

TOWN OF OCEAN RIDGE

AGENDA



February 2, 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 Jan. 12, 2015
2. Minutes of Special Town Commission Meeting of Jan. 15, 2015
- 2a. Minutes of Special Town Commission Meeting of Jan. 28, 2015

MOTION	1sECOND	DISCUSSION	VOTE
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ANNOUNCEMENTS AND PROCLAMATIONS

3. The Administrative Offices will be closed on Monday, February 16, 2015 for the Official Holiday
4. 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 ou 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

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 - Pu blic Comment Permitted)

REPORTS

5. Town Manager
6. Town Attorney
7. Police Chief
8. Town Engineer

ACTION ITEMS

9. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2013/14 By: Ron Bennett, Nowlen, Holt & Miner
10. Request for Release of Unity of Title for Lot 6A Charles D Owens Subdivision (5903 N Ocean Blvd.) and Lot 5, Blk 6, Boynton Sub Amended Subdivision (Dune Parcel) By: Kenneth Kaleel, Atty Representing Tim and Kimberlee Marshall, 5905 & 5903 N Ocean Blvd.
11. Further Discussion on Possible De-Annexation of 5011 North Ocean Blvd. (Deferred from the Jan. 12<sup>th</sup> Meeting) By: Rob Sivitilli, representing property owner

12. Discuss All Aboard Florida Train Program (Deferred from the Jan. 12<sup>th</sup> Meeting) By: Merilee Lundquist, 6277 N Ocean Blvd.
13. Authorize \$15,000 from the Contingency Account for the Maintenance and Regrading of the Woolbright Detention Pond By: Kenneth Schenck, Town Manager
14. Authorize Amount Not to Exceed \$5,000 to Bridge Design Associates to Prepare Plans and Specifications to Rehab the Sabal Island and Inlet Cay Bridges for Safety Issues to be Funded from the Capital Projects Fund By: Kenneth Schenck, Town Manager
15. Discuss Succession Planning
16. Ratify Interim Police Chief Appointment By: Kenneth Schenck, Town Manager
17. Approve Change Order #1 for the Eleuthera Drive Drainage/Paving Project in the Amount of \$22,943 to be Funded from the Capital Projects Fund 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

NEXT SCHEDULED TOWN MEETING(S):  
REGULAR TOWN COMMISSION MEETING MARCH 2, 2015 AT 6:00 PM  
MUNICIPAL ELECTION MARCH 10, 2015 POLLS OPEN 7 AM TO 7 PM

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 12, 2015, 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

Town Manager Schenck stated, in light of the long agenda, Merilee Lundquist would defer her Item (#10) until the February 2, 2015 Regular Meeting. The Commission concurred.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of December I, 2014

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

Motion Carried - ye a (5).

### ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Jan 19<sup>th</sup>, 2014 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

Dr. Jim Weege, 19 Sabal Island Drive, provided a brief update on the status of the Koi pond account. He advised that there is currently \$1,205.53 in the account and annual expenses usually average between \$300-500. He also thanked the staff for their assistance and also read the names of several of the major donors, including the Garden Club.

Terry Brown, Harbour Drive, commented that there is a wide area of ROW by Ocean Walk and Pollofino (5800 blk SR A JA) that entice trucks to constantly use as a turnaround area and consequently tear up the grass. He suggested that brick pavers be placed in this area.

Joe Belmonte, 5600 N Ocean Blvd., commented that protecting the mangrove trees actually harms the habitat and cause silt collection.

### PUBLIC HEARINGS

None

### REPORTS

5. Town Manager

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Manager Schenck reported the following: 1) 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 that is creating problems with the daily duties that unfortunately he does not see ending. Another conflict is the tension between the Officers and the Chief creating uneasiness with the Officers that trickles down to their work ethic and interaction with the residents. He felt both need to be corrected and the only way to correct both issues is to replace the Police Chief as he is heavily involved in both issues. He gave the Police Chief the option of retiring or being terminated, of which he chose not to retire. His last day of employment will be Jan. 16, 2015. He believed this would be in the best interest of the Town.

Manager Schenck commented that this was not an easy decision or one that he took lightly. He stated the initial reason was related to Comm Lucibella finding a credit card which was addressed improperly, whereby outside agencies were involved and it was determined that it was not a problem. This has caused problems and coupled with the low morale of the Police Officers, because of his strict style of management, he felt the only way to correct both was to terminate the Police Chief.

Manager Schenck also mentioned that the recent article in the Coastal Star contained two quotes that were incorrect. He stated he did not believe that he ever said that Comm Lucibella has lined up other votes to dismiss the Chief. He also stated that Comm Lucibella did not contact other Commissioners or ask for votes and added that he has barely spoken with Comm Lucibella.

Mayor Pugh asked Atty Spillias to explain the legal ramifications regarding this item. Atty Spillias stated that the item before the Commission was actually action taken by the Town Manager per the Charter at Section 4.04. The Charter lays out the authority to confirm a hiring by the Commission, however; suspending or terminating a position is solely the decision of the Town Manager. The item is on the agenda for Commission review. He added that in the Code of Ordinances, Section 2-26 provides a mechanism for the Commission to discharge an employee for cause thereby usurping the general authority of the Town Manager. He concluded by stating that no formal action is necessary by the Commission unless the majority of the Commission do not feel the action is just. He stated the Commission can direct the Town Manager to reverse his decision but the Commission is not required to do so.

Atty Spillias advised that the Town has received 2 letters from the Chief's counsel. The first letter asked to meet with the Town Manager and Town Atty prior to the Commission discussing this item (meeting prior to the Jan 12 meeting was not possible). The Town Manager felt postponing the item until the February 2<sup>nd</sup> meeting was not in the best interest of the Town. The Town received another letter today that he felt his counsel has not interpreted the Town's codes correctly. He stated that both indicate a potential for civil litigation for wrongful termination. He also cautioned all present that everything said in this meeting was public record and could be used as evidence at a later time.

Mayor Pugh reiterated that the first letter asked for the Town Manager to seek a possible reasonable resolution to both sides, and for the Town Manager to suspend any action until after they met and prior to the item being placed on a Commission agenda. He stated that delaying it another month would leave the Chief and Officers in limbo. The second letter presents the possibility of litigation. Mayor Pugh suggested that the action not be suspended, however; if the Town Manager and Town Atty can meet with the Chief and his counsel on Thursday then a Special Meeting could be scheduled for Friday, adding this does not meet the guidelines for a shade meeting because no litigation has been filed as of yet. The purpose of the Special Meeting would be for staff to present the meeting results and/or recommendations and then the Commission would need to take action. Atty Spillias advised that the meeting would need to be scheduled no later than Friday because Jan 16<sup>th</sup> is the last day of employment.

Comm Bonfiglio moved to direct staff to schedule a meeting with the Chief and his counsel for Jan. 15<sup>th</sup> to discuss the letters and a reasonable resolution and that a Special Meeting be scheduled for Jan. 15<sup>th</sup> at 6 PM to discuss the results. Comm Aaskov seconded the motion.

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Comm. Lucibella questioned what type of issues would be discussed to which he was advised possibly severance, nature of termination, referrals, etc.

At this point the meeting was opened to the Public.

Peter Burling, 7 Osprey Drive, thanked the Town Manager and Town Attorney for the proposed meeting and possibly reaching a settlement.

Bob Merkel, 118 Marlin Drive, commented that he has been a defense attorney for over 40 years and has handled many of these types of cases and knows this area of the law. He stated that the cost for litigation could well exceed six figures and will result in a complete disaster. He agreed with the Mayor's suggestion to negotiate to settle the case, adding that all parties may be satisfied.

Due to the amount of public comment the following is a list of those individuals speaking in support of retaining the Police Chief:

Gilbert Panzer, 6810 N Ocean Blvd.; Betty Bingham, 1 Ocean Ave.; Roger Bennett, former Mayor and resident of Briny Breezes; Barbara Molina, current Alderwoman and Briny Breezes resident; Haley Joyce, 133 Island Drive; Robert Sloat, 6550 N Ocean Blvd; Dana Beach, 6766 N Ocean Blvd.; Edward Brookes, 15 Ocean Ave.; Kristine de Haseth, 29 Sabal Island Drive; Jerry Lower, 2 Harbour Dr No; Albert Naar, 6103 N Ocean Blvd.; Donna Tardiff, 8 Fayette Drive; Roger Crane, former Police Chief of South Palm Beach; Tom Perry, 19 Harbour Drive So; Joe Belmonte, 5600 N Ocean Blvd.; Dale Sugarman, Town Manager of Lake Park and prior co-worker of the Chief when employed in Boynton Beach; Jim McAndrews, 131 Island Drive; Sandy Foster, 5900 Old Ocean Blvd.; Ed Bresnihan, 5600 N Ocean Blvd.; Joe Koyner, resident of Briny Breezes; Terry Brown, Harbour Dr So; and Fred Joyce, 131 Island Drive.

Some of the comments by those listed above include: the Chief was an outstanding professional public servant, takes his duties very seriously, they felt very safe and satisfied under his command, lack of any type of negative review performance or evaluation and his salary was actually increased last year to become more in line with other Police Chiefs, and they cited that they felt he had expertise in his field. Several additional comments also included; the recording released to the press was embarrassing and disgusting, Comm Lucibella and/or the Town Manager should resign or be removed from office because they felt it was apparent that there was personal animosity towards the Chief; this may be a ploy to begin discussions again regarding switching to PBSO; and also that the Town Manager should have provided more guidance or at the least progressive discipline if necessary.

Kimberlee Marshall, 5905 N Ocean Blvd., stated that she supported Comm Lucibella, has known the Town Manager and is happy with the Chief and felt that they all should work out their differences.

Daniel Spotts, 1 Sailfish Lane, stated that he thought the whole beach issue was solved several months ago, but he is dismayed that enforcement is now subject to the police department discretion because this is an undue pressure on them. He further stated that he doesn't care for the Chief, citing previous problems in the past, but in all fairness to him the Town Manager makes the decisions and if the Commission is not satisfied in the manner the Town is run they should look higher.

Tina Gray, Harbour Drive North, questioned who released the recording to the press and recorded Comm Lucibella without his knowledge. She stated that not all residents are in favor of the Chief.

Public Comment was now concluded.

Chief Yannuzzi introduced his sons, Christopher and Michael, adding that one of them was representing him tonight. He stated that he cancelled attending a conference to attend the rescheduled meeting tonight. Chief Yannuzzi requested to play the recording in its entirety to which Mayor Pugh advised that it would not be played, however; it was public record if anyone wished to listen to it a later time. He agreed that it

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

was egregious but it would not be played at this meeting. Comm Lucibella clarified that since he was the subject of the recording he wanted the opportunity to respond.

Chief Yannuzzi summarized his 41+ years involved in law enforcement which included: Dispatcher, NJ Police Officer, Retired Lt. with Boynton Beach, and current Ocean Ridge employee since 2006. He was hired in Ocean Ridge as an investigator under then Chief Hillery, promoted to Lt. (also working as administrative asst. during the new Town Hall construction), and to Police Chief in 2010. He stated that the statements made by the Town Manager were not correct and were lies. He proceeded to read an email to the Town Manager dated 1/7/15 which provided a synopsis of their meeting regarding resigning, his lack of an evaluation, a 21% increase in 2013, the Charter requiring termination "for cause" and the "cause" according to the Town Manager would be the reporting of Comm Lucibella's potential violations to several agencies, and the fact that he contacted the Town Manager, the Town Attorney, and Mayor regarding the suspected violations prior to contacting the agencies. The report was then distributed to the Mayor and Commissioners. He concluded that his email and expressed that he would like to continue serving as Police Chief. Chief Yannuzzi then read the Town Manager's reply email that stated his last evaluations were good but the latest confrontation has pitted some of the Commissioners against each other and the staff creating a bad situation. He also mentioned the tension that exists within the police department which affects the Officer's work and attitude with the residents. The Town Manager concluded the email by stating that he believed it was in the best interest of the Town for the Chief to end his employment with the Town and either way his final day would be Jan. 16, 2015.

Chief Yannuzzi concluded his comments by stating that he questioned the tensions between the Police Officers because production has increased and crime has decreased, even with being short staffed. He stated that he has attempted to work with the PBA on the proposed contract and obtaining definite increases over the next 3 years.

Comm Lucibella stated that he was aware that it wasn't required for him to respond, however; more than one half the comments involved him. He clarified for the record that he was opposed to contracting with PBSO. He stated that while he enjoyed a relationship with the previous chief he has had difficulties with Chief Yannuzzi prior to running for Commissioner and also since but wished him no ill will. He commented that the majority of the public hearing the recording only heard 15 seconds of an 8 minutes tape. He added that transparency is both ways and that the public should read the 6 page narrative prepared by Chief Yannuzzi. Comm Lucibella clarified with the Town Manager that the Manager was never pressured by him regarding how the beach enforcement should be handled, nor did Comm Lucibella ever use the term termination or firing because he expected the Town Manager to manage the Town. He added that when the Town Manager polled the Commissioners regarding the turmoil in the police department he was not even contacted. He commented that he felt the Chief needed to be brought under control.

Comm Lucibella read from the 6 page narrative prepared by Chief Yannuzzi that he found a credit card, contacted the owner, and asked an Officer a hypothetical question regarding turning over the card and said he would give it to the Chief. He stated that he forgot about the card and that the Chief decided it was a possible criminal offense and questioned whether there was a credit card at all. He stated that the law allows wire taps for several types of investigations but an 8 minute recording for a hypothetical concerning a credit card was not one of them. He felt the Chief was attempting to intimidate him by forwarding information regarding a possible felony charge to various agencies. He felt the whole situation was scripted and that under the color of law the police are not permitted to intimidate individuals.

Comm Aaskov mentioned the potential for lawsuits, citing that his last evaluation was done in 2012 and was outstanding and there has been nothing negative since. She added that he should have been counseled by his supervisor if it was warranted. She felt the situation was an embarrassment to the Town.

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Comm Allison stated that an embarrassment was understated but she was also glad to hear all of the residents' comments. She stated she was offended by the Town Manager's action, citing that the Chief has no grievances in his file, his last evaluation in 2012 was outstanding, and he was given a 21% salary raise. She understood that not all of the department was happy but stated there should have been team building. She was ashamed of the recording and felt the Town Manager was bullied into his decision. She felt no meetings were necessary because the Chief should not be terminated.

Comm Bonfiglio stated that he has listened to the recording, reviewed the report, reviewed the Charter and Code of Ordinances, and spoke with residents, the majority of whom relayed not many positive results. He stated there was obviously discord in the department, citing the turnover over the last few years. He reviewed the information from the standpoint of what was legal/illegal and it was determined that Comm Lucibella did nothing illegal, while the Chief's recording was illegal. He spoke with both the Town Manager and Town Attorney and felt this "was the straw that broke the camel's back". He felt the decision by the Town Manager was justified and added that the Town cannot fire all of the officers to solve the issues but should fire the Chief (using a baseball team/manager as an example). He concluded by stating that he agreed with the Town Atty interpretation of the Charter in that the Town Commission does not have the authority but felt it would be a good idea for the parties to meet to try to resolve the situation. The Town needs to face the possibility of potential litigation from both the Chief and Comm Lucibella.

Mayor Pugh asked for everyone to step back from their emotions and look at the facts. Comm. Lucibella found a credit card on his property, after discovering it was stolen he reported it to the Broward Police Department. Comm. Lucibella was recorded by Chief Yannuzzi without his knowledge. Chief Yannuzzi aggressively pursued to inform the State Attorney's office and the Inspector General without consulting management. In the past Chief Yannuzzi had always been very professional and detailed and was surprised that he allowed this incident to make him act unprofessional to a Commissioner. The Town Manager's position is responsible for hiring/firing of personnel. He was in favor of scheduling a special meeting.

Motion Carried - yea (5)

Mayor Pugh allowed for a recess at 8:09pm.

Meeting resumed at 8:20pm.

Mayor Pugh stated that due to time constraints he was in favor of tabling Items # 14 to the February 2<sup>d</sup> meeting, and Item # 15 to January 15<sup>th</sup> meeting. The Commission concurred.

Comm. Allison motioned to table Item #14 to the February 2<sup>d</sup> meeting, and to table Item #15 to the January 15<sup>th</sup>, 2015 meeting. Seconded by Comm. Aaskov.

Motion Carried - yea (5)

### 5. Manager Report

Manager Schenck resumed his Manager's Report: 2) Eleuthera Drive Drainage Improvements - the drainage improvements are almost complete, there have been problems 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. 3) Spanish River Drive - water is ponding, and we have also discovered a broken storm pipe. We are analyzing the best way to solve the problem. 4) FEMA Flood Maps - FEMA is still reviewing our maps. 5) Old Ocean Right of Way - The signed documents have been recorded at the County and sent to the property owners. The residents have refunded the Town the expenses. 6) Town Hall Utility and Access Easement - Mr. Swaim is still working with the regulatory agencies. 7) PBA Contract Negotiations - A mediator has been selected and the meeting that was scheduled for January 15, 2014 to discuss the PBA contract will be rescheduled at a later time. 8) LPR

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Cameras - The workshop was held on December 16", and about 15 residents attended along with 10 officers from other communities. It was an excellent presentation. We're considering that Delray Beach house all the equipment, however we will wait for their new City Manager to determine his interest in the camera system. 9) FDOT Bridge Inspections - They performed inspections of the Inlet Cay and Sabal Island Bridges. Both bridges are in good condition however they did point out potential structural problems. Copies of these reports have been forwarded to Bridge Design Assoc. Inc. for their evaluation and cost of any needed repairs. They also will be looking at the associated seawalls for any necessary erosion repairs. 10) Woolbright Detention Pond - the pond is about 10 years old and in need of maintenance to keep it operating properly. At the February Meeting, Aquagenix will submit a proposal of their recommendations for any repairs. 11) Sand Transfer Station - it was questioned regarding the volume of sand transferred to Ocean Ridge from Manalapan. The County oversees the station and its operation, and submits a monthly report. The volumes vary depending on the erosion and sand flow south along Manalapan, and there is no way to enhance or delete the volume available.

6. Town Attorney
  - a. Update on Class Action Suits for the Municipal Derivatives and Aqualogic, Inc. Settlement

Atty Spillias stated that a claim had been filed, and they were awaiting a court decision.

7. Police Chief

Chief Yannuzzi summarized his report. Last week was Law Enforcement Appreciation week, and Officer Jones had received a commendation for assistance with a car crash.

8. Town Engineer  
Engineer Tropepe was absent with notice.

### ACTION ITEMS

9. Request to Discuss Possible De-Annexation of 5011 North Ocean Blvd. By: Rob Sivitilli, representing property owner

Comm. Aaskov asked if she had to recuse herself. Atty. Spillias stated in this instance it was not necessary.

Rob Sivitilli, owner of 5011 N Ocean Blvd, presented Michael Weiner, PA. Atty. Weiner gave a summary of the property which was built in 1969 with the intent of a mixed use property and actually annexed into the Town. The Commission's decision to change to all residential was to improve the Town's public health, safety, and morale values. He asked the Commission to remove the uncertainty of their property and allow them to de-annex from Ocean Ridge to Briny Breezes. It would require a Resolution from Ocean Ridge and Briny Breezes to submit to the State legislation. He asked the Commission to assist in the best purpose for both Ocean Ridge and the 5011 property. Mr. Weiner stated that they were trying to be added to the Briny Breezes agenda for the January meeting.

Comm. Bonfiglio stated that the Representative Hager and Senator Sachs would not approve the bill without local approval. It could take 18 months for a bill presented to legislation, and he felt that is a long time for the property to not be in compliance.

Atty. Spillias recommended that the Commission table a decision to allow Commission time to review and submit any questions regarding the de-annexation. State legislation does have the power to change boundaries of municipalities. He would be surprised if the State legislation did not approve something that both municipalities were already in favor of or vice versa.

There was a consensus to table this item to the February meeting.

## REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

### 11. Request for Possible Zoning Changes Related to Setbacks and Garages

Jeff Lee, 15 Sabal Island Dr, requested that there be minor changes to the setbacks and garages in the Zoning Code. Many new built homes are impacted by water or road frontages along with the new septic and drain field requirements. He estimated that there were 90 older homes in Ocean Ridge that may be rebuilt.

Comm. Bonfiglio motioned to direct Planning & Zoning to examine these proposed changes at their next available meeting. Seconded by Comm. Lucibella.

Motion Carried - yea (5).

Don Magruder, 9 Ridge Blvd, stated his drainage concern for the new townhouse units on Adams Road. They were installing a brick driveway instead of open pavers.

Terry Brown, 23 Harbour Drive South, stated that the town should be proud that this project was utilizing gray water filtered through the entire property, it should not affect any drainage issues.

### 12. Approval of an Amount Not To Exceed \$2,000 from the Contingency Account for the Purchase of the Beach Crossover Signs

Manager Schenck presented 2 versions of the beach crossover sign approved at the last meeting. The cost would be \$1680 for the eight signs. We request approval of \$2000 from contingency in case we run into any installation problems.

There was a discussion to remove "Stopping" from the sign.

Comm. Bonfiglio motioned the approval of an amount not to exceed \$2000 from the Contingency Account for the Purchase of the Beach Crossover Signs, 18 X 24, changing the word "NO" to red large print, and with the word "Stopping" removed from the sign. Seconded by Comm. Allison.

Motion approved - yea (5).

### 13. Authorize Staff to Pursue Notice of Intent to Demolish the Unsafe Structure at 110 Bonito Drive Demolition and Special Assess if Necessary.

Manager Schenck reported that the house at 110 Bonito Drive 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 proper owner as Mr. Wismer claims to have given it back to the bank, but they haven't foreclosed. The Town passed an Ordinance allowing us to condemn a building, tear it down and lien the property for the expenses if it is deemed unsafe by the Building Official. 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.

Comm. Bonfiglio motioned to authorize staff to pursue Notice of Intent to Demolish the Unsafe Structure at 110 Bonito Drive Demolition and Special Assess if Necessary. Seconded by Comm. Aaskov.

Clerk Hancsak advised that this would be the first property for a Special Assessment.

Motion Carried - yea (5).

REGULAR TOWN COMMISSION MEETING HELD JANUARY 12, 2015

Meeting Adjourned at 9:02. pm.

Attest By:

\_\_\_\_\_  
Town Clerk

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

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

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

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

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

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 15, 2015

Special Town Commission Meeting of the Town of Ocean Ridge held on Thursday, January 15, 2015, 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

Mayor Pugh announced that this meeting was for further review of the Town Manager's Termination of Police Chief.

Atty. Spillias stated that at Monday's meeting the Commission had directed the Town Manager and himself to meet with Chief Yannuzzi and his attorney to possibly come to a reasonable resolution. This was an emotional and controversial issue. The purpose was to resolve this issue without litigation and to allow both parties to move forward. There were compromises from both sides. Just prior to this meeting a proposed settlement agreement between Chief Yannuzzi and the Town of Ocean Ridge had been reached. He added that this agreement would not be connected to any releases for parties other than the Town and Chris Yannuzzi.

He then read the proposed settlement agreement into the record. It stated that Chief Yannuzzi will announce his resignation effective March 1, 2015, and would be paid his current rate of pay through March 1", 2015. His last full day of reporting to the Department is January 16, 2015. Following the effective date of his resignation, he would be paid 6 weeks of severance pay. Effective March 2, 2015, the Town and Chief Yannuzzi would enter into a consulting agreement for 5 months. If Chief Yannuzzi obtains full-time employment with a police agency in a position comparable to his current position, the consulting agreement will be terminated effective at the end of the first pay period of his new position. Chief Yannuzzi will be paid all of his accrued vacation and sick time through March !', 2015. The Town Manager will prepare a positive evaluation of Chief Yannuzzi for his personnel file. The parties will exchange mutual releases and prepare a joint press release, which simply states that the Town and Chief Yannuzzi have parted ways on amicable terms. Until a final resolution is reached and reduced to a writing that is signed by all parties, Chief Yannuzzi expressly reserves all of his rights. The estimated value of this settlement is \$83,000.00

Comm. Allison requested a point of order requesting that the Commission be allowed to vote to rescind the management's decision the termination of Chief Yannuzzi. She questioned why Chief Yannuzzi was not reprimanded or suspended instead of being terminated. Atty. Spillias advised that it was the position of the Town Manager to hire/fire an employee. The Commission however could vote to request the Town Manager reconsider his decision of termination.

Comm. Allison motioned to direct the Town Manager to rescind the termination of Chief Yannuzzi. Comm. Aaskov seconded the motion.

Comm. Allison stated that she had listened to the public comments on Monday night and the personal character reports. She understood that there is a need for team building within the police department. Chief Yannuzzi had not been given an employee evaluation since July 2012. Chief Yannuzzi should not have reported to the Ethics Board or State Attorney's Office. She felt

## SPECIAL TOWN COMMISSION MEETING HELD JANUARY 15, 2015

he should have been suspended instead of terminated. This was one incident that had been blown up. She felt both sides were equally guilty. This was a serious decision and felt that the majority of the Town was not in favor of the Chief's termination.

Comm. Bonfiglio stated that he understood the residents' point of view, however his decision was based on the best interests of the Town. He agreed fully with Mayor Pugh at the Monday meeting. While reviewing the Chief's report he was concerned with the timeline. Chief Yannuzzi had misread the Statute - it stated that if an item was found on "public property" it should be turned into law enforcement. This credit card was found on private property. He felt it was a created crime by Chief Yannuzzi, and he had not gone up the chain of command. After the taping, Chief Yannuzzi did not wait for the meeting, but took it upon himself to meet with the State Attorney's office without consulting the Town Attorney. He was concerned that Chief Yannuzzi had taken upon himself to investigate the legislative body without cause. He felt it was the best interest of the Town to terminate Chief Yannuzzi.

Mayor Pugh stated that he was saddened that a Town this small was divided over a credit card incident. He felt that to make this about "yourself" is a problem. Neither party has expressed any humility, or mentioned that they made a mistake. Chief Yannuzzi had misread the statute, and taped Comm. Lucibella without his knowledge and he felt the report is very telling. This was unprofessional, instead of just talking it out. He knows the Chief is trained, educated, and experienced. Many people personally like the Chief, he himself is one, but to have a personal vendetta is wrong. He commented that he felt this did not reflect good character.

The Mayor opened the meeting to Public Comment. He acknowledged that many of the public had already voiced their opinions at the Monday meeting, and asked for any new comments from the public who had not already spoken. He also reminded the public that he would maintain order and to refrain from outbursts.

### PUBLIC COMMENT

Due to the amount of public comment the following is a list of those individuals speaking in support of retaining the Police Chief:

Edward Brookes, 15 Ocean Ave.; Gilbert Panzer, 6810 N Ocean Blvd.; Robert Sloat, 6550 N Ocean Blvd; Chief Carl Webb, South Palm Beach; Debbie Brookes, 15 Ocean Ave.; Ira Freedman, Briny Breezes; Beth Sloat, 6550 N Ocean Blvd.; Barbara Molina, current Alderwoman and Briny Breezes resident; Robert Weege, 19 Sabal Island Dr.; Ted Ritota, 4 Hudson; Sandy Foster, 900 Old Ocean Blvd.; Rob Rizzath, South Palm Beach; Cindy Martel, 46 Harbour Dr South;

Some of the comments by those listed above include: the Chief was an outstanding public servant, professional, takes his duties very seriously, they felt very safe and are satisfied under his command. Several additional comments also included; Comm Lucibella and/or the Town Manager should resign or be removed from office instead; the Chief is deserving of a second chance, felt there was more to this than just a credit card., Ocean Ridge would be at a loss of Chief Yannuzzi left, and the Town Manager should have provided more guidance or at the least progressive discipline if necessary not termination.

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 15, 2015

Ed Panzer, 6810 N Ocean Blvd stated that the staff should be upholding each other. He felt it would be hard for the Chief to remember all the statutes. He did feel however that the appropriate measure would have been to ask the Town Attorney for direction. He did not feel that it was established that the taping was illegal. He was saddened that the Chief had to agree to a settlement.

Nancy Hogan, 37 Hibiscus Way, stated that she understood how government works, and felt that as citizens we should honor one another. She would not throw out either Comm. Lucibella or Chief Yannuzzi. Both are deserving to be in their positions. Ocean Ridge is better than this, and the problem should be resolved to save our Town.

Chief Yannuzzi stated that there had been so many inaccuracies and lies in the previous comments made. He stated that with this incident he was dealing with a citizen not a Commissioner. Officer Jones was unsure of how to proceed with the incident that occurred on Sat, Nov 8th. Officer Jones informed the Lieutenant and himself on Sunday. On Monday the Chief he reviewed it with the Town Manager, and was informed that he should wait until their Wednesday meeting. Tuesday, November 12<sup>th</sup>, was Veterans Day. On Wednesday he spoke with the Town Manager, Mayor Pugh and Town Attorney, and advised that he would contact Comm. Lucibella. Florida Statute 934 allows law enforcement officer to record under certain circumstances. When he spoke with Comm. Lucibella, he was informed that Comm. Lucibella had a stolen card in his possession. Chief Yannuzzi then informed them that he was going to report to other agencies and no one stopped him.

Chief Yannuzzi stopped, and turned to face the audience and said how humbled he was to hear all the comments from the residents. He admitted that he had made a mistake and he had told the Town Manager that he would meet with Comm. Lucibella. He stated that he was resigning and felt he was letting down the citizens. He appreciated Comm. Allison efforts, but asked her to rescind her motion, and let the proposed settlement proceed. He thanked the public for their support. Applause from the Audience.

Comm. Allison motioned to withdraw her motion. Comm. Aaskov withdrew her second.

Peter Burling, 7 Osprey Drive, requested a point of order and asked the Commission to clarify the next motion. He was advised that it would be for the Proposed Settlement Agreement of approximately \$83,000.

Nancy Hogan, 37 Hibiscus, clarified that the settlement was read aloud earlier in the meeting since she arrived late.

Comm. Bonfiglio moved to direct the Town Attorney to finalize a Settlement Agreement for the resolution between Ocean Ridge and Chief Yannuzzi as laid out by the Town Attorney at the beginning of the meeting. Seconded by Comm. Aaskov.

Kristine de Haseth, Sabal Island Drive, asked if Comm. Lucibella was to recuse himself from the motion. Atty. Spillias said there was not a legal reason for him to recuse himself.

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 15, 2015

Bob Merkel, 18 Marlin Drive, commented that the Chief spent all day working on an agreement and he is satisfied and wants to move on. It would be hard for him to work in Ocean Ridge afterwards. Mr. Merkel felt this settlement sounded reasonable.

Robert Weisblut, asked about the separate agreement. Atty. Spillias stated that the Releases from all parties would be separate.

Comm. Lucibella stated that he had no need for a release from Chief Yannuzzi.

Comm. Bonfiglio asked what powers would the Chief hold for the 5 months. Atty. Spillias stated that it would be consult only, and attorney fees are included.

Motion Carried - yea

Attest By:

\_\_\_\_\_  
Town Clerk

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

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

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

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

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

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 28, 2015

Special Town Commission Meeting of the Town of Ocean Ridge held on Thursday, January 28, 2015, at 8:00AM 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

Mayor Pugh announced that this meeting was for the approval of Separation and Consulting Agreements with Chris Yannuzzi.

Atty. Spillias stated that the Agreements have been executed by Chief Yannuzzi and now need to be executed by Ocean Ridge. He summarized the actions of staff and prior meetings that led up to drafting the Separation and Consulting Agreements with Chief Yannuzzi. This morning the Commission needs to take action to approve the final separation agreement. The Town Manager will then rescind his termination and the Chief's resignation would be effective March 1, 2015. He requested separate motions for the Settlement Agreement and the Consulting Agreement.

Comm. Bonfiglio asked for clarification regarding the consulting agreement, and for a comfort clause to be added to determine Chief Yannuzzi's authority for those 5 months.

Atty Spillias was preparing documents for Chief Yannuzzi to initial that would allow Lt Hutchins full authority as acting chief through March 1, 2015. As an active police officer, we could not take away Chief Yannuzzi's arrest authority if a crime occurred in front of him. After March 1, 2015 he would be a civilian consultant as determined by the Town Manager.

Mayor Pugh stated that until March 1, 2015, Chief Yannuzzi would be on a Paid Leave of Absence from Ocean Ridge, and not representing Ocean Ridge in any way. A leave of absence means there should not be any reason for him to be in Ocean Ridge unless requested by the Town Manager.

Lt Hutchins stated that after March 1, 2015, FDLE would be notified that Chief Yannuzzi would be an inactive officer with the Ocean Ridge Police Department.

Atty. Spillias stated that Chief Yannuzzi had agreed to take the Paid Leave of Absence. Chief Yannuzzi is to be directed by the Town Manager as the purpose of his role. The Town Manager has to set the conditions: no use of equipment or uniforms. If Chief Yannuzzi does not comply it would be a breach of agreement.

Comm. Bonfiglio asked if the agreement included a penalty clause. He requested for the Town Manager to prepare a draft of Chief Yannuzzi's role. Atty. Spillias replied that while this agreement does not have a penalty clause, there is a standard penalty clause, which would rescind the agreement.

Comm. Lucibella stated his concern for the moral of the officers and dispatchers during this process. He asked Lt Hutchins to communicate to the officers and dispatch that they have been in his focus during these events, and that they have his support during this time.

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 28, 2015

Lt Hutchins, stated that he had received no negative feedback. As with any executive change there is uncertainty among the department. He had requested to the sergeants, officers and dispatch that they consider the residents of Ocean Ridge, and to remain neutral. Lt Hutchins has not received any negative comments from them, Manager Schenck agreed. Lt. Hutchins stated that there are many issues to address moving forward in the next few months.

Comm. Bonfiglio motioned to authorize the Town Manager to rescind the termination of Chief Yannuzzi and approve the Mutual Release and Settlement Agreement with Chief Yannuzzi. Seconded by Comm. Allison.

Comm. Allison asked for clarification of Item # IO in the Settlement Agreement. Atty. Spillias stated commented that Chief Yannuzzi could not sue the Town or Town's Attorney or Town Commission, but it does preclude the Chief or Comm. Lucibella from pursuing their own actions.

Motion Carried - yea (5).

Comm. Aaskov motioned to approve the Consulting Agreement with Chris Yannuzzi. Seconded by Comm. Allison.

Motion Carried - yea (5).

Manager Schenck formally rescinded the termination of Chief Yannuzzi. Atty. Spillias advised Manager Srheck to prepare a formal memo.

Manager Schenck form: 'ly appointed Lt Hutrlin'" Acting Chief from " . llirough March !" , 2015.

There was a discussion and consensus to leave succession planning on the February agenda at this time. It was also discussed that the Town neLJ cd to do its due diligence and advertise for a Police Chief.

Comm. Lucibella requested that the Commission have an active role in interviewing of the applicants for Police Chief. There was a consensus.

Meeting Adjourned at 8:30am.

Attest By:

\_\_\_\_\_  
Town Clerk

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

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

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

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

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

# OWN OF OCEAN RIDGE

6450 NORTH OCEAN BOULEVARD

OCEAN RIDGE, FLORIDA 33435

[www.oceanridgeflorida.com](http://www.oceanridgeflorida.com)

(561) 732-2635 + FAX (561) 737-8359

GEOFFREY A. PUGH  
MAYOR, CHAIRMAN OF COMMISSION

KENNETH N. SCHENCK, JR.  
TOWN MANAGER



COMMISSIONERS  
GAIL ADAMS AASKOV  
DR. LYNN L. ALLISON  
EDWARD J. BROOKES  
ZOANNE R. HENNIGAN

JANUARY 06, 2015

## *PROCLAMATION*

I, Geoffrey A. Pugh, Mayor of the Town of Ocean Ridge, Florida, do this day proclaim a Municipal Election for the election of two (2) Commissioners for a three (3) year term each. Qualifying dates start at noon on January 27, 2015 and end at noon on February 10, 2015. These dates are pursuant to Ordinance #604 amending the qualifying dates.

The election will be held at the Town hall, 6450 North Ocean Blvd., Ocean Ridge, Florida, polls to be open at 7:00 A.M. and to close at 7:00 P.M. on Tuesday, March 10, 2015.

TOWN OF OCEAN RIDGE, FLORIDA

Geoffrey A. Pugh  
Mayor

(SEAL)

## Memorandum

Date: January 26, 2015  
To: Mayor & Commissioners  
From: Ken Schenck, Town Manager  
Re: Town Update, February, 2015

---

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

### Eleuthera Drive Drainage Improvements

The Eleuthera Drive drainage improvements are 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. A final change order will be discussed later in the meeting.

### Spanish River Drive

We are reviewing several drainage problems on Spanish River Drive where water is ponding. We also discovered a broken storm drain 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. We will be requesting them to exclude an additional 80 properties from the flood zone. They've agreed to look at it for their major study but we want them to make the change in the present study.

### Town Hall Utility and Access Easement

Mr. Swaim is still working with the regulatory agencies.

### PBA Contract Negotiations

The scheduled meeting with the PBA mediator was cancelled and has not been rescheduled.

### LPR Cameras

We're waiting for the new Delray City Manager to determine how they want to go so we'll know what we want to do.

### Beach Signs

The signs have been sent to the manufacturer.

**Florida Population**

We received the 2014 population numbers for Florida as developed by the Univ. of Florida. These are the numbers the State uses for their projections and refunds. According to the report Ocean Ridge has a permanent population as of April 1, 2014 of 1,780. This is a reduction of 6 from the 2010 census.

**FDOT Bridge Inspections**

A proposal to develop the plans to make the repairs will be discussed later in the meeting.

**Woolbright Detention Pond**

A proposal to do additional maintenance to the pond will be discussed later in the meeting.

Calendar of Events

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

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

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

Agenda: Feb. 2, 2015  
Memo: Item #7

Town of Ocean Ridge, Florida  
Agenda Memorandum

Office of Police Chief Christopher T. Yannuzzi

- Subject:
1. Monthly Activity Report (December 2014)
  2. Monthly Boynton Beach Fire/EMS Activity Report
  3. Of Special Note: Contained in the Narrative portion of the Monthly Report is an article about the Police Department's receipt of a portable LED lighting system as a result of Ofc. Stang's participation in the "Click It or Ticket" program.

Mayor and Town Commissioners:

Attached please find the December 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.

Lt. Hutchins is available to answer any questions either prior to or at the meeting.

**Agenda: Feb. 2, 2015**

**Memo: Item #9**

**Town of Ocean Ridge, Florida  
Agenda Memorandum  
Office of the Town Clerk**

**Subject: Annual Audit for Fiscal Year 2013/2014**

Mayor and Town Commissioners:

Ron Bennett from Nowlen, Holt & Miner, PA, will be at the meeting to present the Annual Audit for Fiscal Year ended 09/30/14 and provide a brief presentation and answer any questions you may have.

As a brief summary, the Town's General Fund Surplus increased \$41,456 which even takes into consideration the \$300,000 transfer to the Capital Projects Fund (page 12).

The Fund Balance at FY 2013/14 year end is \$3,399,909 of which \$2,260,013 is Unassigned (page 10).

The Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual can be found on Page 43. The Town's total revenue exceeded the total budget amount due primarily to the building permit revenue and the actual utility service tax received. A few of the taxes received (Ad Valorem and Local Shared Revenues) were less than anticipated, however, expenditures for all departments came in less than budgeted. Remember, though, that we did a couple of internal budget adjustments at year end, which were approved in Nov. 2014 to the Other Physical Environment department (Town Engineer fees were exceeded and contractual services), Legal Dept. Professional Services (primarily due to the plan review) and also the Special Counsel (Dog violation representation and the Sivitilli associated costs), and the Building Inspection department (due to increased inspection review).

Most of the department's final budget percentages came in at 90% or above with the major departments summarized as follows: the Town Manager, Town Clerk, Legal, General Govt Inspections, Solid Waste and Environmental departments were above 96%, Public Safety was 92.+% - primarily because of health insurance funds not utilized, and salaries and workers comp costs were less than anticipated, and Public Works was 90%- lower primarily because overtime was not utilized and the total capital outlay account was not totally expended. Again, as you can see there was not much "wiggle room".

The Town did not receive any notations for non-compliance issues or deficiencies, as reflected in the letters on pages 44 - 48.

**Agenda: Feb. 2, 2015**

**Memo: Item #10**

**Town of Ocean Ridge, Florida  
Agenda Memorandum**

**Office of the Town Manager**

**Subject: Request for Release of Unity of Title for Lot 6A,  
Charles D. Owens Subdivision, Lot 5, Block 6,  
Amended Plat of Part of Boynton's Subdivision**

Mayor and Town Commissioners:

**REQUEST**

The applicants, Tim and Kimberly Marshall, currently reside at 5905 N Ocean Blvd., but also own 5903 N Ocean Blvd. This property also includes a beach parcel (Lot 5, Blk 6) as shown on the attached survey and warranty deed. The property is currently listed under one parcel control number. Even though both properties are listed under one parcel control number, back in October 2013 the Town approved a Unity of Title for the purpose of constructing a dune crossover, considering it an accessory structure. The applicants are now requesting a Release of Unity of Title so that they may legally convey the dune parcel from 5903 N Ocean Blvd. to 5905 N Ocean Blvd. During the review process it was determined that the properties joined by Unity of Title have a lot located between and are not actually abutting.

**RECOMMENDATION**

Staff recommends that the Release of Unity of Title be approved and executed by the Mayor and Town Clerk and recorded as an official record in Palm Beach County. Staff also recommends that the Town Attorney review the code as applicable to dune crossovers and other unnamed accessory uses.

**KALEEL & CROZIER**

ATTORNEYS AND COUNSELLORS AT LAW

**54 NE 4th Avenue**

Delray Beach, FL 33483

Telephone 561-279-4201

Facsimile 561-278-9462

Kenneth M. Kaleel, P.A.  
**Carol L. Crozier, P.A.**

January 27, 2015

Karen E. Hancsak, Town Clerk  
Town of Ocean Ridge  
6450 North Ocean Blvd.  
Ocean Ridge, FL 33435

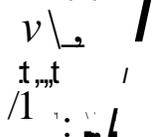
RE: 5905 N Ocean Blvd/5903 N. Ocean Blvd., Ocean Ridge  
Property Owner: Marshall, Timothy & Kimberlee

Dear Clerk: Unity of Title  
for the above property.

Please be advised that this law form represents Timothy and Kimberly Marshall relative to that certain Unity of Title encompassing their property legally described as Lot 6, Owens Subdivision and Lot 5, Block 6, Boynton Sub Amended Subdivision as recorded in O.R. Book 26468, Page 1843, public records of Palm Beach County, Florida. Mr. and Mrs. Marshall request that the Unity of Title referenced herein be Released by the Town in exchange for a Unity of Title to be placed on an adjacent lot also owned by Mr. and Mrs. Marshall, namely Lot 3A, Owens Subdivision and Lot 5, Block 6, Boynton Sub Amended Subdivision. We have prepared a proposed Release of Unity of Title and a proposed new Unity of Title which is enclosed herewith for review and comment.

Mr. and Mrs. Marshall are in the process of selling the property described as Lot 6, Owens Subdivision and therefore, it is requested that this item be heard on the February 2, 2015 agenda. Your assistance with this request is greatly appreciated.

Sincerely, yours/

  
Kenneth M. Kaleel

KMK/kp  
enclosures

cc: Mr. & Mrs. Marshall  
Kenneth Spillias, Town Attorney

Return to:

Karen E. Hancsak, Town Clerk  
Town of Ocean Ridge  
6450 North Ocean Blvd.  
Ocean Ridge, FL 33435

RELEASE OF UNITY OF TITLE

For value received, the undersigned hereby releases the Unity of Title dated November 20, 2013 and recorded in Official Records Book 26468, Page 1843 against the following described real property in Palm Beach County, Florida:

**Lot 6A OWENS SUBDIVISION Ocean Ridge, according to the Plat thereof as recorded in Plat Book 33, at Page 11; and Lot S, Block 6, Amended Plat of Part of BOYNTON'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 12, Page 45; both of the Public Records of Palm Beach County, Florida.**

This agreement constitutes the final release of Unity of Title by the undersigned, as recorded in Official Records Book 26468, Page 1843 of the Public Records of Palm Beach County, Florida.

Dated: \_\_\_\_\_, 2006

Signed and sealed in the presence of:

TOWN OF OCEAN RIDGE, FLORIDA

*Witness:*

Signature: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_ \_ \_ \_ \_

Signature: \_\_\_\_\_

ATTESTED

Print Name: \_ \_ \_ \_ \_

By: \_ \_ \_ \_ \_

Town Clerk

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, and \_\_\_\_\_, Town Clerk of Ocean Ridge, Florida who are personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
Printed Name



PROPERTY ADDRESS: S903 N OCEAN BOULEVARD OCEAN RIDGE, FLORIDA 33435

SURVEY NUMBER: 1304.1847

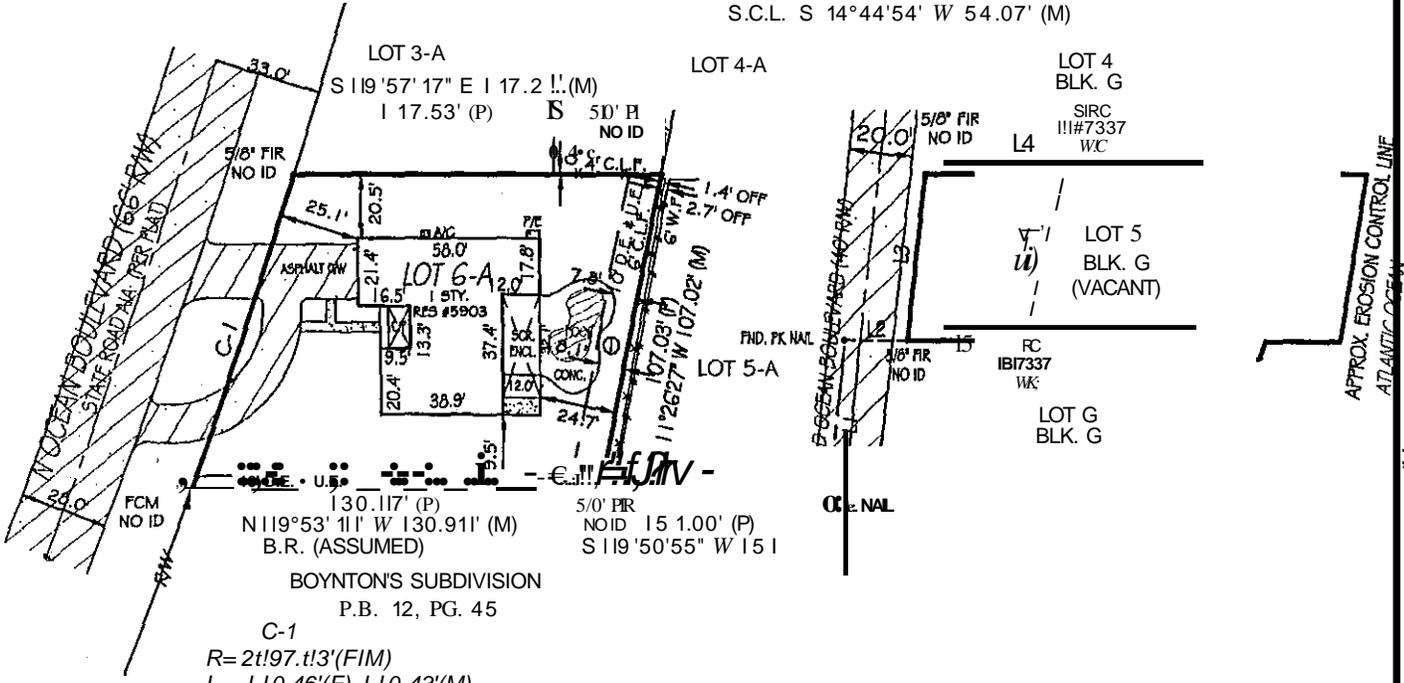
FIELD WORK DATE: 4/19/2013

REVISION DATE(S): (REV'd 4/23/2013)

1304.1841  
 BOUNDARY SURVEY  
 PALM BEACH COUNTY

TABLE:

L1	52.7G' (P)	N 6°31'11" E 52.57' (M)
L2	20.14' (P)	N 119°33'43" E 20.1G' (M)
L3	52.7G' (P)	N 6°34'54" E 52.64' (M)
L4	S 119°55'11" E 911'± (CJ TO EROSION CONTROL LINE S 119°55'11" E 54.111' (M) TO WC	
L5	N 119°55'11" W 95'± (C) TO EROSION CONTROL LINE N 115°55'11" W 47.011' (M) TO WC	
S.C.L.	S 14°44'54" W 54.07' (M)	

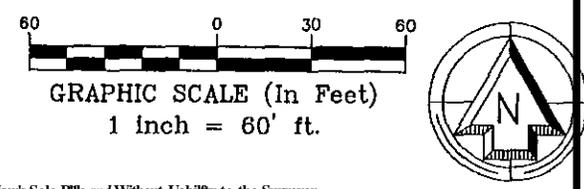


C-1  
 R= 21197.113'(FIM)  
 L- 110.46'(F) 110.43'(M)  
 A - 2' 11'02"(F) 2' 11'00"(M)  
 110.46'(F)  
 N 11°21'33" C. 110.42'(M)

NOTES:  
 FENCE OWNERSHIP NOT DETERMINED  
 THE COASTAL CONSTRUCTION CONTROL LINE LIES 1.36'± WEST  
 OF THE EASTERLY RW LINE OF OCEAN BOULEVARD

MARK A JOHNSON  
 LICENSE NUMBER 05171  
 I hereby certify that this Sketch of Survey and to the best of my  
 knowledge and belief, it is a true and accurate survey that meets the minimum technical  
 requirements as set forth in Chapter  
 Florida Board of Professional Land Surveyors  
 5J-17 of the Florida Administrative Code.

Professional Surveyor & Mapper  
 License No. 8572



Use of This Survey for Purposes other than Intended, With Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.  
 Nothing hereon shall be Constructed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:  
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING  
 MUNICIPALITY OR [WWW.FEMA.GOV](http://WWW.FEMA.GOV), THE PROPERTY APPEARS TO BE  
 BASED ON ZONE A (NO FLOODING), OR ZONE B (WITH A  
 PROPERTY WAS FOUND IN THE TOWN OF OCEAN RIDGE,  
 COMMUNITY NUMBER 121534, DATED (11/30/82,  
 CLIENT NUMBER: 52956  
 DATE: 4/23/2013

POINTS OF INTEREST  
 1. CONCRETE DECK OVER 10' D.E. & U.E.

SURVEY COORDINATED BY:  
**TRI LINS**

# Memorandum

**Date:** January 28, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** De-annexation of 5011 Bldg.

---

The Mayor asked me to put together some thoughts on the question of de annexation.

The present zoning and recent determination by the Commission requires the 5011 building to comply with present zoning and have only a residential occupancy. The building has been a mixed use occupancy since it was annexed by the Town. The Town changed the zoning requiring businesses in the Town to encl the commercial uses. Through the approval of a legal Settlement Agreement the 5011 buildi11 was allowed to co11tinue for a certain period of time. They were supposed to cease commercial operations last year. They have continued to pursue the Commission to allow the mixed use to continue. The Commission addressed the issue but by a spli( vote declined the request to continue the commercial operations.

The residential only zoning, according to the property owner, presents an economic hardship. I've been told the Health Dept. will not allow additional residents on the lower floor due to the restricted limits with the septic tank system. Plans were submitted a few years ago to build three townhomes which I'm told would have been allowed by the Health Dept. However, according to the owners the recent economic downturn doesn't make the townhomes economically feasible. These are obstacles to consider when considering residential use but are not anything the Town has the ability to rectify.

The mixed use has worked well for a number of years. However, the aesthetics of the building have been a big concern. The Town has wanted the building improved for a number of years but only some cosmetic changes have been done. The lack of improvements were considered by the

Commission when voting to uphold the present zoning requirements. The property owner now has plans to fix up the building and is willing to do so, however wants to continue the mixed use.

The de-annexation from the Town was brought up by the property owner as a means of keeping the mixed use occupancy. The de-annexation can be done by the State Legislature but I don't think our representatives will sponsor a bill if the Town were not in favor of the transfer. The transfer of property would be to the Town of Briny Breezes. The Town Council of Briny has not made a decision as to whether they're for or against this. They want to hear what the Briny Corporation says. I understand the Corporation meets at the end of February. I don't know what their decision will be.

The de-annexation brings up some concerns for the Town. There are no real benefits to the Town if the property de-annexes. One valid concern is that if it happens are there other properties that would try to follow the same path. There are two apartment buildings to the north of this building that might consider it. Another property to the south is a cooperative but their rules would probably make it difficult. All of the properties east of these buildings are residential homes and small apartments. As Briny's taxes are higher than ours I don't see a benefit for them to de-annex. The only way it would make sense would be if someone came in and bought several properties and combined them for a use we don't allow.

De-annexation presents another problem. If de-annexation goes through we'll have a mixed use building where we didn't want one and will lose any control over what happens to the building or its uses.

If the building stays residential the ultimate outcome is questionable as the property is not the ideal residential location and the lot is small and very limiting to what can be constructed.

Neither of the above options is ideal for the Town. A third option would be to go back and consider the mixed use alternative either as presented before or develop a mixed use district. This option was rejected by the Commission but does leave the Town more options that I believe would be less intrusive.

I'm not sure if this helps or just raises more questions. There is no simple answer that will make everyone happy. Each option has its pros and cons depending on which you feel is the best option for the Town.

## Kenneth Schenck

---

**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 OFFICES  
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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 A1 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

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:amm

cc: Mr. Robert Sivitilli (via email)

# Memorandum

**Date:** January 28, 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 28, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** All Aboard Florida

---

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 96-110 decibels, 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 MF 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 Choo in his tracks.

[www.floridanotallaboard.com](http://www.floridanotallaboard.com)

Sign the petition! <http://tinyurl.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](#)


Fortress Investment Group, LLC
<b>!m£</b> <span>!Public</span>
<b>1</b> <span>Traded as</span> <span>NYSE:FIG</span>

## 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]  
**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 FECL owners of AAF

FECL will develop real estate also

FECL 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 26, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Maintenance of Woolbright Detention Pond

---

We have reviewed the work needed to maintain the detention pond at Woolbright. It's been almost 10 years since the pond has had a major cleaning and regrading. The project includes removal and cutback of vegetation on the south side which is presently inhibiting proper flow from the discharge pipes into the pond. There will also be regrading of the northern part of the pond and regrading of the berm around the discharge area at the northwest corner. These repairs are needed for the pond to function as designed. We will monitor the pond after this work is done to see if anything else needs to be improved.

Aquagenix has been overseeing the pond with regular vegetation monitoring which included removal and spraying as necessary. I recommend extending their contract to do this additional maintenance project as they are the most familiar with the workings of the pond and its needs. Attached is a proposal to complete this work for \$15,000. As this project wasn't anticipated we propose to use the funds from the contingency account. Staff recommends approval of this project.

# Aquagenix

A D B I SERVICES COMPANY

MANAGING YOUR ENVIRONMENTAL NEEDS

## Special Service Agreement

Town of Ocean Ridge  
6450 N. Ocean Blvd  
Ocean Ridge, FL 33435  
Ken Schenck (561) 732-2635

Date: 01/26/2015

Terms: Net 30 Days

We are pleased to quote special pricing as follows;

Quantity:	Description:	Price:
1	Revenue needed for the mechanic maintenance of the Stormwater Retention areJ to debris will be mechanically removed and hauled from site. Care will be taken to minimize any and all silt/runoff from site through drainage system.	

Total: \$15,000.00

This offer is good for twenty one (21) days from date of quotation  
Sales Tax Not Included.

DeAngelo Brothers, LLC., AQUAGENIX

CUSTOM\$1t

### BRANCH OFFICE

851 West 13th Court . Riviera Beach FL 33404-6729 USA | T+1 561 881 1291 | F+1 561 881 1293

[www.aquagenix.com](http://www.aquagenix.com)

# Memorandum

**Date:** January 15, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** FDOT Bridge Inspection Repairs

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As I reported at the last meeting FOOT has inspected the Sabal Island and Inlet Cay Bridges for safety issues. The bridges are still in good shape. However, there are areas where there is some erosion of the steel and concrete. These areas should be repaired to prevent additional deterioration.

I submitted the reports to Bridge Design Associates Inc. for their review and recommendations. Attached is their proposal for the plans and specs to rehab the bridge. They will prepare the plans and specs needed to obtain bids for the repair work. The repairs will include those needed on the bridge structure and the grouting and stabilization on the north and south wing walls as there is erosion behind the walls. The cost is \$2,500 for each bridge. The total cost being \$5,000. When the plans are done we will advertise for a contractor to make the repairs. We'll have an estimated construction cost when the plans are complete as well as inspection costs.

Staff requests approval of \$5,000 from the Capital Improvement Fund for this phase of the project. As this project wasn't anticipated we'll use funds designated for paving.

**BRIDGE DESIGN ASSOCIATES, INC.**

BRIAN C. RHEAULT, P.E.  
*President*

January 13, 2015

Town of Ocean Ridge  
6450 N. Ocean Blvd.  
Ocean Ridge, Florida 33435

Attention: Ken Schenck

Regarding: Inlet Cay and Sabal Island Bridge Repair

Project No.; 11-557

Dear Ken:

Pursuant to your request, Bridge Design Associates, Inc. can provide a plan and repair instructions for each bridge to address the FOOT Bridge Inspection Report recommendations for repair and maintenance.

Our fee to prepare the plans and Instructions is as follows:

Inlet Cay	\$2,500.00
Sabal Island	\$2,500.00

Our fees do not include construction inspections, but can be provided upon request.

Please sign below and return one copy to our office. Upon receipt of a signed agreement we will begin work.

If you have any questions, please give me a call.

Respectfully,

**BRIDGE DESIGN ASSOCIATES, INC.**

Brian C. Rheault, P.E.. 38797  
President

BCR:kedS:\2011-Jobs\11-557 Inlet Cay & Sabal Island Brtge Repalrs\01 AdmIn\Proposals\proposal 01-13-15.wpd

Accepted by \_\_\_\_\_

Date \_\_\_\_\_

# Memorandum

**Date:** January 28, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Interim Police Chief after March 1, 2015

---

The Commission agreed to my appointment of Lt. Hal Hutchins as acting Police Chief through March 1, 2015 in Chief Yannuzzi's absence. As Chief Yannuzzi will no longer be employed by the Town after March 1, 2015 I propose to appoint Lt. Hal Hutchins as interim Police Chief of Ocean Ridge until such time as the Commission approves a permanent Chief for that position. I would appreciate the Commission's approval of this appointment. I felt it necessary to make the request at this meeting so that there is no gap for Chief between appointments.

**Town of Ocean Ridge****Memorandum**

**Date:** January 28, 2015  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Additional Costs on Eleuthera Drive Project.

---

Attached is a list of the additional costs for Eleuthera Drive. We have worked with the contractor throughout the project and believe these to be legitimate extras. The underground utilities weren't supposed to be there and getting the utility companies to move their lines would have created a long delay so we got their approval to move them. Coordinating the driveways and lawns was a constant problem because we raised the road over a foot which led to several unknowns. Considering the uniqueness of the project I think the contractor worked well with us. The additional cost is \$22,943 which will come from the Capital Improvement Fund. The project is still at least \$20,000 below the next bidder. The extras have been approved by the design engineers.

Staff recommends approval of the change order. The project came out very well and has given us the desired improvements in the drainage of the street. So far the high tides have not resulted in any flooding as they use to do.

# CORRESPONDENCE

## **Anzco Inc.**

9671 Carousel Circle South  
Boca Raton, FL 33434  
Office: 561-488-0822  
Fax 561-807-7224  
Mobil: 561-699-3602  
Email: [jzak@anzcoinc.com](mailto:jzak@anzcoinc.com)  
CGC 1518065



1/28/15

### **DESCRIPTION OF CHANGES TO CONTRACT**

Eleuthra Drive

Item of Work

Sod	7046 sf @ .40/sf =2818.00
Lower Comcast one day	1145.00
Lower FPL one day	1145.00
Lower Bell South one day	1145.00
Repair Pipe at inlet with new coupler and pipe one day	1145.00
Coupler and pipe material	275.00
Repair Inlet pipe at seawall	1145.00
#23 & 24 Labor to remove all pavers 2250.0 sf @1.00/sf	2250.00
Haul Off pavers and debris	1800.00
Pour 6" concrete with #5 reinforcing bar @ 24" on centers 2250.0 sf @ 6.00/sf	13500.00
Credit for not installing pavers 2250sf/9 = 250sy's @ 40.00/sy	(10,000.00)
Added sleeving for irrigation and electrical 40 lf @ 5.00/lf	200.00
#26 Added reinforcing steel because of pile caps 948# @ 1.16/#	1100.00
Blast and seal coat existing driveway 1123 sf @ 2.50/sf	2807.00
#27 pour concrete ramp in front of garage	1800.00
<b>TOTAL</b>	<b>\$22275.00</b>
Additional bond cost	\$ 668.00
<b>TOTAL OVER RUN</b>	<b>\$22,943.00</b>