

REGULAR TOWN COMMISSION MEETING HELD JULY 7, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 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 Lucibella	Mayor Pugh

Comm. Allison was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak advised that there was a minor change to both the June 2nd and 23rd meeting that was sent out with the agenda packets. Atty Spillias requested to add an item under Item #7 regarding a suggestion on the continued use of the 5011 N Ocean Blvd. building.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of June 2, 2014
2. Minutes of Special Town Commission Meeting of June 23, 2014
3. Ocean Ridge Resolution No. 2014-05; Supporting the Location of Major League Baseball Teams in Central Palm Beach County (John Prince Park)

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

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The FY 2014/15 Budget Presentation/Adopt Proposed Millage Meeting will be held on Wednesday, July 23, 2014 at 8:30 AM

PUBLIC COMMENT

Joe Belafonte, 5600 N Ocean Blvd., commented that several years ago a concern was brought up regarding fireworks and the nesting of turtles and he advised that the fireworks this year did not seem to affect the nesting. It appears that the nests are about the same.

PUBLIC HEARINGS

5. An Application Submitted by Mauro Brothers, LLC, 2626 N Federal Highway, Boynton Beach FL 33435, representing the owner, Peter and Angela Caruso, 6029 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 180'(+/-) East of the Coastal Construction Control Line (CCCL) Located at 6029 Old Ocean Blvd. or legally described as Lot 7, 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 an 8 x 40' pool and 11' x 20' deck expansion that will extend a maximum of 180'(+/-) east of the CCCL at 6029 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

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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 6029 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.

Comm Bonfiglio questioned whether the Commission could proceed with the request since the owner or a representative was not present to which he was advised that they need not be present.

Comm Lucibella moved to approve the request for a Land Development Permit contingent on DEP approval and proper permit submittal. Comm Aaskov seconded the motion.

Joe Finley, Turtle Beach, commented that he believed the owner was up north on business.

Kristine de Haseth, 29 Sabal Island Drive, clarified that the proposed pool was still in line with neighboring pools.

Motion carried – Yea (4).

REPORTS

6. 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 working with the manufacturer to replace the red valve at the end of the drain pipe. Eleuthera Dr. construction will begin in mid-July. 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. FEMA maps are expected by the end of summer. 3) Old Ocean Right of Way – The signed documents have been received and will be recorded with the County. 4) Beach Crossovers – a draft ordinance for the August meeting is being written outlining the beach regulations. Staff will also work on signage, however, the ordinance needs to come first so the signs are correct. 5) Town Hall Utility and Access Easement – Mr. Swaim is working with the regulatory agencies. 6) PBA Contract Negotiations – staff met the PBA and local representatives on June 27th. Their revised proposal needs to be clarified and as of today he is waiting for the revisions. Several articles need to be agreed upon.

Manager Schenck mentioned that the Flood Maps will not be completed until 2019 but they advised that they would include our maps in their study.

Manager Schenck also mentioned that Gulfstream recently adopted an ordinance relating to Sober Houses and it was based on an ordinance adopted by Boca Raton that supposedly has judicial approval. The ordinance provides for an application process, but it is unknown if this presents a violation of privacy issues. Atty Spillias is reviewing the ordinances.

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Manager Schenck also mentioned that he was contacted by Jeff Lee, 15 Sabal Island Drive, who is concerned with the railroad that will travel to Orlando. He suggested that the Town oppose the railroad. There was no discussion.

7. Town Attorney

Atty. Spillias commented that he would not be present for the August meeting but Tara Duhy from his office would attend.

Atty Spillias stated that the staff has received and is reviewing the application for the proposed mixed use district, Comprehensive Plan Amendment, and Land Use Map change for 5011 N Ocean Blvd. (Sivitilli). He advised that he has been working with Seth Behn (law clerk and former land planner for 10 years) from his office regarding some concerns. One concern included the proposed requirements of the district and the fact that the property can't meet this criteria. He reiterated that the ordinances adopted in 1969 and 1975 prohibited any commercial zoning through an amortization process and all have been phased out except the 5011 building. They were researching rather than creating a mixed use district, to amend the "no commercial" code to address the 1 property remaining by possibly grandfathering it unless a 6 month abandonment period occurs or if damage by natural causes is not repaired within a 1 year period. This would allow the property to retain the residential zoning, grandfathering, and provide a loss of grandfathering status if abandoned.

Comm Bonfiglio stated he was concerned with possible litigation from the commercial properties that have already phased out. Atty Spillias advised that there is nothing to prevent anyone from suing, however; the prior commercial properties were given a law abiding amortization period to convert. He stated that the 5011 building was a different circumstance because the Town prevailed in a lawsuit 10-12 years ago and after the settlement agreement was over the Town could allow for the mixed use area. He added that this property has been a continuous disagreement among the Commission and residents regarding the continued use of the property. He concluded by stating that he had no concerns on the success of a prior commercial property owner. Comm Bonfiglio asked if there was case law to support this opinion.

The consensus of the Commission was for staff to research the suggestion further and also comment on whether there was existing case law. A question was also raised on whether the Town could require the Sivitillis' to still architecturally improve the building.

At this point Senator Maria Sachs was introduced. Mrs. Sachs summarized her two years serving this area and pointed out that she worked diligently on the beach renourishment for the coastal areas as well as a bill pertaining to parasailing. She advised that her office was open to suggestions and she was planning on scheduling a property insurance roundtable meeting to allow for residents to ask questions of various insurance representatives.

8. Police Chief

Chief Yannuzzi clarified that there were no questions regarding his report. He commented that the 2nd annual shredding event resulted in processing 1,970 lbs of documents, interviews were taking place for both the dispatch and officer position, and he recognized the commendation letter for Lt. Hutchins. One of the new dispatchers will be introduced further in the agenda. He concluded by stating that in response to a number of water-related incidents, both he and Manalapan Police Chief Mattox were coordinating a joint training opportunity on water safety/rescue. Training personnel with PBC Ocean Rescue have agreed to provide the instruction free in October.

9. Town Engineer

Engineer Tropepe was absent with notice.

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ACTION ITEMS

10. Confirm the Hiring of Dispatcher/Clerk Kady Lynn Southworth By: Kenneth Schenck, Town Manager

Chief Yannuzzi summarized Ms. Southworth's credentials and advised that the Commission gave tentative approval at the June meeting.

Comm Lucibella moved to confirm Kady Southworth as a Dispatcher/Clerk, seconded by Comm Aaskov.

Ms. Southworth was introduced in the audience and was given a warm welcome.

Motion Carried – yea (4).

11. Authorize the Renewal of Annual Landscaping Maintenance Contract (minus any special projects) with Chris Wayne and Associates in the Amount of \$43,008 to be Budgeted for FY 2014/15

Manager Schenck advised that the company has offered to renew their contract with no increase in cost. He stated that they have done a good job since originally contracted in 2008. He commented that the last time they advertised for bids only one other bid was received from a Miami firm at about 4 times the cost. He recommended renewing the contract.

Comm Bonfiglio disclosed that the company has worked for him to which Atty Spillias advised there was no conflict unless a vote was taken that would provide a special gain to him.

Comm. Aaskov motioned to authorize the renewal of the Annual Landscaping Maintenance Contract with Chris Wayne & Associates in the Amount of \$43,008 from Budgeted Funds. Comm Lucibella seconded the motion.

Motion Carried – yea (4).

12. Discuss Possible Revisions to Ordinance #603 Regarding the Rental Registrations

Town Manager Schenck reiterated the requirements of Ordinance #603 but stated that it has created some confusion among the residents as to who is required to register, the terms of some leases or no lease, the cost per registration, and also whether the renter information should be required. He was suggesting amending the code to provide for a \$25 - \$35 registration fee due each January per property rather than per lease and also eliminating the renters' information on the form to avoid any suggestions of invasion of privacy.

Comm Lucibella questioned the reasoning behind the adoption of the ordinance. He stated that everyone needs to understand the ordinance or it should be repealed. Chief Yannuzzi commented that in addition to the several violations for renting less than 30 days they have ascertained that last year 22 additional property rentals were discovered, squatters were found in one residence, and a Sober House was discovered. He stated that 11 property rentals have been discovered so far this year. He stated that the ordinance was adopted based on issues for the safety and welfare of the residents and also to attempt to maintain order in the neighborhood after many complaints had been received. Comm Lucibella stated that he was still concerned with the Town questioning the status on why individuals were living someplace.

Mayor Pugh stated that the ordinance may have gone too far with requiring the identification of the renters but he understands why the Town would want to be aware of the rental locations. Regarding the fee, he stated that there were administrative costs involved and he felt the fee was appropriate. He added

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that the property owners and rental agencies may be less likely to rent for less than 30 days with this ordinance in place.

Bob Weisblut, 5000 Old Ocean Blvd., stated it makes no sense for him to register his property and pay the fees, especially per lease, when he already pays the County and State. He also stated that his tenants are non-transient. He felt the ordinance was adopted to ascertain the single family home rentals.

Christopher Currie, 27 Tropical Drive, stated that he felt the ordinance should be repealed and then reviewed as to any amendments that should be made. He reiterated his comments from the last meeting citing that the ordinance was designed for single family homes, and he would paying annually for something that is known and would not change (2 apartments rented). He added that he would have no problem with advising of a tenant change but he felt the renter information was an invasion of privacy.

Comm Aaskov suggested either repealing the ordinance or requiring a property owner to annually register all properties on one form at a \$35 fee. Comm Lucibella commented that if the Commission was not going to repeal the ordinance then he would agree with the comments made by Comm Aaskov. He added that the code already provides for penalties for rentals less than 30 days.

Comm Bonfiglio stated he felt the ordinance accomplished the goal of deterring short term rentals, violations by rental companies, and also police calls. He agreed with amending the ordinance but not repealing it.

Town Clerk Hancsak clarified that the rental registrations/fees already collected were done during the current code requirements and would not be refunded and the information received was considered public record.

Comm Lucibella moved to direct the Town Attorney to revise the existing ordinance to allow for the monitoring of rental property owners through an annual fee per owner with no further personal information required. Comm Aaskov seconded the motion.

Motion carried – Yea (4).

RESOLUTIONS

13. Resolution No. 2014-06; Acknowledging the Right of Employees and Residents to Contact the Office of the Inspector General (OIG) when they Become Aware of Mismanagement in any Local Government

Town Manager Schenck summarized his memorandum by stating that when the Office of the Inspector General was set up one of the requirements was that the communities adopt a resolution informing their employees and residents of their ability to contact the OIG of any wrong doing they see.

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

Motion Carried – yea (4).

TOWN COMMISSION ITEMS

14. Discuss Posting of Monthly Agenda Backup Correspondence in Addition to the Agenda on the Website By: Comm Lucibella

Comm. Lucibella stated that he has observed that over the last few meetings some of the residents were concerned that information they may have submitted was not heard by the Commission. He suggested posting the backup material on the website in addition to the agenda to provide for more transparency.

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There was a consensus by the Commission to post agenda backup material along with the agenda on the website for informative purposes.

Meeting Adjourned at 7:35 pm.

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella

Attest By:

Town Clerk