

## REGULAR TOWN COMMISSION MEETING HELD SEPTEMBER 9, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, September 9, 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 advised that he would be a little late.

Pledge of Allegiance

### PUBLIC HEARING

#### a. Comments from Commissioners and Public

Clerk Hancsak summarized the July 23<sup>rd</sup> and August 11, 2014 Budget Meetings which resulted in a total overall \$118,878 decrease in the original proposed budget and a \$500 increase in proposed revenues and requiring \$317,250 from the surplus to balance the budget. These changes included: removal of a Golf Cart (-\$3,000), Two Police Vehicles (-\$76,000), Reducing the new Alarm Monitoring System Cost (-\$18,000), Increasing the Vehicle Repair Maintenance Account (+\$4,000), Reflecting the 2.5% Merit Increase for Topped Out Employees Effective Oct. 1<sup>st</sup> (+\$5,550), Decrease in Health Insurance Premium Costs (-\$31,428), Reducing the Rental Registration Revenue (-\$1,500), Reducing the Vehicle Trade In (-\$10,000), Adding Special Detail Pay Revenue (+\$10,000), and Adding the Pickup Truck Trade In (+\$2,000). She advised that the budget still reflected a 5.35 millage rate.

Town Manager Schenck commented that negotiations with the PBA were still ongoing. He mentioned that there were two employees in the administrative department that were part of the original step plan who would have topped out already. Providing them their final step effective Oct. 1<sup>st</sup> would be a \$3,800 cost and increase the total budget amount from 5884,373 to 5,888,172. He added that the budget still included the new Pickup Truck (28,500), Alarm Monitoring System (20,000), and an additional Police Officer (\$81,000).

Mayor Pugh questioned Chief Yannuzzi whether the additional officer was absolutely necessary to which he advised that he/she was necessary.

#### a. Public Comment and Comments from the Commission

Mayor Pugh opened for public comment to which there was none.

#### b. Adoption of Tentative Budget for Fiscal Year 2014-2015

Comm. Bonfiglio moved that a budget in the amount of \$5,888,172 be tentatively adopted for the 2014-15 Operating Fund. This includes a \$150,000 transfer to the Capital Projects Account. Comm. Allison seconded the motion.

Terry Brown, Harbour Drive South, commented that he supported the additional officer position.

Steve Coz, 2 Osprey Court, disagreed that an additional officer was needed citing that the population growth for the Town has remained relatively the same for the past 5 years and there will be no substantial growth in the Town in the future. He added that he felt less officers were needed and he was happy with the current Police Force.

Motion carried – Yea 4

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### c. Adoption of Tentative Millage for Fiscal Year 2014-15

Comm. Allison moved that a millage rate of \$5.350 per \$1,000 of assessed valuation be tentatively adopted for the 2014-15 general operating revenues. Comm. Aaskov seconded the motion.

Motion carried – Yea 4

d. Mayor Pugh announced that the computed millage rate of \$5.35 per 1,000 is 5.56% more than the rolled back rate of \$5.1621 (+3.64%).

e. Mayor Pugh announced that the date and time of the 2<sup>nd</sup> and final public hearing is established at 5:01 PM on Tuesday, Sept. 16, 2014. The 2014-15 operating and capital projects budgets and corresponding millages will be finalized and adopted at that time.

The Public Hearing Portion of the Meeting was adjourned at 5:30pm.

### ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

There were no additions or changes to the agenda.

### CONSENT AGENDA

1. Minutes of Special Town Commission Meeting of August 11, 2014
2. Minutes of Regular Town Commission Meeting of August 11, 2014

Comm. Bonfiglio motioned to approve the Consent Agenda and Agenda as presented. Comm. Allison seconded the motion.

Motion Carried – yea (4).

Comm Lucibella arrived at approximately 5:35 PM.

### ANNOUNCEMENTS AND PROCLAMATIONS

3. Proclamation for “National Sickle Cell Month”

### PUBLIC COMMENT

Terry Brown, Harbour Dr So, questioned why the 5011 Building status was not on the agenda because he felt the public should be given an update. He commented that since there were no approvals the building needed to be vacated, tenants needed to be given notice, the signs removed and code enforcement action taken. Manager Schenck commented that the property owners planned on giving a brief presentation and encouraged public comment. He stated that code enforcement could follow if the Commission so desires. Mr. Brown also mentioned that there was still debris from Hurricane Sandy under the Porter Street Crossover that needed to be removed. Lastly, he advised that the condition of the roadway and low hanging wires on Old Ocean Blvd. needed to be addressed.

Rob Sivitilli, son of the owner of the 5011 Building, stated that at the last Regular Meeting the Commission commented that they felt that the building renovation plans/description was insufficient. He advised that he was present tonight to make sure that their concerns were answered. He advised that a full set of plans and a model was available. The renovations included: a building that will look brand new, new pavers, new windows/doors, a new deck and landing, painting, reinforcing the 2<sup>nd</sup> story, replacing the A/C systems, etc. They were in the process of obtaining bids that ranged from \$225,000 - \$250,000. He advised they had bank approval for \$350,000. He concluded by stating that based on conversations with realtors in the area the best option for his parents was to continue the present use of the property through extensive renovations. He respectfully requested that the Commission reconsider.

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Pamela Shudlick, 26 Oceanview Drive, stated that she has lives in the vicinity of the 5011 Building and felt the stores were community serving and the current use was the best for the area once it is beautified.

Mayor Pugh commented that either the Town Commission or Town Manager could request that it be placed on the next agenda. Comm Allison requested that this item be placed on the next agenda.

### PUBLIC HEARINGS

None

### REPORTS

#### 4. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Island – The red valve replacement on Bimini Cove Dr has been ordered and should be installed in early September. Eleuthera Dr Repaving will start in September. 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. A Public Meeting was held on Sept. 8 in Boynton Beach, however; the Town has no major changes. 3) Old Ocean Right of Way – The signed documents have been sent to be recorded after the County required additional information. 4) Beach Crossovers – second reading and adoption is scheduled for tonight 5) Town Hall Utility and Access Easement – Mr. Swaim is still working with the regulatory agencies. 6) Recovery Houses – Atty Spillias distributed the ordinances from Gulfstream and Boca Raton. If the Commission wants to pursue this avenue direction will be needed. 7) PBA Contract Negotiations – staff met with the PBA and local representatives in August and staff will meet with the Commission soon to discuss the proposal.

Manager Schenck also mentioned that the property owner at the end of Hudson Ave. was contemplating applying for a rezoning from Residential Single Family (RSF) to Residential High Density (RHM) and questioned whether the Commission would be favorable. They would like to build 7 Town House units. He added our attorney is researching the fact that during the replat process for these 3 properties the existing home has not been demolished as of yet. The consensus was that the Commission was not in favor of rezoning, however; this would not preclude them from making application if they so choose.

#### 5. Town Attorney

Atty. Spillias advised that the Inspector General litigation trial was held and is currently in the hands of the judge. He advised that in all likelihood either way it would be appealed.

#### 6. Police Chief

Chief Yannuzzi summarized the contents of his report and the Commission did not have any questions. Mayor Pugh did request an update on the Automated License Plate Recognition (ALPR). Chief Yannuzzi commented several local agencies were attending a joint meeting tomorrow. He stated that this multi-agency effort may possibly become a potential pilot project for all of Palm Beach County. He stated that there may be an agency-wide ability to review other agencies' camera records, which in turn will be a beneficial tool to aid in law enforcement investigations, forthcoming.

#### 7. Town Engineer

Engineer Tropepe was absent with notice.

### ACTION ITEMS

#### 8. Request to Ratify and Record a New After-the-Fact Unity of Title for 55 Douglas Drive and Vacant Lot Located Immediately North

Town Clerk Hancsak summarized the request by stating that Jim and Debbie Cerullo obtained a Unity of Title joining 55 Douglas Drive and the adjacent lot in 2002. Unfortunately they were not aware of the Town Code requirement that the Town be a party to the recorded document, which shall run with the

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land. This was unknown until a contractor came in to inquire about a pool permit submittal and several other proposed improvements to the vacant lot. Staff recommended ratifying and recording a new Unity of Title (prepared by the Town). She also advised that any future permits must go through the normal building permit process to determine that it meets all zoning and building codes.

Comm Allison moved to Ratify and Authorize the Recording of a New Unity of Title for the two parcels. Comm Aaskov seconded the motion.

Motion carried – Yea (5)

### 9. Request to Discuss Conceptual Design for Development and Right-of-Way Abandonment for the End of Coconut Lane

Town Manager Schenck advised that Mike McCarty and Leo Giangrande, of McCarty & Associates Land Planning and Design, were present to discuss a proposal to develop the property and extend the cul-de-sac at the west end of Coconut Lane (currently zoned RSF). They were proposing to replat the lots via two options, both of which included abandoning the ROW leading to the intracoastal (ICWW). The area involved is environmentally sensitive and would require other agency approvals. An item of consideration is whether the Town would like to retain an easement for the residents to access the ICWW.

Mr. Giangrande commented that they were aware that this project was a major undertaking due to the environmentally sensitive land and also that this was a previous dumping site, which is why they wanted to open up dialog with the Town. One plan depicted 5 homes at the extreme west end of Coconut Lane with restored mangrove wetland areas to the east and the other plan was 5 homes to the east and mangrove area to the west.

Mayor Pugh mentioned that the Town has had previous ROW abandonment requests but has required an easement for use by the public. He also stated that the Town would be concerned with the recent pump installed to improve the drainage on the street by the existing cul-de-sac. Mr. Giangrande advised that there is a possibility that it may need to be relocated.

### 10. Confirm the Hiring of Dispatcher/Clerk Courtney Hammond

Chief Yannuzzi summarized Mr. Robert Harvey's credentials and advised that the Commission gave tentative approval at the August meeting.

Comm Bonfiglio moved to confirm Robert Harvey as a Dispatcher/Clerk, seconded by Comm Lucibella.

Mr. Harvey was introduced in the audience and was given a warm welcome.

Motion Carried – yea (5).

### 11. Confirm the Hiring of Police Officer Richard Jones

Chief Yannuzzi summarized Mr. Richard Jones's credentials and advised that the Commission gave tentative approval at the August meeting.

Comm Allison moved to confirm Richard Jones as a Police Officer, seconded by Comm Bonfiglio.

Mr. Jones was introduced in the audience and was given a warm welcome.

Motion Carried – yea (5).

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12. Approval of Insurance Coverage Workers Comp, General and Auto Liability, Property, Crime by Preferred Government Insurers Trust (PGIT) through Milton Carpenters Insurance at an Annual Cost of \$103,202 Effective Oct. 1, 2014

Manager Schenck summarized his memorandum by stating the renewal cost reflects a 3% increase - \$76,716 for liability and \$26,486 for workers comp. Staff has looked at the League of Cities and also Brown & Brown and this company has been the lowest. They insure many municipalities throughout the State and have worked well with the Town and he therefore recommended approval of the renewal policy.

Comm Bonfiglio moved to renew the insurance with PGIT at a total cost of \$103,202, seconded by Comm Allison.

Mayor Pugh clarified that they were the lowest quote with matched coverage.

Motion Carried – yea (5).

### RESOLUTIONS

None

### SECOND READING OF ORDINANCES

13. Ordinance No. 608; Amending its Code of Ordinances, at Chapter Thirty, Licenses and Business Regulations, by Amending Article VII, Business Permit Section 30-157, Residential Rental Registration, to Alter the Reporting Requirements Contained Therein, and Section 30-158, Fee, To Establish a New Fee Schedule; Providing for Severability, Providing for Repeal of Ordinances in Conflict; Providing for Codification; and Providing for an Effective Date

Comm Bonfiglio moved to adopt Ordinance No. 608 on second reading, seconded by Comm Aaskov.

Edward Brookes, 15 Ocean Ave., mentioned that this original ordinance was created to assist the police when there were issues with renters at single family properties. Comm Bonfiglio commented that the ordinance was being amended to address several issues and believes it is a work in progress and will solve some of the problems. Mr. Brookes stated that he did not feel this ordinance accomplishes the neighbor safety issue and the renters name should not be removed.

Comm Lucibella stated that there were still safeguards in place because the ordinance was regulating the land owner and the police dept. could request the renter information if there were any issues. He added that neighbors do not have to disclose information about themselves if they so choose.

Motion carried – Yea (Pugh, Aaskov, Bonfiglio, Lucibella)  
Nay (Allison)

14. Ordinance 609; Amending Chapter 1, Section 1-3 of the Code of Ordinances to Provide Revised Definitions of Vehicle and Motor Vehicle; Amending Chapter 62, Article II, Sections 62-26 Through 62-29 and 62-31 Through 62-33 of the Code of Ordinances to Provide for Regulations on Beaches Within the Municipal Limits; Providing for Severability; Providing for the Repeal of All Ordinances in conflict; Providing for Codification; and Providing for an Effective Date

Atty Spillias stated he has revised the ordinance to remove the section pertaining to intoxicating beverages on the beach. There weren't any other amendments.

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Terry Brown, Harbour Drive South, clarified that the ordinance permits alcohol on beach provided it is not in glass on the public portion.

Chief Yannuzzi commented that this ordinance still does not set out a definitive boundary and therefore still makes it difficult for them to enforce the regulations. Atty Spillias advised that once the beach ordinance is adopted then the staff will identify enforcement strategies and design the proposed signage.

Gary Kosinski, 6000 Old Ocean Blvd., stated that this ordinance will not solve the confusion concerning public vs private and he was tired of the Chief claiming ignorance when it comes to enforcement on the beach. He stated that the demarcation should be the mean high water line (MHWL) and questioned at what point the Chief will get the administrative direction. Mayor Pugh advised that the staff will develop the signage and enforcement mechanisms once the ordinance is adopted. Comm Lucibella commented that this should be completed in 1-2 meetings.

Ed Brookes, 15 Ocean Ave., suggested placing signs on the east side of the crossovers. He also commented that the MHWL is changeable.

Comm Lucibella suggested a change to Section 62-27 regarding the unloading, parking, and standing by adding verbiage "on or near crosswalks". Atty Spillias advised that this would not be a substantial change and could be added for second reading.

Ed Brookes clarified that anyone, including residents, would not be permitted to stop to unload a cooler or kayak along Old Ocean Blvd. He stated that there was an ulterior motive to close the beach to the public. Comm Lucibella commented that it is the same as not permitting anyone to stop along A1A or Ocean Ave. to unload. Comm Lucibella added that he has seen pictures of actual traffic jams at Old Ocean Blvd. and Beachway when vehicles are stopped for various reasons. Mr. Brookes stated that if there is a problem then the Police Chief should address it but it should not be prohibited. Mayor Pugh stated that the enforcement was at the officer's discretion and this is already a law in the Town.

Mr. Brown, Harbour Drive South, stated that he felt this addition would be petty and mean spirited, citing that he drops off people at the beach and can now be ticketed. He was reminded that this was already a law.

The consensus was made to add the phrase "or beach access points" to Section 62-27 (a) and (b).

Comm Bonfiglio moved to adopt Ordinance 609 on second reading with an amendment to add "or beach access points" where noted. Comm Lucibella seconded the motion.

Motion carried – yea (5)

Meeting Adjourned at 6:35 pm.

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 Bonfiglio

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Commissioner Lucibella