

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 7, 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 Bonfiglio
Commissioner Allison Commissioner Lucibella
Mayor Pugh

Pledge of Allegiance

Clerk Hancsak read the official election results for the March 11, 2014 Municipal Election. Registered voters total 1487, Town Hall Ballots totaled 427, Absentee Ballots totaled 28 and Under Votes totaled 126, and Total Ballots cast were 455. The results were James Bonfiglio – 296 (37.76%), Richard Lucibella – 388 (49.49%) and Roberta Wehr – 100 (12.756%).

Clerk Hancsak stated Ocean Ridge had an excellent turnout of 31% compared to other municipalities. A motion was not necessary to certify the election results as Resolution 2013-15 authorized the Supervisor of Election and Town Clerk that authority.

Clerk Hancsak performed the oaths & swearing in ceremony for James Bonfiglio and Richard Lucibella. Applause and congratulations from the audience and the Commission.

Mayor Pugh presented Edward Brookes with a plaque for his outstanding service to Ocean Ridge as a Town Commissioner.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

There were no additions, deletions or modifications of the Agenda.

ANNOUNCEMENTS AND PROCLAMATIONS

1. Proclamation Declaring Week of April 13-19th as “National Public Safety Telecommunicators Week”
- 2a. Proclamation Declaring April as “Child Abuse Prevention Month”
3. Proclamation Declaring April as “Water Conservation Month”
4. The PBC Bookmobile will be in the Town Hall Parking Lot on the Following Fridays (April 11th and April 25th) from 1:00-1:45 pm

Comm. Allison motioned to approve the Agenda. Comm. Aaskov seconded the motion.

Motion Carried – yea (5).

PUBLIC COMMENT

Gary Kosinski, 6000 Old Ocean Blvd, thanked the Commission and Town Manager for the timely completion of the drainage/paving work done on Thompson Street.

Justus Brown, 39 Coconut Lane, thanked the Town Manager for his assistance with the quality of the No-Seeum Spraying as it had improved.

PUBLIC HEARINGS

5. An Application Submitted by Randall Stofft, 42 N Swinton Ave., Suite #1, Delray Beach, FL 33444, representing the owner, CDS Beachway LLC, 3200 NW 2nd Ave. Boca Raton FL 33431, requesting a Land Development Permit from the Provisions of the Land Development Code,

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

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 New 2-Story Single Family Home and Garages with a Maximum finished floor Elevation of 17.49' NGVD Which Would Extend a Maximum of 95' (+/-) East of the Coastal Construction Control Line (CCCL), Pool and Deck Area Which Would Extend a Maximum of 33' (+/-) East of the Coastal Construction Control Line (CCCL) located at 3 Beachway North Subdivision (exact description available for review in the Clerk's Office)

Clerk Hancsak read the application. She stated that no additional correspondence had been received, and that all fees had been paid. She summarized the request advising the plan was to raze the existing structure and construct a single family residence with garages that will extend a maximum of 95' (+/-) east of the Coastal Construction Control Line and a pool and deck area which would extend a maximum of 33' (+/-) east of the CCCL at 3 Beachway North. The two garages were actually located west of the CCCL but are connected to the main structure. The Town Code of Ordinances, Section 67-17 requires a Land Development Permit for any construction east of the CCCL through a public hearing process prior to submittal to DEP, and that this was not a variance request. The applicant has provided draft site plans. Upon review of the plans it appears that all of the zoning requirements have been met. The applicant is also requesting the minimum DEP Finished Floor Elevation and therefore does not need to seek a zoning variance. The Commission may either approve the request contingent on 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. There are no legal issues and there is no fiscal impact. Staff recommends approval of the applicant's request for 3 Beachway North contingent on DEP approval and meeting all the zoning and building requirements upon actual building permit submittal and review.

As this was a quasi-judicial hearing, Atty. Spillias advised that anyone who would be giving testimony must be sworn in at this time. Clerk Hancsak stated that that representative of the property had an elevation of the proposed home and was available if there were any questions.

Comm Bonfiglio motioned to approve the applicant's request for 3 Beachway North contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

6. NOTICE OF PUBLIC HEARING FOR THE ADOPTION OF RESOLUTION NO. 2014-02; EVIDENCING ITS INTENT TO VACATE AND ABANDON ITS INTEREST IN A PORTION OF THE RIGHT-OF-WAY OF OCEAN BOULEVARD ACCORDING TO THE PLAT OF TROPICAL SHORES, AS RECORDED IN PLAT BOOK 23, PAGE 119, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION OF OCEAN BOULEVARD RIGHT-OF-WAY ABUTTING PORTIONS OF LOTS B AND C OF TROPICAL SHORES; THE ABANDONED PORTIONS OF OCEAN BOULEVARD ARE MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RECORDING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Clerk Hancsak read the Resolution by title for the required Public Hearing. Manager Schenck reminded the Commission that they agreed to abandon 30' of a 40' ROW on Old Ocean Blvd., while retaining 15' as a utility easement, provided the 4 property owners fund all expenses related to the abandonment. The owners would then be responsible to remove the scavolea, replant with non-evasive plantings, and maintain the property. Atty. Spillias noted that the utility easement was not shown on the survey, and that it would need to be added into resolution. Comm. Bonfiglio also noted that there was nothing in the resolution stating that the property owner would become obligated to remove the scavola and maintain the

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

property. Clerk Hancsak asked if it had to be advertised again. Atty. Spillias stated that it could be continued to the May 5th meeting without having to be advertised again.

Comm. Bonfiglio motioned to continue the Public Hearing to adopt Resolution 2014-02 to the May 5th, 2014 meeting at 6:00pm, in order to address the easement and the maintenance of the property. Seconded by Comm. Allison.

Terry Brown, 23 Harbour Dr South, thanked the Commission for having the scavola removed. He was concerned however, that once abandoned the Commission would lose control. He requested that a deed restriction be added to the resolution, stating that no exotics be allowed. It was discussed that the landscaping sections of the Town Code exempt out single family other than requiring that 25% be open landscape space and it only permits Australian Pine as a hedge. Comm. Lucibella stated that we should not restrict only a few homes and if we do not want exotics to be planted, then maybe the Code needed to be changed for all residents.

Motion carried – Yea (5).

REGULAR AGENDA REPORTS

7. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Island – We've corrected the problem with the valve at the end of the discharge pipe on Bimini Cove Drive. We've authorized a contractor to inset a sealer to correct the leak in the line to correct the flooding problems with the pipe. We'll be advertising for bids to redo Eleuthera Dr. We expect bids in April and plan to put it on the May agenda for discussion and approval. 2) Inlet Cay Bridge Approach is complete and the project came out very well. 3) 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 and there is no timetable for their actions. 4) Old Ocean Right of Way – The Resolution for transmittal of the right of way is on the agenda. 5) Thompson Street Repairs – The repaving and drainage structures on Thompson St are complete and came out very well. 6) Beach Crossovers – the review status will be discussed later in the agenda. We're replacing the small sign that shows the distances to the beach parking lots with 2 larger signs that will be much more readable. 7) Lecture Series – The final lecture is about Alexander the Great and will be held on April 10, 2014 at 7 PM. Manager Schenck also stated that the League of Cities meeting will be held in the City of Atlantis and if anyone was interested in attending the class to notify them.

Comm. Allison requested that a Certificate be issued to Bob Weisblut in appreciation for arranging the lecture series. Manager Schenck stated that one would be prepared for Mr. Weisblut.

8. Town Attorney

a. Update on Inspector General Lawsuit

Atty Spillias advised that the suit has been postponed until the week of August 4th.

b. Discuss Possible Participation in a Municipal Derivatives Antitrust Litigation

Atty Spillias advised that he had received notification of a case pending in the US District Court that may affect the Town because the Town's loan for the new Town Hall involved the purchase of municipal derivatives through interest rate swaps. The Town can either stay in the class action suit or take independent legal action on its own. He recommended that the Town stay in the class.

The consensus of the Commission was to remain in the class.

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

9. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report and one thank you letter for the assistance provided by Ocean Ridge concerning the 2014 Hunger Walk. He also summarized two recent events. The first involved an attempted burglary on Beachway North whereby a stolen vehicle and suspect was ultimately arrested after the use of security video from the neighbor and subsequent sharing of information to other police agencies. The other involved a resident calling regarding suspicious persons that resulted in them fleeing the scene and then one individual was apprehended. Gerry Magruder, 9 Ridge Blvd., commented that if we had the same cameras as Lighthouse Point we could have apprehended the stolen vehicle and suspect sooner as they did and possibly avoided attempted burglaries in Town and other jurisdictions.

Mayor Pugh advised that he had requested a copy of the Uniform Crime Report (UCR) for 2013 and it reflects that burglaries in Ocean Ridge and Briny Breezes reduced 48% (13) from last year although arrests went up. He complimented the good work by both the police officers and dispatchers. He added that the saying "See something say something" could possibly prevent crime.

Comm Lucibella stated he recently met with staff and there was discussion on possibly creating a Neighborhood Watch in Ocean Ridge. He stated that the Chief would research the idea. Justus Brown, 39 Coconut Lane, suggested possibly requiring that employees wear shirts that would identify their companies while working in Town.

10. Town Engineer

Nothing to report.

ACTION ITEMS

11. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission By: Karen E. Hancsak, Town Clerk

Clerk Hancsak summarized her memo by stating that there were 4 regular member seats open on the Board of Adjustment (Don Magruder, Betty Bingham, Bruce Gimmy, Rich Lucibella) and 2 alternate seats (Jeff Lee and Hans Kahlert). She stated that the seat held by Rich Lucibella would need to be filled and the other members would like to continue to serve on the 3 other regular seats. She added that Mr. Lee expressed he would continue as an alternate and Mr. Kahlert volunteered to serve either but preferred the regular seat.

