

## REGULAR TOWN COMMISSION MEETING HELD DECEMBER 9, 2013

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 9, 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

Comm. Hennigan requested to add a Commission comment as Item #13.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Nov. 4, 2013

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

Motion Carried – yea (5).

### ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Wednesday, Dec. 25, 2013 and Wednesday, Jan. 1, 2014 for the Official Holidays
3. The Annual “Holiday Celebration” will be held on THURSDAY, Dec. 12<sup>th</sup>, 2013 from 5:30 PM to 7:30 PM – Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun
4. The PBC Bookmobile will be in the Town Hall Parking Lot on the Following Fridays (Nov. 8 & 22, and Dec. 20, 2013 and Jan. 3, 2014) from 1:00-1:45 pm

### PUBLIC COMMENT

Jerry Lower, 2 Harbour Dr North, apologized to the Town regarding an error in the Coastal Star whereby it was reported that the Commission voted to change the FAR when in fact they did not. There were retractions to the article at Town Hall already, and he apologized in advance for any public comments the staff may have had to address.

Terry Brown, Harbour Dr So wished all “Happy Holidays”. He requested that the Commission install a “Public Beach Access” sign at the Beachway Dr. crossover. He also felt that the 2 private beach signs are misleading as they face someone who is coming over the crosswalk.

Richard Lucibella, 5 Beachway North, stated, that while he appreciated Mr. Brown’s comments, the area west of the high water mark to the dunes is private property and the owners clean up and maintain their properties so it is their right to install a sign on their property.

Comm. Brookes stated that their property deeds only go to the high water mark and anything east of the high water mark is public access. He questioned why the sign there does not state it is a public access as the other crosswalks do. Mayor Pugh stated that while it is a public crossover we don’t have to advertise it. In 2006 the Commission voted to have the public access portion removed as the area was getting too crowded. While Boynton Beach and Palm Beach County have 3 public beaches in Ocean Ridge, Ocean Ridge does not have any. There are also no public facilities in the Beachway area either, which can contribute to trespassing into the dunes or other private areas. The Town has little standing regarding the beachfront on the south end of Town except for picking up trash and crossover repairs. Comm. Allison stated that the Beachway Crossover is the most accessible to the public from Boynton Beach. She was in favor of not advertising the use for other than Ocean Ridge residents. Comm Brookes questioned the Police Chief on the number of calls pertaining to issues at the Beachway crossover to which he was

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advised that there were hardly any. Comm Brookes commented that the signs as currently posted are misleading to the public.

Elizabeth Ackerly, 31 Coconut Lane, stated that when you use the Beachway Crosswalk, the 2 new signs appear like Stop Signs. She asked that the signs be turned to face North/South not towards the stairs.

Joe Belmonte, stated that since FDOT installed the pedestrian signs and crosswalks at A1A & Woolbright Blvd, it seemed like a much safer area for pedestrians to cross over. He thanked the Commission.

Steve Coz, 2 Osprey Ct, stated that the placement of the signs met the Code per the Town Manager. He stated that most of the Ocean Ridge residents know it is a public access so he questioned why it must be posted. There are those who come with trucks and vans to unload people and coolers and look for facilities. He said the surrounding property owners are merely trying to stop the increased traffic and debris that they leave behind. He commented that evidently there are 2 complexes off Federal & Woolbright that are advertizing to potential buyers that their units have exclusive beach rights through this crossover. He feels that to install a "public access" sign will resonate something that Ocean Ridge is not providing such as a "true" public beach.

Atty. Spillias stated that he had researched the minutes in 2006 and that the Commission's first discussions involved a request for an "Ocean Ridge Residents Only" sign, however the State and County laws require reasonable access to the public beach. So, in an attempt to decrease the traffic and debris in the area the Commission approved removing the "Public Access" portion from the sign. He stated he would need to research whether the "No Trespassing Sign" private signs met the Town's Code or Ordinances. He added that the police can only enforce it through complaints. There had also been discussion about abandoning Beachway Drive and/or the crossover. He stated he would need to research whether the Town can abandon a public beach access unless there are other choices. There is a strong public policy in favor of Public Access.

There was a consensus by the Commission to add an item to add verbiage of "Public Access" on the Beachway Drive Crossover sign on the Jan. 6, 2014 agenda.

### REPORTS

#### 5. Town Manager

Manager Schenck reported the following: 1) FDOT Discussions – FDOT indicated that to eliminate the flooding from the ponds they would have to remove the existing piping and change the discharge structures and according to them would not be practical. They have removed the mangroves from the north pond. 2) Inlet Cay Batter Pile Replacement – The project is complete except for the removal of the piling caps in the water. 3) Inlet Cay Island – The project is complete and turned out well. We are still trying to isolate the inflow coming in the discharge pipes. We'll have to wait until the high tides go down to properly televise the lines, however; there is too much water in the lines for the camera to work properly. They have detected a break in the line at 88 feet and a leaking valve on the line at Bimini Cove. There may also be two other lines that have leaky valves. There is also a drainage problem with algae growth at the end of Eleuthera Drive that is being researched. He added that he has met with the residents to work on a plan for the bridge entrance that may be presented at the January meeting. 4) Old Ocean Blvd Right of Way – It will be discussed later in the meeting. 5) PBC Library Bookmobile – They have been to Town Hall several times but unfortunately have not had many visitors. 6) FEMA Flood Maps – Engenuity has prepared a disc with the Town's drainage improvements and submitted it to FEMA in hopes that it will lead to changes in the flood map. We did have about 145 parcels removed from the flood zone; however, there should be more. It appears that FEMA will not be inclined to revise their original proposed changes 7) Thompson Street Repairs – the bids were advertised and all bids are due on December 20<sup>th</sup>.

Comm. Hennigan questioned the Inlet Park dredging/renourishment status. Manager Schenck advised that the proposed 6 week beach renourishment project was just starting. The lagoon dredging is still continuing from about one year ago, and the groins should be completed soon. He added that the

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contractor will be staging their equipment at the Boynton Beach Oceanfront Park starting Dec. 10<sup>th</sup> and it should last 34 days. Unfortunately the weather caused a delay. Comm Brookes questioned where the renourishment ends to which he was advised that it stops at Edith Street but the natural flow also pushes the sand further south.

### 6. Town Attorney

Atty Spillias commented that the Dolan suit (the trip and fall on Ocean Ave.) has been settled for a total of \$8,000 (\$5,000 from our insurer and \$3,000 from our landscaping contractor). He also stated he filed an answer regarding a foreclosure matter where the Town was named as a Defendant due to a claim of lien filed in 2008 even though the lien was satisfied long ago.

He also provided a memorandum regarding the Inspector General Lawsuit advising that a hearing was held on Nov. 25<sup>th</sup> regarding the Defendant Municipalities's Motion for Partial Summary Judgment. The court heard arguments of counsel for the County and Municipalities and to date the written order has not been issued.

### 7. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. It does show an increase in calls for service because of the change in the method of reporting calls in the CAD system.

### 8. Town Engineer

Engineer Tropepe was absent with notice.

## ACTION ITEMS

9. Request for Lien Reductions for Code Enforcement Case No. #2012-006 and #2013-005 at 28 Ixora Way By: Mark Lacho, 85 Island Drive So. (and new property owner of this address)

Town Clerk Hancsak summarized the staff memorandum. She advised that there were two code enforcement liens, two delinquent garbage/trash liens, and the current invoice outstanding. She stated that the property was purchased through a short sale and Mr. Lacho was fully aware of the violations and liens on the property. She explained that the first code lien for pool maintenance violations was still in violation and currently totaled \$19,637.35; however, Mr. Lacho has cleaned and refilled the pool but there is still no pool barrier in place.

The second code lien for structural maintenance appearance, debris, and lack of lawn maintenance is also still accruing and currently totaled \$10,083.82. The bank removed the debris and performed lawn maintenance in the end of October; however, the structural appearance is still in violation. Mr. Lacho applied for and obtained a building permit on Dec. 3<sup>rd</sup> for the stucco repair, painting and interior work.

The Commission has the only authority to reduce a lien and the staff felt that if any consideration was given for lien reductions then the garbage/trash liens should be paid in full and at least ½ of each of the total amount due for the liens be collected in order to offset staff hours spent. Chief Yannuzzi mentioned that the prior owner lived out the country and did not maintain the property resulting in staff responding 45 times for multiple violations. He also stated that Mr. Lacho purchased the property for \$595,000 and Mr. Lacho had full knowledge of the violations and liens.

Mr. Lacho, 85 Island Drive So., confirmed that he purchased the property through a short sale and he negotiated with the bank to set aside a maximum of \$8,000 to be held in escrow for the liens on the property. He stated that he was been working on the property and requested that the liens be reduced to a total of \$8,000 in addition to the garbage/trash liens and administrative fees that he would pay. Mr. Lacho also mentioned that people may not be interested in purchasing homes in foreclosure if the Town has a reputation of not reducing the liens, thereby leaving the property as an eyesore.

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Jim Bonfiglio, 5616 North Ocean Blvd., stated he was glad to see that the property was being improved but he was concerned with the amount of calls and staff hours spent and suggested a compromise.

Comm Aaskov and Comm Hennigan both felt the liens should be enforced because Mr. Lacho was fully aware of the liens and violations when he purchased the property and there was concern regarding setting a precedent. Comm Allison felt the liens should be reduced. Comm Brookes felt there could be a compromise.

Comm Allison moved to require full payment for the garbage/liens and to reduce the other two liens to a combined total of \$16,000 (\$8,000 from the bank escrow and \$8,000 from Mr. Lacho). Comm Brookes seconded the motion.

Motion carried – Yea (Allison, Brookes, Pugh)  
Nay (Aaskov, Hennigan)

10. Confirm the Hiring of Police Officer, Frederick Stang and also the Hiring of New Reserve Officer, Aaron Zawistowski

Chief Yannuzzi stated the full time police position resulted from the retirement of Sgt. Eubanks. Mr. Stang successfully completed the application, interview process, and background investigation, and has been provided a conditional offer of employment pending approval. Mr. Stang worked for the Hot Springs and Flippin Police Departments in Arkansas. Since moving to Florida he has obtained his Florida certification and can begin work on Dec. 10<sup>th</sup>. The Town Manager and Chief Yannuzzi recommend approval to hire Mr. Stang.

Comm. Hennigan motioned to approve the hiring of Frederick Stang as a new officer effective December 10, 2013. Seconded by Comm. Allison.

Motion Carried – yea (5).

Chief Yannuzzi stated that Mr. Zawistowski successfully completed the application, interview process, and background investigation to fill the Police Reserve vacancy created from the resignation of Edward Hillery and he too was offered a conditional offer pending approval. Ms. Zawistowski has approximately 9 years of law enforcement experience including the Indian River County Sheriff's Office and the Seminole Tribal PD. The Town Manager and Chief Yannuzzi recommend approval to confirm Mr. Zawistowski as a Reserve Officer.

Comm Aaskov moved to approve the hiring of Aaron Zawistowski as a Reserve Police Officer. Seconded by Comm Brookes.

Motion carried – Yea (5).

Mayor Pugh welcomed both Mr. Stang and Mr. Zawistowski.

11. Authorize the Preparation of the Legal and Survey Documents for the Abandonment of Old Ocean Blvd. at 5512, 5514, and 5516 Old Ocean Blvd.

Manager Schenck reported that the three property owners agreed to reimburse the Town for the survey/legal costs to transfer a portion of the ROW (30' of the western right-of-way and to provide a 15' utility easement due to the existing water main). The resident of 5518 Old Ocean Blvd. is not interested. The cost should be less than \$3,000 per resident and he was requesting final approval to proceed.

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Comm Allison moved to authorize the preparation of the legal/survey documents for the abandonment of a portion of the Old Ocean Blvd. right-of-way from 5512-5516 Old Ocean Blvd. at their cost. Comm Brookes seconded the motion.

Motion carried – Yea (5)

11a. Request Authorization to Purchase Telemetry Equipment for the Woolbright and Tropical Pump Stations in the Amount of \$9,800 from funds in the Budget

Manager Schenck stated that the telemetry system that is presently installed at the pumping stations has a line of site connection to Town Hall. The system connects to computers in dispatch and maintenance and dispatch has to respond if maintenance is not available. This presents a problem when the dispatchers are busy, and since it is computer based it consistently acts up and an outside technician must correct the problem. The new pump station at Coconut Lane has a telemetry system that calls our cell phones and is much more reliable and simpler. He was proposing to purchase the same type of system for the Woolbright and Tropical pump stations at a cost of \$9,800. He would like to purchase the equipment from funds budgeted for the bucket truck since they have been unable to find an affordable one.

Comm. Brookes motioned to approve the purchase of telemetry equipment at a cost of \$,9800 from the funds originally budgeted for the bucket truck. Comm Hennigan seconded the motion.

Motion Carried – yea (5)

SECOND READING AND ADOPTION OF ORDINANCES

12. Ordinance #604; An Ordinance of the Town of Ocean Ridge, Florida, amending Article V, Sections 2-191(a), 2-191(b) and 2-193 of the Code of Ordinances to amend the code of Ordinances language regarding the applicability of State Law Generally; Remove the exemption of the Town from uniform filing dates and election dates; conform the qualifying time for candidates for the Office of Town Commissioner to the time provided in Laws of Florida Chapter 8e-498; providing for codification; providing for repeal of all Ordinances in conflict; providing for severability; and providing for an effective date.

Clerk Hancsak explained that this would make the election filing dates of Ocean Ridge uniform with other municipalities considering we have changed our election date.

Comm. Allison motioned to approve the First Reading of Ordinance #604. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

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13. Comm Hennigan commented that the Town Manager’s Evaluation was completed in January 2013 and suggested that it be done at the January 6, 2014 regular meeting.

Clerk Hancsak advised she would distribute the evaluation forms and place the item on the next agenda.

Meeting Adjourned at 7:12pm.

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 Brookes  
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Commissioner Hennigan