

REGULAR COMMISSION MTG HELD JANUARY 12, 2015  
TOWN OF OCEAN RIDGE  
**AMENDED** AGENDA

- 1 -



January 12, 2015  
6:00 P.M.  
TOWN HALL - MEETING CHAMBERS

**TOWN COMMISSION**

Mayor Geoffrey A. Pugh

Commissioner Gail Adams Aaskov      Commissioner Lynn L. Allison  
Commissioner James A. Bonfiglio      Commissioner Richard J. Lucibella

**ADMINISTRATION**

Town Manager Kenneth N. Schenck, Jr.      Town Attorney Kenneth G. Spillias  
Town Clerk Karen E. Hancsak      Police Chief Chris Yannuzzi

**RULES FOR PUBLIC PARTICIPATION**

1. **PUBLIC COMMENT:** The public is encouraged to offer comments with the order of presentation being as follows: Town Staff, public comments, Commission discussion and official action. Town Commission meetings are business meetings and the right to limit discussion rests with the Commission. Generally, remarks by an individual will be limited to three minutes or less. The Mayor or presiding officer has discretion to adjust the amount of time allocated.
  - A. **Public Hearings:** Any citizen is entitled to speak on items under this section.
  - B. **Public Comments:** Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the commission under this section. The Commission may withhold comment or direct the Town Manager to take action on requests or comments. The Commission meetings are held for the purpose of discussing and establishing policy and to review such other issues that affect the general welfare of the Town and its residents. Where possible individual grievances should first be taken up with the Town Staff.
  - C. **Regular Agenda and First Reading Items:** When extraordinary circumstances or reasons exist and at the discretion of the Commission, citizens may speak on any official agenda item under these sections.
2. **ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the podium and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

**APPELLATE PROCEDURES**

Please be advised that if a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record.

Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 732-2635 at least 2 days prior to the meeting in order to request such assistance.

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Dec. 8, 2014

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MOTION	SECOND	DISCUSSION	VOTE
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ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, January 19, 2015 for the Official Holiday
3. 2015 Municipal Election/Eleccion Municipal 2015
  - a. Proclamation for Election Held on March 10, 2015/Proclamacion para eleccion sostenida el 10 de marzo de 2015
  - b. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada
  - c. Candidate Filing Dates run noon January 27, 2015 through noon on February 10, 2015/Las fechas de la clasificacion del candidatos recorren mediodia 27 de enero de 2015 de mediodia del 10 de febrero de 2015
4. Proclamation for "National Stalking Awareness Month" in January

PUBLIC COMMENT - (15 minute maximum with 3 minute individual limit)

PUBLIC HEARINGS

None

REGULAR AGENDA

(Items Which Require Town Commission Action That Must Be Filed With Town Clerk 1 Week prior to Meeting - Public Comment Permitted)

REPORTS

5. Town Manager
  - a. Review of Termination of Police Chief  
And remaining items
6. Town Attorney
  - a. Update on Class Action Suits for the Municipal Derivatives and Aqualogic, Inc. Settlement
7. Police Chief
8. Town Engineer

ACTION ITEMS

9. Request to Discuss Possible De-Annexation of 5011 North Ocean Blvd. By: Rob Sivitilli, representing property owner
10. Discuss All Aboard Florida Train Program By: Merilee Lundquist, 6277 N Ocean Blvd.
11. Request for Possible Zoning Changes Related to Setbacks and Garages By: Jeff Lee
12. Approval of an Amount Not To Exceed \$2,000 from the Contingency Account for the Purchase of the Beach Crossover Signs By: Kenneth Schenck, Town Manager

13. Authorize Staff to Pursue Notice of Intent to Demolish the Unsafe Structure at 110 Bonito Drive Demolition and Special Assess if Necessary By: Kenneth Schenck, Town Manager
14. Discuss Succession Planning By: Commissioner Lucibella
15. Appointment of Interim Police Chief By: Kenneth Schenck, Town Manager

RESOLUTIONS

None

FIRST READING OF ORDINANCES

None

SECOND READING AND ADOPTION OF ORDINANCES

None

TOWN COMMISSION ITEMS

(Information Items Only - 3 minute limit per item)

ADJOURNMENT

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 1, 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

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty. Spillias requested to add 2 items: Item 6a. - Discussion/Direction regarding Class Action Law Suit of Municipal Derivatives and Swap Interest Rates. Item 6b. - Discussion/Direction regarding Class Action Law Suit of Sabon vs Aqua Logic Inc.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of November 3, 2014
2. Ocean Ridge Resolution No. 2014-16; Authorizing the Town to Approve and Adopt the 2015 Revised Palm Beach County Local Mitigation Strategy Plan

Comm. Bonfiglio motioned to approve the Agenda and Amended Agenda. Comm. Allison seconded the motion.

Motion Carried - yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

3. The Administrative Offices will be closed on Thursday, Dec. 25<sup>th</sup>, 2014 (and Friday, Dec. 26<sup>th</sup> if approved tonight) and Thursday, Jan 1, 2015 (and Friday, Jan 2<sup>nd</sup> if approved) for the Official Holidays.
4. The Annual "Holiday Celebration" date (from 5:30 PM to 7:30 PM) - will be held on Friday, Dec 12<sup>th</sup>, 2014 from 5:30 PM - 7:30 PM. Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun

Clerk Hancsak stated that Boynton Beach recently rescheduled their Boat Parade from Saturday, Dec 13<sup>th</sup> to Friday, Dec 12<sup>th</sup>. She asked if the Commission would want to change our date as it would now conflict with the Boat Parade. There was a consensus made by the Commission to reschedule the Annual "Holiday Celebration" date to Wednesday December 10<sup>th</sup>, 2014 from 5:30 PM to 7:30 PM.

PUBLIC COMMENT

Stella Kolb, 204 Beachway Drive asked the staff if they could get the Christmas Tree later this week, to allow the Garden Club time to decorate before Wednesday, December 10<sup>th</sup>, 2014. Clerk Hancsak stated that it could be done.

Terry Brown, Harbour Drive, asked the Town to enforce the Code regarding the allowable trimming height of the dunes. He was concerned that if cut too low, it would result in damage to our dunes, and become costly to repair. He asked that Ocean Ridge send out a letter to the residents informing them of the allowable height. In regards to the possible purchase of new cameras in Ocean Ridge, he asked if the Commission would be preparing a policy regarding the cameras, and a budget for their maintenance. Mayor Pugh stated that the cost/maintenance would be discussed at the workshop.

## REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

Bob Weisblut 5001 Old Ocean Blvd reported that the next lecture series would be January 8, 2015 from 7-8pm. Dr. Erick Vandernook, FAU, would be speaking on the Solar Systems. He announced that it was open to the Public and encouraged the residents to attend.

### PUBLIC HEARINGS

None

### REPORTS

#### 5. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Island - The red valve has been installed and seems to be working well. Eleuthera Drive drainage improvements are in progress, and several problems have arisen with the lines in the cul-de-sac being higher than were supposed to be. The road has been raised and repaved. Matching the road with the driveways and lawns is requiring more fill. There will be a change order for the additional expenses of about \$15,000 but the total job cost is still lower than the other bids. It is expected to be complete before Christmas. 2) FEMA Flood Maps - FEMA is still reviewing our maps. 3) Old Ocean Right of Way - The signed documents were being recorded at the County 4) Beach Crossovers - the beach usage and signage will be discussed later in the agenda 5) Town Hall Utility and Access Easement - Mr. Swaim is still working with the regulatory agencies. 6) PBA Contract Negotiations - A mediator has been selected and the meeting is scheduled for January 15, 2014 to discuss the PBA contract.

It was also announced that Chief Licata, Lighthouse Point, will make a presentation on December 16th, 2014 for our residents regarding the proposed camera system.

#### 6. Town Attorney

##### a) Class Action Lawsuit regarding Municipal Derivatives and Swap Interest Rates

Atty Spillias stated that this involved a number of financial institutions that did not provide full disclosure to the municipalities. We may not have received full benefits of the swap interest rates. A settlement is proposed for \$37million. He recommended that we submit our proof of claim, then we could be a recipient of some of the settlement. Comm. Bonfiglio stated that he was knowledgeable of the lawsuit and asked for information regarding it.

Comm. Lucibella motioned to approve Atty. Spillias to file the claim form for the Class Action Suit concerning Municipal Derivatives and Swap Interest Rates/Costs and that Comm Bonfiglio be provided with the information for review. Seconded by Comm. Allison.

Motion Carried -yea (5).

##### b) Class Action Lawsuit - Savon Vs Aqualogic.

Atty. Spillias stated that this lawsuit was regarding unsolicited ads for business that were sent by fax. The court has a list of businesses that received these faxes and the settlement is for \$500. Comm. Bonfiglio stated the he believed that this case was removed by Circuit Court and that the time to file had expired. This item was deferred until further investigation could be done for more information.

#### 7. Police Chief

Chief Yannuzzi summarized the contents of his report and reported that 2 officers had received letters of commendations. Officer Savino observed/apprehended 2 young men for trespassing in the Ocean Ridge Yacht Club. Officer Giardino assisted in the recovering of 2 dogs who were found crossing AIA. Comm. Aaskov stated that they were her dogs, and she was grateful that they were found and returned unharmed.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

8. Town Engineer

Engineer Tropepe was absent with notice.

9. Continued Discussion on Document Titled Guidance for Enforcing Ordinances and Trespass Violations on Beaches Within the Town of Ocean Ridge and also Approval of Beach Access Signage

Manager Schenck presented to the Commission a map of Ocean Ridge provided by Engenuity showing the Erosion Control Line (ECL) and the Mean High Water Marks (MHWM). It is recommended that the ECL be used as a guide for the police officers when patrolling the Town's beaches. There are 2 separate ECL's, the line north of Anna St was established in 1997 and the line south of Anna St was established in 1978. The southern line was the same as the MHWL, however the MHWL is not permanent whereas the ECL is. This map also shows that the private property lines are not uniform in their eastern boundaries and vary considerably. He encouraged the residents to contact the police department immediately regarding any bad behavior or those trespassing/violating the dunes or private property. There is also a proposed sign for the crossovers. Eight signs would be needed, at a cost between \$2500 and \$3000.

It was suggested to possibly send it to P&Z however the Commission was close to making a final decision and the majority felt it was not necessary. It was also discussed that the police need to know property lines to determine if the public were violating private property. This map is to be used as a guide, to which the Commission concurred.

Atty Spillias stated that this map is an attempt to identify an approach for enforcement in case of a lawsuit. In some states the use of the beach is customary, however in Florida the determination is done by each area. This guide is to balance public and private rights to the beach in Ocean Ridge.

Terry Brown, Harbour Dr South, stated that the public is paying for the sand transfer and felt that the beaches should stay public. Terry Brown stated that the current signs have 3 "NO's", and the proposed signage has 9 "NO's", and felt it was too negative.

Stella Kolb, 204 Beachway, stated that this issue started with the bad behavior of the public on private lands. She asked the Commission to simplify it and put more emphasis on the bad behavior - like cooking on the beach, leaving diapers/waste in the dunes, and keeping pets off of the beach.

Comm. Allison, in regards to the proposed beach signs, said she was not in favor of "No Unloading". While she understood that there is excessive abuse, there is no parking available at all on Old Ocean. Comm. Aaskov agreed with Commissioner Allison and was in favor of removing "No Unloading" while keeping "No Stopping" on the proposed signs.

Steve Caz, was in favor of the Planning & Zoning Commission reviewing this, and stated that since 2006 there has been major growth in Ocean Ridge and Boynton Beach. The next step for some of the Boynton apartments/condos is to provide transportation to the beach. He was in favor of keeping "No UnLoading" and to remove the large top arrows on the Beach Signs. He asked that the Commission consider the residents first, as there are 5 other public beaches in the area with better facilities and parking for the public.

George Elder, 205 Beachway, stated that the Mean High Water Mark doesn't change - it's a State Law. He asked that if the new signs state "No Trespassing on Private Property or Dunes" could the police department then enforce a violation without the owner's presence.

Comm. Lucibella motioned to approve the Proposed Beach Signs with the following amendments: Removal the "Beach Access" at the top and replace with "Town of Ocean Ridge", removal of the arrows

## REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

at the top, removing the "No Life Guard and Swimming at Own Risk", removing the "No Unloading" and adding "On Beach" to the "No Vehicles". Seconded by Comm. Aaskov.

Merilee Lundquist, 6275 N Ocean Blvd, distributed her warranty deed and survey to the Town Manager & Town Attorney. Clerk Hancsak put her survey on the overhead for the public. It showed the property lines and the MHW and ECCL. She was concerned about adverse possession issues. She stated that she has had intrusive behavior on her land, and stated that there are other parks in the area for the public. While she appreciated the Beach Renourishment, she did not feel it was a great solution of helping the beaches to the south. She felt that Manalapan should be required to have quarterly reports of the sand transfer. Manager Schenck stated that Manalapan does have quarterly reports and he would forward the reports to her.

Peter Burling, 7 Osprey Court, stated that instead of all the No's, some of them could be combined on one line, and instead of "No" to say "Prohibited" to make it less negative. He was in favor of "No Unloading" staying on the sign as he has observed large and multiple vehicles loading/unloading on Old Ocean, but that "No Stopping" be removed. He feels the public should park over the bridge and walk to the beach.

Jerry Lower, 2 Harbour Drive North, stated that he does stop to unload his kayak at the beach, and then return on foot. He was concerned that we may be showing partiality to residents only. Comm. Lucibella stated that police can always use discretion when giving warnings or ticketing.

Motion Carried - yea (4). Comm. Bonfiglio - nae (1).

10. Authorize Closing the Administrative Office on Friday, Dec. 26, 2014 and Friday, Jan. 2, 2015 with Staff Utilizing a Vacation Day for Each.

Comm. Allison motioned to authorize closing the Administrative Office on Friday, Dec. 26, 2014 and Friday, Jan. 2, 2015 with Staff Utilizing a Vacation Day for Each. Seconded by Comm. Lucibella.

Motion Carried - yea (5).

### RESOLUTIONS

11. Resolution No. 2014-14; Designating the Supervisor of Elections and the Town Clerk as the Canvassing Board, to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 11, 2014 and to Canvass Returns of Such Election Including the Absentee Ballots; Assigning Supervisor of Elections to handle the Absentee Ballots

Atty Spillias advised that he represented the SOE but he did not prepare the resolutions or agreement.

Town Clerk Read the Title for Resolution No. 2014-14

Comm. Allison motioned to approve Resolution #2014-14. Seconded by Comm. Bonfiglio

Motion Carried - yea (5).

12. Resolution No. 2014-15; Authorizing the Mayor and Town Clerk to Execute the Agreement for vote Processing Equipment Use and Election Services by and Between the Palm Beach County Supervisor of Elections (SOE) and the Town of Ocean Ridge.

Clerk Hancsak read the title for Resolution No. 2014-15.

## REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

Comm. Bonfiglio motioned to approve Resolution No. 2014-15. Seconded by Comm. Allison.

Motion Carried -yea (5).

### FIRST READING OF ORDINANCES

13. Ordinance No. 610; Amending its Code of Ordinances, at Chapter 63, General and Administrative Provisions, by Amending Article VII, Nonconforming and Grandfathered Uses Section 63-117, Grandfathered Uses, Lots, and Structures, to permit the Continuation of Existing Non-Residential Uses and Section 63-118, Nonconforming Signs and Uses, to Strike the Expired Provisions Concerning Amortization of Non-Residential Uses; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; and Providing for an Effective Date

Mayor Pugh read the Title of the Ordinance. Comm Aaskov recused herself from the discussion (she is currently a tenant at the 5011 Building) and advised that she would complete the Voter Conflict Form. It was open for Public Comment.

Manager Schenck summarized that this was a result of the Sivitilli's request to the Commission to allow them to continue the mixed use of the 5011 Building. Once adopted, this Ordinance would modify the existing grandfather code. A development agreement regarding restriction of use and a time frame to complete the needed modifications of the property could be completed separately and executed prior to the 2<sup>nd</sup> reading and adoption.

Rob Sivitilli, 10 Fayette, stated that he is prepared to set up an Indemnification for Ocean Ridge to cover any potential legal expenses.

The following individuals were in favor of continuing the mixed use: Donna Tardiff (8 Fayette Dr), Sandy Foster (5900 Old Ocean), citing that it should be kept as part of the Town History and was unsure if anyone had standing for a lawsuit.

The following individuals spoke in opposition of continuing the mixed use: Terry Brown (Harbour Dr), Gary Kosinski (6000 Old Ocean Blvd), Don Magruder (9 Ridge Blvd), Gerry Magruder (9 Ridge Blvd), citing a concern for exposing the Town to potential lawsuits for extending the agreement that had expired, exhausting the Town's resources and time over the many years, and the appearance of spot zoning, and if approved they felt the Sivitilli's should reimburse the Town for past expenses and prepare a significant bond for contingent liability.

Steve Goindoo, Henri's Apts, 1 Tropical Drive, summarized the Town Atty Memo regarding this Ordinance, and was uncertain of potential law suit as no case law had been found. He would be in favor, however; of developing a commercial zone area for a larger area in the south end of Ocean Ridge. There was already commercial use in the properties across the street in the county pocket and Briny Breezes.

Public Comment was closed.

Comm. Bonfiglio stated that while he was on the P & Z Commercial they had struggled over what to do with the RMM Zone. He saw no problem however with them revisiting a possible commercial area in a few years but was not in favor of Spot Zoning. If the residents of Ocean Ridge wanted to see a change to the Town's current zoning, he would prefer a Comprehensive Plan Change through an application process in lieu of Spot Zoning. He noted that there were already 2 empty bank buildings across from the 5011 Building, and there seemed to be little interest for businesses along AIA in that area.

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 1, 2014

Comm. Allison stated that when she purchased her home no promise was given to her that Ocean Ridge would be strictly residential with no commercial use. The Sivitilli's made promises for building improvements and an indemnity bond for potential legal fees. She was in favor of an Agreement that would hold them to a deadline, and she wanted the improvements to make a big difference. She would vote for the continued use.

Comm. Lucibella was very concerned with potential legal challenges that the Town would face if the mixed use continued. He felt this is a selective choice for just one property. He asked if the Town Attorney could guarantee success if Ocean Ridge was sued. He was also concerned if this agreement would be transferrable to the next owner, and how it would limit the use of the property.

Atty. Spillias stated that this Ordinance was not "Spot Zoning" because it was adjacent to other Commercial properties. The time period for continued mixed use in the settlement agreement had expired but not the current residential use of the property. He stated that besides adopting this Ordinance there would be an agreement with the Sivitillis' to provide stipulations, required improvements and a financial commitment to Ocean Ridge. He also advised that anyone suing the Town would have to show special injury. Instead of this Ordinance, the Town would be more protected through a new Comprehensive Plan Amendment that allowed Commercial use. He also stated that any indemnity bond should be for 5 years and 6 figures. The grandfathering status applied to the use. Nothing would be allowed beyond the nature of what is there now at the 5011 Building.

Rob Sivitilli stated that he had submitted to Town Hall a permit for the proposed improvements to the 5011 Building. He also noted that a FOOT permit was required for their parking lot, and was informed by FOOT that a lease agreement would be required for the use of the ROW so they revised the plan so none of the parking spaces encroached into the ROW.

Comm Allison moved to approve Ordinance No. 610 on first reading. There was no second. Mayor Pugh passed the gavel to Vice Mayor Allison. Mayor Pugh seconded the motion. Comm. Bonfiglio objected to the action of passing the gavel.

Motion Died - ye a (2); Comm. Bonfiglio, Comm. Lucibella - nae (2)

Rob Sivitilli stated that he was disappointed with the decision, and he requested that the Commission then consider them for deannexion from the Town of Ocean Ridge.

Atty. Spillias advised that there was a formal application process to de-annex. It involves Palm Beach County and a new Comprehensive Plan, and that the Commission should wait until a proper application was received before discussion.

Meeting Adjourned at 8:05 pm.

Attest By:

Town Clerk

\_\_\_\_\_  
Mayor Pugh

\_\_\_\_\_  
Commissioner Aaskov

\_\_\_\_\_  
Commissioner Allison

\_\_\_\_\_  
Commissioner Bonfiglio

\_\_\_\_\_  
Commissioner Lucibella

## NATIONAL STALKING AWARENESS MONTH

### **National Stalking Awareness Month January 2015**

Whereas, under the laws of all fifty states, the District of Columbia, and federal government, stalking is a crime;

Whereas, 3.4 million people over the age of 18 are stalked each year in the United States, and nearly 75% of victims are stalked by someone they know;

Whereas, 3 in 4 women killed by an intimate partner had been stalked by that intimate partner;

Whereas, many stalking victims are forced to protect themselves by relocating, changing their identities, changing jobs, and obtaining protection orders;

Whereas, many stalkers use increasingly sophisticated devices- such as global positioning systems, cameras, and computer spyware-to track their victims;

Whereas, laws and public policies must be continually adapted to keep pace with new tactics used by stalkers;

Whereas, Aid to Victims of Domestic Abuse, Inc. and Legal Aid Society of Palm Beach County continue their project to better combat stalking by coordinating a multidisciplinary response of local agencies and organizations and by increasing victim services;

Whereas, the Palm Beach County Anti-Stalking Multidisciplinary Collaborative has released an Anti-Stalking Toolkit and Victim's Right brochure which will assist service providers and victims in coordinating and accessing the most appropriate, effective services for each victim of stalking in Palm Beach County; and

Whereas, Aid to Victims of Domestic Abuse and Legal Aid Society of Palm Beach County are joining forces with victim service providers, criminal justice officials, and concerned citizens throughout Palm Beach County and the United States to observe **National Stalking Awareness Month** and to promote the 2015 theme, "Stalking: Know it. Name it. Stop it."

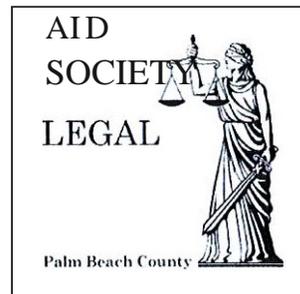
NOW, THEREFORE, I, \_\_\_\_\_, as \_\_\_\_\_ of the Town of Ocean Ridge, Florida, do hereby proclaim January 2015 as

**STALKING AWARENESS MONTH**

In the Town of Ocean Ridge, Florida and applaud the efforts of Aid to Victims of Domestic Abuse, Legal Aid Society of Palm Beach County, and the many victim service providers, police officers, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (date)



[www.avdaonline.org](http://www.avdaonline.org)  
24-HOUR HOTLINE: 1-800-355-8547  
[www.legalaidpbc.org](http://www.legalaidpbc.org)  
(561) 655-8944

## **Memorandum**

Date: **December 29, 2014**  
To: **Mayor & Commissioners**  
From: **Ken Schenck, Town Manager**  
Re: **Town Update, January, 2015**

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**I am providing you with brief updates on some of the Town's continuing projects and events.**

### **Police Chief Leaving Town's Employ**

Over the past few weeks there has developed a contentious situation between the Police Chief and one of the Commissioners. This has escalated so that it is creating problems in the daily duties. Unfortunately I don't see the conflict ending and I'm not sure where it's headed. It is not a good situation for the workplace. Another conflict is the tension between the Officers and the Chief. This makes for uneasiness with the Officers, which trickles down to their work ethic and interaction with the residents. Both of these situations need to be corrected. It seems the only way to correct both issues is to replace the Police Chief as he is heavily involved with both issues. Therefore, I gave Chief Yannuzzi the option of retiring or being terminated. He chose not to retire. His last day of employment will be January 16, 2015. I believe this move is in the best interest of the Town. Please call me if you have any questions.

### **Eleuthera Drive Drainage Improvements**

The Eleuthera Drive drainage improvements are almost complete. We've run into several problems in the cul-de-sac with utility lines being higher than they're supposed to be which held up the construction until we could get them moved. This created an additional expense. The road has been raised and repaved. Matching the road with the driveways and lawns required more fill and work than anticipated and will also require some additional expense.

### **Spanish River Drive**

We are reviewing several drainage problems on Spanish River Drive where water is ponding. We also discovered a broken stormdrain pipe that needs to be replaced. We're analyzing the best way to eliminate these problems.

### **FEMA Flood Maps**

We've met with FEMA and are still reviewing their maps.

### **Old Ocean Blvd. Right of Way**

The signed documents have been recorded at the County and sent to the property owners. They have refunded the Town the expenses.

### **Town Hall Utility and Access Easement**

Mr. Swaim is still working with the regulatory agencies.

### **PBA Contract Negotiations**

A mediator has been selected. A meeting is scheduled for Jan. 15<sup>th</sup> at 9AM in the Commission Chambers

### **LPR Cameras**

The presentation on the cameras by the Lighthouse Point Police Department was made on Tuesday December 16<sup>th</sup> at 6PM. There were approximately 10 to 15 residents there and an about 10 police officers from other communities. It was an excellent presentation and showed the benefits that Lighthouse Point has seen in crime prevention. As we're possibly looking at Delray Beach to house the equipment for all of the communities we're waiting for their new City Manager to come in January to determine his interest in the system and working with the other communities.

### **FDOT Bridge Inspections**

Every few years FDOT contracts for safety inspections of the bridges in the State. They recently completed inspections of the Inlet Cay and Sabal Island Bridges. The Island Drive Bridge is too new to include at this time. The inspections point out potential structural problems. Both bridges are in good condition. However, both are 17 years old and have minor deterioration of the steel and concrete. Although it's minor this type of aging just continues to get worse. It's best to do the repairs before they get serious and expensive. I've sent copies of the reports to Bridge Design Assoc. Inc. to get an evaluation of the needs and costs. They'll also be looking at the associated seawalls where we are having some erosion problems. We'll be getting with them in January to see what we have to do to correct any present or future problems. I have the reports if you would like to see them. They are 30 and 37 pages long.

### **Woolbright Detention Pond**

The pond is about 10 years old and in need of some maintenance to keep it operating as designed. Aquagenix maintains the vegetation in the pond. I've asked them to look at the pond and give us recommendations as to what we need to do to correct any ponding problems that exist. They will be giving us a proposal in January.

### **Sand Transfer Station**

A question came up about the volume of sand being transferred to Ocean Ridge from Manalapan. The County oversees the station and its operation. They have monthly figures denoting the volume of sand transferred. The sand enters a pit and is pumped from there to Ocean Ridge. There is no way to enhance or delete the volume available as whatever is in the pit is pumped. The volumes vary depending on the erosion and sand flow south along Manalapan. A table showing the volumes pumped since 2010 is attached.

Calendar of Events

Commission Meeting----- February 2, 2015 @ 6:00 PM

Code Enforcement Meeting-----February 3, 2015 @ 10:00 AM

Cc: Chris Yannuzzi, Police Chief  
Karen Hancsak, Town Clerk  
Employees

## SOUTH LAKE WORTH INLET SAND PUMPING RECORDS

Calculated with an Estimated Pumping Rate of 150 cubic yards/hr

Month	2009 - 2010		2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015	
	Hours	Quantity	Hours	Quantity								
October	0.0	0	69.5	10,425	63.5	9,525	71	10,650	53.5	8,025	30	4,500
November	0.0	0	106.0	15,900	45.5	6,825	128	19,200	156	23,400		0
December	0.0	0	107.5	16,125	7.0	1,050	54	8,100	50	7,500		0
January	97.5	14,625 *	49.5	7,425	12.5	1,875	30	4,500	44	6,600		0
February	139.0	20,850	24.0	3,600	5.0	750	16.5	2,475	11.5	1,725		0
March	112.5	16,875	56.5	8,475	8.0	1,200	75	11,250	35.5	5,325		0
April	62.0	9,300	34.0	5,100	6.5	975	25.5	3,825	35.5	5,325		0
May	45.0	6,750	41.0	6,150	7.0	1,050	23	3,450	13.5	2,025		0
June	29.5	4,425	25.5	3,825	1.0	150	9	1,350	15	2,250	0	0
July	41.0	6,150	18.5	2,775	1.5	225	10	1,500	10	1,500	0	0
August	37.0	5,550	27.0	4,050	17.5	2,625	9	1,350	13	1,950	0	0
September	89.0	13,350	17.5	2,625	10.0	1,500	10.5	1,575	7	1,050	0	0
<b>Total</b>	<b>652.5</b>	<b>97,875</b>	<b>576.5</b>	<b>86,475</b>	<b>185.0</b>	<b>27,750</b>	<b>461.5</b>	<b>69,225</b>	<b>444.5</b>	<b>66,675</b>	<b>30.0</b>	<b>4,500</b>

\*First recorded day of pumping at new plant was 1/14/10.  
Pumping rate of 150 cy/hr based on 7/13/11 production survey by Coast & Harbor Engineering.

Agenda: Jan. 12, 2015  
Memo: Item # 1

Town of Ocean Ridge, Florida  
Agenda Memorandum

Office of Police Chief Christopher T. Yannuzzi

- Subject:
1. Monthly Activity Report (November 2014)
  2. Monthly Boynton Beach Fire/EMS Activity Report
  3. Letters of Commendation-Ofc. Jones
  4. Proclamation & Letter by Governor Scott:  
"Florida First Responder Appreciation Week"  
January 5-9, 2015

Mayor and Town Commissioners:

Attached please find the November 2014 Monthly Activity Report; including the monthly Boynton Beach Fire/EMS Activity Report and other attachments. All of these are on the Town's website under Police Department/Monthly Reports.

I'm available to answer any questions either prior to or at the meeting.

# Memorandum

**Date:** January 6, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** De-annexation of the 5011 Building

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Mr. Rob Sivitilli will make a presentation regarding their desire to de-annex the 5011 Building to allow annexation into Briny Breezes. Attached is a letter from Rob as well as a letter from his attorney, Michael Weiner, outlining the request and the steps necessary to accomplish the de-annexation.

We need to address the present occupancy of the building. If the Commission doesn't concur with the de-annexation then we'll take steps to bring the building into compliance. If the Commission does concur then we still have to address the existing occupancy.

## Kenneth Schenck

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**From:** Rob Sivitilli <[sivitillir@yahoo.com](mailto:sivitillir@yahoo.com)>  
**Sent:** Monday, January 05, 2015 6:37 PM  
**To:** Kenneth Schenck  
**Subject:** Deannexation Proposal regarding 5011 N. Ocean Blvd.

Dear Ken,

As mentioned at the conclusion of the December 1, 2014 Ocean Ridge Town Commission meeting, I believe the sensible approach going forward is a Deannexation of [5011 N. Ocean Blvd.](#) from Ocean Ridge. Town Attorney Ken Spillias commented at that time that any such discussion by the Town of Ocean Ridge should be on the basis of a specific proposal regarding how to effectuate such action.

In response to this, my attorney Michael Weiner completed a memo describing the rationale, recommended approach, and steps involved, and shared this memo with Mr. Spillias on December 30, 2014. We wish to present these topics at the upcoming [January 12th](#) Town Commission meeting as an agenda item for discussion. Mr. Weiner will be present and available to address any questions related to his memo and the proposed process.

Best Regards,

Rob Sivitilli

-LAW OFFICE-

**WEINER, LYNNE  
& THOMPSON, P.A.**

MICHAELS. WEINER  
JEFFREY C. LYNNE  
LAURIE A. THOMPSON  
~~JAMES~~ F. CAPLAN  
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[WWW.ZONELAW.COM](http://WWW.ZONELAW.COM)

December 29, 2014

**Via Email**

Kenneth G. Spillias, Esq.  
Lewis, Longman & Walker, P.A.  
1700 Palm Beach Lakes Blvd., Suite 1000  
West Palm Beach, Florida 33401

**Re: De-Annexation/Annexation of property located at 5011 Ocean Avenue.  
Our File No.: SIVR002**

Dear Ken,

I. BACKGROUND AND ANALYSIS

The Town of Ocean Ridge has been addressing the uses of non-residential versus residential uses within its borders since 1969. During this 45 year period, this discussion has had to balance two great pillars of the American system, the inalienable property rights of individuals and the perceived will of local citizenry. At issue is a building on .1749 acres, that is, less than two tenths of an acre. The building is 4,176 square feet, no larger than a nice size single family house.

Present zoning allows for a mix of uses which has traditionally placed commercial and office uses on the first floor, and office and residential uses on the second floor. Were the property to be solely residential, a building of this type would generate approximately 28 trips per day. In contrast, 2,000 square feet of general office space would generate approximately 22 trips per day and given two units on the top floor, this would be a total of approximately 36 trips per day. Even if there is commercial use such as a pharmacy, apparel store, or arts and crafts store as opposed to office use, the traffic counts would be not much higher. These numbers are based upon the Trip Generation Manual published by the Institute of Transportation Engineers, 9th Edition.

According to Palm Beach County's Traffic Division, for peak season traffic, the average daily traffic count between Woolbright Road and Ocean Avenue on AJ A is 9,118 cars per day. At its greatest intensity, subtracting residential use daily trips from mixed use of daily trips for the building, your savings would be .002%, that is, two one-hundredths of a percentage point. If you thought of it as a ruler, you would be saving three one-hundredths of an inch. You would need a magnifying glass to see it.

In 45 years, much has changed with respect to weather forecasting, bridges, evacuation routes

and other major disaster related issues. Given the size and impact of this particular building and the public improvements that have been made over the last four decades, hurricane evacuation cannot be a reason for changing use. In fact, if the property were completely converted to residential use, the likelihood is that there would be a greater number of families to be evacuated as opposed to a mixed use with a commercial component, not utilized at night or for a dwelling.

While the ambiance of the Town and its reputation is of great importance to all who live there, it would be impossible to argue that the existence of this particular property with its present uses have impacted the Town in any significant manner whatsoever. If there is concern about impact, all one needs to do is to look at the single family home at 52 Ocean View Drive, immediately to the east. It sold for \$95,000.00 in June 1987, and is presently valued by the Property Appraiser at \$268,717.00, or an increase of 282%, that is, an increase of almost 10% per year. Likewise, the home at 50 Ocean View Drive sold for \$90,000.00 in 1987, and is presently valued at \$206,704.00. These increases are better than all national averages over the same time. So, there can be no doubt that the existence this property or its uses have not detracted from the appeal or value of the Town or the area.

Nonetheless, we understand the 45 year history which has resulted in costs to the Town and substantial time devoted by its small staff and its elected officials to the issue. The proposal that we make would be a final solution so that the parties will not have to endure an additional four decades of legal challenges.

We have spoken to the Town of Briny Breezes and have received positive responses with respect to the possible annexation of this property to that Town. Because its taxable valuation is severely depressed by the continuing legal instability in respect to its uses, the present valuation is only \$186,561.00. Under the circumstances, any lost tax revenues would be inconsequential. In contrast, the Town would be able to eliminate this situation. If the Town so desired to pursue, for whatever reason, the elimination of all commercial activity within the Town borders, it could do so with less interference, and reach that goal more quickly.

## II. DEANNEXATION AND CHANGING BORDERS

Based upon our review of the available methods to effectuate the annexation of the subject property from the Town of Ocean Ridge, Florida to the Town of Briny Breezes, Florida, we have determined the more feasible mechanism would be to seek legislative action changing the existing boundaries of each municipality, that is the Town of Ocean Ridge and the Town of Briny Breezes.

Art. VIII, §2, of the Florida Constitution vests the ultimate power to create and abolish municipalities or amend municipal charters with the State Legislature. Art. VIII, §2(c) specifically singles out changes to municipal boundaries allowing them to be conducted by general or special law.

The Municipal Annexation or Contraction Act ("Annexation Act"), found in Chapter 171, Florida Statutes, is the general act which sets forth municipalities' power to change their boundaries. The Annexation Act does not set forth a procedure for de-annexing a property from one municipality and contemporaneously annexing that same property into another municipality. Multiple steps might be required, including a portion of time that might place the property within the jurisdiction of the County of Palm Beach as an unincorporated county "pocket". For that

reason, the Annexation Act does not provide an efficient option to effectuate the changes to the municipal boundaries.

In order to conduct the changes by special law, a local bill will have to be introduced in the State Legislature. Either the State House of Representatives or the State Senate may originate the legislation; however the processes differ slightly between the two legislative branches. Because introduction of special bills is more commonly accomplished through the House of Representatives, let me focus on this procedure for filing bills.

### **Local Bill Filing**

An interested party may submit a request for a local bill either verbally or in writing to the local legislative delegation or to any member of the delegation. The local legislative delegation has discretion whether to hear the issue being proposed for a local bill. If the local delegation agrees to consider the proposed local bill, a local public hearing is scheduled. Although the public hearing is not required by law, Florida House policy requires all proposed local bills to be heard by the local legislative delegation at a public hearing in the area that would be subject to the legislation. Once an issue has been discussed and the intent of the bill is clear, the legislative delegation votes on whether or not to support the bill.

A local legislative delegation's rules govern the requirements for approval of a local bill for introduction. Usually, a majority of the legislative delegation must approve the proposed local bill for introduction. A copy of the Palm Beach Legislative Delegation's Manual for Local Bills can be supplied for your review.

Custom and courtesy dictate that a member of the local legislative delegation in the area affected by a proposed bill sponsor the bill. County or municipal attorneys, or other appropriate local officials, are expected to draft local bills. They may be assisted by others. All bills are reviewed to correct any technical errors and to make other changes to conform to the requirements of the Florida Constitution, Florida Statutes, and House Rules.

If the local legislative delegation agrees to support the issue and introduce the local bill, the legislative delegation, or the local entity requesting the local bill (e.g., city, county, special district, incorporation study commission), is responsible for placing a legal advertisement in a newspaper of general circulation and ensuring proper notice.

### **Local Bill Process**

Pursuant to Art. III, §10, of the Florida Constitution, no special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Sections 11.02, 11.021, and 11.03, Florida Statutes, set forth the requirements for such notice.

Section 11.02, Florida Statutes, requires that notice be published as defined in Chapter 50, Florida Statutes one time at least 30 days before introduction of the proposed law into the Legislature. The notice must state the substance of the contemplated law, as required by s. 10, Art. III of the State Constitution.

Pursuant to §11.021, Florida Statutes, evidence that such notice has been published shall be

Kenneth G. Spillias, Esq.

December 29, 2014

Page 4

established in the Legislature before such bill is passed, and such evidence shall be filed or preserved with the bill in the Department of State. An approved form for proof of publication is provided in § 11.03, Florida Statutes.

Pursuant to House Rule 5.2, all local bills must be filed with the Clerk by noon of the first day of the regular session. Regular sessions of the legislature convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year. Art III, §3(b), Florida Constitution.

The Palm Beach Legislative Delegation requires all local bills to be considered based upon a December 1st deadline as to the next upcoming year. With that in mind, we are preparing for the 2016 Legislative Session. We would have no difficulties in meeting their December 1, 2015, deadline and it would allow all appropriate local review with deadlines that could be easily met.

We believe that this is the method the Town of Ocean Ridge, Florida should consider. If so, we will begin making arrangements to prepare a proposed bill for the Local Delegation to review for the 2016 session.

#### SUMMARY AND NEXT STEPS

The property owner would work with the Town of Briny Breezes in order to obtain the appropriate confirmation of the initial inquiries. Likewise, if the Town of Ocean Ridge would set a date and time for a hearing to give a similar resolution, the process could be sped along. The Town of Briny Breezes and the Town of Ocean Ridge fall within the districts of Senator Maria Sachs and Representative William Hager. They would be contacted to discuss their support of the bill. The property owner would undertake any costs or expenses associated with the time devoted by the Towns in order to pursue this matter. Assuming that the appropriate resolutions were passed and support from Senator Sachs and Representative Hager is forthcoming, then the Palm Beach County delegation would be approached and a bill drafted. In accordance with the timelines outlined in this letter, the bill would be introduced. Typically, when presented with a special bill, the legislature has cooperated with the wishes of the local delegation, so we believe the passage could be effected.

Should the Town of Ocean Ridge have any special concerns, we are more than willing to address them at the time of the public hearing. We believe that there can be a solution which benefits all involved and reaches a final conclusion.

If you have any questions, please do not hesitate to contact me. I look forward to speaking with you.

Very truly yours,

Michael S. Weiner

MSW:amn

cc: Mr. Robert Sivitilli (via email)

# Memorandum

**Date:** January 8, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Discussion on the All Aboard Florida Train  
Program

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Mrs. Merrilee Lundquist will present some concerns about the All Aboard Florida proposed Train program. Attached is some information provided by Merrilee. Also attached is my memo with some of the facts I've found from other communities including changes in some of the earlier literature. If you have any additional questions please let me know.

# Memorandum

**Date:** January 6, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** All Aboard Florida

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I've spoken to many communities and the Palm Beach County League of Cities regarding this issue. The League has been very involved for some time. So far none of the Palm Beach communities have taken a stand for or against the train. There are many concerns. Two of the main concerns are the speeds and the frequency of the trains. Another major concern is the economic feasibility of the program. However, they are moving along with the construction. There will be three stations and they are in Miami, Ft Lauderdale and West Palm Beach. They started construction on the West Palm station this week.

Some of the documentation spoke of speeds around 110 mph. This is true for the open areas to the north and toward Orlando but the speed in Palm Beach County and south to Miami is supposed to be up to 79 mph and not exceed that. That's still pretty fast through a residential area.

Some of the concerns revolve around funding of the crossings. When it was first proposed the concept was for the communities to fund the crossing improvements. This has changed and the railroad will pay for the crossing improvements. The MPO has agreed to pay for the quiet zone cost. These improvements have helped to quell some of the fears of the communities involved.

They will be adding some new tracks and providing a dual track system for most of the way.

The most vocal areas at present against the train are the counties to the north of us. They have all of the problems with the train and none of the

financial benefits. They also have a concern with boat traffic and the frequency of the trains. Other areas also have this concern.

There are a lot of concerns about this project and rightly so. There are thoughts that this is a ploy to enhance the ability to transfer freight by rail to the north. This in itself is a major concern as you know if you've ever been stuck by a long freight train. As the economic feasibility is questionable only time will tell. The State and Federal governments are supporting the project. As the construction has started and there isn't a concerted move against the project, at least from Palm Beach County south, delaying or stopping anything at this time seems remote. How the Counties to the north make out remains to be seen.

If you have any specific questions let me know and I'll get the answers for you.



## Florida **NOT** All Aboard

What's "All Aboard Florida?"

A proposal for 32 passenger trains a day on the existing Florida East Coast tracks between Miami and Cocoa. New track will be built from Cocoa to Orlando along SR 528. Passenger trains will run during the day and share the tracks with the freight trains, which run on a 24-hour schedule. AFF says the passenger trains will be "high-speed", traveling up to 125 mph, but given the number of bridges and road crossings, those high speeds are hard to imagine.

Who owns AAF? Fortress Investment Group, the owner of Florida East Coast Railroad and a publicly traded, New York City-based investment firm.

Will this be privately financed? No, AFF has applied for federal government financing which is reportedly around \$1.5 billion. They will use this, in part, to build a second track on the right-of-way they already own.

Where are the train stations? Orlando, Miami, West Palm Beach and Fort Lauderdale.

Will the freight trains continue to operate on the same rail? Freight trains will also travel along the corridor and are expected to stop at several designated locations allowing passenger trains to pass. The combined number of trains is estimated to be greater than 45 per day.

What about Emergency Response times? This is a great concern for many of the communities. More trains and longer freight trains could mean a much slower response time and some communities will be split in half.

What about boat traffic passing under rail bridges? More trains will mean less time for the bridges to open.

What safeguards will be put into place? An environmental impact study is underway for the entire project from Miami to Orlando and mitigation plans have yet to be released. Preliminary EIS is expected this spring, and a comment period will allow concerns to be recorded. Concerns can be recorded during public scheduled meeting and submitted to FRA through using the internet.

How loud are the train horns? Noise pollution from train horns will be 96-110decibels, which is equivalent to a power saw at three feet. Warning horns must blow at every crossing. Anything done to reduce the noise such as building Quiet Zones must be paid by the local taxpayers.

What are Quiet Zones and who pays for them? Quiet zones are installed at grade crossings and simulate actual train horn sounds, eliminating the need for the train operator to blow the horn. Communities can install quiet zones at the taxpayer's expense at \$100,000's per installation.

Can AAF build new or use the westerly tracks that go between West Palm Beach to Orlando? Yes, but AAF is not considering this option as it does not own them. Nor are they considering building new tracks to the west.

Want to help? Sign the on-line petition and write to your elected officials. The website has sample letters, names and contact information.



Florida NOT All Aboard  
Let's stop Big Choo in his tracks.  
[www.noridanotallaboard.com](http://www.noridanotallaboard.com)

Sign the petition! <http://dtinvurl.com/floridanotallaboard>

## Kenneth Schenck

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From: Kenneth Schenck  
Sent: Wednesday, December 31, 2014 8:28 AM  
To: 'Geoff Pugh'; 'Dr. Lynn Allison'; 'gail adams'; 'James Bonfiglio'; 'Richard Lucibella'  
Cc: Karen E Hancsak  
Subject: FW: Fortress Investment Group - All Aboard Florida

Additional information from Merrilee.

From: Merrilee Lundquist [mailto:lundquist\_m@yahoo.com]  
Sent: Tuesday, December 30, 2014 9:00 PM  
Subject: Fortress Investment Group - All Aboard Florida

The crossing will be two blocks west of Federal Highway. The coastal communities from Miami to Orlando will be passed by at 110 mph (even 125 mph ) except where it stops in Ft. Lauderdale and Palm Beach. No high speed rail system has been operated at ground level, it is all elevated or in tunnels, there are very few exceptions.

They are building on existing 100 yr. old tracks and over 90 yr. old railroad bridges not built for these speeds.. We had a 25 mph. derailment in Minnesota just missing a restaurant area and town. The cars flew into the road and others into buildings at a slow speed.

. They are speeding up the freight trains which may be 2 miles long. There will be 35 high speed passenger trains and 20 +- freight trains per day. total of over 50 crossings. Traffic will be backed up, emergency vehicles cannot get through. where seconds count to save lives.

Up in Martin County they have issues with boat traffic and bridges.

This will affect property values, and you may be stuck in traffic when it could derail through highly populated areas.

People feel it will fail, but the freight traffic will be the real reason for this effort. The widening of the Panama Canal will increase shipping out of Miami that comes down the coast. Fortress is a hedge fund which you can research and they are looking for financial reward.

## Fortress Investment Group

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)






## Kenneth Schenck

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**From:** Kenneth Schenck  
**Sent:** Tuesday, December 30, 2014 8:32 AM  
**To:** 'Geoff Pugh'; 'Dr. Lynn Allison'; 'gail adams'; 'James Bonfiglio'; 'Richard Lucibella'  
**Cc:** Karen E Hancsak; Ken Spillias (kspillias@llw-law.com); 'Merrilee Lundquist'  
**Subject:** FW: All Aboard Florida

Commissioners, Merrilee requested I forward this information to you. She would like to address the issue at the January meeting. Ken

**From:** Merrilee Lundquist [[mailto:lundquist\\_m@yahoo.com](mailto:lundquist_m@yahoo.com)]  
**Sent:** Monday, December 29, 2014 9:12 PM  
**To:** Kenneth Schenck  
**Subject:** Fw: All Aboard Florida

I have been trying to find information on ALL ABOARD FLORIDA. This issues I find are overwhelming. This has been kept so quiet (they sued) and moved so quickly, and does not smell good. Martin County has been doing good work uncovering the issues and objecting to the plan. South Florida officials have been quietly working to accomplish.

We have so much pressure from housing developers and now there is the railroad developers ruining most of the Florida coastline communities.

Some points of interest:

Parent Company: Fortress Investment Group  
Stock down 60% Year to date down 14%  
Nebegras director of Goldman Saks  
Going to develop Miami World Center  
1 million sq. ft. block south of station  
8th tallest building in US.

Railtracks (freight) belongs to FECR

Passenger rights belong to FECI owners of AAF

FECI will develop real estate also

FECI and FECR are split but have same owner.

Failure of rr - public owns Orlando Cocoa tracks

FECR owns improved freight tracks

(Speculation that widening Panama Canal will create a great deal of freight traffic down the East coast.)

Gov. Scotts top aide involved in rail issues before appointment. Scott refused 2.4 federal funds for Orlando to Tampa, stating citizens would be responsible for debt, but now backs AAF.

AAF contributed heavily to all Florida political campaigns for elected offices.

35 passenger trains at 110- 125 mph. per day on 125 yr. old tracks through heavily populated coastal towns No high speed rail constructed in US or Europe at ground level - all elevated or in tunnels. AAF all at ground level and over 90 yr. old bridges, etc

Projected 12,800 people per day plus freight (unrealistic, unsupported numbers) tickets would be \$100 and passengers would need transportation at destination.

20 freight trains (some 2.6 miles long) travelling at faster speeds than now per day.

35 passenger trains plus 20 plus freight equals over 55 trains per day.

AmTrac has \$100m per year loss

TriRail debt of \$800 (?) and low ridership

The high speed rail system could not be constructed in San Francisco to Los Angeles

Traffic backups, further isolating barrier islands

Emergency vehicles and access to hospitals

Unacceptable speeds through highly populated towns

Major risk of disaster if it derails.

Loss of property values and taxing consequences for towns.

Moving to the CSX tracks out West would have less negative effects.

Not All Aboard Florida website has good information.

I would propose that Ocean Ridge , Manalapan, Gulf Stream, Delray Beach and Briny Breezes go on record opposing the All Aboard Florida concept.

Thank you for your consideration

Merrilee Lundquist

# Memorandum

**Date:** January 7, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Jeff Lee Zoning Change Request

Attached is a breakdown of the zoning building changes being suggested by Jeff Lee. He will be at the meeting to discuss them.

We have briefly discussed these with Jeff and have concerns with several of the suggestions (see attached).

If the Commission wishes the Planning and Zoning Board could address these issues. Some of them, such as the FAR and garage allowance, have been previously reviewed but can be revisited.