The Planning & Zoning Commission had 3 regular member seats open (Mark Marsh, Gerald Goray, Jim Bonfiglio) and 2 alternate seats (Penny Kosinski and Terry Brown). She stated that the seat held by Jim Bonfiglio would need to be filled and the other members would like to continue to serve on the 2 other seats. She added that Mrs. Kosinski expressed she would like to continue as an alternate and Terry Brown volunteered for either seat. Mr. Kosinski, speaking from the audience, advised that his wife would like to serve as a regular P & Z member. Clerk Hancsak stated that several times in the past the Commission has deferred the item one month in the event additional residents wanted to submit a resume.

The consensus was to defer the item for one month.

12. Authorize the Purchase of a 2nd Radar Speed Sign at a Cost not to Exceed \$2,130 from the Contingency Account (\$1,000 Additional Grant Monies will fund the remainder) By: Kenneth Schenck, Town Manager

Town Manager Schenck commented that staff was requesting to purchase an additional Radar Speed Sign with partial funding from a Criminal Justice grant that would reduce the \$3,130 cost by \$1,000. He stated

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

that the current sign is working very well and they would like to purchase additional signs and the grant requires the purchase by June 30, 2014.

Mayor Pugh suggested possibly purchasing the mechanism and keeping the posts stationary. Chief Yannuzzi commented that the original sign required two officers in order for it to be relocated, however; the new sign is lighter. Comm Bonfiglio questioned the useful life for the battery to which he was advised probably between 2-3 years.

Comm Bonfiglio moved to approve the purchase of an additional Radar Sign at a total final cost to the Town of \$2,130 from the Contingency Account. Comm Allison seconded the motion.

Motion carried – Yea (5).

13. Approve the Purchase of a Trailer for the New Polaris 4-Wheel Vehicle Not to Exceed \$2,500 from Budgeted Funds Originally Set Aside for the Bucket Truck By: Kenneth Schenck, Town Manager
Town Manager Schenck requested approval to purchase a trailer that could be utilized in a variety of ways either behind the new Polaris or to tow the Polaris if necessary. He reminded the Commission that \$20,000 was originally budgeted to purchase a bucket truck which they have been unable to locate at this cost, so \$10,000 was approved to purchase telemetry equipment and now some of the excess funds could be used for this purchase.

Comm Bonfiglio moved to approve \$2,500 from the Contingency Account to purchase a trailer, seconded by Comm Allison.

Motion carried – Yea (5).

14. Discuss Scheduling the Meeting Dates (2 minimum) for September By: Comm Allison
Comm Allison commented that she requested this item on the agenda so that vacation plans could be scheduled around the two required budget meetings during the month of September.

The consensus was for the Town Clerk to contact the Commissioners regarding dates and defer this item until the May 5, 2014 agenda.

15. Discuss Scheduling a Meeting Date Regarding any Concerns/Updates RE: Town Owned Public Beach Crossovers By: Kenneth Schenck, Town Manager
Town Manager Schenck advised that the prior Commission suggested waiting until the new Commissioners were elected to schedule a Workshop or Special Meeting regarding the public accesses to the beach.

The Commission scheduled a Workshop or Special Meeting for Tuesday, May 6, 2014 at 4 PM.

RESOLUTIONS

16. Resolution No. 2014-03; Urging the Florida Legislature to Adopt and Governor Rick Scott to Support Legislative Changes Providing for the Regulation of Recovery Residences or “Sober Houses” in the Form of Statewide Licensing and Registration
Town Manager Schenck advised that this resolution would help support creating legislation for “Sober Houses”.

Comm Aaskov moved to adopt Resolution No. 2014-03, seconded by Comm Allison.

Motion carried – Yea (5).

REGULAR TOWN COMMISSION MEETING HELD APRIL 7, 2014

17. Resolution No. 2014-04; Electing a Mayor

Comm Allison nominated Geoff Pugh and there being no other nominations she moved to appoint Geoff Pugh as Mayor through the adoption of Resolution No. 2014-04, seconded by Comm Lucibella.

Motion carried – Yea (5).

18. Resolution No. 2014-05; Electing a Vice Mayor

Comm Bonfiglio nominated Lynn Allison and there being no other nominations he moved to appoint Lynn Allison as Vice Mayor through the adoption of Resolution No. 2014-05. Comm Lucibella seconded the motion.

Motion carried – Yea (5).

Both Geoff Pugh and Lynn Allison thanked the Commission for their support.

19. Resolution No. 2014-06; Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Checks
Town Clerk Hancsak summarized the resolution and the banks that the Town currently utilize.

Comm Bonfiglio moved to adopt Resolution No. 2014-06, seconded by Comm Aaskov.

Motion carried – Yea (5).

Meeting Adjourned at 7:15 pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella