

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 2, 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	Mayor Pugh

Comm. Lucibella was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Aaskov requested to Add Item #17, to discuss a letter received from Chris Currie regarding the Registration Ordinance. Clerk Hancsak clarified that a typo regarding Resolution 2013-09 was discovered. It should have stated Fiscal Year 13/14 and has been corrected.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of May 5, 2014
2. Minutes of Special Town Commission Meeting of May 6, 2014
3. Approve Amendment to the Radio Maintenance Agreement with PBC that was Originally Adopted Through Resolution No. 2014-01 in February 2014

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

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Friday, July 4, 2014 for the Official Holiday
5. The Town has tentatively scheduled Free Document Shredding in the back of Town Hall Provided on Friday, April 20, 2014 from 9:00 am to noon (limit of 3 file boxes per household)
SPONSORED BY CINTAS
- 5a. SPECIAL TOWN MEETING SCHEDULED FOR MONDAY, JUNE 23, 2014 AT 4 PM TO DISCUSS THE BEACH ACCESSES

PUBLIC COMMENT

Betty Bingham, 1 E Ocean Avenue, stated her concern that the motorcyclists were once again exceeding the noise restrictions in Ocean Ridge, and asked that it be more closely monitored by the officers.

State Rep., Florida House, Bill Hagar was present and requested to address the Commission and public. He reported that his District encompassed the coastal area from Boca Raton north to West Palm Beach. His position was part-time as they met 40 days a year. He had also been a Boca Raton Commissioner for 7 years. He summarized that in the last year, they had passed a balanced budget, and cut spending among other things. They had funded education at the highest level. They had created 600,000 new jobs and unemployment was at 6.2%. He would continue to work on regulating sober housing.

Mayor Pugh thanked him for speaking, and stated that the issue of sober homes was very important to the residents in Ocean Ridge, and asked him to continue pursuing the regulation of them in residential neighborhoods.

Terry Brown, 23 Harbour Drive South, asked for comments to be allowed after some items on the Agenda. He questioned how we regulate and enforce the use of electronic business in residential homes.

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Atty. Spillias stated that our zoning code applies to the utilization of property which does not allow for commercial use. If a resident is performing an on-line business that does not involve deliveries or customer traffic, it would be very hard to monitor and enforce. In most cases the neighbors are the one who inform the police of active commercial business in Town. Clerk Hancsak clarified that Town Hall will not sign off on any Palm Beach County Zoning Form allowing a resident the use of their home as a place of business.

Nancy Hogan, 37 Hibiscus Way, stated that good government should make it clear in writing what is or is not allowed.

Tom Ambrose, 10 Hudson Avenue, presented an article from the paper quoting CBS stating that Boynton Beach is one of the best beaches in Florida. He was concerned that this would increase the crowds in Ocean Ridge. He also stated that the crossover at Edith Street needed some repairs, rotten wood needed to be replaced. Mayor Pugh informed Mr. Ambrose that the Town Manager had already notified the author of the article that the majority of the beach area has in Ocean Ridge.

Daniel Spotts, 1 Sailfish Lane, mentioned that Representative Hagar did not explain some of his past voting procedures such as: No to Medicaid Expansion and Abortion Restriction Laws. Mr. Spotts stated that 400 children had died under the current Florida Laws and there was a need for better healthcare and family planning for foster children. The State was also currently funding millions of dollars to private, religious and charter schools, rather than directing the funds to public schools.

PUBLIC HEARINGS

6. An Application Submitted by Bridges, Marsh & Assoc., 18 Via Mizner, Palm Beach FL 33480, Representing the Owner, Florida Land trust, 6059 Old 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 Construction of a Swimming Pool and Pool Decking that Would Extend a Maximum of 172'5" East of the Coastal Construction Control Line (CCCL) Located at 6059 Old Ocean Blvd. or legally described as Lot 5, Blk 4, Amended Plat of Boynton Sub (exact description available for review in the Clerk's Office)

Clerk Hancsak read the application and summarized that this request is to construct a 8 x 14' pool and deck that will extend a maximum of 172'5" (+/-) east of the CCL at 6059 Old Ocean Blvd. The Town Code requires a Land Development Permit for any construction east of the CCCL. The code also requires that a public hearing be held for any work that requires submittal to DEP for formal permitting. This is not a variance request. The applicant provided a draft site plan. Upon review of the plans it appears that all of the zoning requirements have been met. The Commission may either approve the request contingent on DEP approval once it is verified that it meets all zoning regulations or deny it until it is verified that it meets all our land development regulations and require a continuation or a rehearing. There are no legal issues in approving this request, and there is no fiscal impact. Staff recommends approval of the applicant's request for 6059 Old Ocean Blvd, contingent on DEP approval and meeting all of the zoning and building requirements 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 exparte communications with the client or representatives. Mayor Pugh stated that he had seen the property.

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Mark Marsh, Bridges Marsh & Assoc, stated that this request was to build a pool on the east side of the property, and that it did conform to the Town's setback requirements.

Terry Brown, 23 Harbour Drive South, asked if there were pilings for the pool. Mr. Marsh confirmed there were.

Comm. Bonfiglio motioned to approve application for the Land Development Permit at 6059 Old Ocean Blvd to construct an 8 x 14 pool and pool decking, contingent upon approval from DEP and meeting all the zoning and building requirements. Seconded by Comm. Allison.

Motion Carried – yea (4).

REPORTS

7. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Island – The leak in the drainage pipe on Bimini Cove Drive has been sealed, and we're going to install a new type of valve to reduce the flooding from the canal. We advertised for bids to redo Eleuthera Dr. We received 3 bids and this item is on the agenda. 2) FEMA Flood Maps – FEMA has accepted our map revisions and will include them in their evaluations. However since they're revising the overall rates, it's impossible to tell what the final results will be. 3) Old Ocean Right of Way – The documentation for the abandonment has been sent to the property owners for their signatures. When they're all returned we'll record the documents as needed. 4) Beach Crossovers – the review status will be discussed at a public workshop on June 23rd. 5) Town Hall Utility and Access Easement – Staff has met and requested 2 items from Mr. Swaim. The first is approval from FDOT that they will allow a driveway opening that close to our driveway entrance. If they won't that will change the proposal. We will also need a survey of whatever property we agree on. 6) PBA Contract Negotiations – staff met the PBA and local representatives on May 20th. They have presented a proposed contract. The Town Manager and Chief recommended agreement on some items. Staff is presently updating the contract and will prepare a counter proposal. Staff will request a shade meeting soon to review the financial aspects of the contract.

Manager Schenck stated that Mr. Swaim is requesting a letter from the Commission to FDOT to move the easement. There was a consensus on approval of a Town letter supporting an easement on the south and west property lines of the Town Hall property to provide access to the properties located west and north of the Town Hall. Formal approval will still be necessary at a later date.

Manager Schenck stated he had received a letter from the Red Cross stating that they would be available to any condo or homeowner association to give a presentation of hurricane readiness.

8. Town Attorney

Atty. Spillias stated that he had given to each of the Commissioners and Staff a document from the Florida Police Council regarding public records. It is used primarily for Law Enforcement, but would be a good resource for the Commissioners' use also.

9. Police Chief

Chief Yannuzzi announced that before the meeting he had the 2 new police vehicles and ATV displayed in front of Town Hall. The cost of the new vehicles were \$85,000, and we were able to receive \$500 for the old ATV, \$2000 for the Ford Escape, and possibly \$5000 for the Crown Victoria.

The Town in partnership with CINTAS Document Management will be hosting free document shredding on June 20th, 2014 from 9am to 12pm at Town Hall. This event is open to Ocean Ridge and Briny Breezes residents only – photo identification is required, and it will be held behind Town Hall. There is a limit of

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

up to 3 office storage boxes of personal documents. Last year 1000 pounds of documents were shredded, and Chief Yannuzzi encouraged residents to participate.

Chief Yannuzzi announced that there was one police officer vacancy and two open positions in dispatch. The open dispatch positions will be discussed later in the agenda.

10. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

11. Request for 2 Code Enforcement Lien Reductions at 17 Hudson Ave. By: 17 Hudson Ave., LLC
Clerk Hancsak summarized the course of events for the 2 liens. She advised that one was issued to the prior owner and then the new owner, 17 Hudson Ave, LLC, and was cited for the same violations. They signed a stipulation for compliance by September 27, 2013 failing which would constitute a daily fine. They came in full compliance on March 11, 2014.

Brad Blakely, representative of Prodigy Capital mentioned that the owners of 17 Hudson were aware of the violation in September and early October but had problems getting the old contractor to finish the work, and had to replace him. There were structural issues also with the deck. The house had been abandoned 3-5 years, and had interior mold. As of January it was 90% completed. Now all other issues have been resolved. When buying a foreclosed home at auction, the buyer is not able to tour the home. They purchased the house in June and started the work in September, and have in good faith tried to reconcile all issues. They spent \$175,000 and \$100,000 of it was structural, landscape and pavers and are therefore requesting relief.

Comm. Bonfiglio stated a point of order – the letter we have on file from Mr. Bias only lists Bernadine Jones as having authority to speak in his behalf not Mr. Blakely. Their Engineer Report also states that there were no structural issues where Mr. Blakely is stating there were. He felt that the Code Violations should have been dealt with first for the health/welfare of the public instead of the cosmetic issues. If the homeowners had needed more time, they should not have signed the stipulation. The current owners are a corporation whose intent is to resell at profit, not as private residents. He was not in favor of any reduction to the liens.

Bernadine Jones apologized; she had asked Mr. Blakely to speak as he had been dealing with the property, since they replaced the old contractor. It had also taken time to locate a new contractor to finish the work.

Clerk Hancsak provided a list of building permits that had been pulled for 17 Hudson Avenue, of which none were structural, and they totaled only \$30,000+.

Comm. Bonfiglio motioned for no lien reduction of either lien for 17 Hudson Ave., LLC and to pay as said forth in the amounts of \$8708.79 and \$15,546.08. Seconded by Comm. Aaskov.

Nancy Hogan, 37 Hibiscus Way, requested an honest, fair and open government. The Commission should be consistent with their policy. She was concerned because she was currently living next to 40 Hibiscus Way which was also under code enforcement with open liens.

Terry Brown, 23 Harbour Drive South, felt that once a house had been restored he would be in favor of giving them consideration on the liens.

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Betty Bingham, 1 Ocean Avenue, was concerned that if consideration was given then others that have Code Violations would not be encouraged to bring the properties up to code, as they know the Commission will be lenient.

Mayor Pugh stated that in the past there have been consideration on some liens based on different problems. He did agree with Mr. Brown, but the homeowner had signed a stipulation agreeing to the time frame, and the responsibility falls back to the homeowner.

Comm. Allison felt it was important to encourage residents to improve their properties. She personally had an issue at her home, and she understood the problems of contractors, delays, building inspections and trying to finish on a timely basis. She was in favor of showing some flexibility.

Comm. Bonfiglio requested to amend his motion and approve half payment for the first lien, and payment in full for the second lien, \$4354.40 and \$15,546.08 respectively for 17 Hudson Ave LLC. Seconded by Comm. Aaskov.

Mr. Blakely stated that he had been brought in to bring aesthetics to a deteriorated property, and had completed more than was necessary. There had been no shortcuts.

Motion Carried – yea (4).

12. Authorize the Temporary Hiring of One Dispatcher/Clerk to Fill the Vacant Position to be Confirmed at the July 7th Meeting

Manager Schenck stated that Chief Yannuzzi is requesting permission to hire a dispatcher to fill the vacancy. They have reviewed the applicants and selected one to fill the position. She is going through the final clearances. However the results will not be available until shortly after the meeting. Should everything come out as expected he's requesting approval to hire her in June rather than wait until July.

Comm. Aaskov motioned to authorize the temporary hiring of one Dispatcher/Clerk to fill the vacant position, and to be confirmed at the July 7th, 2014 meeting. Seconded by Comm. Allison.

Motion Carried – yea (4).

13. Authorize Renewal of Republic Services Sanitation Contract for a Period of Five (5) Years with No Changes to the Contract

Manager Schenck reported that Ocean Ridge has a 5 year contract with Republic Services for the collection of waste, vegetation and recycling. Item 2 in the Contract does provide for a renewal option for another 5 years. They propose to keep the same rate structure as in the present contract. Any rate increase will be based on the consumer price index, and last year it was 1.4%. Republic has worked well with us and addressed any problems that have arisen. The expense to advertise for new bids in order to obtain a lower rate doesn't appear to be a reasonable alternative based on their renewal proposal.

Joanne Stanley, Republic Services, stated that it had been an honor to serve Ocean Ridge, and was requesting to renew the contract for another 5 years.

Comm. Aaskov motioned to authorize the renewal of Republic Services Contractor for a Period of Five Years with No Changes to the Contract. Seconded by Comm. Allison.

Terry Brown, 23 Harbour Drive South, questioned the value of the 5 year contract, as it was not given. Brian Fleming, Republic Services stated that he believed it was approximately \$230,000/year. Clerk Hancsak stated that Republic bills us \$12.75/unit on a monthly basis.

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Nancy Hogan, 37 Hibiscus, felt that with the size of the contract, Ocean Ridge should go out to bid, and was concerned that the Commissioners were unsure of the contract pricing. Mayor Pugh responded that he did know how much was being spent by the Town and personally. The price of his garbage bill for his home hasn't gone up, and Republic has done a great job of picking up everything that is put on the curb, no matter the size or amount. To suggest that the Commission was not doing their job was out of line.

Motion Carried – yea (4).

14. Authorize Contract Approval with Anzco Inc. for the Drainage/Repaving Improvements to Eleuthera Drive at an Amount Not to Exceed \$178,104, \$15,560 to Engenuity Group for the Professional Services, and \$4,000 for the Geological Testing to be Funded Through a Budget Amendment Transferring \$200,000 from the Reserves to the Capital Projects Fund (See Resolution No. 2014-04 later in agenda)

Manager Schenck stated we had received 3 bids with Anzco Inc. being the lowest in the amount of \$178,104. There is a built in contingency in the contract of \$28,684. Also attached is a proposal from Engenuity to provide the necessary engineering services for the project with a cost of \$15,560. The previous work done on the road did not solve the problem, the only way to correct it is to raise the road. Flooding occurs during the high tides. In order to get the proper flow we'll have to raise about 350ft of roadway, and raise the driveways and adjacent lawns to have them match the street. Also included are new drainage pipes to properly relay the storm water to the main discharge pipe. This would be the best time of year to undertake the project as it will impact the least amount of residents. And he therefore was requesting the budget amendment.

Mayor Pugh stated that the Commission had discussed at a previous meeting about possibly spending \$120,000 to repair Eleuthera, but these repairs would only be temporary and last 1-2 years. This project however, once completed should last 25+ years. He also noted that this was the last major project for repairs.

Comm. Bonfiglio motioned to authorize the contract approval with Anzco. Inc. for Drainage/Repaving Improvements to Eleuthera Drive at an Amount Not to Exceed \$178,104, \$15,560 to Engenuity Group for the Professional Services, and \$4,000 for the Geological Testing to be Funded Through a Budget Amendment Transferring \$200,000 from the General Fund Reserves to the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea (4).

RESOLUTIONS

15. Resolution No. 2014-04; Amending the 2013/14 Budget to Include a Transfer from the General fund Unassigned funds to the Capital Projects Fund
Clerk Hancsak read Resolution No. 2014-04.

Comm. Allison motioned to approve Resolution No. 2014-04; Amending the 2013/14 Budget to Include a Transfer from the General Fund Unassigned funds to the Capital Projects Fund. Seconded by Comm. Bonfiglio.

Motion Carried – yea (4).

TOWN COMMISSION ITEMS

16. Discuss Directing P & Z to Research Prohibiting Exotic or Invasive Plantings

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Comm. Bonfiglio stated that this issue had been previously mentioned during the Old Ocean ROW Abandonment discussions. He requested that Planning & Zoning research and make recommendations to prohibit exotic or invasive plantings. Clerk Hancsak clarified that our current code only requires Multi-Family properties exempt exotic plants, Single Family Residences are allowed to plant exotics. She felt this could be an issue with grandfathering any existing plantings.

There was a consensus by the Commission for Planning & Zoning to discuss prohibiting exotic or invasive plantings.

17. Discussion of Letter from Chris Currie regarding Rental Registration.

Comm. Aaskov stated that the Town had received a lengthy letter from Mr. Currie regarding the new Rental Registration Ordinance, and asked for Atty. Spillias to clarify the complaint.

Atty. Spillias stated that Mr. Currie's letter was a complaint regarding the Rental Registration stating that it wasn't the intention of the Ordinance to apply to apartments. Atty. Spillias clarified that one of the motivations of the Ordinance among others was short term rentals, and that it applies to all except condo or co-op organizations as they have their own rulings. Mr. Currie's second argument was that it violated Florida Statutes. Ocean Ridge did have a prior local law ordinance, which stated that there were to be no short term vacation rentals. If the Commission want a point by point written statement he would provide one, but didn't feel it was necessary. Mr. Currie's tenants had a one year lease and continue to live without a new lease and he is requesting them to be grandfathered. The fact that there is not a new "written" lease doesn't negate that there is a month to month lease.

Comm. Aaskov felt the Commission may want to revisit the fees and have it based on an annual fee, instead of each individual rental agreement.

There was a consensus from the Commission for the Town Manager and Town Attorney to prepare a written statement addressing Mr. Currie's concerns.

Chris Currie, 27 Tropical Drive, stated that his confusion was that this Ordinance varies significantly from the initial discussion. The Focus 2000 was a study to reconcile the reasons to live in Ocean Ridge. It encouraged a diversity in population, while encouraging privacy, and that the town did not have the authority to invade their private lives. It also was to remove unenforceable ordinances. He feels that the Rental Registration created a sub class of 2nd class citizens. This was not the vision of the Focus 2000. He asked Commission to reconsider, and repeal it. He felt it was culturally and morally offensive and he currently has not complied. It was discussed that the Commission would extend his deadline until he received the response from the Town.

Daniel Spotts, 1 Sailfish Ln, felt that the only accomplishment of the Registration was for the Town to collect a fee. In regards to the Road Construction on Eleuthera, he felt that the cause of the high tides rising could be a result of global warming.

Bob Weisblut, 5000 Old Ocean Blvd, had also received a letter requiring all to be registered. He thought it applied to only new tenants, and was concerned of his existing tenants.

Terry Brown, 23 Harbour Dr South, felt that to register tenants was a violation of privacy.

Pat DiStefano, 14 Tropical Dr, asked if these letters were sent out to single family homes also or just multi-family. Manager Schenck stated that it was sent out to all properties that were known rentals including some single family residents. Rentals of single family homes are harder to identify though and are only discovered through notification by neighbors or through code enforcement.

REGULAR TOWN COMMISSION MEETING HELD JUNE 2, 2014

Clerk Hanscak stated that all residents were notified of the new Rental Registration in the Annual Town Summary sent out with Garbage/Trash billings in October 2013 and in the monthly newsletters and it's also on the Town website.

There was a consensus to put this item on the Agenda for the July Commission Meeting.

Meeting Adjourned at 8:05 pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella