TOWN OF OCEAN RIDGE

AGENDA

September 10, 2015
5:01 P.M.
TOWN HALL – MEETING CHAMBERS

TOWN COMMISSION

Mayor Geoffrey A. Pugh

Commissioner Gail Adams Aaskov
Commissioner Lynn A. 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 Hal Hutchins

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 he 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.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
PUBLIC HEARING/S

Presentation of Tentative budget and Proposed Millage Rate for Fiscal year 2015-2016

a. **Comment from Commissioners and Public**
b. **Adoption of Tentative Budget for Fiscal Year 2015-2016**
c. **Adoption of Tentative Millage for Fiscal Year 2015-2016**
d. **Announce Computed Millage Rate is Higher Than the Rolled Back by 5.34% (this is currently based on proposed millage rate on tax bills and if changed it will be announced with the correct %)**
e. **Public Hearing Date for Final Adoption is Thursday, Sept. 17, 2015 at 5:01 PM**

ADOPTON OF NON-AD VALOREM ASSESSMENT ROLL

REGULAR MEETING
ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

1. **Minutes of Special Town Commission Meeting of Aug. 3, 2015**
2. **Minutes of Regular Town Commission Meeting of Aug. 27, 2015**
3. **Resolution No. 2015-06; Designating the Supervisor of Elections, Town Clerk, and a Third Designated Member as the Canvassing Board, to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 15, 2015 and to Canvass Returns of Such Election Including the Absentee Ballots; Assigning Supervisor of Elections to handle the Absentee Ballots**
4. **Resolution No. 2015-07; Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the Palm Beach County Supervisor of Elections (SOE) and the Town of Ocean Ridge**
5. **Ratify the Approval of Insurance Coverage for Workers Comp, General and Auto Liability, Property, Crime by Preferred Government Insurers Trust through Milton Carpenters Insurance at an Annual Cost of $102,304 Effective Oct. 1, 2015 and Authorize an Additional Year with the Same Rates**
6. **Ratify the Approval of the Health Insurance Renewal with Neighborhood Health Partnership Effective Oct. 1, 2015**

MOTION	SECOND	DISCUSSION	VOTE

ANNOUNCEMENTS AND PROCLAMATIONS

7. **Proclamation Declaring September as "National Sickle Cell Month"**

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

PUBLIC HEARINGS

8. **An application submitted by, Everlast Realty LLC, a Massachusetts Limited Liability Co., and John Lauring, Mark Lauring, James Lauring, and Mayanne Seibold, as Successors Co-Trustees of the Sunshine Estate Trust, 23 Brigham Rd., Worcester MA 01609 and 94 Island Drive So., Ocean Ridge FL 33435, requesting a Public Hearing regarding the provisions of the Land Development Code at Chapter**

64; Zoning, Article 5; Subdivisions; Sections 64-100 through 64-105 pertaining to replatting requirements. The applicants are requesting to replat 3 single family lots into 3 new reconfigured single family lots. All 3 lots will meet the zoning requirements for the RSF – Residential Single Family District. The 3 properties are comprised of (a) Lot 92 and a portion of Lot 93 and (b) the remaining portion of Lot 93 and Lot 94 in the McCormick Mile Add No 1 Subdivision or 92-94 Island Drive South (exact legal description located at Town Hall). The request will also require a Release of Unity of Title and Release of a Recorded Easement/s.

REGULAR AGENDA

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

REPORTS

9. **Town Manager**
10. **Town Attorney**
11. **Police Chief**
12. **Town Engineer**

ACTION ITEMS

13. **Approval of Utility & Easement Documents for South and West Side of Town Hall** By: William Swaim, representing the owners, Todd Flato & Diana Fenimore, for the property northwest of Town Hall
14. **Confirm the Hiring of Dispatcher/Clerk Odalys Delrio and Police Officer Jeffrey Vancamp to Fill the Vacant Positions** By: Kenneth Schenck, Town Manager
15. **Discuss Recommendations from the Planning & Zoning Commission Regarding Uniform Standard Prohibiting Exotic Vegetation Planting for New Construction, Proposed Increase to the Floor Area Ration (FAR) from 36% to 40%, and Also Possible Stricter Requirements for Blighted Areas or Construction Sites** By: Town Staff
16. **Discuss Possible Changes to Old Ocean Blvd.** By: Geoff Pugh, Mayor

RESOLUTIONS

17. **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) (Deferred from the Aug. 3, 2015 Meeting)**

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):
FINAL BUDGET ADOPTION MEETING SEPT. 17, 2015 AT 5:01 PM
REGULAR TOWN COMMISSION MEETING OCT. 5, 2015 AT 6:00 PM

Memorandum

To: TOWN COMMISSION

From: Karen E. Hancsak, Town Clerk

Date: September 10, 2015

Re: MOTIONS FOR TENTATIVE BUDGET AND MILLAGE ADOPTION WITH A 5.35000 MILLAGE RATE

Unfortunately, since there have been no final decisions made yet we will need to take a five minute break so that I can fill in the blanks with whatever you decide. I have tentatively included the latest revision, which included the changes through August 11, 2014 and still using a 5.35 millage rate.

1. **TO ADOPT A TENTATIVE BUDGET:** I move that a budget in the amount of **$6,278,420** be tentatively adopted for the 2015-2016 Operating Fund. This includes a $180,000 transfer to the Capital Projects Fund.

2. **TO ADOPT TENTATIVE MILLAGES:** I move that a millage of **$5.35** per $1,000 of assessed valuation be tentatively adopted for the 2015-2016 general operating revenues.

3. **MAYOR TO ANNOUNCE:** the computed millage rate is 5.34% more than the rolled back rate of $5.0787 (+5.34%)

4. **MAYOR TO ANNOUNCE:** the date and time of the second and final public hearing is established as 5:01 P.M. (after 5:01 P.M.) on Thursday, Sept. 17, 2015. The 2015-2016 operating and capital projects budgets and corresponding millages will be finalized and adopted at that time.

PLEASE REMEMBER TO BRING YOUR BUDGETS WITH YOU TO MEETING!!!

Memorandum

To: TOWN COMMISSION, TOWN MANAGER

From: Karen E. Hancsak, Town Clerk

Date: July 23, 2015

Re: SUMMARY OF ANY CHANGES TO THE PROPOSED FY 2015/16 BUDGET

The Budget Presentation and Setting the Proposed Millage meeting was held on July 21, 2015 at 8:30 AM.

At the conclusion of the meeting there was one change to proposed budget. The Golf Cart ($2,500) was removed.

The Commission acknowledged that funding was not provided for the License Plate Recognition (LPR) cameras. The Commission requested that the Police Chief prepare an update report for the August 3, 2015 meeting.

The Commission was not agreeable to a proposed 5% increase in fees for the Town Engineer, however; the proposed amount should remain the same at this time.

The Commission directed staff to obtain pricing from Chris Wayne & Assoc. for any additional mowing currently performed by the Town's maintenance dept.

The Commission also discussed the possibility of ultimately adding monies to fund a portion of a consultant fee to study a multi-jurisdictional fire district.

ADDENDUM FOR THE SEPT 10 BUDGET HEARING

The revised budget pages and table reflects the removal of the carpet (-$9,000), modified general liability insurance costs (-$4,100) and revised health insurance costs for the associated departments (-$17,391)

The total reduction to the General Fund Operating Budget, including the porior removal of the $2,500 golf cart, totals $32,991.

The Commission can reduce the expenditures by $32,991 and also the same amount of reserves to balance the budget or possibly leave it in the budget, in the Contingency Account, in the event you approve partial funding towards possible shared multi-jurisdictional fire district consultant costs during the fiscal year.

BUDGET REVISION SUMMARY FOR FISCAL YEAR 2015/16

	Budget Changes	Expenditures	Revenues	SURPLUS NEEDED TO BALANCE BUDGET
ORIGINAL BUDGET	TOTAL AS PROPOSED	6,311,411	5,991,770	319,641
Revisions After July 21st Meeting	Removal of Golf Cart	(2500)		
	TOTAL	6,308,911	5,991,770	317,141
Proposed Revisions for Sept 10th Meeting	Final Health,Dental, STD,LTD Ins	(17,391)		
	Final Property/Liability Ins	(4,100)		
	Removal of Carpet Replacement	(9,000)		
	TOTAL	6,278,420	5,991,770	286,650
Revisions Approved After Sept 10th Mtg				
Revisions Approved Sept 17th				
FINAL BUDGET	TOTAL	6,278,420	5,991,770	286,650

THE FY 15/16 BUDGET INCLUDES THE $180,000 TRANSFER FROM SURPLUS FUNDS TO THE CAPITAL PROJECTS FUND

Town of Ocean Ridge, Florida
Annual Budget
General Fund
Consolidated Statement of Revenues and Disbursements
Budget Year 15-16

	13-14 Actual	14-15 Est Actual	15-16 Proposed	Adopted
FUND BALANCE Forward	3,358,453	3,399,909	3,651,346	0
Revenue	5,578,640	5,750,000	5,982,770	0
Sale of Capital Assets	7,500	1,000	9,000	
Total Available	8,944,593	9,150,909	9,643,116	0
Expenditures	5,244,684	5,349,563	6,098,420	0
Transfer to Capital Proj				
Drainge Improvements	300,000	150,000	180,000	0
FUND BALANCE Forward	3,399,909	3,651,346	3,364,696	0

These figures represent spending 100% of the FY 15/16 budgeted expenditures
Please keep in mind that of the $3,364,696 proposed
balance forward the following are assigned reserve accounts:

Self Insurance Contingency:	$160,000
Beautification:	$115,000
Drainage/TH Reserve Acct	$ 370,000

CAPITAL PROJECTS FUND
Consolidated Statement of Revenues and Disbursements
FY 15-16

	13-14 Actual	14-15 Est Actual	15-16 Proposed	Adopted
FUND BALANCE Forward	214,395	263,474	83,055	0
Coconut Loans/Grants	11,000	0	0	0
Gen Fun Trnsfr for TH	300,000	150,000	180,000	0
Revenue	38	9,700	100	0
Total Available	525,433	423,174	263,155	0
Professional Serv.	26,868	20,000	15,000	0
Inlet Cay Approach	35,196	0	0	0
Inlet Cay/Sabal/Island Repairs	0	73,900	0	0
Inlet Cay Drainage Impr	80,759	9,580	0	0
Adams Road Paving	0	22,337	0	0
Inlet Cay Piling Repair	34,904	0	0	0
Thompson St. Drainage	75,264	0	0	
Eleuthera Paving/Const	8,968	159,302	0	
Alley between Hudson/Ocean		5,000	0	0
3" Force Main 5900 blk A1A		50,000	0	0
Phase I Paving	0	0	100,000	0
Police Radio Equipment 1/2			80,000	
FUND BALANCE Forward	263,474	83,055	68,155	0

Town of Ocean Ridge, Florida
General Fund

Statement of Estimated Revenues
FY 2015-2016

New Rate
Per $1,000 = 5.3500

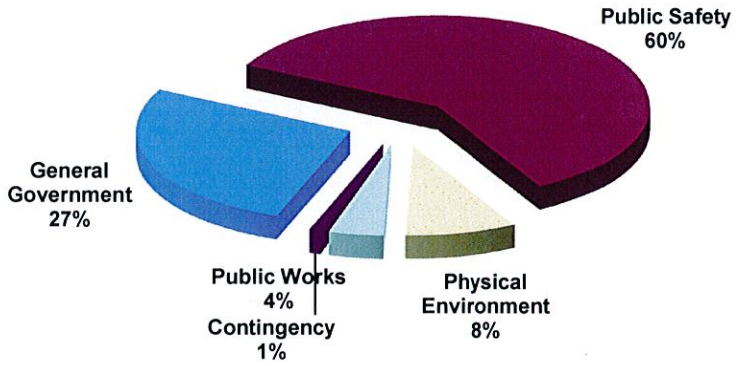
	2013-2014 Actual	2014-2015 Approp'd	Actual thru June	2015-2016 Proposed
Ad Valorem Taxes				
Real & Personal Property NET	3,749,921	3,988,796	3,886,732	4,282,715
Local Option 6 Cent Gas Tax	34,477	34,500	24,681	35,760
New 5 Cent Gas Tax	16,495	16,000	11,647	17,000
Transfer From Franchise Tax Fund				
Florida Power & Light	167,505	160,000	97,335	168,000
Communications Service Tax	47,337	48,000	31,293	48,000
Utility Service Tax				
Electricity	242,584	218,000	152,843	240,000
Gas	16,532	12,000	14,838	16,000
Water	83,692	81,000	56,505	84,000
Interest on Delinquent Taxes	5,247	5,000	1,475	5,000
TOTAL TAXES	4,363,790	4,563,296	4,277,349	4,896,475
Licenses & Permits				
Boat Permits	0	50	0	50
Prof. and Occupational Licenses	2,509	2,500	2,635	2,000
DPS Business Permits	12,745	15,000	14,275	14,000
Occupational Vehicle Identification	6,418	6,000	6,592	6,000
Building Permits	250,182	120,000	217,961	200,000
Sign Permits	420	500	385	500
Alarm User Permits	569	600	528	600
Rental Registrations	4,270	1,500	2,065	2,000
TOTAL LICENSES & PERMITS	277,113	146,150	244,441	225,150
State Shared Revenues				
FEMA Grant Monies	0	0	0	0
PBCty Energy Efficient Grant Monies	0	0	0	0
JAG Grant Monies	1,000	1,000	0	1,000
Revenue Sharing (General)	40,617	41,500	29,861	43,700
Alcoholic Beverage License	140	150	140	150
Local Govt 1/2 Cent Sales Tax	132,075	137,000	96,190	145,000
Rebate on Municipal Vehicles	1,557	2,000	982	2,000
Street Light Maint. Reimbursement	8,720	8,900	0	9,250

	2013-2014 Actual	2014-2015 Approp'd	Actual thru June	2015-2016 Proposed
Shared Revenue From Other Local Units				
Palm Beach County Occ. License	6,887	8,000	4,322	7,000
Proportion 911 Call Taker Revenue	20,867	18,000	10,708	10,000
911 DPS Related Reimbursements	8,494	14,000	10,276	12,000
PBC 1250 Radio Reimbursement Monies	845	3,000	1,425	2,500
Solid Waste Recycle Program	3,615	4,000	1,484	3,000
TOTAL INTERGOVERNMENTAL REVENUE	224,817	237,550	155,388	235,600
Charges For Services				
Zoning Fees	6,777	5,000	2,700	4,000
Certification, Copying, Record Search	2,768	2,000	2,328	2,500
Other Gen Govt Charges and Fees	10,541	5,000	7,231	5,000
Law Enforcement/Fire Service	203,515	210,826	140,551	213,145
Alarm Monitoring	58,312	57,000	51,650	57,000
Special Detail Services	0	10,000	0	10,000
Other Public Safety Charges and Fees	882	500	606	500
Physical Environment				
Garbage and Trash	298,670	300,400	295,970	302,000
TOTAL SERVICE CHARGES	581,465	590,726	501,036	594,145
Fines and Forfeits				
Court Fines	5,697	5,000	2,314	5,000
Police Education	472	400	284	400
Violation of Local Ordinances	94,925	8,000	8,015	8,000
TOTAL FINES AND FORFEITS	101,094	13,400	10,613	13,400
Miscellaneous Revenue				
Interest Earned (Savings, Investments)	10,103	12,000	11,339	14,000
Net Increase in Faira Market Value	-4,395	0	0	0
Interest Earned (Tax Collect)	112	1,000	0	1,000
Interest Earned (Liens, et cetera)	15,586	1,000	3,258	2,000
Art Proceeds	0	1,000	1,000	1,000
Equipment-Sales & Compensation	7,500	2,000	0	9,000
Contributions	0	0	0	0
Miscellaneous Income	8,953	0	7,543	0
TOTAL MISCELLANEOUS REVENUE	37,859	17,000	23,140	27,000
SUB-TOTAL REVENUES	5,586,138	5,568,122	5,211,968	5,991,770
FUND BALANCE UNAPPROPRIATED	0	311,658	0	286,650
GRAND TOTAL	5,586,140	5,879,780	5,211,966	6,278,420

General Fund
Town of Ocean Ridge, Florida
Summary of Expenditures

2015-16 Budget

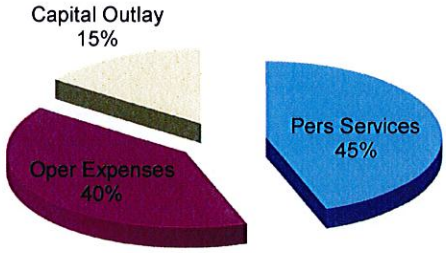
Code	Department	13-14 Actual	14-15 Approp'd	Actual thru June '15	15-16 Proposed
511.101	Town Commission	19,206	21,518	7,823	25,509
512.102	Town Manager	136,464	138,859	104,087	174,242
513.103	Town Clerk/Finance	271,521	295,743	212,911	342,468
514.104	Legal	121,556	128,500	99,294	129,918
515.105	Appointed Boards	2,672	6,100	972	6,100
519.106	General Government	957,448	970,485	591,269	966,155
521.107	Public Safety	2,870,784	3,237,583	2,399,845	3,486,279
524.108	Building & Zoning	175,754	122,500	86,090	143,500
525.109	Emergency Preparedness	0	0	0	0
534.111	Solid Waste	237,694	249,500	162,865	250,000
539.112	Environmental	223,358	250,300	167,324	268,300
541.113	Public Works	228,225	269,192	197,573	255,949
580.114	Contingency	0	38,500	0	50,000
	Total	5,244,682	5,728,780	4,030,053	6,098,420
	Building Permit Rebates			0	
590.100	Transfer to Cap Projects	300,000	150,000	150,000	180,000
		5,544,682	5,878,780	4,180,053	6,278,420



General Fund
Summary of Expenditures
By Major Category

2015-16 Budget

Code	Department	Personnel Services	Operating Expenses	Capital Outlay	Total	Percent
511.101	Town Commission	6,909	18,600	0	25,509	0.42%
512.102	Town Manager	167,541	6,700	0	174,242	2.86%
513.103	Town Clerk/Finance	293,719	48,500	250	342,468	5.61%
514.104	Legal	49,918	80,000	0	129,918	2.13%
515.105	Appointed Boards	0	6,100	0	6,100	0.10%
519.106	General Government	0	185,780	780,375	966,155	15.84%
521.107	Public Safety	2,044,553	1,306,484	136,992	3,488,029	57.18%
524.108	Inspections	0	143,500	0	143,500	2.35%
525.109	Emergency Preparedness	0	0	0	0	0.00%
534.111	Solid Waste	0	250,000	0	250,000	4.10%
539.112	Environmental	0	268,300	0	268,300	4.40%
541.113	Public Works	149,949	102,500	3,500	255,949	4.20%
580.114	Contingency	0	50,000	0	50,000	0.82%
	Total	2,712,589	2,466,464	921,117	6,100,170	
	Percent	44.47%	40.43%	15.10%	100.00%	100.00%
590.100	Transfer to Cap Projects		-		180,000	
					6,280,170	



General Fund
Summary of Expenditures
Four Year Comparison

Personnel Expenses

Code	Department	2012-13 Actual	2013-14 Actual	2014-15 Budget	2015-16 Proposed	Four year % change
511.101	Town Commission	6,764	6,894	6,918	6,909	2.144%
512.102	Town Manager	128,537	133,018	133,258	167,541	30.345%
513.103	Town Clerk/Finance	222,141	233,794	247,904	293,719	32.222%
514.104	Legal	0	0	57,988	49,918	0.000%
515.105	Appointed Boards	0	0	0	0	0.000%
519.106	General Government	0	0	0	0	0.000%
521.107	Public Safety	1,491,482	1,804,148	1,951,780	2,044,553	37.082%
524.108	Inspections	0	0	0	0	0.000%
525.109	Emergency Preparedness	0	0	0	0	0.000%
534.111	Solid Waste	0	0	0	0	0.000%
539.112	Environmental	0	0	0	0	0.000%
541.113	Public Works	96,699	136,857	141,192	149,949	55.068%
580.114	Contingency	0	0	0		0.000%
	Total	1,945,623	2,314,711	2,539,040	2,712,589	

General Fund
Summary of Expenditures
Four Year Comparison

Total Budget Figures

Code	Department	2012-13 Budget	2013-14 Budget	2014-15 Budget	2015-16 Proposed	Four Year % change
511.101	Town Commission	19,338	19,694	21,518	25,509	31.911%
512.102	Town Manager	136,808	138,618	138,859	174,242	27.362%
513.103	Town Clerk/Finance	270,581	280,194	295,743	342,468	26.568%
514.104	Legal	105,000	110,000	128,500	129,918	23.731%
515.105	Appointed Boards	6,000	6,000	6,100	6,100	1.667%
519.106	General Government	961,512	977,730	970,485	966,155	0.483%
521.107	Public Safety	2,883,988	3,135,362	3,237,583	3,486,279	20.884%
524.108	Inspections	110,500	149,274	122,500	143,500	29.864%
525.109	Emergency Preparedness	0	0	0	0	0.000%
534.111	Solid Waste	240,000	245,000	249,500	250,000	4.167%
539.112	Environmental	198,800	217,300	250,300	268,300	34.960%
541.113	Public Works	196,819	245,357	269,192	255,949	30.043%
580.114	Contingency	54,000	51,771	38,500	50,000	-7.407%
	Total	5,183,346	5,576,300	5,728,780	6,098,420	

Agenda: Sept 10, 2015
Memo: Item # PHRG

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

Subject: Public Hearing for Sept. 10, 2015 at 5:01 PM Immediately following the Tentative Budget Adoption to Adopt and Certify the Non-Ad Valorem Assessment Roll for 110 Bonito Drive

Mayor and Town Commissioners:

As you may recall, at the Aug. 3rd Regular Meeting the Commission set this Public Hearing for the purpose of Levying a Special Assessment. The total costs to be levied for the demolition of 110 Bonito Drive total $25,854.12. This includes the actual demolition cost, publication costs, mailing costs and recording costs. The property owner of record was noticed via regular and certified mail to both the 110 Bonito Dr address as well as the address listed with the Property Appraiser. The letters were returned marked "Returned to Sender ".

It will be necessary for the Mayor to execute the Certificate to Non-Ad Valorem Assessment Roll form. The assessment amount must be submitted to the Tax Collectors Office by 5:00 PM on Sept. 11th and the form by Sept. 15, 2015.

The Palm Beach Post
Real News Starts Here

RECEIPT

NOTICE OF SPECIAL ASSESSMENT

The Town Commission of the Town of Ocean Ridge, Florida, hereby gives notice of its intention to levy a special assessment pursuant to Sections 34-180 through 34-191, Code of Ordinances of the Town of Ocean Ridge and Section 197.3632, Florida Statutes on the following described property located within the boundaries of the Town of Ocean Ridge: McCormick Mile Add 1 LT 110, located at 110 Bonito Drive, Ocean Ridge, Florida. The proposed assessment is in the amount of $25,854.12 and will be subject to collection by the Tax Collector of Palm Beach County, Florida to be included in the 2015 Tax Roll. A public hearing will be held for the levying of the special assessment on September 10, 2015, at 5:01 p.m. in the Town Commission Chambers of the Town of Ocean Ridge located at 6450 North Ocean Boulevard, Ocean Ridge, Florida. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this notice.

PUB: The Palm Beach Post
8-18/ 2015 #462946

Deadline Sept 15th

DR-408A
N. 02/91

FLORIDA
DEPARTMENT OF REVENUE

CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of _____, located in _____ County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the _____ day of _____, _____.
year

_____
Chairman of the Board or authorized agent

of _____
Name of local government

_____ County, Florida

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

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

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 is 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.

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. Bonfigilio 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.

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

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.

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

SPECIAL MEETING HELD BY THE TOWN COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, IN THE TOWN HALL ON THURSDAY, AUGUST 27, 2015, AT 8:30 A.M.

The meeting was called to order and roll call was answered by the following:

Commissioner Aaskov
Commissioner Allison
Commissioner Bonfiglio
Commissioner Lucibella
Mayor Pugh

ACTIONS AND REPORTS

1. Discuss Candidate Short List and Interview Date for Town Manager Position

Mayor Pugh commented that Town Clerk Hancsak had prepared a memorandum summarizing the candidate voting. He stated that the top candidate receiving five votes was Michael Czymbor, four votes included; Mark Kutney and Jamie Titcomb, three votes included; David Harden and Julian Deleon, two votes included Violet Leffingwell and Joseph Gerrity and several more received one vote.

After a brief discussion the Commission all agreed to contact Michael Czymbor, Mark Kutney, Jamie Titcomb, Dave Harden, Violet Leffingwell and Joseph Gerrity for interviews.

The Commission agreed that each candidate would be responsible for their own travel expenses and expressed that the interviews be scheduled on Tuesday, Sept. 8, 2015 starting at 9:15 am. The meeting would begin at 9:00 AM to allow for preparation time among the Commissioners. They also concurred that a possible second interview with the first and second choice would then follow.

The Commission was also advised of the possible impending storm, Tropical Storm or Hurricane Erika. There was a consensus for Mayor Pugh to execute a resolution declaring an emergency for FEMA purposes if necessary.

ADJOURNMENT.
The meeting was adjourned at approximately 9:05 A.M.

Mayor Kenneth Kaleel

Vice Mayor Allison

ATTEST:

Comm Aaskov

Comm Bonfiglio

Town Clerk

Comm Lucibella

Agenda: Sept 10, 2015
Memo: Item # 3

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

Subject: Resolution No. 2015-06; Canvassing Board and Absentee Ballots

Mayor and Town Commissioners:

The 2015 election will be held on March 15, 2016 to coincide with the Presidential Primary. The candidate qualifying dates were changed already through the adoption of Ordinance 611. The qualifying date starts at noon on Nov. 24 and runs through noon Dec. 8, 2015.

One Commission Seat – Three Year Term
(currently held by Dr. Lynn Allison)

The attached Resolution is to designate the Supervisor of Elections as a member of the Canvassing Board, along with the Town Clerk and another designee, and to authorize them to handle the absentee ballots as is done each year. This is to meet the guidelines mentioned and outlined in the agreement attached to Resolution No. 2015-07 (next agenda item).

This agreement between the Supervisor of Elections and the Town shift many of the election fees to the municipalities. However; this election will be unique because the some if not most of the costs will be paid by the County since they have to have an election. The agreement essentially remains the same but does add the requirement for one additional canvassing member.

Staff recommends approval of same through the adoption of Resolution No. 2015-06.

RESOLUTION NO. 2015-06

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS,THE TOWN CLERK AND ANOTHER DESIGNEE AS THE CANVASSING BOARD, TO BE IN ATTENDANCE FOR THE TESTING OF THE COMPUTER ELECTRONIC SYSTEMS TABULATING EQUIPMENT TO BE USED FOR THE GENERAL ELECTION SCHEDULED FOR FEBRUARY 24, 2016 AND TO CANVASS RETURNS OF SUCH ELECTION INCLUDING THE ABSENTEE BALLOTS; ASSIGNING SUPERVISOR OF ELECTIONS TO HANDLE THE ABSENTEE BALLOTS;PROVIDING FOR REPEAL OF PRIOR RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 101.5612(1) of the Florida Statutes provides for the testing of automatic tabulation equipment; and

WHEREAS, Section 101.5612(1) further provides that the canvassing board shall convene and certify to the accuracy of the test or designate one member to represent it at the testing; and

WHEREAS, Chapter 2, Article V, Section 2-196 and Section 2-198 of the Town of Ocean Ridge Code of Ordinances provide for the Town Commission to designate a person or persons as a member of the Canvassing Board for the purpose of canvassing the returns and certifying the results of any election including all absentee ballots in the Town of Ocean Ridge, Florida and/or to attend the testing of the automatic tabulating equipment; and

WHEREAS, Chapter 101 of the Florida Statutes provides for the handling of absentee ballots;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA THAT:

Section 1. Pursuant to Chapter 2, Article V, Sections 2-196 and 2-198 of the Code of Ordinances of the Town of Ocean Ridge and Section 101-5612(1) and Section 101.68 of the Florida Statutes, Susan Bucher, Supervisor of Elections, in and for Palm Beach County, or her successor or designee, the Town Clerk or her successor or designee, and another Town Commission approved designee are hereby appointed to serve as the canvassing board of the Town of Ocean Ridge for the General Election to be held on March 15, 2016 and to serve as our representatives for the testing of the automatic tabulating equipment at the Palm Beach County Supervisor of Elections Tabulation Center, at 7835 Central Industrial Dr., Riviera Beach, Florida; and for the Supervisor of Elections, or her successor or designee and the Town Clerk or her successor or designee, and another Town Commission approved designee to further certify to the accuracy of the equipment on the evening of the General Election held March 15, 2016; and to canvass the election results including all absentee ballots; and to conduct all and such other post-election functions, including testing and audits, as is required by law.

Section 2. Pursuant to Chapter 101 of the Florida Statutes, Susan Bucher, Supervisor of Elections in and for Palm Beach County, or her successor or designee is designated to distribute and certify absentee ballots for the municipal election.

Section 3. All resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall take effect immediately upon adoption.

Commissioner _____, offered the foregoing Resolution, and moved its adoption. The motion was seconded by Commissioner _____, and duly passed by the Commission.

The Mayor thereupon declared this Resolution approved and adopted effective September 10, 2015.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Geoffrey A. Pugh, Mayor

ATTEST: _____
Karen E. Hancsak, Town Clerk

Agenda: Sept 10, 2015
Memo: Item # 4

Town of Ocean Ridge, Florida

Agenda Memorandum

Office of the Town Clerk

Subject: Resolution No. 2015-07; Approving the Agreement for Vote Processing Equipment Use and Election Services by between the Supervisor of Elections and the Town

Mayor and Town Commissioners:

As you may recall the last few years the Commission approved an Agreement between the Supervisor of Elections and the Town shifting many of the election fees to the municipalities. The agreement primarily remains the same, however, the Town Clerk must attend the L & A Testing and be more involved with the canvassing of the ballots if necessary, and also an additional designee must be included in the canvassing of the ballots. This agreement provides a cost per municipality for the municipal package which contains similar services for all and then an additional costs per precinct (we have only one). The actual costs have not been distributed to the municipal clerks yet and unfortunately are not attached to the agreement (hopefully they will be received prior to the meeting). This election will be unique because it coincides with the Presidential Primary and therefore the County will be absorbing some if not most of the costs. Ordinarily additional fees to be paid by the municipality include their own ballot and absentee ballot costs and delivery costs. The Town also usually pays the pollworkers directly and several of the advertisement costs. Our last election produced an invoice from the SOE for $3,594 for the election and post manual audit.

Staff recommends approval of same through the adoption of Resolution No. 2015-07.

RESOLUTION NO. 2015-07

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE THE AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS (SOE) AND THE TOWN OF OCEAN RIDGE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 97 to 106, Florida Statutes, constitute the Florida Election Code which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, Florida Statutes, stated that The Florida Election Code, Chapters 97-106 shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision; and

WHEREAS, the Town of Ocean Ridge and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, The SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA THAT:

Section 1. The Town of Ocean Ridge hereby authorizes the Mayor and Town Clerk to execute the Agreement (attached as Exhibit "A") between the SOE and the Town for the purpose of vote processing equipment use and election services.

Section 2. This Resolution shall become effective September 10, 2015.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. Commissioner _____ seconded the motion.

The Mayor thereupon declared the resolution duly passed and adopted this 10th day of September, 2015.

TOWN OF OCEAN RIDGE, FLORIDA

_____
Geoffrey A. Pugh, Mayor

Attest:

_____
Karen E. Hancsak, Town Clerk

AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE "INSERT MUNICIPALITY NAME"

THIS AGREEMENT, is made and entered into this day of _____,2015, effective January 1, 2016, by and between the Palm Beach County Supervisor of Elections, an elected county officer pursuant to Article VIII, Sec.1(d) of the *Florida Constitution*, hereinafter referred to as the "**SOE**", and the __[insert name of municipality]_____ , a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Chapters 97 to 106, *Florida Statutes*, constitute the Florida Election Code (the "Code") which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, *Florida Statutes*, states that "[T]he Florida Election Code, chapters 97-106 shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision"; and

WHEREAS, the Municipality and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, the SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the Municipality, its constituents and the SOE, it is agreed as follows:

1. **PURPOSE:**

The purpose of this Agreement is to set forth the terms and conditions under which services will be provided by the SOE and staff to the Municipality for municipal elections and to set forth the responsibilities of both parties so that there is a clear understanding of the rights and responsibilities of all parties. Such rights and responsibilities shall apply to the General, Run-Off, Special and Recount elections as necessary as well as the Post Election Audit, unless otherwise stated hereinbelow.

2. **DATE OF GENERAL MUNICIPAL ELECTION:**

The date of [Name of Municipality's] General Municipal election is March 15, 2016. It is hereby acknowledged and agreed that if the date listed is the same as most other municipalities in March or November, there will be a cost sharing among municipalities for costs incurred by the SOE. Such costs shall be allocated on a pro-rata share basis; otherwise,

it is hereby acknowledged and agreed upon by the municipality that it is responsible for all costs of the election, incurred by the office of the SOE.

3. **FEES AND CHARGES TO BE PAID BY THE MUNICIPALITY:**

The SOE hereby agrees not to charge Municipalities for taxpayer purchased equipment and supplies; (i.e. voting machines, tables, chairs, etc.) and associated maintenance and contract fees related to such equipment in return for which the Municipality hereby agrees not to charge the SOE for polling places or poll worker training facilities within its dominion and control. Examples of municipal elections charges related to certain services performed by the SOE to be passed through to the Municipality on a shared pro rata basis for all municipalities holding elections on a general election day (i.e. 2nd Tuesday in March or November) are attached here as Exhibit A. All items to be paid or reimbursed to the SOE will be paid by the Municipality within thirty (30) days of receipt of an invoice from the SOE with documentation verifying the charges.
Examples of total costs to small, medium and large municipalities are attached hereto as Exhibit B.

4. **RESPONSIBILITIES OF BOTH THE MUNICIPALITY AND THE SOE FOR MUNICIPAL ELECTIONS:**

A. **Notice and Advertisement**

(1) **Municipality**

(a) Properly call and advertise the election according to statutes and charter at its own expense.
(b) Issue a resolution or ordinance to the SOE requesting that the Supervisor of Elections conduct the municipality's election, provide ballot language for any ballot questions within the resolution if applicable and appoint at least 3 members of the Municipality's Canvassing Board, which may or may not include the SOE, at the SOE's discretion.
(c) certify that the registered voter information provided by the SOE to the municipality reflects the proper boundaries of the city and notify the SOE of any changes.

(2) SOE

(a) Publish legal notices for Logic & Accuracy testing, absentee ballot canvass, Post Election Audit and news releases on book closing.

B. **Qualifying Candidates and Petition Initiatives**

(1) **Municipality**

(a) Provide qualifying packets to candidates and accept and process all qualifying papers and fees.
(b) Collect Name and Pronunciation Guides from the candidates at the time of qualifying and submit to SOE.
(c) Respond to all candidate inquiries and questions.
(d) Respond to all legal inquiries and questions.
(e) Respond to all media inquiries.
(f) Provide all necessary information and materials for petition initiative process

(2) **SOE**

(a) Verify signatures on any qualifying petitions submitted by candidates or for petition initiatives and notify the municipality of such results upon the close of the candidate qualifying or petition initiative deadlines as applicable.

C. **Ballots**

(1) **Municipality**

(a) Review, amend (if necessary) and approve ballot proof prepared by SOE.
(b) Place an order with the SOE for a sufficient quantity of ballots as applicable.
(c) Pay ballot design costs to the SOE as incurred.
(d) Pay the ballot printer directly for the cost of said ballots.
(e) Reimburse the SOE for costs incurred for translation and audio recording of ballot.
(f) Reimburse SOE for preparation of Absentee Ballot, Edge layout and Sample Ballot.

(2) **SOE**

(a) Layout, check, proof and deliver ballot layout to the printer.
(b) Receive, securely store and account for all ballots until disbursed to polling places.
(c) Contract to have audio recorded for Touch Screen ballot.
(d) Control all access to unvoted ballots while in the possession of the SOE.

D. **Equipment Testing**

(1) **Municipality**

(a) Provide that a representative will be present during the Logic and Accuracy testing as noticed by SOE.

(2) **SOE**

(a) Develop a unique test script and manually mark ballots to be used in public Logic & Accuracy test.
(b) Conduct public Logic & Accuracy test.

E. **Early Voting – Optional**

(1) **Municipality**

(a) Reimburse the SOE for staff overtime hours due to weekend and/or evening hours for Early Voting.
(b) Pay SOE for Early Voting supplies.
(c) Contract with, schedule and pay poll workers directly.
(d) Deliver voted ballots to SOE daily at a location designated by SOE.
(e) Designate Early Voting sites ~~thirty (30)~~ 120 days prior to each Election and notify SOE in writing of locations.

(2) **SOE**

(a) Prepare and provide all supplies needed for each Early Voting site.
(b) Provide the Municipality with a list of poll workers.
(c) Train poll workers.
(d) Provide staffing to accept voted ballots daily at a location designated by SOE.

F. **Absentee Voting**

(1) **Municipality**

(a) Reimburse SOE for all postage costs incurred at the current postal rate.
(b) Pay SOE for materials and handling of each absentee ballot.
(c) Pay SOE $.10 per absentee ballot for verifying signatures on returned voted ballot certificates.
(d) Refer all requests for absentee ballots to SOE.

(2) **SOE**

(a) Determine eligibility and compile Absentee Ballot file.
(b) Accept all requests for Absentee Ballots by telephone, mail or in person.
(c) Prepare and mail Absentee Ballots.
(d) Deliver Absentee Ballots to the Post Office.
(e) Receive voted Absentee Ballots.
(f) Verify signatures on returned voted Absentee Ballot certificates.
(g) Prepare and open Absentee Ballots for tabulation.
(h) Account for all Absentee Ballots.
(i) Notify Absentee Ballot voter and provisional voters of the disposition of the Canvassing Board as required by law.
(j) Record Absentee Ballot returns to voter history.
(k) Conduct public testing of Logic and Accuracy for Absentee Ballot tabulating equipment.
(l) Provide qualified staff to operate tabulation equipment to count Absentee Ballots.

G. **Polling Places**

(1) **Municipality**

(a) Arrange for the use of an adequate number of polling places.
(b) Confirm polling place accessibility and ADA compliance.
(c) Notify SOE in writing thirty (30) days prior to election of the need for tables and chairs if necessary.
(d) Notify SOE of polling locations to be used no later than noon the Friday after the municipal candidate qualifying deadline.
(e) Notify the SOE not less than 30 days prior to the election that a polling place will be moved to another site.
(f) Notify voters, as required by law, if their regular polling place is to be temporarily relocated.

(2) **SOE**

(a) Provide the Municipality with a list of polling places and SOE contract.
(b) Provide tables and chairs upon written notice from the Municipality when required.
(c) Provide polling place supplies, i.e. signs, cones, etc.
(d) Notify voters and the Municipality of permanent polling place change(s).

H. **Precinct Supplies**

(1) **Municipality**

(a) Pay SOE for precinct supplies provided.
(b) Provide a secure place for precinct clerks to return supplies and voted ballots on election night.
(c) Pay SOE for the production of Precinct Registers or for programming electronic poll books and related communication fees.
(d) Pay directly to the SOE's contracted moving company to have voting equipment delivered and picked up from polling place no later than the day before the election and returned after the election.

(2) **SOE**

(a) Provide Precinct Registers or electronic poll books for each polling place location.
(b) Provide Master CD compilation of registered voters for precinct advisors or provide up to date electronic poll books.
(c) Provide certification of registered voters after book closing.
(d) Prepare equipment, cabinets and routing of voting equipment delivery.
(e) Provide laptop computer at each polling place or electronic poll books.
(f) Provide CD of voter file database for each polling place or up to date electronic poll books.
(g) Provide poll worker Clerks with cell phones.
(h) Provide Provisional Ballot envelopes and affidavit forms for each polling place.
(i) Provide secrecy sleeves in a number and amount appropriate for each polling place.

I. **Poll Workers**

(1) **Municipality**

(a) Contact, contract with and pay poll workers directly (using only poll workers who are currently on the SOE list, or individuals who have successfully completed required training).
(b) Schedule and notify poll workers of training classes.
(c) Reimburse SOE for expenses incurred for delivery and pick up of equipment to training locations.
(d) Reimburse SOE for expenses incurred in printing training material.
(e) Reimburse SOE for expenses incurred for trainers to train poll workers.
(f) Reimburse SOE for expenses incurred for contracted training locations.

(2) **SOE**

(a) Provide the Municipality with a list of current poll workers.
(b) Develop poll worker training schedule.
(c) Plan and contract for training classes and locations.
(d) Contract with and pay trainers to train poll workers.
(e) Provide printed training materials for poll workers.

J. **Election Day Support**

(1) **Municipality**

(a) Verify that all polling places are available to poll workers no later than 6:00 a.m. and open for voting promptly at 7:00 a.m. on Election Day.
(b) Ensure that all polling places remain open until 7:00 p.m. or until all voters who are in line to vote at 7:00 p.m. have completed voting.
(c) Reimburse SOE for all phone bank costs.

(2) **SOE**

(a) Provide an additional list of poll worker replacements if needed.
(b) Provide technical support personnel as needed.
(c) Provide phone bank support to respond to poll workers and voters on Election Day.

K. **Ballot Tabulation/Counting of Election Results**

(1) **Municipality**

(a) Deliver all voted ballots and other necessary election related items to a place designated by the SOE after the polling places have closed on Election Day.
(b) Deliver **all** voting machine cartridges to a place designated by the SOE after the polling places have closed on Election Day.
(c) Reimburse the SOE for any staff overtime and other expenses in relation to the tabulation and processing of ballots on Election Day.
(d) Act as member of Canvassing Board.

(2) **SOE**

(a) Provide technical staff and required equipment to administer tabulation and election results.
(b) Assist and act, or appoint a designee to assist and act on the SOE's behalf, as a member of the Municipality's Canvassing Board if desired by the municipality and approved by the SOE or act as a member of the County Canvassing Board if it canvasses the municipality's election, if allowed by law.
(c) Post election results on SOE WEB site and provide the same to Channel 20.
(d) Provide the Municipal Clerk with unofficial election results upon conclusion of tabulation and canvassing of ballots cast on Election Day.

L. **Post Election Day**

(1) **Municipality**

(2) **SOE**

(a) Provide the Municipal Clerk with an official certification of election results if allowed by law.
(b) Store all necessary election records and ballots until the expiration of retention period prescribed by statutes.
(c) Process polling place affirmation forms.
(d) Sort, inventory, pack and store all election materials for retention and disposition.
(e) Notify voters of the disposition of their Absentee or Provisional Ballots after the determination by the Canvassing Board, as required by law.
(f) Respond to public records requests regarding records kept on behalf of the Municipality.
(g) Record voting history for each voter who voted on Election Day.

M. **Audit**

(1) **Municipality**

(a) Provide that the Municipal Clerk will be responsible for the administration of the audit.
(b) Reimburse SOE for any staff time or other related expenses as may result from conducting the manual audit.

(2) **SOE**

(a) Organize precinct information to allow the Municipal Clerk to randomly select the race and precinct(s) that shall be audited.
(b) Organize and prepare ballots for manual audit.
(c) Provide SOE staff to conduct manual audit.
(d) Ascertain and publically post manual audit result to SOE WEB site.

N. **Recount**

(1) **Municipality**

(a) Provide that the Municipal Clerk will be responsible for the administration of the Recount, with support and guidance from the SOE.
(b) Act as a member of the Canvassing Board.
(c) Notify the candidates of the time and date of the Recount.
(d) Post public notice(s) of the Recount with the time and location.
(e) Cause to have the Recount recorded and minutes kept and approved by the Canvassing Board.
(f) Review with the Canvassing Board and the counting teams the statutes and rules of the Division of Elections, specifically Rule 1S-2.031. Recount Procedures; and Rule 1S-2.027. Standards for Determining Voter's Choice on a Ballot.
(g) Reimburse the SOE for all staff salaries/overtime, facility and other expenses required to conduct the Recount.

(2) **SOE**

(a) Post public notice(s) of the Recount with the time and location.
(b) Test tabulating equipment as required by Sec. 101.5612, *Florida Statues.*
(c) Provide counting teams for examining out stacked ballots.
(d) Prepare and organize ballots for Recount processing.
(e) Tabulate ballots and provide professional staff for equipment operations.
(f) Provide official certification as determined by the Canvassing Board.

5. **INDEMNITY:**

Each party to this agreement shall be liable for its own actions and negligence. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless SOE against any actions, claims or damages arising out of the Municipality's negligence in connection with performance under this Agreement; and the SOE shall indemnify, defend and hold harmless the Municipality against any actions, claims or damages arising out of the negligence of SOE in connection with its performance under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes.* In no case shall such limits for the Municipality extend beyond $200,000 for any one person or beyond $300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions. In the event of litigation, trial or appellate, between the Municipality and the SOE relating to a municipal election governed by this Agreement, or otherwise in connection with the interpretation or application of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Notwithstanding the above, the municipality shall defend legal challenges relating to its municipal election and shall be fully responsible for all legal costs including attorneys' fees for such defense of the Municipality and the SOE. The municipality shall be responsible for damages, if any, assessed by virtue of such lawsuit, up to the monetary limits provided for hereinabove without recourse to the SOE.

6. In the event of a Special Election, the municipality shall receive the approval of the Supervisor of Elections for the actual election date no later than 90 days prior to a Special Election unless otherwise provided in law. The expense of any Special Election shall include all actual costs incurred by the Supervisor of Elections, including hourly and salaried staff costs and other related election expenses as documented.

7. **TERM:**

This Agreement shall begin on the effective date January 1, 20156 and continue for a term of one year in order to cover Special Elections, if any, and may be modified by mutual agreement of the parties. Any proposed changes to this Agreement shall be provided to the municipalities no later than August 1 of the applicable year, or as soon as practicable.

8. **CHANGE IN LAW:**

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

9. **NOTICES:**

All formal notices affecting the provisions of this Agreement may be delivered in person or be sent by facsimile, registered mail, or by a recognized overnight courier such as FedEx, to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the SOE:	For the Municipality:
Supervisor of Elections	Name
240 S. Military Trail	Street Address
West Palm Beach, Florida 33415	Municipality, FL
Attention: Susan Bucher	Attention: Manager

10. **SEVERABILITY:**

If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.

11. By signing this contract, you and your municipality approve the contract as a form of legal sufficiency and certify that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.

12. **NO MODIFICATION EXCEPT IN WRITING:**

This is the complete and final agreement between the parties. No representations other than those set forth herein shall be binding upon the parties. No modification of this agreement shall be effective unless submitted in writing and signed by both parties, or their duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective January 1, 2015/6.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY

_____

_____

_____
Susan Bucher

Date: _____

As to the MUNCIPALITY:

ATTEST:

_____

_____, Municipal Clerk

(Affix Municipal Seal)

INSERT NAME OF MUNICIPALITY

_____

_____, Mayor

Date: _____

Item #5

Town of Ocean Ridge

Memorandum

Date: **August 5, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Liability and Property Damage Coverage**

Our agent has presented the renewal proposal for the liability and property damage for the Town. The premium has stayed the same as last year and will result in an estimated $4,100 decrease in the proposed buget.

They have offered a proposal to renew the contract for a second year with the rates staying the same for second year. As the insurance rates are never a guarantee I believe this is a proposal we should accept. As we have to let them know soon I would appreciate your thoughts on the second year guarantee.

Staff recommends continuing with the PGIT renewal and accepting the second year guarantee. Please let me know your thoughts and we will ratify the conclusion at the September meeting. Let me know if you have any questions.

Item #6

Town of Ocean Ridge

Memorandum

Date: **August 5, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Health Insurance Renewal**

We received the health insurance renewal proposal from our agent. A copy of the proposal as well as rates from other companies is enclosed.

The present program with Neighborhood Health Partnership is still the best and most cost effective proposal. The premium is an 11% increase over last year. We had budgeted a 20% increase so we'll be able to reduce next year's budget by about $17,000.

The rates for the dental and eye policies remain the same as this year. There is a second dental policy shown where the employee premium is lower but the copay is a lot higher.

Staff recommends we stay with the companies we presently have for the upcoming year.

We need to give the agent our approval of the renewal by August 21, 2015. Please review the proposal and let me know your thoughts so we can let the agent know. This will be on the agenda for the September meeting for ratification of your decision but we need to let them know prior to that meeting of our decision.

If there are any questions please feel free to let me know.

Adams
BENEFIT

Insurance Proposal For

Town of Ocean Ridge

07/30/2015

ADAMS BENEFIT | 600 Corporate Drive, Suite 305, Fort Lauderdale, FL 33334 | 954-772-9320 | info@adamsbenefit.com | adamsbenefit.com

Town of Ocean Ridge

Carrier:		Neighborhood Health Partnership		Neighborhood Health Partnership	Neighborhood Health Partnership	UnitedHealthcare
Plan Name:		RENEWAL XV7 HSA		HSA 47A/PV	HSA 469/PV	Choice Plus HSA F65/PV
Metallic Level:		N/A		Silver	Silver	Silver
PCP Office Visit		10% after Ded		$30 after Deductible	20% after Ded	$30 after Deductible
Specialist Office Visit		10% after Ded		$60 after Deductible	20% after Ded	$60 after Deductible
Routine Annual Exam		$0.00		$0.00	$0.00	$0.00
Prescription Drugs		***uctible then,*** $20/$40/$60/20% afte		***Deductible then,*** Tier 1: $10; Tier 1 Specialty: $10; Tier 2: $35; Tier 2 Specialty: $100; Tier 3: $60; Tier 3 Specialty: $200	***Deductible then***, Tier 1: $10; Tier 2: $35; Tier 2 Specialty: $100; Tier 3: $60; Tier 3 Specialty: $200	***Deductible then***, Tier 1: $10; Tier 2: $35; Tier 2 Specialty: $100; Tier 3: $60; Tier 3 Specialty: $200
Mail Order Drug		***Deductible then,*** 2x Retail		***Deductible then***, Tier 1: $25; Tier 2: $87.50; Tier 3: $150; Specialty: Not Covered	***Deductible then,*** Tier 1: $25; Tier 2: $87.50; Tier 3: $150; Specialty: Not Covered	***Deductible then,*** Tier 1: $25; Tier 2: $87.50; Tier 3: $150; Specialty: Not Covered
Inpatient Hospital		10% after Ded		30% after Deductible	20% after Ded	30% after Deductible
Outpatient Surgery		10% after Ded		30% after Deductible	20% after Ded	30% after Deductible
Emergency Room		10% after Ded		$350 after Deductible	20% after Ded	$350 after Deductible
Walk-in Urgent Care		10% after Ded		30% after Deductible	20% after Ded	30% after Deductible
Outpatient Diagnostic Testing		10% after Ded		30% after Deductible	20% after Ded	30% after Deductible
Individual Deductible		$1,500.00		$1,500.00	$1,800.00	$1,500.00
Family Deductible		$3,000.00		$3,000.00	$3,600.00	$3,000.00
Coinsurance		10%		30%	20%	30%
Out-of-Pocket Maximum		$3,000.00		$6,000.00	$5,000.00	$6,000.00
Family Out-of-Pocket Maximum		$6,000.00		$12,000.00	$10,000.00	$12,000.00
Referrals		Not Required		Not Required	Not Required	Not Required
ON Individual Deductible		$9,000.00		$3,000.00	$4,000.00	$3,000.00
ON Family Deductible		$6,000.00		$6,000.00	$8,000.00	$6,000.00
ON Coinsurance		30%		50%	50%	50%
ON Out-of-Pocket Maximum		$6,000.00		$12,000.00	$8,000.00	$12,000.00
Maximum		$12,000.00		$24,000.00	$16,000.00	$24,000.00
Census		**Current**	**Renewal**	**Alternative**	**Alternative**	**Alternative**
Employee	22	**$456.82**	**$506.99**	**$445.89**	**$470.06**	**$531.91**
Employee + Spouse	0	**$1,032.41**	**$1,145.80**	**$891.78**	**$940.12**	**$1,063.82**
Employee + Child	0	**$880.02**	**$976.67**	**$824.90**	**$869.61**	**$984.03**
Family	0	**$1,328.65**	**$1,474.58**	**$1,270.79**	**$1,339.67**	**$1,515.94**
Monthly Premium	22	**$10,050.04**	**$11,153.78**	**$9,809.58**	**$10,341.32**	**$11,702.02**

This is a brief summary of the benefits and rates offered. The Certificate of Coverage is the governing document for all benefits, requirements and limitations.
If there is a variation between this summary and the Certificate of Coverage, the Certificate will govern.
Final premium rates may change from those quoted based upon actual enrollment as of the effective date.

Adams BENEFIT

Carrier:	Neighborhood Health Partnership	Aetna	Aetna	Humana	Humana	BCBS
Plan Name:	RENEWAL XV7 HSA	HNOnly 3000 HSA	HNOnly 2000 80 HSA	EHDHP PREMIER OPT 7 HSA	AGHDHP PREMIER OPT 3 HSA	Essential HSA 15574
Metallic Level:	N/A	Bronze	Silver	Bronze	Silver	Bronze
PCP Office Visit	10% after Ded	$30 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Specialist Office Visit	10% after Ded	$60 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Routine Annual Exam	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Prescription Drugs	***Deductible then,*** $20/$40/$60/20% after Ded	***Deductible then***, Preferred Generic: T1A: $3; T1: $15; Preferred Brand: $50; Non-Preferred: $75; SpecialtyRx: Preferred: 30% up to $300; Non-Preferred: 50% up to $500	***Deductible then***, Preferred Generic: T1A: $3; T1: $10; Preferred Brand: $40; Non-Preferred: $65; SpecialtyRx: Preferred: 30% up to $300; Non-Preferred: 50% up to $500	***Deductible then,*** 30%	***Deductible then,*** 20%	Generic 1: $0, 2: $4, ***Deductible then*** Generic 3: $10; Brand 1: $30, 2:$60; Non-Preferred Brand: $100; Specialty: $150 (Deductible waived for Preventative and Condition Care Rx)
Mail Order Drug	***Deductible then,*** 2x Retail	***Deductible then***, Preferred Generic: T1A: $6; T1: $30; Preferred Brand: $100; Non-Preferred: $150; SpecialtyRx: Not Covered	***Deductible then***, Preferred Generic: T1A: $6; T1: $20; Preferred Brand: $80; Non-Preferred: $130; SpecialtyRx: Not Covered	***Deductible then,*** 30%	***Deductible then,*** 20%	Generic 1: $0, 2: $8, ***Deductible then*** Generic 3: $20; Brand 1: $60, 2:$120; Non-Preferred Brand: $200; (Deductible waived for Preventative and Condition Care Rx)
Inpatient Hospital	10% after Ded	Facility: $500 after Deductible; Physician: $0 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Outpatient Surgery	10% after Ded	$500 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Emergency Room	10% after Ded	$300 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Walk-in Urgent Care	10% after Ded	$75 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Outpatient Diagnostic Testing	10% after Ded	$300 after Deductible	20% after Deductible	30% after Deductible	20% after Deductible	20% after Deductible
Individual Deductible	$1,500.00	$3,000.00	$2,000.00	$3,500.00	$1,500.00	$3,500.00
Family Deductible	$3,000.00	$6,000.00	$4,000.00	$7,000.00	$3,000.00	$7,000.00
Coinsurance	10%	0%	20%	30%	20%	20%
Out-of-Pocket Maximum	$3,000.00	$6,350.00	$4,000.00	$6,350.00	$6,350.00	$6,450.00
Family Out-of-Pocket Maximum	$6,000.00	$12,700.00	$8,000.00	$12,700.00	$12,700.00	$12,900.00
Referrals	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required
OON Individual Deductible	$3,000.00	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
OON Family Deductible	$6,000.00	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
OON Coinsurance	30%	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
OON Out-of-Pocket Maximum	$6,000.00	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
OON Family Out-of-Pocket Maximum	$12,000.00	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Census		Current	Renewal	Rate	Rate	Rate	Rate	Rate
Employee	22	$456.82	$506.99	$437.61	$554.00	$451.79	$606.56	$512.52
Employee + Spouse	0	$1,032.41	$1,145.80	$875.22	$1,108.00	$903.58	$1,231.12	$1,025.04
Employee + Child	0	$880.02	$976.67	$809.58	$1,024.90	$835.81	$1,122.14	$948.16
Family	0	$1,328.65	$1,474.58	$1,247.19	$1,578.89	$1,287.60	$1,728.70	$1,460.68
Monthly Premium	22	$10,050.04	$11,153.78	$9,627.42	$12,188.00	$9,939.38	$13,344.32	$11,275.44

This is a brief summary of the benefits and rates offered. The Certificate of Coverage is the governing document for all benefits, requirements and limitations.
If there is a variation between this summary and the Certificate of Coverage, the Certificate will govern.
Final premium rates may change from those quoted based upon actual enrollment as of the effective date.

Adams BENEFIT

TOWN OF OCEAN RIDGE
6450 NORTH OCEAN BOULEVARD
OCEAN RIDGE, FLORIDA 33435
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
JAMES A. BONFIGLIO
RICHARD J. LUCIBELLA

PROCLAMATION BY THE TOWN OF OCEAN RIDGE
DECLARING SEPTEMBER 2015 AS SICKLE CELL MONTH

WHEREAS, The Sickle Cell Foundation of Palm Beach County is a voluntary health organization that has been in existence since 1973; and

WHEREAS, Since its inception, the Foundation's mission has been to improve the quality of life for persons affected by Sickle Cell Disease and members of their families, and to educate the public about this blood disorder; and

WHEREAS, The Sickle Cell Foundation is the only entity in Palm Beach County that is dedicated to serving persons affected by Sickle Cell disease and members of their families, and to educate the public about this blood disorder; and

WHEREAS, Various educational presentation and blood drives are scheduled during the month of September throughout Palm Beach County.

NOW, THEREFORE, BE IT RESOLVED that I, Geoffrey A. Pugh, Mayor of the Town of Ocean Ridge, do hereby proclaim September 2015,

"SICKLE CELL MONTH"

BE IT FURTHER RESOLVED that a copy of the Proclamation will be sent to the Sickle Cell Foundation of Palm Beach County at 1600 North Australian Avenue, West Palm Beach FL 33407-5621.

(SEAL)

_____
Geoffrey A. Pugh, Mayor

_____
Karen E. Hancsak, Town Clerk

Agenda: Sept. 10, 2015
Memo: Item # 8

Town of Ocean Ridge, Florida
P & Z Commission Agenda Memorandum
Office of the Town Clerk

Subject: 92 – 94 Island Drive South Replat Request

Request:
The applicants, Everlast Realty LLC and Sunshine Estate Trust, request approval of a replat to reconfigure Lots 92, 93 and 94, McCormick Mile Add No 1 (92-94 Island Drive South) into three new configured lots. The applicant appeared before the P & Z Commission on Aug. 10, 2015. (see attached P & Z Commission Minutes from Aug. 12, 2015).

Background/ Discussion of Proposal:
The applicants have owned 92 Island Dr So since 2006 and 94 Island Dr So since 1996. Each of these parcels also include ½ of Lot 93. They would like to replat the original platted lots into three new lots in order to eventually build on Lot 93. However; the driveway and septic system currently encroach onto Lot 93. Staff had recommended to the P & Z that the plat not be recorded until the encroachments have been relocated because a similar request was made for Hudson Ave. In that case the home was not demolished until a couple of years after that plat was recorded. The applicant requested that the plat be approved and recorded with a contingency that the encroachments be removed prior to the submittal of any building permits. Staff then in turn suggested, based on Town Attorney approval, that the plat could be approved contingent on the encroachments being removed prior to the sale of any of the parcels.

Since the P & Z meeting the applicants have submitted a revised plat containing the requested minor changes by our Town Engineer, Engenuity Group. In addition to those changes the applicant added on the General Utility Easement that "the private on-site sewage treatment and disposal system and related components may be included in the General Utility Easement". It was discovered that Lot 92's drainfield would definitely encroach into this easement as this is already existing. However; the Town should be cautious to any future encroachment for Lot 93 or Lot 94 because this could definitely present an issue if the Town wanted to utilize this proposed easement at the end of a cul-de-sac. Obviously the septic/drainfield is a necessity to a home and if located in the easement may hinder the use of a general utility easement in the future. Just as an example, this would be similar to constructing a retaining wall within an easement, which may been required to stabilize a structure, and then could never be moved once constructed.

The application also includes a Release of Unity of Title request for Lot 94 and ½ of Lot 93. Lot 92 and ½ of Lot 93 do not have a recorded Unity of Title. They are also requesting a release of the 2.5' easements that run on each side of the center of Lot 93 for the proposes 10' General Utility Easement adjacent to the Island Dr So ROW for all 3 properties, already explained above.

Prior to any actual permitting it will be necessary for the applicant to submit any and all required documents for zoning/building review and each property must meet all zoning regulations.

Legal Issues:
The attorney will be present at the meeting.

Fiscal Impact:
Such a project would not negatively impact the Town as the original plat reflected 3 lots.

Staff Recommendation:
Staff recommends approval of the replat, contingent on Town Engineer approval and also the removal and relocation of the encroachments on Lot 93 to Lot 94, with passed final inspections, or possibly contingent on the removal and relocation of the encroachments on Lot 93 to Lot 94 prior to the sale of any of the properties prior to recordation. Staff also recommends that there be no on-site sewage treatment and disposal system or related components permitted within the new proposed dedicated easement on Lot 93 or Lot 94 (Lot 92 would be grandfathered since it is already existing)

PLEASE REMEMBER TO BRING YOUR PACKETS WITH YOU.

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Commission of the Town of Ocean Ridge, Florida will hold a public hearing on the 10th day of September, 2015 at 5:01 P.M. in the Commission Chambers of the Town Hall, Ocean Ridge, Florida to consider the following:

> An application submitted by, Everlast Realty LLC, a Massachusetts Limited Liability Co., and John Lauring, Mark Lauring, James Lauring, and Mayanne Seibold, as Successors Co-Trustees of the Sunshine Estate Trust, 23 Brigham Rd., Worcester MA 01609 and 94 Island Drive So., Ocean Ridge FL 33435, requesting a Public Hearing regarding the provisions of the Land Development Code at Chapter 64; Zoning, Article 5; Subdivisions; Sections 64-100 through 64-105 pertaining to replatting requirements. The applicants are requesting to replat 3 single family lots into 3 new reconfigured single family lots. All 3 lots will meet the zoning requirements for the RSF – Residential Single Family District. The 3 properties are comprised of (a) Lot 92 and a portion of Lot 93 and (b) the remaining portion of Lot 93 and Lot 94 in the McCormick Mile Add No 1 Subdivision or 92-94 Island Drive South (exact legal description located at Town Hall). The request will also require a Release of Unity of Title and Release of a Recorded Easement/s.

ALL PERSONS INTERESTED in these matters may appear before the Town Commission at the time and place aforesaid and be heard. Prior to the hearing the application may be reviewed at the Clerk's Office.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT TOWN HALL AT 732-2635 AT LEAST 2 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE.

Dated: Aug. 18, 2015

TOWN OF OCEAN RIDGE, FLORIDA

Karen E. Hancsak, Town Clerk

Publish: Palm Beach Post-Times
1st Publication: Aug. 27, 2015
2nd Publication: Sept. 05, 2015

THIS NOTICE IS PUBLISHED PURSUANT TO THE TOWN OF OCEAN RIDGE CODE OF LAWS AND ORDINANCES AND THE FLORIDA STATUTES AND IS POSTED IN FOUR CONSPICUOUS PLACES WITHIN THE TOWN OF OCEAN RIDGE, FLORIDA.

A Higher Standard of Excellence
engenuity group inc.
ENGINEERS SURVEYORS GIS MAPPERS

C. ANDRE RAYMAN, P.S.M.
KEITH B. JACKSON, P.E.
LISA A. TROPEPE, P.E.

August 14, 2015

Mr. Kenneth Schenck, Jr., Town Manager
Town of Ocean Ridge
6450 N. Ocean Blvd.
Ocean Ridge, FL 33435

(Via E-Mail: kschenck@oceanridgeflorida.com)

Re: Town of Ocean Ridge / Lots 92-94 Island Drive South Estates
Engenuity Group Project No. 00020.10

Dear Mr. Schenck,

This Plat was prepared by O'Brien, Suiter & O'Brien, Inc., Surveyors. This is the second review of this Plat. This review is done in compliance with Florida Statutes, Chapter 177, but does not include verification of the geometric data or the verification of the placement and positions of the referenced monuments. The following are our comments:

All of our previous comments have been adequately addressed. This Plat is now in compliance with Florida Statutes, Chapter 177. We recommend that the Town of Ocean Ridge approve this Plat.

General Notes:

The Mylars should be signed by all parties excepting the Town of Ocean Ridge before being submitted to the Town of Ocean Ridge for final approval.

Please do not hesitate to contact us if we can be of any further assistance.

Very truly yours,

Gary M. Rayman, P.S.M.
Vice President

GMR/kv

cc: Paul D. Engle, P.S.M., O'Brien Suiter & O'Brien, Inc.,
(Via E-Mail: pengle@osobrien.com)
Lisa A. Tropepe, P.E., Engenuity Group, Inc.

2015 08-15 2nd Plat Review
Project NO. 00020.10
Page 1 of 1

Town of Ocean Ridge

6450 N. Ocean Blvd. Ocean Ridge, FL 33435
(561) 732-2635

Development Action Form

All information must be printed or typed. The completed application must be filed at least thirty (30) days prior to the date of the Town Commission meeting at which the application is to be considered.

Application No.: Submittal Date:

Property Owner(s)	Applicant
Name: Everlast Realty LLC, a*	Name: same
Address: 23 Brigham Rd, Worcester, MA 01609 94 Island Dr S, Ocean Ridge, FL 33435	Address:
Phone:	Phone:

Proof of ownership, along with agent's authorization letter if Application is being submitted by anyone other than the Owner(s), must be submitted with Application along with a property owner list and labels of all residents within three hundred (300) feet and corresponding circumference map from the Tax Collectors Office is to be provided. Must be submitted a minimum of 28 days in advance of hearing.

___9____ copies of all plans, plats, surveys, including application forms etc. must be submitted with Application. (Further plans, etc. may be required.)

Check Applicable Approvals Being Requested

(Fees per current Town Code (see attached) must be submitted with application.)

Application Appeal		Rezoning	
Annexation		Site Plan Review	
Architectural Review		Special Exception	
Comprehensive Plan Amendment		Plat or Replat	X
Planned Residential Development (PRD)		PRD Amendment Construction East of CCCL	

Departmental Use Only Do Not Write Below This Line

Accepted For Review

Town Official: _____ Date: _____ Fee Paid: _____

Traffic concurrency letter included? ☐ Yes ☐ No

Approval

Town Commission/Architectural Commission/Building Board of Adjustment and Appeals:

_____ Date: _____

Conditions of Approval: _____

*Massachusetts limited liability company, and John Lauring, Mark Lauring, James Lauring, and Maryanne Seibold, as Successors Co-Trustees of the Sunshine Estate Trust U/A/D 9/2/08

General Data

Project Name: Island Drive South Estates

Project Location (Address and property control no.): 92 Island Dr S, Ocean Ridge, FL 33435**

Existing Zoning: RSF Single Family Residential State

Proposed Zoning: RSF Single Family Residential State

Existing Comprehensive Plan Designation: RSF Single Family Residential State

Proposed Comprehensive Plan Designation: RSF Single Family Residential State

Existing Land Use: residential

Proposed Land Use: residential

Total Site Area: overall Sq. Ft.: 40,983 Acres: 0.94

Flood Zone Category: A5 (EI 7)

Is site currently served by public water? [x] Yes [ ] No

Is site currently served by public sewer? [ ] Yes [x] No

Residential

Total Number of Dwelling Units: 2 existing/3 proposed Density (Units per acre): 4.3 units/acre

Commercial

Total Square Footage: N/A Number of Buildings: N/A

Describe briefly the nature of any improvements presently located on the subject property:

There is a single family residence on Lot 1 and a single family residence on Lot 3. Lot 2 is vacant.

Describe type of operation or business proposed; or the proposed construction:

To reconfigure three previously platted lots that are currently split into two parcels of land into three buildable lots with a future plan to address the driveway encroachment and the septic/drainfield [currently located on lots 1 & 2].

**46-43-45-22-10-000-0920 and 94 Island Dr S, Ocean Ridge, FL 33435; 46-43-45-22-10-000-0931

State the reasons or basis for the Approval request, and explain why this request is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Plan and will not be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances for Special Exceptions, Variances, Administrative Appeals, etc. must be addressed.
(Attach a separate Justification Statement if insufficient space.)
SEE ATTACHED

Has any previous Application been filed within the last year in connection with the subject property?
☐ Yes ☒ No If Yes, briefly describe the nature of the Application.

Has a site plan been previously approved by the Town Commission for this property? ☐ Yes ☒ No
If Yes, please note date of previous approval.

Exact Legal Description of Property

(Attach if insufficient space)
SEE ATTACHED

Give the name, address, and telephone number for the following persons or firms involved in this development:

Agent (if different from Owner):	Developer:
Name: James A. Ballerano, Jr., Esq.	Name: N/A
Company Name: Chapin, Ballerano et al	Company Name:
Address: 1201 George Bush Blvd. Delray Beach, FL 33483	Address:
Phone: 561-272-1225	Phone:

Planner: N/A	Architect: N/A
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

Engineer:	Landscape Architect
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
Florida Registration No.:	Florida Registration No.:

Witness

Printed Name of Applicant

Applicant is:
- [ ] Owner
- [ ] Optionee
- [ ] Lessee
- [x] Agent

Address:
Chapin, Ballerano & Cheslack
1201 George Bush Boulevard
Delray Beach, FL 33483
Phone: 561-272-1225

NOTE: In connection with the re-plat of the subject property, we are also requesting the following:

1. Dissolution of that certain Unity of Title recorded in ORB 6379, Page 119 (copy attached); and
2. Release of the easements recorded in ORB 2187, Page 344, and ORB 2187, Page 347 (copies attached).

Justification Statement

The purpose of this request is to re-establish three (3) independent buildable lots in order to build three (3) single family homes provided each lot meets all Town requirements and building codes. In order to re-establish same, the Unity of Title recorded in Official Record Book 6379, Page 119, Public Records of Palm Beach County, Florida, should be dissolved. In addition, the following easement should be released: ORB 2187, Page 344, and ORB 2187, Page 347.

CHAPIN, BALLERANO & CHESLACK

ATTORNEYS AND COUNSELORS AT LAW

COMMITTED TO CLIENTS, COUNSELING & COMMUNITY

SINCE 1970

TELEPHONE 561-272-1225
FACSIMILE 561-272-4442
E-MAIL: mdalessandro@chapin-law.com
www.chapin-law.com

Reply to: Boca Raton Office

DELRAY BEACH OFFICE
1201 GEORGE BUSH BOULEVARD
DELRAY BEACH, FLORIDA
33483-7203

BOCA RATON OFFICE
399 WEST PALMETTO PARK ROAD
SUITE 202
BOCA RATON, FLORIDA
33432-3760

JAMES A. BALLERANO, JR.
ROBERT D. CHAPIN
BRIAN G. CHESLACK
STANLEY B. GREENE
JAY L. KAUFFMAN
VIRGINIA R. KURTZ
JAY D. MUSSMAN
BRIAN E. THOMPSON

July 10, 2015

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

Re: Application for Replat of Lots 92, 93 and 94, Addition No. 1 McCormick Mile, recorded in Plat Book 25, Page 181 (P.R.P.B.CO.), being in Section 22, Township 45 South, Range 43 East, Ocean Ridge, Palm Beach County, Florida to be known as "Island Drive South Estates" (the "Property")

Dear Sir/Madam:

In connection with the Development Action Form submitted on June 10, 2015 by our office as agent for Everlast Realty LLC, a Massachusetts limited liability company, and John Lauring, Mark Lauring, James Lauring, and Maryanne Seibold, as Successor Co-Trustees of the Sunshine Estate Trust U/A/D September 2, 2008, we respectfully submit this summary statement for your convenience in considering said Action Form.

The subject property consists of two parcels of land owned by Everlast Realty LLC, a Massachusetts limited liability company, and John Lauring, Mark Lauring, James Lauring, and Maryanne Seibold, as Successor Co-Trustees of the Sunshine Estate Trust U/A/D September 2, 2008.

Said parcels are comprised of: (a) Lot 92 and a portion of Lot 93 and (b) the remaining portion of Lot 93 and Lot 94. Each of the two parcels, contain a single family residence. The purpose of the replat request is to establish three (3) independent buildable lots in order to build a third single family residence.

Under the proposed reconfiguration, all lots will meet the current building requirements of the Town pursuant to the proposed replat.

As part of the future development of Lot 2, the existing septic tank/drainfield (on-site sewage treatment and disposal system) for Lot 1, a portion of which is located on Lot 2 will be addressed; consistent with the Palm Beach County Environmental Appeal Board variance referenced below.

As part of the future development of the property, the driveway encroachment will be addressed, inclusive of the driveway swale detail requirements and related matters.

A variance has been obtained from the Palm Beach County Environmental Appeal Board (copy submitted) which allows for on-site sewage treatment and disposal system(s).

In order to re-establish three independent lots, the Unity of Title as recorded in Official Record Book 6379, Page 119, Public Records of Palm Beach County, Florida, would need to be dissolved.

In addition, easements recorded in ORB 2187, Page 344, and ORB 2187, Page 347 would need to be released. Said easements are not in use. The replat imposes a ten (10) foot easement in lieu of same; said easement is adjacent to the right of way for Island Drive South. The septic system on Lot 3 is to remain in its current location.

If you have any questions or need further information, please contact us.

Respectfully submitted,
Chapin, Ballerano & Cheslack

James A. Ballerano, Jr.
James A. Ballerano, Jr.

JAB/JDM/mcd
Enclosures

F:\CLIENTS\LAURING, RAYMOND\RE MATTERS - OCEAN RIDGE, FLORIDA\APPLICATION\LETTER TO TOWN OF OCEAN RIDGE WITH SUMMARY - FINAL.DOC

PALM BEACH COUNTY ENVIRONMENTAL APPEAL BOARD
West Palm Beach, Florida 33401

Case # EAB-02-13

Re: *Property Owner:* **Everlast Realty LLC**

Property Description: **Legal:** McCormick Mile ADD 1 LT 92 & ELY ½ of LT 93
Address: 92 Island Dr., S., Ocean Ridge
PCN: 46-43-45-22-10-000-0920

Property Owner: **Sunshine Estate Trust**

Property Description: **Legal:** McCormick Mile ADD 1 WLY ½ of LT 93 & LT 94
Address: 94 Island Dr., S., Ocean Ridge
PCN: 46-43-45-22-10-000-0931

ORDER

This matter came before the Palm Beach County Environmental Appeal Board on November 22, 2013, pursuant to a request for relief from Article 15, Chapter A (ECR I), Section 7.A.1., which provides, in pertinent part, that a lot, unless exempt under Article 15.A.7.E, shall have a minimum net usable land area of one-half (1/2) acre if the water supply is by means of a community well. The Applicant seeks a variance to construct an on-site sewage treatment and disposal system (OSTDS) on replatted Lots (93 & 94) with usable land areas of 0.28 acres and 0.35 acres. The Agent of the Applicant having appeared, and the Environmental Appeal Board having been fully advised in the premises, the Board makes the following:

FINDINGS OF FACT:

1. Because of special factors, applicant is unable to comply with Article 15, Chapter A (ECR I), Section 7.A.1. In order to comply with the current County Rule, there would need to be one half acre of land available per lot, which equates to at least 1.5 acres in the aggregate for the three lots. However, only 0.94 acres of land is available for the three subject lots as per the original plat. Current County regulation provides an exemption from the half acre requirement if the lots existed prior to 1972. These lots were platted in 1958 and do qualify for the exemption. This variance is sought solely to maintain the development rights that were originally contemplated by the Plat and

by the County exemption. To lose the ability to construct a home due to minor adjustments of the lot lines seems unreasonable.

2. The proposed action is to replat the lots by splitting two existing lots (92/93 and 93/94) into three lots (92, 93, and 94) and relocating the OSTDS from Lot 93 to Lot 94. The proposed on-site sewage treatment and disposal system (OSTDS) appears to comply with current construction standards.
3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land.
4. The granting of the appeal is consistent with the general intent, purpose, and requirements of Palm Beach County laws and ordinances.
5. The granting of the appeal will not be injurious to the area involved or to the public health and general welfare of the citizens of Palm Beach County.
6. All other distance and setbacks, soil conditions, water table elevations and other related requirements of this Rule and Florida Administrative Code are met.

IT IS THEREFORE ORDERED THAT

Applicants request for a variance from the provisions of Article 15, Chapter A (ECR I), Section 7.A.1., to construct an on-site sewage treatment and disposal system (OSTDS) on the replatted lots 93 & 94 of approximately 0.28 and 0.35 acres of usable land is **hereby granted** and is **subject to the following conditions**:

1. Prior to approval of any construction permit for the proposed Lot 93, the OSTDS located on Lot 93 shall be relocated to Lot 94. The relocation shall include obtaining a permit from the Department for the construction of the system that complies with the requirements for "New Systems" of Chapter 381, Florida Statute, and Chapter 64E-6, Florida Administrative Code.
2. Prior to approval of any construction permit for the proposed Lot 93, a permit shall be

obtained from the Department for the construction of a system that complies with the requirements for "New Systems" of Chapter 381, Florida Statute, and Chapter 64E-6, Florida Administrative Code.

3. As required by Chapter A, Section 13.L. of the Environmental Control Rule I, this variance shall automatically terminate upon the availability of sewer service to the lot or parcel.

4. As required by Chapter A, Section 13.L. of the Environmental Control Rule I, this variance shall automatically lapse if action for which the appeal was granted has not been initiated within 24 months from the date of granting such appeal by the Environmental Appeal Board. The Board defined "action" as the recordation of Lots 93 and 94.

5. The decision of the Environmental Appeal Board shall be final administrative action. Any party or interested person may appeal a decision of the Environmental Appeal Board to the Circuit Court of Palm Beach County. Such appeal shall be filed within thirty (30) days of the filing of this Order by the Clerk to this Board.

DONE AND ORDERED this 22nd day of November, 2013 at West Palm Beach, Florida.

Raymond Puzzitiello , Vice Chair
Palm Beach County
Environmental Appeal Board

Filed on _____ with the Palm Beach County Environmental Appeal Board

By:_____
Barbara L. Sullivan, Clerk

Copies furnished to:

Acting Environmental Control Officer
Florida Department of Health in Palm Beach County
800 Clematis St., Rm 546
West Palm Beach, FL 33401

Florida Department of Health in Palm Beach County
Division of Environmental Public Health
Darrel Graziani
800 Clematis St.
West Palm Beach, FL 33401

Joseph Pike, P.E.,
EnviroDesign Associates, Inc.
298 Pineapple Grove Way
Delray Beach, FL 33444
(representing Everlast Realty and Sunshine Estate Trust)

Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, August 10, 2015 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Vice Chair Jerry Goray and roll call was answered by the following:

Mark Marsh — Dr. Richard Bajakian
Mauro Walker — David Hutchins
Vice Chair Jerry Goray

Staff were also in the audience.

III. APPROVAL OF OCTOBER 28, 2013 MINUTES

Mr. Marsh moved to adopt the October 28, 2013 minutes, seconded by Dr. Bajakian.

Motion carried – yea (5).

IV. APPOINTMENT OF CHAIR AND VICE CHAIR

Mr. Walker nominated and then moved to appoint Jerry Goray as the Chair, seconded by Dr. Bajakian.

Motion carried – yea (5).

Chairman Goray moved to appoint Mark Marsh as Vice Chair, seconded by Mr. Walker.

Motion carried – yea (5).

V. PUBLIC HEARING
AN APPLICATION SUBMITTED BY EVERLAST REALTY LLC, A MASSACHUSETTS LIMITED LIABILITY CO., AND JOHN LAURING, MARK LAURING, JAMES LAURING, AND MAYANNE SEIBOLD, AS SUCCESSORS CO-TRUSTEES OF THE SUNSHINE ESTATE TRUST, 23 BRIGHAM ROAD, WORCESTER MA 01609 AND 94 ISLAND DRIVE SO, OCEAN RIDGE FL 33435, REQUESTING A PUBLIC HEARING REGARDING THE PROVISIONS OF THE LAND DEVELOPMENT CODE AT CHAPTER 64; ZONING, ARTICLE 5; SUBDIVISIONS; SECTIONS 64-100 THROUGH 64-105 PERTAINING TO REPLATTING REQUIREMENTS. THE APPLICANTS ARE REQUESTING TO REPLAT 3 SINGLE FAMILY LOTS INTO 3 NEW RECONFIGURED SINGLE FAMILY LOTS. ALL 3 LOTS WILL MEET THE ZONING REQUIREMENT FOR THE RSF – RESIDENTIAL SINGLE FAMILY DISTRICT. THE 3 PROPERTIES ARE COMPRISED OF (a) LOT 92 AND A PORTION OF LOT 93 AND (b) THE REMAINING PORTION OF LOT 93 AND LOT 94 IN THE MCCORMICK MILE ADD NO 1 SUBDIVISION OR 92-94 ISLAND DRIVE SOUTH (EXACT LEGAL DESCRIPTION LOCATED AT TOWN HALL). THE REQUEST

WILL ALSO REQUIRE A RELEASE OF UNITY OF TITLE AND RELEASE OF A RECORDED EASEMENT

Town Clerk Hancsak advised that all fees had been paid and no additional correspondence had been received. She ascertained that all the members reviewed the site but had not made contact with the owners or applicants. All individuals planning on providing testimony were sworn in.

Town Clerk Hancsak summarized the request by stating that the applicants would like to reconfigure and replat the three existing lots into three new lots. Lot 92 and Lot 94 each own ½ of Lot 93. Eventually they may wish to build on Lot 93, however; the driveway and septic system servicing Lot 94 encroach onto Lot 93. The replat would also require a Release of Unity of Title for Lot 94 and the ½ of Lot 93 and also require the Release of a 2.5' easement that runs on each side of the center of Lot 93 (they propose a 10' easement adjacent to the Island Dr So ROW for all three properties).

The pre-application review has been completed by our engineer and only minor changes may be necessary for the plat and it appears to meet the zoning requirements. Prior to actual permitting it will be necessary for the applicant to submit any and all required documents to determine that they meet all zoning/building regulations. Staff has advised the authorized agent that there is a concern regarding the existing encroachments and that the recommendation would be to approve the replat, contingent on Town Engineer approval, and also the removal and relocation of the encroachments on Lot 93 to Lot 94, with passed final inspections, prior to the recordation.

Jim Ballerano, agent for the owners, advised that both properties were owned by the Lauring family. He stated that the family did not have immediate plans for development of Lot 93. Because the septic system and driveway for Lot 94 currently encroaches on Lot 93, he respectfully requested that the Commission instead consider permitting the plat to be recorded contingent on the removal of any encroachments prior to the issuance of a building permit.

Mr. Marsh clarified that the Health Dept. has issued variances for the properties concerning the septic systems/drainfields.

Clerk Hancsak advised that staff may not be comfortable with Mr. Ballerano's suggestion and mentioned the possibility of requiring the removal of the encroachments prior to the sale of the properties.

Mr. Walker clarified that all three lots would meet the current code requirements. Clerk Hancsak advised that based on the architect's site plan all three lots would conform to the zoning requirements.

Neil Hennigan, 91 Island Drive So, east of Lot 92, cited his concerns with this variance request stating that all three properties may become sober houses because 92 Island Dr So. has served as one in the past. He was leery there would be inadequate septic drainage

Item #9

Town of Ocean Ridge

Memorandum

Date: **September 3, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Town Update, September, 2015**

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

Spanish River Drive

We are reviewing several drainage problems on Spanish River Drive where water is ponding. We're analyzing the best way to eliminate these problems. Most of the problems remaining are in driveways and not a major priority but do need to be corrected. We're getting major projects completed and then we'll address these.

FEMA Flood Maps

We've met with FEMA and have reviewed their maps. We have 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. We've received a letter from FEMA saying they're reviewing the information we sent them. Nothing new from them.

FDOT Bridge Inspection & Repairs

The approved bridge repairs are underway and almost done.

Wastewater Proposal

The Boards of these condos have dispersed for the summer. I feel we need their approval to continue with this project since there will be funding involved. We'll get in touch with them in the fall when they return.

Spanish River –Swaim Project

Mr. Swaim is getting the documentation together to request the easement along the south and west end of the Town Hall property.

Villas of Ocean Ridge Drainage

The Villas has had to change their drainage project to make it functional. They are in the process of completing the final design. When completed we'll get the necessary permits from FDOT and SFWMD and bid the project.

Alley Between Ocean and Hudson

The improvements to the alley to prevent drainage on some adjoining property have been completed.

Demolition of 110 Bonito Dr.

The house at 110 Bonito Dr. has been demolished. This was done by the Town and the costs will be a tax lien on the property.

Construction Fencing

The question of requiring fencing on construction sites was raised at a previous Commission meeting. We've reviewed other Town requirements and they handle the issue the same way we do. The Florida Building Code gives the authority to require fencing to the building inspectors. This is the way we and other communities address the issue. Fencing has been used on all major construction projects. It's some of the smaller projects we have to watch and they are addressed on a case by case basis.

Calendar of Events

Tentative Budget Adoption/ Public Hearing/
Regular Town Commission----------September 10, 2015 @ 5:01 PM

Final Budget Adoption----------September 17, 2015 @ 5:01 PM
Regular Town Commission Meeting----------October 5, 2015 @ 6 PM
Code Enforcement----------October 6, 2015 @ 10 AM

Cc: Hal Hutchins, Police Chief
Karen Hancsak, Town Clerk
Employees

TEMPORARY CONSTRUCTION FENCING

Temporary Construction Fencing with associated screening is required around property under construction/development as determined by the Building Official. This fencing shall be a six feet (6ft) tall and shall be maintained for the duration of the project or until substantial completion as determined by the Building Official. Separate permit shall be required.

Separate fencing for stormwater runoff control and erosion control shall also be required to be in place on site in accordance with Sections 107.2.1 and 3307.1 of the Florida Building Code, 2014 edition, as directed by Section R101.2.1 of the Florida Building Code-Residential, 2014 edition.

Temporary Construction Fencing with associated screening shall be removed upon the issuance of a Hurricane Warning by the National Hurricane Center.

Agenda: Sept. 10, 2015
Memo: Item # 11

Town of Ocean Ridge, Florida

Agenda Memorandum

Office of Police Chief

Subject: 1. **Monthly Activity Report (July 2015)**
2. **Monthly Boynton Beach Fire/EMS Activity Report**

Mayor and Town Commissioners:

Attached you will find the July Monthly Police Activity Report; including the Boynton Beach Fire/EMS Activity Report. All of these reports are on the Town's website under Police Department/Monthly Reports.

Included as a part of tonight's agenda is the request for confirmation for the hiring of one new police officer and one police dispatcher to fill vacancies created by the Department reorganization. This will leave one opening for police officer to be filled.

The promotional examination announcement for filing of the open Sergeant position has been posted.

In addition, I would like to commend all of the Town employees for their efforts in the preparation for Tropical Storm Erika during the week of August 25th. Though the Town only suffered the loss of some beach from this event, the necessary preparation for these types of events are quite an undertaking. I am happy to report that all employees were fully engaged and prepared for a full scale hurricane event by Friday morning August 28th. Thankfully, we experienced only a training exercise.

As always, I will be happy to answer any questions you may have, either prior to, or at the meeting.

Item #13

Town of Ocean Ridge

Memorandum

Date: **September 1, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Approval of Easement Documents for an Area South and West of the Town Hall.**

Mr. Swaim approached the Commission several months ago requesting the Town provide a public utility and access easement along the southern and western boundary of the Town Hall property. The purpose being to allow access to the property northwest of the Town Hall. This property is zoned single family residential. There is a present 50 foot easement for this purpose, however, the new Town Hall is built on the easement. This proposed easement will replace the present unusable easement.

A survey of the proposed easement is included along with the easement documents. These documents are drafts and are being reviewed by staff but we included them for your review.

William Boes Swaim

600 Via Lugano Circle
Apartment 104
Boynton Beach, Florida 33436
561.289.0529
swaim35@msn.com

September 1, 2015

Mr. Ken Schenck
Town Manger
Town of Ocean Ridge
6450 North Ocean Blvd.
Ocean Ridge, FL 33435

VIA ELECTRONIC MAIL

Property: Ocean Ridge Government Lot 5, Tax Folio Numbers: 46-43-45-22-00-005-0020 Ocean Ridge, FL

Subject: Access/Utility Easements

Dear Ken,

As we have previously discussed, I am the contract purchaser for the above property, located behind the Town Hall. In my due diligence, I have found that a 50' public road and utility easement that partially served the above properties was never terminated when the Town constructed the new Town Hall. This access easement serves the majority of the undeveloped properties behind Town Hall and is now preventing proper legal access to those properties.

The Town, in their June 2, 2014 regular meeting, agreed to provide a new access/utility easement around the Town Hall property to service the properties affected. Even though the issue was not created by the property owners of the area, the Town, in constructing the Town hall on top of the original access easement, has caused the problem that needs to be resolved.

Therefore, I am respectfully requesting the Town council, at their regular September meeting, approve a new access/utility easement to the properties affected by the construction of the Town hall on the legal access to those properties. Since this is an easement to the public and not to individual property owners, this is more of a ministerial matter for the commission. If you have any questions or need any additional information, please don't hesitate to contact me. Thank you and I look forward to working with the Town to resolve the access to the above properties, as quickly as possible.

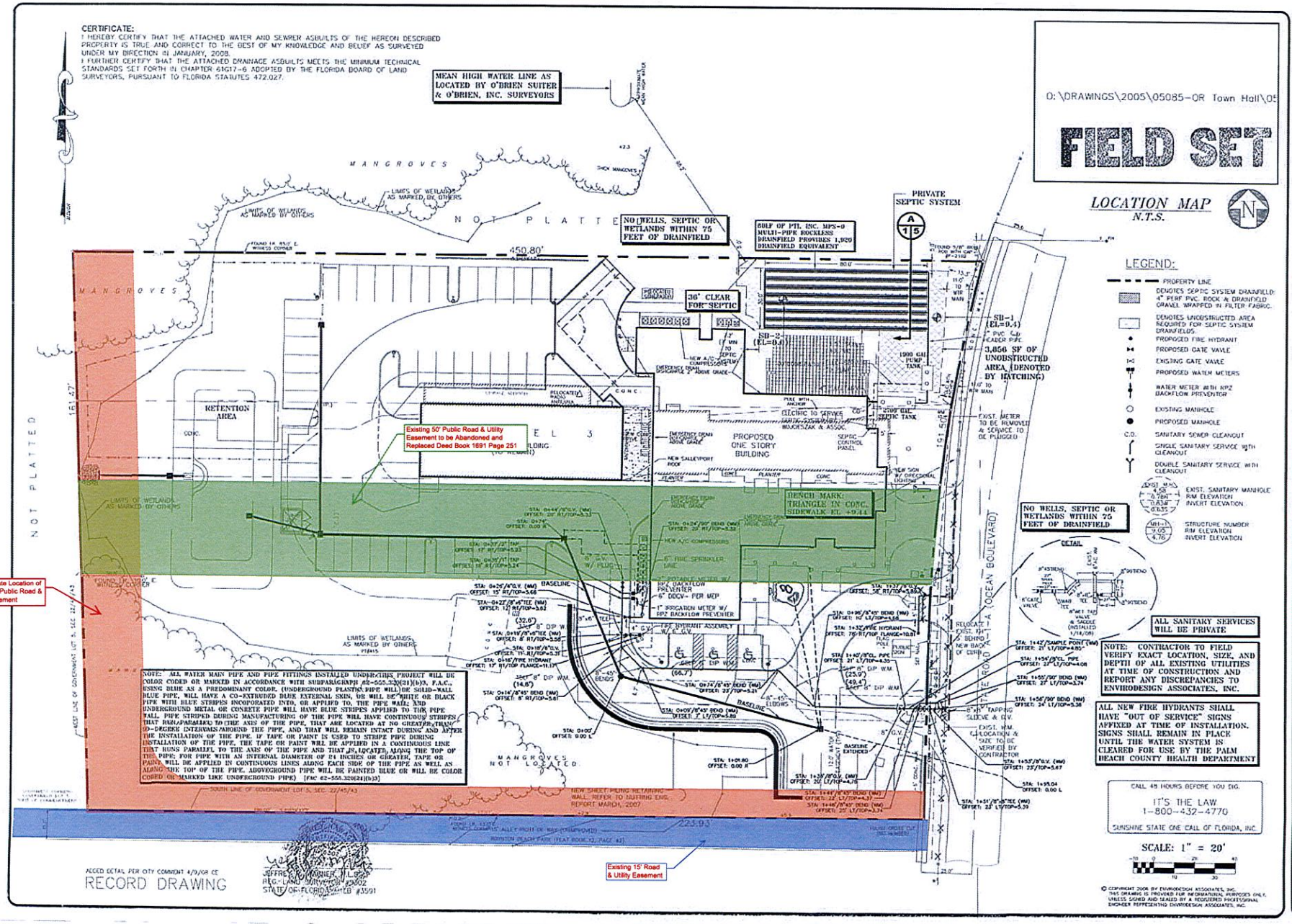
Sincerely,

William B. Swaim

Digitally signed by William B. Swaim
DN: cn=William B. Swaim, o, ou, email=swaim35@msn.com, c=US
Date: 2015.09.01 10:27:40 -04'00'

William B. Swaim

CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED WATER AND SEWRER ASBUILTS OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION IN JANUARY, 2008.
I FURTHER CERTIFY THAT THE ATTACHED DRAINAGE ASBUILTS MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES 472.027.



NO.	DATE	REVISIONS	BY
1	12/4/06	REVISED PER 3/24/06 COMMENTS	JAP
2	01/02/07	REVISED PER REVISION UTILITIES COMMENTS 12/8/06	JAP
3	02/23/07	HEALTH DEPARTMENT REVISIONS	JAP
4	03/01/07	HANDICAP GRADING AT ENTRANCE	JAP
5	05/1/07	REVISE PER CHANGES TO SITE PLAN	JAP
6	08/15/07	ADDRESS SFWM COMMENTS OF 08/23/07	JAP
7	09/25/07	RETENTION BEACH FIRE MARSHAL MODIFICATIONS	JAP
8	10/01/07	SITE PLAN, ROADWAY & DRAINAGE REVISIONS	JAP
9	10/11/07	SITE PLAN, ROADWAY & DRAINAGE REVISIONS	JAP

NOT VALID WITHOUT ORIGINAL EMBOSSED ENGINEER'S SEAL

JOSEPH A. PIRE, P.E.
FL REG # 42614

SEPTIC SYSTEM PLAN FOR:
OCEAN RIDGE - TOWN HALL
6450 N. OCEAN BOULEVARD
OCEAN RIDGE, FLORIDA

EnviroDesign Associates, Incorporated
ENGINEERS • ENVIRONMENTAL CONSULTANTS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 00005
258 Pineapple Grove Way Delray Beach, Florida 33444
Phone: (561) 274-9339 Fax: (561) 274-9338

DRAWN: B.A.B.
CHECKED: J.A.P.
DATE: 12/01/05
JOB NO. 05085-ENG
SHEET NO. 4 OF 11

LEGAL DESCRIPTION AND SKETCH
THIS IS NOT A SURVEY.

SHEET ONE OF TWO
LEGAL DESCRIPTION
SEE SHEET TWO FOR SKETCH.

LEGAL DESCRIPTION:
A PARCEL OF LAND IN GOVERNMENT LOT 5, SECTION 22, TOWNSHIP 45 SOUTH, RANGE 43 EAST, TOWN OF OCEAN RIDGE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22, BEING THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 5;
THENCE N01°17'24"W, AS A BASIS OF BEARINGS, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 5, A DISTANCE OF 278.33 FEET TO THE NORTH LINE OF THE SOUTH 278.33 FEET OF GOVERNMENT LOT 5;
THENCE N89°56'28"E, ALONG SAID NORTH LINE, A DISTANCE OF 30.01 FEET TO A POINT IN A LINE 30 FEET EAST OF AND PARALLEL TO SAID WEST LINE OF GOVERNMENT LOT 5;
THENCE S 01°17'24"E, ALONG SAID PARALLEL LINE, A DISTANCE OF 238.86 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88°46'07";
THENCE SOUTH, SOUTHEAST, AND EAST, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.73 FEET TO THE END OF SAID CURVE;
THENCE N89°56'28"E, ALONG A LINE 15.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 360.08 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD A-1-A;
THENCE S0°55'20"W, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 15.00 FEET TO A POINT ON SAID SOUTH LINE OF SECTION 22;
THENCE S89°56'28"W, ALONG SAID SOUTH LINE, A DISTANCE OF 413.98 FEET TO THE POINT OF BEGINNING.
CONTAINING 14244 SQUARE FEET.

NOTE:
* THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.
* NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.

PMS = FLORIDA LICENSED SURVEYOR & MAPPER
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
PB = PLAT BOOK
ORB = OFFICIAL RECORD BOOK

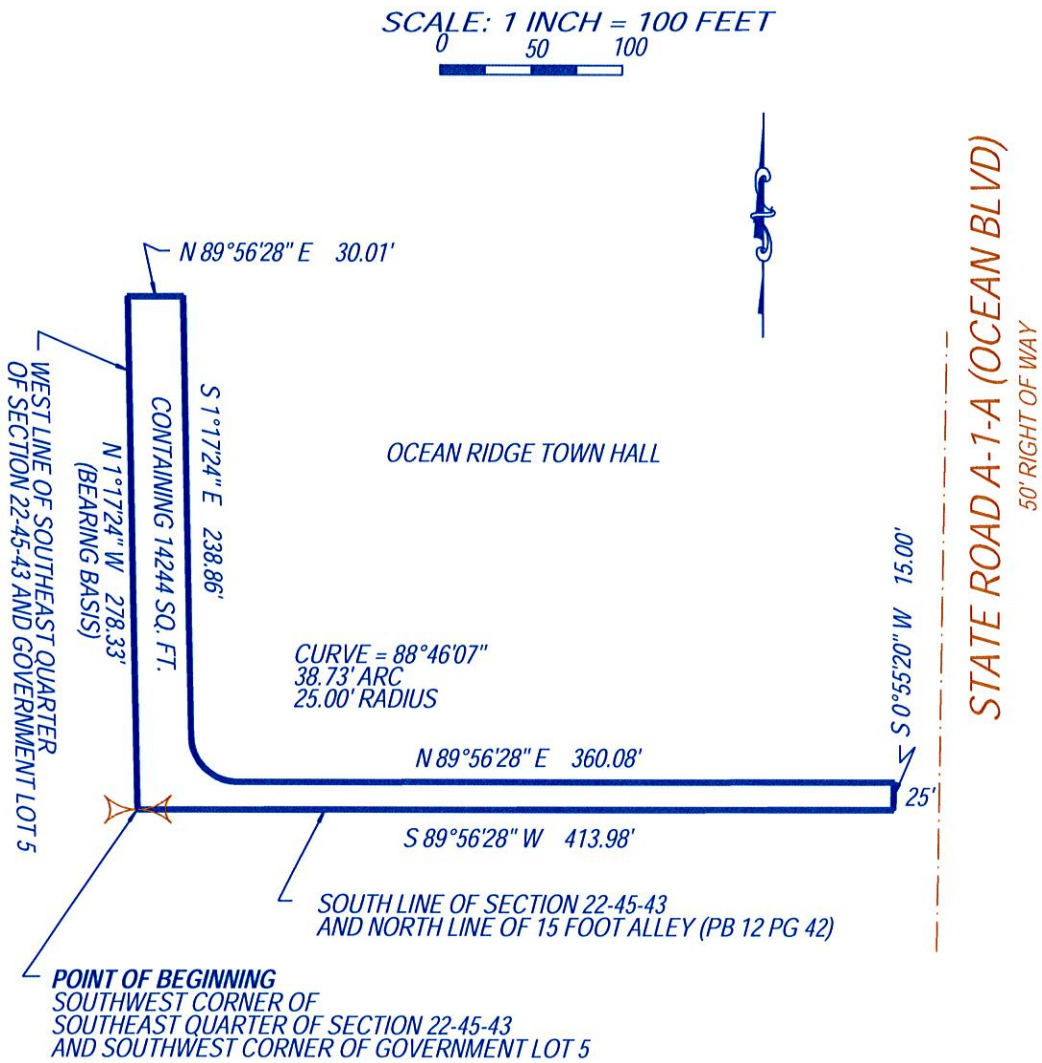
8-19-15
DATE

MARK D. LAINS, PSM# 5110
PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 478-1764 FAX 478-1094
VISIT US AT PMSURVEYING.NET
CERTIFICATE OF AUTHORIZATION NUMBER LB 6788.

JOB# 15060664

LEGAL DESCRIPTION AND SKETCH
THIS IS NOT A SURVEY.

SHEET TWO OF TWO
SKETCH OF DESCRIPTION
SEE SHEET 1 FOR DESCRIPTION.



8-19-15
DATE

MARK D. LAING, PSM# 5110
PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 478-7764 FAX 478-1094
VISIT US AT PMSURVEYING.NET

CERTIFICATE OF AUTHORIZATION NUMBER LB 6788.

JOB# 15060664

Prepared by: RETURN:

Kenneth G. Spillias, Esq.
Town Attorney
6450 North Ocean Blvd.
Ocean Ridge, Florida 33435

PCN#

RIGHT-OF-WAY DEED

THIS INDENTURE made this ____ day of _____, 2015, between **TOWN OF OCEAN RIDGE, FLORIDA**, a Florida municipal corporation with a mailing address of _____, as First Party and the Public, as Second Party,

W I T N E S S E T H:

That said First Party, for and in consideration of the mutual promises herein contained and other good and valuable consideration, does hereby grant, remise, release, quit claim and convey unto the Second Party, and their successors and assigns forever, all right, title, interest, claim and demand which the First Party has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

A PARCEL OF LAND IN GOVERNMENT LOT 5, SECTION 22, TOWNSHIP 45 SOUTH, RANGE 43 EAST, TOWN OF OCEAN RIDGE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22, BEING THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 5; THENCE N01°17'24"W, AS A BASIS OF BEARINGS, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 5, A DISTANCE OF 278.33 FEET TO THE NORTH LINE OF THE SOUTH 278.33 FEET OF GOVERNMENT LOT 5; THENCE N89°56'28"E, ALONG SAID NORTH LINE, A DISTANCE OF 30.01 FEET TO A POINT IN A LINE 30 FEET EAST OF AND PARALLEL TO SAID WEST LINE OF GOVERNMENT LOT 5; THENCE S 01°17'24"E, ALONG SAID PARALLEL LINE, A DISTANCE OF 238.86 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88°46'07"; THENCE SOUTH, SOUTHEAST, AND EAST, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.73 FEET TO THE END OF SAID CURVE; THENCE N89°56'28"E, ALONG A LINE 15.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 360.08 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD A-1-A; THENCE S0°55'20"W, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 15.00 FEET TO A POINT ON SAID SOUTH LINE OF SECTION 22; THENCE S89°56'28"W, ALONG SAID SOUTH LINE, A DISTANCE OF 413.98 FEET TO THE POINT OF BEGINNING. CONTAINING 14244 SQUARE FEET. (See Surveyor's Sketch attached hereto as Exhibit "A.")

This Deed is made for the purpose of giving and granting to the Second Party. and their successors and assigns forever, a right-of-way and easement in and to said lands for public highway, street, and utility purposes and the maintenance thereof; This right-of-way shall be

subject only to those easements, restrictions, and reservations of record. The First Party agrees to provide for the release of any and all mortgages or liens encumbering this right-of-way. The First Party also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

First Party does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described right-of-way and that the same is unencumbered. Where the context of this Right-of-Way Deed allows or permits, the same shall include the successors or assigns of the parties.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest, and claim whatsoever of the said First Party, in law or in equity to the only proper use, benefit, and behalf of the said Second Party, their successors and assigns.

IN WITNESS WHEREOF, said First Party has caused these presents to be signed in its name by its _____ and its corporate seal to be affixed, as attested by its City Clerk on the day and year written above.

Signed, sealed and delivered
in the presence of:

FIRST PARTY

_____

By:_____

_____
(Name printed or typed)

_____
(Name printed or typed)

_____

_____
(Address)

_____
(Name printed or typed)

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____ who (check one) ____ is personally known to me or ____ has produced _____ as identification.

_____

Signature of Notary Public -
State of Florida

Item #14

Town of Ocean Ridge

Memorandum

Date: **September 1, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Hiring of New Dispatcher and Police Officer**

Attached is a memo from Chief Hutchins requesting approval to hire Mr. Jeffrey Van Camp as a new Police Officer and Ms. Odalys Del RIO as a new dispatcher. They both have passed all the requirements and will be an asset to the Town. I recommend approval of these two hirings.

Ocean Ridge Police Department
Inter-Office Memo

To: **Kenneth N. Schenck, Jr. , Town Manager**

From: **Hal C. Hutchins, Chief of Police**

Date: **September 1, 2015**

Subject: **Hiring of a new Police Employees**

The Police Department has completed background investigations of the below police employee candidates. Both have successfully completed the application and interview process.

Dispatch Applicant Odalys Del Rio: Ms. Del Rio is a graduate of Clewiston High School Criminal Justice Academy and has completed the 911 PST training program. Ms. Del Rio is currently eligible for immediate certification as a 911 PST. Though eligible for immediate certification from the Florida Department of Health; Ms. Del Rio has no experience and will be trained in house for the position of Police Dispatcher Clerk.

Requested Date of Employment: September 14, 2015

Police Officer Applicant Jeffrey VanCamp Sr.: Mr. Van Camp started his law enforcement career in 1986 as a police officer with the Pensacola Police Department. Mr. Van Camp then joined the Escambia County Sheriff's Office in 1989, serving as a Deputy Sheriff until his retirement in 2012. Mr. Van Camp is currently employed by the Okaloosa County Airport Police where he has been employed since 2014.

Mr. Van Camp has completed numerous training courses, and holds a Bachelor of Science degree from Troy State University; all of which will be beneficial to the Ocean Ridge Police Department and the citizens we serve

Requested Date of Employment: September 28, 2015

Therefore, I submit these candidates to you for your review and approval for hiring. If you agree, I am also requesting that you place their names on the Agenda for the September 10, 2015 Town Commission meeting for their consideration and authorization to hire.

Item #15

Town of Ocean Ridge

Memorandum

Date: **August 31, 2015**

To: **Mayor & Commissioners**

From: **Ken Schenck, Town Manager**

Re: **Planning & Zoning Commission Review of Town Commission Requests**

The Town Commission requested that the P&Z Commission review three aspects of the Town Code to see if any updates were warranted. The three codes were exotic and invasive plants, the floor area ratio for construction and code enforcement as it relates to vacant and blighted buildings. The P&Z Commission met on August 10 to discuss these issues. A copy of the minutes from that meeting are attached which elaborate their recommendations.

The following is a summary of their recommendations as the details are in their minutes.

1. **Exotic and Invasive Plants**

The Town Commission requested P&Z to review the codes as they address exotic and invasive plants. The codes don't allow for the use of these plants in new construction and landscaping projects. However, there is an exemption for single family homes and duplexes built on individual lots. The question was should this exemption continue.

The P&Z recommendation was that the codes be changed to eliminate the exemption for new construction and new landscaping plans for single family homes and duplexes so that everyone is treated the same.

2. **Vacant and Blighted buildings**

This issue is addressed in the attached memo from our Attorney, Ken Spillias.

3. Floor Area Ratio (FAR)

A question was raised by a resident regarding the FAR and it being too restrictive. The Town Commission requested the P&Z to review the concerns and recommendations. P&Z has reviewed this subject previously but the Town Commission has preferred to leave the code as is.

The P&Z minutes are included so I won't go through all the details again. The minutes explain the proposed changes and the Commission's concerns and thoughts. It also outlines some of the staff's thoughts on changing the FAR.

The P&Z conclusion was to recommend that the FAR be increased from 36% to 40%. They also recommended no changes to the setbacks or lot coverage and no garage exclusion.

TO: JIM BONFIGLIO, COMMISSIONER

FROM: KAREN E. HANCSAK, TOWN CLERK

SUBJECT: LOT SIZES AS IT RELATED TO THE FAR

AS REQUESTED, I HAVE COMPRISED A LIST OF THE AVERAGE LOT SIZE FOR THE RSF – RESIDENTIAL SINGLE FAMILY DISTRICT AS IT RELATES TO THE FLOOR AREA RATIO. THEY ARE AS FOLLOWS:

SUBDIVISION OR STREET AREA	**AVERAGE LOT SIZE**	**35% LOT COVERAGE**	**36% FAR CURRENT**	**40% FAR PROPOSED**
MCCORMICK MILE ADD NO 1 (ISLAND DR/S, BONITO, MARLIN)	12,633	4,421	4,547	5,053
MCCORMICK MILE (SABAL ISLAND, RIVER DR)	12,197	4,268	4,390	4,878
INLET CAY (INLET CAY, SPANISH RIVER,BIMINI)	12,196	4,268	4,390	4,878
BOYNTON BEACH PARK (COCONUT, OCEAN AVE,HUDSON)	17,000	5,950	6,120	6,800
COASTAL SHORES (ENGLE, RIDGE LA, ANNA)	10,890	3,811	3,920	4,356
RIDGE HARBOUR ESTATES (HARBOUR DR NO & SO)	12,196	4,268	4,390	4,878
OCEAN RIDGE BEACH (RIDGE BLVD, HIBISCUS, IXORA, MIDLANE, WATERVIEW)	11,325	3.963	4,077	4,530
TROPICAL SHORES (OSPREY DR, DOLPHIN, BEACHWAY)	10,454	3,658	3,763	4,181
BEACHWAY NORTH (BEACHWAY NO, OSPREY CT)	26,136	9,147	9,408	10,454
CHARLES D OWENS (5900 BLK N OCEAN & OLD OCEAN)	18,547	6,491	6,676	7,418

The lot sizes for the Residential Estate District vary from older platted lots with anything from smaller lots (between N Ocean Blvd. and Old Ocean Blvd.) to lots east of Old Ocean Blvd. (6083 Old Ocean to 6009 Old Ocean Blvd.) and also the larger lots that extend from N Ocean Blvd. to the ocean. Lot coverage in this district or for any lots larger than 20,000 feet is 32%. Increasing the FAR from 36% to 40% may affect how they can still achieve the 75% second floor requirement.

The RMM – Residential Medium Density District is primarily from Fayette Drive south to Ocean View/Douglas (which already has less stringent zoning requirements, as do lots that are less than 7,500 sq feet). This district currently allows for 40% lot coverage and 36% FAR.

A draft of the P & Z minutes are also attached.

Town of Ocean Ridge

Memorandum

Date: **September 10, 2015**

To: **Mayor & Commissioners**

From: **Ken Spillias, Town Attorney**

Re: **P&Z Recommendations re:**
Code Enforcement

At its meeting of August 10, 2015, the Planning and Zoning Board made the following recommendation:

> [T]hat the Town Attorney review the Gulfstream Code and construction handbook, and also the Palm Beach codes pertaining to construction sites and blighting to determine whether the Town could add additional enforcement mechanisms, possibly increase the penalties (minimum $250 daily) and strongly discourage lien reductions, and suggest revising the code to prohibit partial demolitions unless building plans for new construction are submitted and to provide for a time certain for the partial demolitions to remain without active construction.

I have reviewed the documents as requested and this memo is to address my findings and the recommendations of the P&Z Board.

Gulfstream Code

A review of Gulfstream's Code discloses only one major difference (aside from reference to the Construction Site Management Handbook, of which more later) from the Town's enforcement mechanisms. Section 22-33 of Gulfstream's Code

authorizes the town, with notice, to abate any nuisance (i.e., any violation of the town's codes) and bill the owner. After the owner is billed, he/she can ask for a hearing. This, in a sense, turns the code enforcement around and places the onus on the owner to seek a hearing, rather than the town citing the owner and scheduling the hearing. Once the hearing is held, if the abatement is upheld, it is appealable (like a finding in a code enforcement hearing) and the amount billed to the owner becomes a lien on the property. This process is in addition to the regular code enforcement procedures which are similar to ours.

While this appears to provide a more direct and immediate way to obtain relief from code violations, especially in construction blight situations, it should be kept in mind that the town is placed in the position of fronting the costs of remediation and then going after the money. Gulfstream attempted to provide additional security with regard to collecting on the lien by giving it "super lien" status, i.e., a status equivalent to property taxes, but that mechanism has been declared by the courts as invalid. So the lien placed on the property enjoys no more enforcement ability than a regular code enforcement lien.

What Ocean Ridge has done with regard to these types of situations is create a special assessment district that allows us to do the work, bill the owner and impose a special assessment for the costs that does go on the tax bill. While it cannot be used in routine code violation situations, it can be used in egregious cases as is presently being done with the property at 110 Bonito.

Gulfstream Construction Site Management Handbook

The Handbook provides very detailed requirements to be followed by anyone engaged in construction in the town. As to the wisdom or desire of Ocean Ridge to provide such detailed regulations, I believe that is a policy issue that goes beyond what I was requested to address.

From an enforcement standpoint, the Handbook does not provide any mechanisms that would enhance our enforcement

capabilities. Much of it has to do with preventing violations during construction. Our blight problem comes more from trying to get property owners to do something, not stop doing something. The Handbook isn't particularly helpful in that regard.

One item included in the Handbook which I don't believe Ocean Ridge has employed is the requirement of a construction bond to protect against damage to any Town or public property (e.g. roads, water lines, etc.) during construction. While this is something the Town may want to consider if there have been such incidents that have created issues (of which I am not aware), it doesn't really address the issues presented.

Town of Palm Beach Codes

Generally, Palm Beach's code enforcement process is similar to ours. Palm Beach's code also seeks to confer on code enforcement liens a "super priority" status and it similarly is no longer permitted.

With respect to demolitions, Palm Beach has a much more elaborate regulatory approval process implemented through review and approval by the Architectural Review Committee. Just the same, this deals with the original approval of demolition permits, not the violation of their terms or the failure of the property owner to move forward with reconstruction. Ultimately, violations are dealt with in the same manner as discussed above; by fining violators and/or the town doing the work, billing the violator and placing a lien on the property.

P&Z Recommendations

There is nothing in the Gulfstream or Palm Beach codes or procedures that I could find that provides stronger or more effective mechanisms for dealing with the blight of discontinued or delayed demolition/construction than the tools Ocean Ridge has. While both towns have more stringent requirements and/or processes for obtaining permits, the issue we are dealing with isn't so much property owners doing things they shouldn't be

doing but, rather, not doing things they should be doing. With that in mind, I will address P&Z's suggestions.

(1) Increase the penalties to $250 daily minimum. Pursuant to state law, the maximum daily penalty for a first offense is $250. For second and subsequent offenses, it can go as high as $500. Violations which are found by the special magistrate to be irreparable or irreversible can result in a fine up to $5,000. These amounts are prescribed by state law. While the Town can recommend to the magistrate a fine of $250 for a first offense, it is within the magistrate's authority and discretion to determine whether a violation is significantly egregious to call for the maximum fine. Any resident is entitled to attend any code enforcement hearing and provide information or evidence, in addition to that provided by the Town, including a request for a stiff daily fine. The Town, however, cannot change the code to require it.

(2) Strongly discourage lien reductions. Once a lien is recorded, only the Town Commission has the authority to reduce it. It makes these determinations on a case by case basis. This recommendation is one to be presented to the Commission.

(3) Revise the code to prohibit partial demolitions unless building plans for new construction are submitted and to provide a time certain for the partial demolitions to remain without active construction. This can certainly be done. While it still does not guarantee that a property owner won't partially demolish a building, get a construction permit and then not move forward, requiring approval of a building permit at the same time as the partial demolition permit would require a property owner to be serious about their project given the cost of developing plans and obtaining a building permit.

Summary

Ocean Ridge is not unique in dealing with the frustrations of property owners who leave their properties partially built or incomplete for long periods of time. Various enforcement

mechanisms have been adopted across the state, but they are often inadequate in the face of a property owner who is not deterred by daily fines or in cases of long, drawn-out mortgage foreclosures where the property owner has abandoned the property and the bank is not yet the owner. There is no magic bullet that has been found to totally resolve the problem. If there was, I can assure you most cities would have adopted it by now.

In egregious cases, the Town can abate the problem and bill the owner. But, the owner's failure to pay simply results in another lien that is difficult to enforce if the property is homesteaded. In truly egregious cases, we have our special assessment district process which still requires a Town expenditure up front, but holds more hope in ultimately recovering the costs since they go onto the tax bill. We are in the process of utilizing it for the first time. It is, however, a time consuming approach.

The Town can also utilize the courts, which itself requires up-front costs for the Town. We have, however, recently filed our first foreclosure of a lien. As you know, however, in addition to the costs of litigation, there is also the time delay factor and the issue of mortgage holders who have a priority lien.

for multiple persons that may occupy the home/s. Town Manager Schenck commented that the replat application was not a variance request and based on the plans submitted it meets the zoning and would not require a variance. Mr. Hennigan was also advised that health department approval was required at the time of a building permit submittal.

At this point the Commission declared themselves in executive session.

There were no further questions from the Commission.

Dr. Bajakian moved to recommend approval of the replat and releases as submitted and the recording of same, contingent on Town Engineer approval and that any encroachments be removed prior to the sale of any of the properties. Mr. Walker seconded the motion.

Motion carried – yea (5).

VI. DISCUSS EXTENDING THE PROHIBITION OF EXOTIC AND INVASIVE VEGETATION TO SINGLE FAMILY RESIDENCES

Town Manager Schenck summarized his memorandum by stating that Section 66-116 through 66-141 prohibits multifamily properties from planting exotic and invasive vegetation but it does not extend to single family or duplex residences (per Section 66-117). At the June meeting the Commission requested that this Commission discuss extending the restriction to all residences. He added that it would be difficult to enforce this change to the many existing residences, but it could apply to new construction. He concluded by stating that he did not believe any changes would bring about the desired broad result to reduce exotic vegetation in favor of native vegetation.

The Commission agreed that it makes sense to have a uniform code and advise the contractors/homeowners of the exotic vegetation and that this type of vegetation could require high water demand and grow into septic areas.

Kristine de Haseth, 29 Sabal Island and President of the Ocean Ridge Garden Club, stated that she strongly supports the eradication of all invasive and exotic vegetation from all types of housing. She suggested that the Town, along with the Garden Club, offer a list of both the exotics and good plantings in order to educate the public through the available social media and hard copy. The Commission agreed.

Mr. Marsh moved to recommend that the code be changed in Section 66-117 to remove the exemption for single family and duplex residences for new and redeveloped areas, and to provide a list of the preferred plantings vs the exotics to the public. Dr. Bajakian seconded the motion.

Motion carried – yea (5).

VII. DISCUSS WHETHER THE CURRENT FLOOR AREA RATIO (FAR) REQUIREMENTS SHOULD BE ALTERED

Town Clerk Hancsak commented that the Commission requested the members review the code pertaining to the FAR regulations. She then read the suggestions submitted by resident, Jeff Lee, which included: reducing the side yard setbacks to 10' for lots less than 12,500 sq ft and provide for a garage exemption from the 36% FAR if garage does not face the road, for lots greater than 12,500 sq ft reduce the side setback to 10' for the first floor for garage side of the house if it does not face the road and require a 15' setback for the second floor, and include garages in the FAR and require a 12.5' side setback for the other side.

Town Clerk Hancsak then read several staff responses to the suggestions which included: reducing the setbacks would then require reducing the equipment location to 5' from the property line, smaller lots with reduced setbacks could present an issue for the septic system/drainfield requirements, exempting garages from the FAR would possibly encourage property owners to convert this area to living space illegally at a future time, garages on either the side or rear of property may not provide much area to enter or traverse into the lot and possibly create noise or emission odor issues for an adjacent neighbor, garages on the side may also create drainage issues and increase impervious area, a 15' setback for the 2nd floor was attempted years ago and proved to be difficult for architects and engineers to design homes and was more costly, and side setbacks differing on either side may present issues with adjacent neighbors. She advised that the code currently has provisions for an increased FAR from 36% to 45% for lots less than 7,500 sq ft. She also stated that the Commission may want to reconsider increased living area through a garage square footage allowance and/or possibly permitting an increased FAR to 40% for lots between 7,500 – 12,500 (or whichever number) sq ft, thereby creating a 36%, 40% and 45% FAR defined by lot size. She concluded by stating that in 2013 this Commission suggested a 50% allowance with a cap of 300 sq ft for garages for lots less than 20,000 sq ft and provided they are not converted into living space, however; the Town Commission did not approve any changes.

Mr. Lee provided a picture reflecting a single family residence with a reduced side setback with a side entrance to the garage from the front of the residence that is partially attached to the main structure. He stated that he believed there would be a lot of rebuilding in the future. Mr. Lee felt a garage facing the street was unattractive and the Town does not provide any encouragement to relocate the garage to the side, such as an increased FAR incentive. He added that smaller lots were confined in lot size due to health/septic issues.

Mr. Marsh stated that while he appreciated Mr. Lee's comments and his creative way to add more square footage he felt that a side driveway would require more paved area, thereby increasing the impervious area. He felt if a property owner envisions a larger home then they should purchase a larger lot.

Mr. Walker commented that lot coverage for a one story residence is more of an issue than the FAR because once all of the area is deducted for pools, decks, and driveways it reduces the living area.

Brandon Caldwell, 66 Spanish River Dr., stated he was in favor of eliminating the garage area from the FAR or providing a 450 sq ft allowance because families need more room for either storage or vehicles. He added that a 10' partial side setback would have a better curb appeal and could actually hide utilities or equipment.

Mark Feehan, Bimini Cove Dr., stated that he was not in favor of reducing the setbacks but was in favor of providing a 400 sq ft or an entire garage allowance.

Kristine de Haseth stated that providing a garage allowance is still actually increasing the FAR. She stated that she felt buyers are attracted to Ocean Ridge because there is a reasonable FAR and setbacks that do not create the look of a zero lot line. She stated increasing the FAR or setbacks will create visual massing that would infringe on waterfront views. She also stated that a garage must have a size limitation if removed from the FAR. Clerk Hancsak again commented that garages should be included in the FAR to avoid changing it to living space at a later time.

Mary Kate Leming, 2 Harbour Dr No, stated she too was concerned with reducing the setbacks as residents cannot enjoy their porches if they are too close to their neighbor and the equipment noise would be louder. She added that eliminating garages could create additional problems in the future.

Bob Habib, 3 Inlet Cay Dr, stated he purchased his property 5-6 years ago believing he could add onto the residence until he realized the zoning restrictions. He stated a family with three drivers needs more room than the code allows. He felt the Town needed to update the code to permit a 400 sq ft garage allowance.

Dr. Bajakian stated this Commission has discussed this issue several times because property owners want more living space. He stated that Ocean Ridge is more restrictive on setbacks than other communities. He felt the FAR, including garages, should be increased from 36% to 40% and no changes should be made to the setbacks.

Mr. Walker again commented that increasing the FAR does not benefit single story residences, however; he was in favor of increasing to a 40% FAR. He felt the density would be far worse with a 10' setback.

Mr. Hutchins felt the setbacks should remain the same and the FAR should be increased to 40%.

Chairman Goray stated that he agreed with an increase from 36% to 40% for the FAR, to include garages, because property owners do want larger homes. He added that this will also increase the property values.

Clerk Hancsak commented that increasing the FAR to 40% and keeping the lot coverage at 35% will require a 2 story home in order to achieve the square footage and actually may discourage one story homes.

Dr. Bajakian moved to recommend that the FAR be increased from 36% to 40%, no exclusion for garages, no changes to the setbacks, and no changes to the lot coverage. Mr. Walker seconded the motion.

Motion carried – yea (Goray, Bajakian, Walker, Hutchins)
Nay (Marsh)

Chairman Goray encouraged the members to attend the next Town Commission meeting when this is presented.

VIII. DISCUSS STRICTER CODE ENFORCEMENT ON VACANT AND BLIGHTED BUILDINGS

Chairman Goray commented that he had requested this item because he has observed several areas that have deteriorating homes, such as 87 Island Drive So.

Clerk Hancsak provided an update regarding 87 Island Dr. So. by stating that the Special Magistrate and Town Commission have authorized the Town Attorney to foreclose on the code enforcement lien on the property. She also stated that the Town has authorized 110 Bonito Drive to be demolished and the property will have a special assessment to recoup the costs.

Chairman Goray mentioned that both he and Mr. Marsh have been gathering information from neighboring communities regarding cleanliness of building sites and blighting of existing homes. He stated that the Town has fairly descriptive codes pertaining to blighting but advised that there could possibly be stricter enforcement. He also suggested increasing the code violation fines to a minimum of $300 per day. Dr. Bajakian commented it should be at least $100 per day. Clerk Hancsak advised that the code currently provides for a maximum of $250 per day for repeat violations and the fine amount is assessed by the Special Magistrate after considering the staff recommendation.

Mr. Marsh suggested a code requirement that a job be stopped if a valid inspection is not called in within 90 days. Clerk Hancsak advised that the Town currently adheres to the Florida Building Code which is 180 days. He agreed that the Town has adequate enforcement standards, however; the codes need to be enforced.

Carol Becker, 88 Island Drive So, commented that she has been frustrated with how slow the process has been concerning 87 Island Dr So and felt the property owner just constantly tried to delay the process of building and the Town did nothing.

Chairman Goray suggested staff review Gulfstream and Palm Beach's codes which he felt were more efficient because it allowed for additional enforcement procedures and

also quicker code enforcement action. He felt the Town needed to be more proactive. He stated the fines should be increased and not considered for reductions.

Mr. Marsh suggested that that the code prohibit any partial demolitions until a building plan for new construction is submitted and also to require a time certain for a partial demolition to remain without active construction. This would not apply to total demolition. He also suggested screening the construction sites citing the sites could be a public hazard and liability issue. Manager Schenck advised that the Town will be requiring fencing through a provision in the FL Building Code, rather than a code requirement, as determined by the Building Official.

Chairman Goray questioned Chief Hutchins how enforcement of the codes could be enhanced. Chief Hutchins mentioned that there were several kinds of code enforcement violations, which most allow a compliance period by the property owner and/or the Special Magistrate. He also stated that in some cases the violation could be considered a repeat violation and they are fined accordingly. Chief Hutchins also mentioned that some communities have a 24 hour Stop Work Order or immediate compliance that gets the attention of the contractor.

The consensus of this Commission was to recommend: that the Town Attorney review the Gulfstream code and construction handbook and also the Palm Beach codes pertaining to construction sites and blighting to determine whether the Town could add additional enforcement mechanisms, possibly increase the penalties (minimum $250 daily) and strongly discourage lien reductions, and suggest revising the code to prohibit partial demolitions unless building plans for new construction are submitted and to provide for a time certain for the partial demolitions to remain without active construction. They agreed that these recommendations and findings be submitted to the Town Commission within 30 days.

IX. ADJOURNMENT

The meeting was adjourned at approximately 10:05 AM.

_____
Chairman Goray

Attest:

_____
Town Clerk

Agenda: Sept 10 2015
Memo: Item #16

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

Subject: Discuss Possible Changes to Old Ocean Blvd.

Mayor and Town Commissioners:

This item was requested to be placed on the agenda by Mayor Pugh. There is no written back up material related to this item at the time of the agenda distribution.

He will discuss it at the meeting.

Agenda: Sept 10 2015
Memo: Item #17

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

Subject: Approve of a Budget Amendment through the Adoption of Resolution No. 2015-04

Mayor and Town Commissioners:

Attached please find Resolution No. 2015-04; Amending the 2014/15 Fiscal Year Budget to Include a Transfer from the Unassigned Fund Balance to the General Fund Operating Budget. The purpose of the amendment would be to reimburse Commissioner Lucibella for the legal fees incurred regarding his defense concerning the Municipal Recall Efforts.

See attached memorandum from Atty Spillias. He will also discuss the item further at the meeting.

THIS IS THE REVISED RESOLUTION THAT THE TOWN ATTORNEY WAS DIRECTED TO PREPARE.

RECOMMENDATION
Staff recommends adoption of Resolution No. 2015-04 amending the FY 2014/15 Budget.

This item was deferred to the Sept 10, 2015 meeting.

RESOLUTION NO. 2015-04

A Resolution of the Town of Ocean Ridge Amending the 2014/2015 Budget to Include a Transfer from the Unassigned Fund Balance to the General Fund Operating Budget

Whereas, several residents initiated an effort pursuant to Section 100.361, Florida Statutes, to obtain sufficient signatures from registered voters to require an election to recall a sitting Town Commissioner; and

Whereas, the Commissioner was required to secure private counsel to seek a court declaration that the recall effort was insufficient as a matter of law; and

Whereas, the court did declare that the recall effort was insufficient as a matter of law; and

Whereas, the Commissioner is seeking reimbursement from the Town for his legal fees in successfully contesting the legality of the recall petition effort; and

Whereas, the Florida Supreme Court has ruled that in circumstances such as those presented, the municipality has an obligation to reimburse the Commissioner for his legal fees.

NOW, THEREFORE, BE IT RESOLVED that the Town Commission of Ocean Ridge, Florida, does hereby approve amending the 2014/2015 budget to include increasing the Fund Balance Unappropriated by $83,000, and increasing the Legal "Other Current Charges Account" by $83,000, to provide funding for the legal fees incurred by the Commissioner in successfully defending against the legally insufficient recall effort.

Section 1. This Resolution shall become effective immediately upon passage.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. Commissioner _____ seconded the motion.

The Mayor thereupon declared the resolution duly passed and adopted this 3rd day of August, 2015.

TOWN OF OCEAN RIDGE, FLORIDA

Attest:

_____
Geoffrey A. Pugh, Mayor

_____
Karen E. Hancsak, Town Clerk

Town of Ocean Ridge

Memorandum

Date: **June 29, 2015**

To: **Mayor & Commissioners**

From: **Ken Spillias, Town Attorney**

Re: **Comm. Lucibella Reimbursement for Recall Petition.**

Commissioner Lucibella has requested reimbursement for his legal fees required to defend him against the recall petition. The court determined that the petition was legally insufficient. Additionally, the petitioners weren't able to obtain the necessary signatures under the relevant statute to call for a recall election.

As you know from copies I have sent you of my correspondence with our D&O insurer, I have researched the issue of the Commission's authority/obligation to reimburse Commissioner Lucibella in the circumstances presented. While I have found no statutory authority or requirement for such reimbursement, the Florida Supreme Court has spoken to this issue in a case virtually identical in all relevant aspects to the one before us. The name and citation of the case is *Thomber v. City of Fort Walton Beach,* 568 So.2d 914 (Fla. 1990). I previously made you aware of the *Thomber* case when I presented to you a request that the Town intervene in the recall lawsuit as a plaintiff/intervenor which you authorized me to do. The key points of the case for our purposes are that 1) a municipality has a public interest in intervening in a case where a recall petition is legally insufficient, and 2) the municipality is obligated to reimburse its elected officials for the cost of having to defend against an insufficient recall petition, even where the litigation to do so is initiated by the elected official sought to be recalled. I have provided you with a copy of the Supreme Court's opinion with relevant passages highlighted in yellow.

I have received from Commissioner Lucibella's counsel the invoices presented to him for their services through May, 2015, in defending him against the recall petition effort. Since the court's order was not received until early June, there will likely be another modest invoice that, hopefully, we

will have received by the time of the Commission meeting. Pending that final invoice, the amount Commissioner Lucibella has been billed for services through the end of May is $82,081.22. I have closely reviewed the invoices and find that given the nature and complexity of the issues presented by the recall petition, the skill of the services rendered and the amount of time required, the fees that have been charged are reasonable.

While I find the invoices are, overall, reasonable, Commissioner Lucibella's counsel did bill for 6 hours which, in my view, do not directly address the defense against the recall petition. Subtracting the cost of these services reduces the amount presently being requested to $79,171.22. I have spoken with Commissioner Lucibella regarding this issue and he is in agreement with the adjustment.

As of the date of this memo, the D&O insurer is claiming that an exclusion in the policy precludes our claim for reimbursement for the fees and costs paid by the Town to indemnify Commissioner Lucibella for his successful defense against the recall petition. I am vigorously contesting their interpretation of the policy in these circumstances and will continue to push forward in having it acknowledge its responsibility under the relevant (in my view) provision. If we are successful in "opening the eyes" of our insurer, it would be responsible for paying the monies paid to Commissioner Lucibella less a $50,000 deductible. If not, I will bring the matter back to you for discussion and decision as to whether to file a legal action for breach of the policy.

As this was not a budgeted item the funds will have to be transferred from the reserve account.

Update for August 3, 2015 Commission Agenda Item

Since the July meeting, we received a copy of attorney Calloway's final invoice to Commissioner Lucibella in the amount of $2908.88. With the prior invoices less sums not directly attributable to the defense of the recall action, the total amount that Commissioner Lucibella has paid or is obligated to pay to his counsel is $82,080.10. It is recommended that the Commission agree to pay this amount to the Commissioner upon presentation of receipts reflecting payment in full.

This information has been provided to our insurance carrier. Given the $50,000 deductible, we are seeking coverage and payment from the insurer in the amount of $32,080.10.

SHUTTS & BOWEN LLP

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E-mail: billing@shutts.com

Richard J. Lucibella
5 Beachway North
Ocean Ridge, FL 33435

April 14, 2015

Atty No.: 6471
Invoice: 1042678

Client: 41739-0001

Re: ***Ocean Ridge Recall***

For professional services rendered thru: ***March 31, 2015***

Total Service	29,272.50
Total Expense	3,567.96
Courtesy Discount on Westlaw Research	(2,000.00)
Credits Applied	(0.00)
Current Balance Due	**30,840.46**
Prior Balance Due	**0.00**
Total Balance Due	**$30,840.46**

Terms: DUE UPON RECEIPT.
A 1% per month late payment charge will apply on any unpaid balance over 30 days from date of invoice.
Federal I.D. No. 59-0447122

TO INSURE PROPER CREDIT, PLEASE RETURN ONE COPY OF THE COVER SHEET WHEN MAKING PAYMENT. THANK YOU.

SHUTTS & BOWEN LLP

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Richard J. Lucibella
5 Beachway North
Ocean Ridge, FL 33435

May 13, 2015

Atty No.: 6471
Invoice: 1048106

Client: 41739-0001

Re: ***Ocean Ridge Recall***

For professional services rendered thru: ***April 30, 2015***

Total Service	28,022.50
Total Expense	2,297.58
Credits Applied	(0.00)
Current Balance Due	**30,320.08**
Prior Balance Due	**0.00**
Total Balance Due	**$30,320.08**

Terms: DUE UPON RECEIPT.
A 1% per month late payment charge will apply on any unpaid balance over 30 days from date of invoice.
Federal I.D. No. 59-0447122

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E-mail: billing@shutts.com

Richard J. Lucibella
5 Beachway North
Ocean Ridge, FL 33435

June 19, 2015

Atty No.: 6471
Invoice: 1055802

Client: 41739-0001

Re: ***Ocean Ridge Recall***

For professional services rendered thru: ***May 31, 2015***

Total Service	19,775.50
Total Expense	1,145.18
Credits Applied	(0.00)
Current Balance Due	**20,920.68**
Prior Balance Due	**30,320.08**
Total Balance Due	**$51,240.76**

Terms: DUE UPON RECEIPT.
A 1% per month late payment charge will apply on any unpaid balance over 30 days from date of invoice.
Federal I.D. No. 59-0447122

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E-mail: billing@shutts.com

Richard J. Lucibella
5 Beachway North
Ocean Ridge, FL 33435

July 22, 2015

Atty No.: 6471
Invoice: 1062600

Client: 41739-0001

Re: ***Ocean Ridge Recall***

For professional services rendered thru: ***June 30, 2015***

Total Service	1,265.50
Total Expense	1,643.38
Credits Applied	(0.00)
Current Balance Due	**2,908.88**
Prior Balance Due	**20,920.68**
Total Balance Due	**$23,829.56**

Terms: DUE UPON RECEIPT.
A 1% per month late payment charge will apply on any unpaid balance over 30 days from date of invoice.
Federal I.D. No. 59-0447122

TO ENSURE PROPER CREDIT, PLEASE RETURN ONE COPY OF THE COVER SHEET WHEN MAKING PAYMENT. THANK YOU.