

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 3, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 3, 2014, 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

There were no additions, deletions or modifications.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Jan. 6, 2014
2. Approve Poll Workers for March 11, 2014 Municipal Election

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

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

3. The Administrative Offices will be closed on Monday, February 17, 2014 for the Official Holiday
4. 2014 Municipal election/Election Municipal 2014
 - a. Proclamation for election Held on March 11, 2014/Proclamacion para eleccion sostenida el 11 de marzo de 2014
 - b. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada
 - c. Candidate Filing Dates run noon January 28, 2014 through noon on February 11, 2014/Las fechas de la clasificacion del candidatos recorren mediodia 28 de enero de 2014 de mediodia del 11 de febrero de 2014
5. The PBC Bookmobile will be in the Town Hall Parking Lot on the Following Fridays (Feb 14th and Feb 28th) from 1:00-1:45 pm

PUBLIC COMMENT

Gerry Magruder, 9 Ridge Blvd, asked for an update of cameras for the entry points of Ocean Ridge. It has been one year since her burglary, and she was concerned with the safety of her neighborhood. She reported that in her area someone was ringing the doorbells, and when answered no-one was there. She had spoken with Manalapan and they said it was not a long process for their camera system to be set up. She also stated that when the Woolbright Detention area was done a few years ago, it was their intent for the small gravel path/road to be paved. It was never paved.

Chief Yannuzzi stated that he was still trying to coordinate with the adjacent towns to assist with the budgeting of the cameras. He was in the process of preparing a package to the Commission for the next budget meetings in July.

Mayor Pugh agreed with Mrs. Magruder that it was intended for the small gravel road to be paved after the Detention Area was complete, and asked the Town Manager to get pricing to have the small road paved, and present it to the Commission for the March meeting.

Thelma Esteves, Crown Colony, requested that the No Trespassing Signs by the Beachway Crossover be removed. She feel they were fraudulent with only one intent to deceive and deliberately confuse the public. They look like the Ocean Ridge signs, but without the town seal. The crossover is a legal access

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 3, 2014

to the beach and felt that the trespassing signs created a barrier impeding public access. She asked them to reconsider to have them removed.

Terry Brown, 23 Harbour Dr. South, stated that he had requested a copy of the approval of the No Trespassing Signs, and was surprised when he was shown an administrative letter, with no drawings or survey attached. He felt that the "No-Trespassing" signs faced the wrong way and instead of east/west they should be facing north/south. It is a public beach that should be allowed public access.

Peter Burling, 7 Osprey Drive, stated that he was a new resident to Ocean Ridge. He felt the focus of the Town should be toward new development. According to the Palm Beach County aerial map the signs were on private property, and considered them a non-issue. The real issue should be regarding the Town's inaction and lack of planning regarding public access to our beaches. While he recognized the validity of both sides, he felt Ocean Ridge would lose if we can't come together with a decision to resolve everyone's concerns. He thanked the Town Manager for trying to find a solution and felt that Ocean Ridge was very generous with their beach access compared to the other towns, north and south of us.

REPORTS

6. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Batter Pile Replacement – The project is complete except for the removal of the pile caps in the water. 2) Inlet Cay Island – The project is complete and turned out well. The lines cannot be properly televised, because the excessive water obstructs the camera, until the high tides go down. We are aware of problems with a break in the line at 88 feet and the valve leaks in the line on Bimini Cove. There may also be two other lines that have leaky valves. 3) Inlet Cay Bridge Approach. The palm trees have been replaced with Robbilini Palms, and the concrete curbing has been installed. Additional plants and repaving will be completed shortly. 4) 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. 5) Old Ocean Right of Way – The surveys on the 4 properties are complete and have been given to Atty. Spillias to draw up the necessary transfer documents. These should be ready for the March agenda. 6) Thompson Street Repairs – The contract was awarded to Anzco Inc., and the work has started this week. We've notified the residents that will be involved and we are trying to cut the time down to 30 days for completion instead of 60 days. 7) Beach Crossovers – the review status will be discussed later in the agenda. 8) Eleuthera Drive – The engineers are developing a plan for raising the street. We want to discuss it with the residents prior to bidding. Our request to go out to bid will be at the March meeting. 9) Lecture Series – The next lecture is regarding astronomy and the newly discovered planets and will be held on February 13, 2014 at 7 PM.

Manager Schenck also stated that Representative Hager is preparing a bill to govern sober houses. The Mayor sent a letter to Tallahassee stating Ocean Ridge's support. In regards to the dredging, it would be 2 more weeks to completion. The project was going down to Edith Street.

7. Town Attorney

Atty. Bill Capko, Lewis, Longman & Walker, P.A. was sitting in as Atty Spillias was out of the country.

8. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. He stated that there was a notice that Anne Gannon, Tax Collector had a lawsuit against on-line companies advertising rentals for rentals less than 6 months as the County should be receiving bed tax monies.

9. Town Engineer

Engineer Tropepe was absent with notice.

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 3, 2014

ACTION ITEMS

10. Request Site Plan Approval for New Entrance Sign for the Boynton Beach Oceanfront Park (Deferred from Jan. 6, 2014) By: Wally Majors, Director of Boynton Beach Parks and Rec

Town Manager Schenck advised that Boynton Beach had voted to change the name of the park across the street to the "Boynton Beach Oceanfront Park". As a result they would like to replace the existing sign which will be 48" wider than the existing, however; 26" lower. Our Town Code requires that governmental signs must have site plan approval by the Town Commission. There are no size restrictions in the code. Per the direction of the Commission, Staff has researched prior Special Exception Approvals and the approved agreement when the Town purchased the 2 adjacent parcels to Town Hall and did not locate anything related to the entrance sign at the park. Staff recommends approval of the proposed sign.

Comm. Brookes motioned to approve the site plan for the New Entrance Sign for Boynton Beach Oceanfront Park. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

David Merker, City Councilman, thanked the Commission for their approval.

11. Request to Obstruct the Right-of-Way (ROW) on the East Side of Old Ocean Blvd. across from 35 Hersey Drive to Permit a Portion of a Dune Crossover and Also the Approval of a Unity of Title Joining the East Dune Parcel with 35 Hersey Drive

Clerk Hancsak stated that Martha Joa, owner of 35 Hersey Drive, was requesting to construct a dune crossover/deck on the beach parcel. They were advised that because the crossover is considered an accessory structure they would need to also request a Unity of Title to join the two parcels. The crossover and deck will need to proceed through the normal building process once approved by the Commission. The ROW on the east side of Old Ocean Blvd, extends approximately 18' east of the edge of pavement. They would like to construct the stairs to the crossover on a portion of the ROW (approximately 10') to provide an ergonomic design and to comply with the eastward limit allowed. Staff recommends approval of the ROW Obstruction Agreement provided that a Unity of Title is approved and executed by the Mayor and Town Clerk and recorded as an official record in Palm Beach County.

Comm. Aaskov motioned to approve the request for the Right of Way Obstruction Agreement for 38 Hersey Drive, provided they obtain a Unity of Title joining both parcels. Seconded by Comm. Allison

Motion Carried – yea (5).

12. Discuss any Updates RE: Town Owned Public Beach Crossovers

Manager Schenck thanked Tara Duhay and Kathryn Rossmell, Lewis Longman & Walker, for the memo they prepared regarding the rights of the public to beach access, the private landowner's rights, the rights and responsibilities of the municipalities, Public Access and Beach Renourishment and the Police Monitoring/Trespassing Issues. It was professionally written and covered the concerns of our public beach crossovers. Manager Schenck contacted Manalapan; their 2 public entrances are patrolled 4 times a shift. If they see people on the private part of the beach, they ask them to move down to the water. They also have an ordinance that prohibits alcohol on the beach except by private owners on their property, and they have less private owners on the beach than we do so it's easier to control. He also contacted Delray Beach, Gulfstream, Juno Beach, South Palm Beach, Palm Beach, Highland Beach, Boca Raton, and Jupiter and no one has the same issues that we have here in Ocean Ridge. He had also contacted the League of Cities to see if they've run into this problem anywhere else in the State, and they had no information of any problems. He had also contacted FDEP for guidance with this issue. They stated that

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 3, 2014

they try to stay out of private concerns. They concurred that the monopost signs don't require a permit through the State but it does require Town approval. The sign must meet State and Town design requirements to be enforceable. However if the resident wants to put up signs connected by a rope or to set boundaries, that does require a permit as it's considered a structure. It is very unlikely the DEP will issue a permit for this due to turtle access and other problems. However in Walton County some people were arrested for trespassing, but they felt this was extreme. FDEP has given permission to place small signs on dunes where needed to restrict people from damaging the dunes. FDOT would not give us approval to hang beach signs off of wires as people come over the bridges. We would like to remove the small County sign at Woolbright that has arrows pointing North/South for public beaches, and replace it with one with larger print. Manager Schenck suggested discussing this item at a later meeting after the Commission and public have time to digest it.

Comm. Hennigan thanked the attorney for the memo and felt it should be made available to public regarding the legal issues. She also thanked the Town Manager for his research in contacting the other local municipalities. She felt there should be other ideas of ways that would be satisfying to all. She asked the Town to consider no drinking, and signage that would state there are no public facilities or lifeguards. She was not in favor of sending it to Planning & Zoning, as she felt this was not a P&Z issue. She felt it was the Commissioner's responsibility. Comm. Allison agreed with Comm. Hennigan and felt that a decision could be made by the Commission alone.

Comm. Brookes also thanked Kathryn Rossmell for a wonderful job and was in agreement that the memo should be made available to the public and he read part of it "private owner rights...are not superior to that of the public." He felt there were 2 separate issues, the bad behavior on the beach, and the trespassing on private property. He felt the Commission needed to proceed slowly to avoid exposing Ocean Ridge to more problems. He had contacted Boynton Beach regarding trolley services to the beach and was told that they haven't had trolley services in a few years.

Peter Burling, 7 Osprey Drive, felt that the press and people advocacy had been focused on the private property issues instead of public interest rights to find/enforce our jewel which is our beaches. He felt that the signs didn't deter anyone, that they were just claiming private property. He feels in the next 5 years there could be dramatic change in the increase of public demand and asked the town to be smart with their decisions.

Terry Brown, 23 Harbour Drive South, had observed people who were unsure of public access, and felt that the signs do impede people from going to beach. If he sees someone he informs them that it is public access to the beach. Law Enforcement had little record of major problems in the area, and felt that the additional patrols were a means to bring up their numbers of complaints cases.

Gerry Magruder, 9 Ridge Blvd, was not concerned with the "No Trespassing" signs. She suggested that Winn Dixie place "No Beach Parking Allowed" signs to prevent people from parking at Winn Dixie and walking over to the beach.

Comm. Hennigan asked if it was required for the town to provide parking for our public beaches. Atty. Capko stated that available parking needed to be within the proximity of the beach, and the parking did not have to be owned by the municipality.

Stella Kolb, 204 Beachway Drive, stated that over the weekend she had counted 200+ people at the beach off of the Beachway crossover. They sat and dug holes in the dune, and left behind toilet paper and garbage. She added that a lot of their trash was being picked up by Ocean Ridge residents.

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 3, 2014

Chief Yannuzzi stated that in January the officers had been to that crossover 286 times. Each officer now has to check the crossovers 2 times a shift, and they have found people standing on the crossover asking how they can get to the beach. They are providing extra patrol. He also mentioned that in the future residents may be able to obtain cameras in their areas that could possibly be tied in with the Town cameras that are currently being investigated.

There was a consensus for residents and commission to submit ideas to the Town Manager and for him to create a laundry list for the April meeting or as a Workshop.

FIRST READING OF ORDINANCES

13. Ordinance #606; Amending Chapter 67, Article III, Section 67-58 of the Code of Ordinances to provide for the Refund of Building Permit Fees

Clerk Hancsak stated that this Ordinance was drafted as a result of the recent request for a building permit refund. Immediately upon application 30% of the permit fee becomes non-refundable and is retained by the town to cover the administrative costs. All requests for a refund of the remaining 70% must be received within 60 days of application. Or if the permit was issued, within 30 days of issuance. Staff recommended approval.

Comm. Brookes motioned to approve the First Reading of Ordinance #606. Seconded by Comm. Allison.

Motion Carried – yea (5)

TOWN COMMISSION ITEMS

14. Discuss September Commission Meeting Dates

Comm. Allison requested to table this item to a later meeting. There was a consensus to table this item.

Meeting Adjourned at 7:05 pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan