

REGULAR TOWN COMMISSION MEETING HELD AUGUST 3, 2015

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 3, 2015, at 6:00 PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Pugh. The roll call was answered by the following:

Commissioner Aaskov	Commissioner Bonfiglio
Commissioner Lucibella	Mayor Pugh

Commission Allison was absent with notice.

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hanscak stated that concerning the July 6th, 2015 regular commission minutes minor corrections had been made, and on Page 6, 1st Paragraph, it had been added that..."there were 6 hours for which both Comm. Lucibella and Atty Spillias agreed that did not directly address the defense against the recall petition."

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of July 6, 2015
2. Minutes of Public Hearing/Budget Proposed Millage Meeting of July 21, 2015
3. Approval of Annual Floodplain Management Report for FY 2014/15

Comm. Bonfiglio motioned to approve the Agenda and Consent Agenda as amended. Comm. Lucibella seconded the motion.

Motion Carried – yea (4).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Monday, Sept. 7, 2015 for the Official Holiday
5. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Thursday, Sept. 10, 2015 at 5:01 PM – Regular Meeting Immediately to Follow Budget Hearing and the Final budget Adoption Meeting will be held on Thursday, Sept. 17, 2015 at 5:01 PM
6. Proclamation for "Florida Water Professionals Month"

PUBLIC COMMENT

Terry Brown, 23 Harbour Drive South, asked the Town to consider a Citizen Police Academy for the residents. He felt this would encourage the residents to interact with the police department and help the town to heal. Mr. Brown also questioned contractors parking in the swales and the contractor's signs at the sites and working on Sundays.

Chief Hutchins reported that he was considering starting in the fall "Coffee with a Cop" where residents could sit down with a police officer and discuss any concerns in their community.

Don Magruder, 9 Ridge Blvd, asked if a fence could be installed across from the Ocean Inlet Park next to McCormick Mile Clubhouse. He had observed citizens walking up the protected dune, and over the railing to cross over A1A. That bend is very dangerous for pedestrian crossing and also a blind spot for drivers on A1A. He also asked if the large aerial map of the Town of Ocean Ridge could be installed in the Chambers for meetings. This would assist residents during the meetings showing the areas being discussed.

It was discussed that A1A was a state highway and that the Inlet Park was a Palm Beach County Park, and the area is not under Ocean Ridge's jurisdiction to install a fence on State or County property. Chief

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Hutchins stated that he had an upcoming meeting with Palm Beach County Parks, and he would discuss with them the dangers.

Jacoba Bill, 15 Spanish River Drive, asked to comment about the Town's \$50,000 insurance deductible. Mayor Pugh stated that she would be welcome to comment when that item came up later on the agenda.

PUBLIC HEARINGS

7. An Application Submitted by Affiniti Architects, 6100 Broken Sound Parkway NW, Suite 8, Boca Raton FL 33487, representing the owner, Ocean Ridge 6161 N Ocean LLC, Donna Sotillo, Trustee, 6605 South Dixie Highway, Suite 200, West Palm Beach FL 33405, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback Line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new two story residence and a eight car garage with a maximum finished floor elevation of 19.56' NGVD (slightly lower than the structure demolished in 2013) which would extend a maximum of 134.6' (+/-) east of the Coastal Construction Control Line (CCCL) and also a new deck, pool, spa, and fire pit that will extend a maximum of 194.71' (+/-) east of the CCCL, and also repairing the existing dune crossover located at 6161 North Ocean Blvd. or legally described as Lot 3-5, Block 3 and Lots 3-5, Block 10, of the Amended Plat of Boynton's Subdivision (exact description available for review in the Clerk's Office)

Clerk Hancsak read the application. She stated that no additional correspondence had been received, and that all fees had been paid. She summarized the request advising the plan was to construct a new 2 story single family residence and an 8 car garage. The request included a new deck pool, spa, fire pit and repairs to the dune crossover. The structure is located east of the CCCL with an exception of 2 breezeways and 2 of the 4 garages. The Code requires a Land Development Permit for any construction east of the CCCL and that a public hearing be held for any work that requires submittal to DEP for formal permitting. This is not a variance request. The applicant has provided draft site plans. The property is located within the RSE District, which based on the size of the lot will meet the code requirements. Upon preliminary review it appears that all of the zoning requirements have been met, and as they will be utilizing the same finished floor elevation as the prior structure that was demolished in 2013 they will not need to seek a zoning variance. There are no legal issues in approving the request. Staff recommends approval of the applicant's request contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

As this was a quasi-judicial hearing, Atty. Spillias advised that anyone who would be giving testimony must be sworn in at this time.

There was no public comment.

Comm. Bonfiglio motioned to approve the applicant's request for 6161 North Ocean Blvd contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Aaskov.

Motion Carried – yea (4).

REPORTS

8. Town Manager

Manager Schenck reported the following: 1) Spanish River Drive – water is ponding, staff is analyzing the best way to solve the concentration problems in the driveway. 2) FEMA Flood Maps – FEMA is still reviewing our maps, however; the Town is requesting that they remove an additional 80 properties from the flood zone. They have agreed to look at it for their major study but staff would prefer them to make

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the changes in the present study. 3) LPR Cameras – Chief Hutchins will address this item later in the agenda. 4) FDOT Bridge Inspection – The approved bridge repairs have started. 5.) Wastewater Proposal – The condo boards have dispersed for the summer, and when they return in the fall we will contact them. 6) All Aboard Florida – The construction of the tracks and depots are underway. An upcoming meeting will be held concerning their bond but no vote has been taken yet. He will keep the Commission updated. 7) Spanish River, Swaim Project – Mr. Swaim is continuing to try to satisfy SFWMD for this project. He proposed to come back to the Commission for an easement once the property ownership is clarified.

Manager Schenck also reported that they had received the Health Insurance quote. A 20% increase had been anticipated for the proposed budget; however, it came in at only a 10+% increase and the liability insurance came in at a break even quote. This would reduce the personnel costs for the proposed FY 15/16 budget.

9. Town Attorney

Atty. Spillias reported an update of the Inspector General litigation and the fees charged to the municipalities. Some say that the municipalities that are challenging the Inspector General are not in support of Ethics and he felt that was an unfair assumption. The Charter was originally developed so as to not infringe on the town's authority. The League of Cities is reviewing the Charter and the structure of the Inspection General. There are significant concerns of future impact to municipalities. The League of Cities will be filing a brief and a 60 day extension has been given.

10. Police Chief

Chief Hutchins advised that his report was distributed; he also presented to the Commission the 2 new officers: Jimmy Pilon and Officer Richard Ermeri. Mayor Pugh welcomed them to Ocean Ridge. There were no questions.

11. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

12. Request for Lien Reduction and Associated Fees for 6009 Ridge Lane

Clerk Hancsak stated that Ninive Girodano, owner of 6009 Ridge Lane, was requesting an abatement to the lien that was recorded on 1/23/14 for violating Section 67-51 – remodeling without a permit. This lien now totals \$28,932.22 (517 days @ \$50/day - \$25,850 plus \$3052.22 interest and \$30 recording/release of lien) through July 2015. Ms. Girodano was made aware of these violations in December 2013 if not prior to that date. Case #2013-019 violating the Town Code remodeling the residence without a permit was first observed on 10/16/13 and a stop work order was posted on 10/17/13. The housekeeper, Hilaria Campos, advised the officer that the owner was out of the country, and she was advised to have the owner contact the Police Dept. No contact was made. On 10/30/13 an Affidavit and Notice of Violation was posted on the site and mailed certified to the address. The letter was returned unclaimed. The hearing was held on 12/3/13 and an Order Finding Violation was issued (the owner was not present). On December 23, 2013 the homeowner requested a courtesy inspection with the Building Official, and he documented the items that were in violation. On 1/7/14 the Special Magistrate issued an Order Assessing Fine and the property was liened (the respondent was not present). This letter too was returned unclaimed. On August 19, 2014, the property owner paid the administrative fines for both hearings but no permits were applied for. She was also provided copies of the Orders and Claim of Lien. On 2/26/15 permits were finally pulled for the remodeling/renovation work and the last final inspection was completed on 6/3/15. Only the commission has the authority to reduce a lien if they so desire. The property was cited in Oct 2013 and brought into compliance in June 2015.

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Ninive Girodano, 6009 Ridge Lane, stated that she has been the owner since 2001 and is only in town on Holidays. She apologized and stated that she never should have allowed the contractor to work without a permit. She was not aware of the 2013 hearings until August 2014. She had hired 3 contractors and was now on her 4th contractor. Because she is a part-time resident, the property is not a priority. In August 2014 she updated her mailing address to New Jersey instead of the Ocean Ridge property address.

Chief Hutchins clarified that that one order is sent certified, one is posted on the property, and one in the shadowbox. Comm. Lucibella stated that the homeowner bears the responsibility for permits, and that Ms. Girodano did not present any proof besides her narrative that she had gone through 4 contractors before a permit was applied for. Comm. Bonfiglio stated that the law allow for mistakes, and the ability to correct them too up to final judgement but unfortunately it usually involves costs to the individual. He was sympathetic to her as somethings are out of your control, however we have to enforce the Code.

Comm. Bonfiglio motioned to approve satisfaction of the lien for 6009 Ridge Lane in the amount of \$12,925 fines and \$30 to record/release the lien. Seconded by Comm. Aaskov.

Mayor Pugh stated that he had been a contractor for 34 years. Ocean Ridge does require that all contractors be registered with proper licenses and insurance; however people are taken advantage of by contractors all the time. He would be in favor of reducing the fines to \$10,000.

Comm. Bonfiglio withdrew his motion. Comm. Aaskov withdrew her second.

Comm. Bonfiglio motioned to approve satisfaction of the lien for 6007 Ridge Lane in the amount of \$10,000 fines and \$30 to record/release the lien. Seconded by Comm. Aaskov.

Motion Carried – yea (4).

13. Schedule Public Hearing for Certification of Non-Ad Valorem Assessment for 110 Bonito Drive
Clerk Hancsak stated that at the July meeting the Commission authorized hiring a contractor at a cost not to exceed \$25,000 from the Contingency Account to fund the cost of the demolition at 110 Bonito Drive. The last step was to schedule a Public Hearing to be held prior to Sept 15th to adopt a non-ad valorem assessment roll.

Comm. Bonfiglio motioned to approve hold a Public Hearing right after the Tentative Budget Adoption and before the Regular Meeting on September 10th, starting at 5:01 pm. Seconded by Comm. Aaskov.

Motion Carried – yea (4).

14. Approval of Demolition Contract with The BG Group, LLC for 110 Bonito Drive in an Amount of \$25,317 to be Funded Through a Budget Amendment as Authorized by Resolution No. 2015-05
Manager Schenck stated that we had received 3 bids higher than the authorized \$25,000. The lowest price was \$38,000. Staff checked with the County and found we could piggy back off of their bid award. Their contract is with the BG Group, LLC in Boca. We requested a bid from them and their bid is \$25,317. Instead of funding this from the Contingency Account, we would prefer to use a budget amendment and use the contingency for other items, such as carpet and sound system repairs, thereby reducing next year's budget request. Because we are uncertain when we'll recoup the cost, as it's tied to the tax bill, we recommend taking the entire amount out of reserves with a budget amendment.

Comm. Lucibella motioned to approve awarding the Demolition Contract with the BG Group, LLC for 110 Bonito Drive in an amount of \$25,317 to be funded through a budget amendment as authorized by Resolution No. 2015-05. Seconded by Comm. Comm. Bonfiglio.

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Motion Carried – yea (4).

Mayor Pugh thanked Manager Schenck for researching to find an alternative way to demo the home with a savings to the Town.

15. Approval of an Amount Not To Exceed \$25,000 from the Contingency Account to Purchase New Carpeting for the Chambers/Community Room and Dispatch Center and Also for Upgrades/Repairs to the Sound System in the Chambers to be Completed by Mingace Custom Sound Systems, Inc.

Manager Schenck stated that the carpets in the Town Chambers and Dispatch area need to be replaced with an estimated cost of \$9000. The carpet was budgeted for this year, but we had unexpected air condition repairs instead and will need to use the contingency fund for the carpets. This would also reduce next year's budget by \$9000.

Manager Schenck also stated that the sound system in the Commission chambers needed repairs. The cost is \$16,000 and would include an upgrade to the system. This project was not budgeted as it was not anticipated. Staff requests approval for these 2 projects from the contingency fund.

Chief Hutchins stated that he and Clerk Hancsak that visited other towns and 2 vendors to compare other sound systems to ours. This upgrade would allow the recording to go straight to the Town's server.

Comm. Lucibella motioned to approve \$9000 from the Contingency Account to purchase new carpeting for the Chamber/Community Room and Dispatch Center and Also \$16,000 for Upgrades/Repairs to the Sound System to be Completed by Mingace Custom Sound Systems, Inc. Seconded by Comm. Aaskov.

Terry Brown, 23 Harbour Drive North, stated that the lighting for the projector was hard to see, and questioned if there were headsets for the hearing impaired. Clerk Hancsak reduced the lights over the dais that allowed for better viewing to the public. Chief Hutchins stated that the current system did have headphones for the hearing impaired.

Mary Kate Leming, Harbour Drive North asked if the new system would allow posting the audio to the Town's website. Chief Hutchins stated that he would have to see if our website was capable of holding the audio. Clerk Hancsak stated that we currently are having problems with Front Page for the Town's website, and Lisa Burns is currently checking for alternative website programs.

Motion Carried – yea (4).

16. Update and Report on License Plate Recognition (LPR) Cameras

Chief Hutchins stated that they had requested costs for nodes that record images. The cameras require a pole 18ft above the road and then power and a way to transmit. Davco Electric estimated the cost for 1 node with power is \$15,000. He is checking with privacy issues, and at this time the data would be maintained in house with the police department. He did feel that the cameras would be an invaluable tool, however at this time FDOT does not allow any capturing of images on a state road. The cost for the nodes would be \$215,000 and \$60,000 for the poles or a total installation cost of \$275,000 and then the monthly cost would be \$60/node for wireless service.

Comm. Aaskov asked if there was any possibility that they may change their mind or if any pressure could be placed on them with the urgency that we protect our neighborhoods.

It was discussed that the cameras would be hooked up to the street light circuit, and only interrupted during loss of power. At night time the infrared diminishes the quality of the image and the average

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FDOT right of way is 60 feet. The Town of Manalapan currently has a camera at the Inlet, and they allow us to utilize the information from it. Their camera is for Florida tags only, and flags stolen/wanted vehicles.

Terry Brown, 23 Harbour Drive South, stated that certain neighborhoods have choke points, and if that association paid for the cameras would the Town monitor it. He did not feel it would be fair to those sections of town that could not afford their own cameras or for the town to only monitor certain neighborhoods. Mayor Pugh and Comm. Lucibella agreed.

Chief Hutchins stated that the police does offer security checks and that most burglaries occur when the alarms are not being used. Every home should have a house alarm system installed and use it daily and at night and also take precautions to ensure their personal safety. Comm. Lucibella requested that alarm monitoring be mentioned in the Town Newsletter for the next 3-4 months.

There was a consensus by the Commission to not move forward on the License Plate Recognition Cameras (LPR's) at this time until such time that the Florida Legislature may reconsider use of placement or recording within the FDOT ROW's.

Don Magruder, 9 Ridge Lane, stated that 4 homes in their area have been burglarized in the last 6 years and two of them were burglarized twice. His burglary was in the daytime with the alarm system on, but it was not loud enough for the neighbors to hear though. It only took 4-5 minutes for the house to be stripped and then they were gone. Residents want to live in a safe neighborhood and he encouraged the Commission to install the cameras that would be allowed, while waiting for regulations to change to install the rest of them.

17. Request for Authority to Foreclose Lien for 87 Island Drive So

Atty. Spillias stated that a building permit was applied for on June 15, 2015 by the owner of 87 Island Dr, March Lacho, to construct a new one story single family residence. The permit was reviewed by the Building Official and returned June 22nd with several pages of initial comments/required revisions. To date the initial comments have not been addressed nor has Mr. Lacho contacted the Building Official to address same. The property was partially demolished in the end of 2013 and the owner has allowed the property to fall in disrepair. Code Enforcement hearings have been held and an assessment of \$50/day has been accruing since February 25, 2015 and a lien has been placed on the property. Mr. Lacho has not taken steps necessary to bring his property into compliance by following through with the building permit process and actual work. The property remains an eyesore and unsafe, and the accruing fines have failed to incentivize Mr. Lacho to bring the property into compliance. Atty. Spillias felt that to foreclose on the lien might prompt the homeowner to action.

Comm. Lucibella motioned to authorize from the Commission to seek authorization from the Special Magistrate to foreclose on the claim of lien if the property has not come into compliance by August 18, 2015. Seconded by Comm. Bonfiglio.

Motion Carried – yea (4).

18. Discuss Format for Town Manager Application/Interview Process

It was discussed and a consensus made for the Commission to submit a shortlist of 6 Town Manager applicants by August 21, 2015 at which time the Town Clerk will provide a shortlist summary and schedule a special meeting to discuss the interview/format process.

Atty. Spillias reported that some of the information on the applications had be redacted if requested by the public.

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RESOLUTIONS

19. Resolution No. 2015-04; Amending the 2014/15 Budget to Include a Transfer from the Unassigned Fund Balance to the General Fund Operating Budget (for the purpose of reimbursement of legal fees to Commissioner Lucibella)

Atty. Spillias reported that all invoices have been received now and they total over \$80,000. There is a \$50,000 deductible. Since our insurance company did agree to provide a defense, it does seem that they are obligated to pay the \$30,000 balance. We have notified the insurance company and will pursue legal action if they do not pay. Comm. Lucibella requested to table this resolution until the next meeting and not pay any funds at this time. Comm. Allison is not present and he felt she had the right to have her voice heard.

There was a consensus to defer the adoption of Resolution 2015-04 to the September meeting to wait for a full Commission vote.

20. Possible Resolution 2015-05; Amending the 2014/15 Budget to Include a Transfer from the Unassigned Fund Balance to the General Fund Operating Budget (for the purpose of funding the demolition of 110 Bonito Dr. and placing a Special Assessment on the property)

Comm. Bonfiglio motioned to approve Resolution 2015-05; Amending the 2014/15 Budget to Include a Transfer from the Unassigned Fund Balance to the General Fund Operating Budget. Seconded by Comm. Lucibella.

Motion Carried – yea (4).

Meeting Adjourned at 7:43 PM.

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella

Attest by:

Town Clerk