

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 2, 2015

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 2, 2015, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov Commissioner Bonfiglio
Commissioner Allison Commissioner Lucibella
Mayor Pugh

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak stated that the Budget Meeting in the first sentence of the Oct. 5th minutes should be removed and the typo on page 2 will be corrected to read topic.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Oct. 5, 2015
2. Minutes of Budget Adoption/Special Town Commission Meeting of Oct. 19, 2015
3. Approval of One Month Consultant Agreement with Kenneth Schenck
4. Approval of Agenda Verbiage Modification on the Front Page

Comm. Allison motioned to approve the Agenda and Consent Agenda as amended. Seconded by Comm. Aaskov.

Motion Carried – yea (5)

ANNOUNCEMENTS AND PROCLAMATIONS

5. The Administrative Offices will be closed on Wednesday, Nov. 11th, and Thursday, Nov. 26th and Friday, Nov. 27th for the Official Holidays
6. The Annual “Holiday Celebration” has been scheduled for Friday, Dec. 4, 2015 from 5:30 – 7:30 PM. Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun

PUBLIC COMMENT

Nancy Flinn, 5900 Old Ocean Blvd., commented that she was the committee person for the last art show and she was planning another one in March 2016. She was seeking permission to display several paintings from the last art show’s 6 winners during the months of Nov. – Jan. She also asked if the Town would consider lowering the donation from the profits from 30% to 20%. The Commission approved the displaying of the artwork and also agreed on the 20% donation for each painting sold.

James Weege, 19 Sabal Island Dr, reported that the koi pond appears to be finally regulated and there are even baby koi in the pond. He stated that continuing maintenance is planned and any additional donations would be greatly appreciated. He thanked all those that have donated to the pond.

Terry Brown, Harbour Dr So, commented that he felt converting Old Ocean Blvd. into one way and closing off streets was a prelude to closing off the crossovers. He stated if the crossovers were ultimately closed off it would be a violation of Chapter 161 of the Florida Statutes.

Dom Pallaria, 5530 N Ocean Blvd., stated he is currently involved with maintaining the waste water treatment plant that services several multi-family complexes (200+ units). He advised that Town Manager Schenck approached him regarding a sewer pipe being installed along A1A and connecting into the line in Briny Breezes. He was under the impression that the Town or Boynton Beach or Ocean Ridge

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would fund the new pipe but he has since discovered that neither was funding the project and he did not feel they should have to fund it if other Ocean Ridge residents would ultimately use it. He stated that their system has just obtained permitting for another 5 years. He felt the Town should investigate it further because FDEP will eventually require a conversion from septic to sewers.

PUBLIC HEARINGS

7.a An application submitted by, Everlast Realty LLC, a Massachusetts Limited Liability Co., and John Luring, Mark Luring, James Luring, 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. (Postponed to the Oct. 5, 2015 Regular Meeting)

Atty. Spillias stated that staff has met with representatives for this project and are addressing several concerns that have been raised. They have requested that this item be continued to the December 7th, 2015 meeting.

Comm. Lucibella motioned to continue this item to the Dec. 7th, 2015 meeting. Seconded by Comm. Allison.

Motion Carried – yea (5).

REPORTS

7. Town Manager

Town Manager Titcomb thanked the Commission for the opportunity to serve the Town. He also thanked the staff for their input during his first week. He advised that Ken Schenck was present to provide the Town Manager Update that he had prepared before retiring.

Manager Schenck reported the following: 1) Spanish River Drive – water is still ponding, staff is analyzing the best way to eliminate the problems and most of the remaining problems are in driveways and not a majority but will need corrected. Once major projects are completed these will be addressed. 2) FEMA Flood Maps – FEMA is still reviewing our requests for flood zone changes. 3) FDOT Bridge Inspection – The approved bridge repairs are complete, and the change order will be addressed later in the meeting. 4.) Wastewater Proposal – This program is not moving forward at this time. The condos were under the impression that the Town would pay for the force main. Our understanding was that the users would pay for it. The wastewater plant has permits to operate for the next 5 years so nothing will happen until the condos want to initiate the program. 5) Villas of Ocean Ridge – They have had to change their drainage project to make it functional, and are completing the final design. When complete we'll get the necessary permits from FDOT and SFWMD and bid the project. 6) Barrier Island Fire District – Gulf Stream has advertised for proposals to complete a study and develop a cost for a barrier island fire district that would run from Highland Beach to South Palm Beach. The purpose is to know what a system like this would cost so we know where we stand in comparison to contracting out these services. When we get the proposals we'll know what our share will be. Four Proposals were opened on Oct. 31 and ranged

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from \$39,000 – 70,000 (much lower than anticipated). He stated Gulfstream's legal counsel is reviewing the proposals at this time.

9. Town Attorney
 - a. Discuss Town Attorney Replacement Process

Atty Spillias reminded the Commission that his last day will be March 7, 2016 and felt that the process of future legal counsel should be addressed. He stated that there is no legal requirement for RFP's for legal counsel. He outlined the options available, which included: 1) Formal Proposal Process and open to all interested parties within the State; 2) the Town Attorney and Town Manager identifying various firms or attorneys through a solicitation letter requesting the credentials, charges, references, etc.

Atty Spillias reminded the Commission that fees could be charged through a retainer process, blended rate, flat rate or fee per service. He also commented that while his contract for the one year in-house attorney has benefited the Town with the transitions that have occurred he felt the Town should contract out either with a firm or individual in the future.

The consensus of the Commission was for the Town Manager and Town Attorney to distribute a letter of solicitation to various local firms and provide a short list at the Dec. 7th Regular Meeting. There was discussion of possibly advertising with the Florida League of Cities, however; there was concern that there would be multiple responses from firms out the immediate area.

10. Police Chief

Chief Hutchins advised that his report was distributed. There were no questions.

11. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

12. Discuss Workshop Meeting Date Regarding the Concept of Converting Old Ocean Blvd. to a One Way Street and Closing Entrances to Old Ocean Blvd. on Several Streets

Mayor Pugh advised that the workshop meeting was originally going to be scheduled for December, however; he was suggesting it be changed to January, after the holidays. He clarified that it would involve Commission and public input.

The consensus was to schedule the meeting in January but announce the date in December thereby providing ample time to the public.

Kristine de Haseth, 29 Sabal Island Drive, stated that a professional traffic study should be done depending on the outcome of the meeting.

13. Approve Approximate \$2,000 Expenditure for Appropriate Signage and Stop Posts in Temporarily Close Midlane Road at Woolbright Road on a Trial Basis

The Town Manager's memorandum provided an approximate cost of \$650 to place 8-11 stop posts (\$550+/-) and also the placement of a metal sign denoting Dead End, Residents Only Dead End or Residents Only No Outlet (\$60+/-). It also included information on several types of speed humps with an approximate cost of \$1,500 and \$2,000 depending on the number needed.

Mayor Pugh opened up public comment.

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Mark Lacho, 28 Ixora Way, advised he was opposed to the closing citing: the median on Ridge Blvd. creates ingress/egress issues, adding that typically the road gets blocked by landscaping or other types of trucks; Ridge Blvd. doesn't allow for large trucks and felt property damage will occur; the affected homes should be polled; the A1A ingress/egress traffic is more dense thereby creating a safety hazard; the lack of a sidewalk on Ridge Blvd. and speeding that occurs creates a safety hazard with increased traffic; and he felt more consideration should be given to cameras on the bridge.

Don Magruder, 9 Ridge Blvd., stated he was ambivalent about the closure but stated that truck traffic has been coming down Ridge Blvd. for 30 years and there have been no real problems. He felt the affected residents should be polled. He also stated he would not want a Dead End sign and suggested verbiage similar to No Outlet/Residents Only or No Through Traffic/Residents Only. He agreed that vehicles speed on Ridge Blvd. partially in an effort to cut through to get to/from the bridge. He was in favor of the signage and a trial closure for six months.

Jerry Magruder, 9 Ridge Blvd., stated that whether or not she was in favor of the closure vehicles do speed on Ridge Blvd. and felt a traffic study was necessary. She felt her area did experience higher crime.

John Adamovich, 5 Waterview Drive, felt that most residents have returned from the north and that most support the proposal, especially on a temporary basis.

Mark Kruger, 8 Ridge Blvd., was in favor of the closure citing it would assist with security and police issues.

Meg Williams, 11 Ridge Blvd., stated that she uses Midlane Road frequently, however; she realizes there is a security issue. She advised that at least 45 vehicles drive through on a daily basis and there would be increased traffic with the 300+ proposed units at Woolbright and Federal Highway.

Terry Brown, Harbour Dr So, stated that he previously supported the temporary closure but stated that the signage should not include Residents Only.

Noel Bourque, 1 Ixora Way, stated that he was a new resident and agreed with all of the comments and felt a neighborhood watch program is important. He added that speed humps may be an option to stop vehicles from speeding and also cutting through the neighborhood. He was open to signage reading Local Traffic Only and speed humps as a start to start slow. He added that cameras may be necessary in the future.

Steve Coz, 2 Osprey Court, complimented the affected residents on how they have interacted with each other even though they may have differing opinions.

Comm Aaskov stated she lives in the affected neighborhood and did feel that trucks parked on Ridge Blvd. is a problem and more issues would be created if Midlane Road is closed off. She felt there should be polling of all the immediate neighbors.

Comm Bonfiglio stated that he too is an affected neighbor and he is not concerned with the extra ingress/egress time that may occur as a result of the closing. He stated that the permanent closing should be considered in six months based on the success or failure of the trial basis. He stated that the Town needed to figure out which problem/s they are trying to solve. If it is to discourage speeding then speed humps should be considered and if it is crime then a deterrent needs to be considered. He did state that there are other areas that are affected in the same way.

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Comm Allison felt statistical information is important and if there is more crime concentrated in this area then proposed solutions should be taken. She stated that she has heard more positive than negative feedback on the closing of Midlane Rd.

Comm Lucibella stated that the crime statistics proves that there is a bigger issue in this concentrated area, citing the easy exits from the island. He commented that the residents asked the Commission to solve a problem but nothing comes for free. He agreed with Terry Brown that the roads are public and notice has already been provided through the Town's media availability. He felt there is a difference between public input/comment and polling. He felt the trial closure is 100% reversible in 6-8 months if not well received but the closure should happen now on a trial basis.

Mayor Pugh agreed with Comm Lucibella and stated that the survey provided by the Chief disclosed higher crime stats for this area. Town Manager Titcomb added that there is actually two issues – the crime and speed – and addressing the crime first would assist in effectively measuring the metrics between the two. Chief Hutchins suggested erecting the signs immediately and providing 30 day notice for the closure.

Comm Bonfiglio moved to barricade Midlane Rd at Woolbright Rd with stop posts, erect signage that reads similar to No Outlet/Local Traffic Only at a \$750 total cost, and notify the public through our existing media and written form to the Ocean Ridge Beach Subdivision residents and for the project to be re-evaluated for effectiveness in June 2016. Comm Lucibella seconded the motion.

Motion carried - yea (5).

14. Authorize Budget Amendment/s to the FY 2014/15 Budget

Clerk Hancsak summarized that during the process of FY 2014/15 Year End Closing a preliminary review of the General Fund departments reflected 2 departments will be over budget. 1) Inspection Dept. – In August 2015, the Commission had approved a budget amendment to add \$26,000 for the demolition of 110 Bonito Drive. The additional funding came from the Unassigned Fund Balance and has been placed as a special assessment on the property. In addition to this amendment it was over budget because we generated more Building permit revenue (an additional \$139,731 or a total 216%) which in turn generated additional inspections and review by our contractor, HyByrd Inspections, Inc. 2) Town Commission Dept. – the Insurance Account had an original budget of \$11,600 but \$13,607 was expended due to the increased D & O insurance renewal costs.

Clerk Hancsak concluded that the State Statute permits municipal governments to amend their budget any time during the fiscal year or within 60 days of fiscal year end provided the amendment is for appropriation for expenditures within the same fund and is completed by motion and the fund is not changed. We have remaining funds in the Contingency Account (\$29,000) and request that some of those funds be transferred to the Inspection Professional Services Account (\$7,000) and the Town Commission Insurance Account (\$1,000). Transfers would be strictly internal and not affect the overall budget. These amendments will total \$8,000.

Comm. Bonfiglio motioned to authorize the Internal Budget Amendments for FY 14/15 and also approve amending the budget to reflect the approved contingency expenditures during the FY 2014/15. Seconded by Comm. Allison.

Motion Carried – yea (5).

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15. Ordinance No. 612; Amending Article IV, Division 1, Section 66-117 of the Code of Ordinances to Make the Landscape Provisions of Division 1, Parking Area Landscape, Applicable to Single Family and Duplex Dwelling Units; Providing for Codification; Providing for Repeal of All Ordinances in Conflict, Providing for Severability; and Providing for an Effective Date

Clerk Hancsak read the ordinance by title only.

Clerk Hancsak explained that the P & Z Commission recommended and the Commission concurred amending Section 66-117 to extend the prohibition for planting invasive plantings to single family and duplex residences. This is first reading.

Comm Bonfiglio moved to adopt Ordinance No. 612 on first reading, seconded by Comm Lucibella.

There was no public comment.

Motion carried – yea (5).

16. Ordinance No. 613; Amending Section 1-3, Definitions, of the Code of Ordinances to Include Partial Demolitions of Improvements; and Further Amending Article III, Technical Codes and Other Construction Standards, Division 2, Administration and Enforcement, Section 67-51, Permit Required, to Include Requirements Relative to Partial Demolition Permits and the Prevention of Blight; Providing for Codification; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date

Clerk Hancsak read the ordinance by title only.

Clerk Hancsak explained that the P & Z Commission recommended and the Commission concurred to amend Section 67-51 and the definitions to include requirements relative to partial demolition permits and the prevention of blight.

Comm Bonfiglio moved to adopt Ordinance No. 613 on first reading, seconded by Comm Aaskov.

There was no public comment.

Motion carried – yea (5).

Commission Allison questioned the status of the Town Clerk applications. Town Manager Titcomb advised that he has reviewed the 11 applications that have been received since July and he was aware of a few potential applicants. He stated that he should be prepared to make recommendations at the Dec. 7th Regular Meeting.

Meeting Adjourned at 7:40pm.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella