy & Procedures to allow for Public Comment at all meetings. He had requested Keri Ann Baker, one of his associates, to give an update regarding vacation rentals and possibly changing our new ordinance to include a limit of 3-4 rentals a year.

Keri Ann Baker, representative of Lewis & Longman, Walker, stated that the statute does not apply to the codes that are in place prior to July 2012, so we are grandfathered in. It would be difficult to limit to 3-4 times a year, and recovery homes would be protected under the ADA guidelines.

Comm. Hennigan stated that per our new ordinance, we charge a rental registration fee, and asked if the Sober Homes were exempt from registration. Atty. Spillias stated that they would still need to register, but providing names could be exempt. Clerk Hancsak stated that we had just received our first \$50 rental registration fee, after the owner had read the newsletter.

Comm. Brookes requested an update regarding the short term rentals at 6011 N Ocean Blvd. Atty. Spillias stated that they had been prepared to file a lawsuit regarding the vacation rentals, and then an attorney had contacted them regarding a possible sale of the property in October. It had been determined that rather than ensue further costs of a trial, it would benefit the town to allow the sale to proceed and have the existing liens paid off. They had inquired about appearing before the Commission regarding leniency at the September meeting.

Atty. Spillias stated that regarding the abandonment of a portion of Old Ocean Blvd. He had researched some alternatives for the Commission and it was on the Agenda to be discussed later in the meeting.

Ms. Baker stated that Ocean Ridge had an Ordinance that is enforceable requesting that the residents be responsible for keeping their trees trimmed and free from power/utility lines. In the past residents have been cited for not having the trees/vegetation cut back. FPL had a history of trimming back trees, but had in more recent years, they been slow in trimming. Chief Yannuzzi stated that every year in May the officers send out notices to residents (50-60 notices) and usually all residents respond, and are in compliance before hurricane season begins in June.

9. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. The police department had received 5 letters of thanks to the police department as a whole and to one

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specific officer. There was also a letter from the department thanking a resident for her notifying dispatch of suspicious activity in her neighborhood which resulted in 4 arrests on suspicion of burglary after a police chase with cooperation from Boynton PD K-9 and the PBSO Helicopter. The police department was also notified that a strong arm robbery had occurred in Briny Breezes with an alert neighbor obtaining the tag number of the suspect's vehicle. Chief Yannuzzi urged all residents to report any suspicious activity to the Police Dept – "See Something – Say Something!"

Chief Yannuzzi stated that Mayor Pugh had asked for his response to a Coastal Star article. An Ocean Ridge citizen was concerned of the high number of burglaries occurring in her neighborhood and the need for cameras in Ocean Ridge. Since 2012, there had been only 1 burglary (her home) and 1 attempted burglar (the same day of the 4 men's arrest). In regards to the cameras, Comm. Brookes and himself would be going to Lighthouse Point on Thursday, to see the equipment in action and how their system was structured. In regards for Alarm Signs for residents that are monitored by the Ocean Ridge Police Dept, they were to be ordered next week. The need for more beach patrols was brought up at recent budget meetings; our Police Department has had 67 Beach Patrols since January 1st, 2013. They were performed by foot or ATV. Anyone found with a dog at large, is first given a warning and then a citation and fine for any repeat offenders. Chief Yannuzzi thanked the Support Group along with donations from a few residents for the purchase of a Radar Sign (\$3400). It was portable and would initially be setup at Spanish River Drive, Beachway and Old Ocean Blvd.

Kristine DeHaseth, 29 Sabal Island Dr, stated that Delray Beach had a new ordinance regarding rentals and sober homes, and suggested that it be reviewed and used as an example.

10. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

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

Manager Schenck stated that per the Commission's request he had spoken with all 4 residents and they were in agreement for Ocean Ridge to keep a 10-15ft easement depending on how the transfer occurs. He summarized 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. To remove the scavola and plant trees, hedges or just grass would be \$10,000, and there would be no water in the area to supply any new plantings. Atty. Spillias stated that the Commission could either abandon it or grant them an easement.

Betty Bingham, 1 E Ocean was not in favor of abandoning the property, and stated the code requires property owners to maintain to the street. Atty. Spillias advised this was the case when it involved actually utilizing the ROW, citing a driveway as an example. She also stated that at one point, Colonial Ridge had also requested for Ocean Ridge to abandon the ROW or make the street One Way which was denied. She suggested that the scavola be removed and replanted with cactus, white rock or shavings. Comm. Allison agreed that Old Ocean Blvd was a gem and that we should find alternate ways for a cheaper cost.

Kristine DeHaseth, 29 Sabal Island Dr, was concerned that a precedent would be set if the property was abandoned. Old Ocean Blvd was an asset, and there should be a more responsible solution other than abandoning the property.

Stella Kolb, 204 Beachway, did not see an issue as long as the town retained an easement. She was also concerned that the Commission would consider spending \$10,000 for plantings on Old Ocean and not give a COLA increase to the employees.

There was a consensus from the Commission for staff to conduct further research on options for the Old Ocean Blvd ROW in the area directly east of the 4 properties located immediately south of Beachway Drive.

12. Further Discussion on the FY 2013/14 Proposed Budget

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Manager Schenck summarized that as directed, the items from the Wish List were added to the budget which would require \$237,699 plus the \$100,000 to transfer to the Capitals Projects for a total of \$337,699 to balance the budget. He noted the quotes for the Property Damage/General Liability and Health Insurance Costs had not been received, it would be a few more weeks and a 10% increase was budgeted to offset any increases.

Comm. Hennigan was not in favor of taking monies from reserves if not necessary. She did not feel it was fiscally prudent to only budget for a 1 year view. There is no control over FRS increases and in 2016 the Boynton Beach Fire Contract would be up for renewal. She felt it important to start saving for the future.

Brandon Caldwell, Inlet Cay Island, stated that Town Commission had previously requested to have the Planning & Zoning review the concept of changing the FAR to allow bigger homes to be built in Ocean Ridge, and to be not as restrictive to attract buyers. He asked when the next P&Z Meeting would be held. Clerk Hancsak stated that they had met in April. Currently, however many of the board members are seasonal residents and not available. They would be meeting again once she could get a date set. The staff had done a survey concerning including garages in the FAR and it showed that many other towns also include garage space in their FAR.

Comm. Brookes questioned why a prior motion concerning a retirement bonus for Sgt Eubanks, that was determined to not be proper because it was not appropriately added to the agenda, has not been brought up again. Manager Schenck stated that it was not up to the staff to bring it up because the request actually violates the retirement policy. Vice Mayor Allison requested it be placed on the September Agenda.

Meeting Adjourned at 7:45pm.

Attest By:

Town Clerk

Vice Mayor Allison

Commissioner Aaskov

Commissioner Brookes

Commissioner Hennigan