TO: KENNETH SCHENCK, TOWN MANAGER  
FROM: KAREN HANCSAK, TOWN CLERK  
SUBJECT: SUGGESTIONS FOR ZONING REVISIONS

- Most side yards are used to house mechanical equipment, pool pumps, etc. and provide the area for the septic tanks and/or drainfield. Reducing the side setback to 10' would then require reducing the equipment location to 5' from the property line.
- Smaller lots with reduced setbacks could present an issue for the septic system/drainfield requirements.
- Not including the garages in the FAR would encourage property owners to possibly convert this area to a living space illegally at a future time.
- Garages located on either the side or rear of the property may not provide much area to enter or traverse into the lot and could create noise or emission odor issues for an adjacent neighbor because they would be in closer proximity. Garages located on the side or in the rear of a lot may increase the impervious area. This may also create drainage issues regarding water retention and affecting the adjacent neighbors.
- Providing a 15' Tier for the 2<sup>nd</sup> floor was actually a part of the code years ago, however; it proved to be difficult for the architects and engineers to design the homes and they complained it was more costly. The code was then changed to allow for a 2<sup>nd</sup> floor not restricted to a certain location but at a maximum of 75% of the first floor.
- Side setbacks that would not be identical on both sides could present issues with adjacent neighbors like "why not have the 10' setback on the other side".
- The code currently has provisions for an increased FAR from 36% to 45% for lots less 7,500 sq ft

These are a few of the concerns at a quick glance.

The Commission may want to *reconsider* increased living area through a garage square footage allowance and/or possibly permitting an increased FAR to 40% for lots between 7,500 - 12,500 (or whichever number) square feet, thereby having a 36%, 40% and 45% defined by lot size.

# Minor Change to Zoning Code

The problem for smaller lots, especially if they are on the water, is the setbacks. This is compounded by the new septic and drain field requirements. These small changes will help new construction, and encourage single story construction and garages not to be visible from the street.

## **Zoning Ocean Ridge for lots less than 12,500 s.f.**

Side yard for set backs

10' for first floor

15' for second floor

Garage not included for FAR calculations of 36% FAR and require garage not to face road. Garage faces road must be included in FAR.

## **Zoning for lots greater than 12,500 s.f.**

10' for first floor for garage side of house if garage does not face road

15' for second floor

Garage included in FAR

12.5' for other side of house

Item #12

**Town of Ocean Ridge**

## Memorandum

**Date: December 10, 2014**  
**To: Mayor & Commissioners**  
**From: Ken Schenck, Town Manager**  
**Re: Beach Crossover Signs**

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Attached are two versions of the beach crossover sign approved at the last meeting. Please select which version you prefer. We need eight signs. The cost will be \$1,680. We request approval to appropriate \$2,000 from contingency. This will give a little extra in case we run into an installation problem. Any changes need to be made now.

18" x 24"



No Parking or Stopping  
No Trespassing on Dunes  
or Private Property

No Vehicles on Beach

No Dogs on Beach

No Glass on Beach

No Littering



TOWN, COUNTY AND STATE ORDINANCES  
STRICTLY ENFORCED



NO

- Parking or Stopping
- Trespassing on Dunes or Private Property
  - Vehicles on Beach
  - Dogs on Beach
  - Glass on Beach
  - Littering

TOWN, COUNTY, AND STATE ORDINANCES  
STRICTLY ENFORCED

# Memorandum

**Date:** January &, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Unsafe Structure at 110 Bonito Dr.

---

The house at 110 Bonito Dr. has been vacant for several years and has accrued about \$195,000 in code enforcement fines. It has been a constant eyesore and a blight to the neighborhood. It is difficult to find the owner as he claims he gave it back to the bank but they haven't foreclosed. Therefore, little is being done to fix the problem.

The Town passed an Ordinance allowing us to condemn a building, tear it down and lien the property for the expenses. This is the type of property and problem it was designed to correct.

Staff is asking permission to pursue the Notice of Intent to demolish this unsafe structure.

# UNSAFE BUILDING INVESTIGATION

## 110 BONITO DRIVE

### OCEAN RIDGE, FLORIDA

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On December 1st, 2014, an inspection of the structure and the property at 110 Bonito Drive was made because of numerous complaints by the general public as to existing conditions on the property.

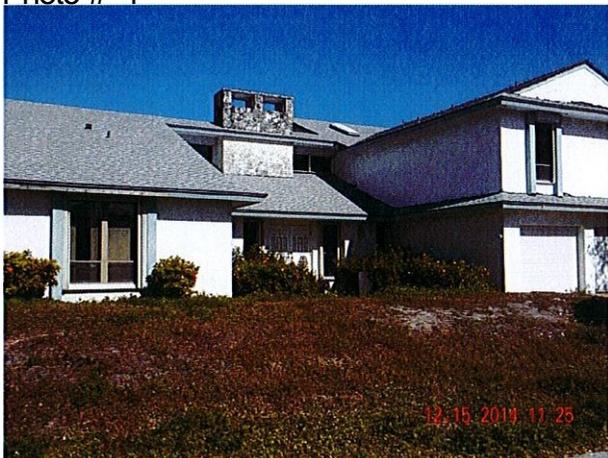
It has been determined the structure has not been properly maintained, nor has the property. The structure has serious deterioration and decay problem areas and has conditions existing which would constitute a public nuisance.

Pursuant to Section 201 of the UNSAFE BUILDING ABATEMENT CODE and to the Town's Code of Ordinances at Section 67-175 UNSAFE STRUCTURES, sub paragraphs 1, 10, and 11, UNSAFE BUILDING in any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered. The following apply directly to 110 Bonito Drive:

- Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relationship to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- The building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

It is recommended the structure be declared UNSAFE and the property owner(s) be notified by Certified Return Mail, and be given the appropriate amount of time to either bring the structure into compliance with the Florida Building Codes, 2010 edition, or the structure be demolished and the property be brought into compliance with the codes and ordinances of the Town of Ocean Ridge.

Photo # 1



Property and structure at 110 Bonito Dr.

Photo # 2



Verification of structure address.

Photo # 3



Photograph of South Elevation with exterior wall stucco having fallen away and allowing moisture into the building. The RED arrows indicate some of the moisture entry points.

Photo # 4



Close-up of previous photograph.

Photo # 5



Photograph of South Elevation with exterior wall stucco having fallen away and allowing moisture into the building. The RED arrows indicate some of the moisture entry points.

Photo # 6



Close-up of previous photograph.

Photo # 7



Photograph of the East Elevation showing a portion of the eave has fallen away from the structure and allows not only moisture to enter, but birds, vermin and small animals.

The **RED** arrows indicate some of the moisture entry points.

Photo # 8



Close-up of previous photograph. Please note the trusses which are exposed and the lost of any insulation in this area.

Photo # 9



This is an extreme close-up of photographs 7 and 8. Note the dark roof sheathing on each side of the truss, this condition indicates the sheathing is holding moisture (water) which eventually causes the plywood sheathing panel to delaminate and loose its structural integrity.

Photo # 10



Photograph of the North Elevation. The pool and spa covers have not been maintained, which allows Storm Water entry and small animal entry. This is an attractive nuisance for small children to play in or near.

**Town of Ocean Ridge**

## Memorandum

**Date:** January 8, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Appointment of Interim Police Chief

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With the vacancy in the Police Chief position we need to appoint an interim chief until we can evaluate the options. I propose to appoint Lt. Hal Hutchins as the interim Police Chief. I would appreciate the Commission's concurrence with this appointment and seek guidance and approval of the appropriate salary adjustment.