

REGULAR TOWN COMMISSION MEETING MINUTES
FEBRUARY 6, 2017

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday,
February 6, 2017, at 6:00 PM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Mayor Pugh at 6:00 p.m.

ROLL CALL

Town Clerk Stevens led the roll call, which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Commissioner Aaskov		x	
Vice Mayor Bonfiglio	x		
Commissioner Coz	x		
Mayor Pugh	x		

Let the record show that Commissioner Aaskov is absent with notice.

PLEDGE OF ALLEGIANCE

Mayor Pugh led the Pledge of Allegiance.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Vice Mayor Bonfiglio moved to approve the agenda as presented; seconded by Commissioner Coz. Motion carried 3-0.

PUBLIC COMMENT

Terry Brown, Harbour Drive South, mentioned that it would be appreciated if the Town could spruce up the entrance median strip on his street with some flowers and plants, and possibly replace the entrance sign with a nicer sign with the Town logo. Mayor Pugh responded that we are currently looking at sign replacement for the whole town. Mr. Brown also stated that there is an issue with homeowner's advertising their homes for rent on the internet. He stated we have a rule regarding 30 days, and read the definition of vacation rentals from the Town Code "Vacation rental or unit means an attached or detached dwelling unit that is rented, leased, subleased, or assigned for periods of less than 30 days' duration". He noted that the advertisements he is seeing state that the rentals are for a minimum period of 7 days. He stated that short term rentals and transit rentals may be decreasing property values. He stated that none of the forms obtained from the Town Clerk's office such as rental applications and renewal letters include language that vacation rentals less than 30 days are prohibited, and he believes that may be helpful. Commissioner Coz asked the Town Manager if there are any fines associated with breaking the Town Code, and Town Manager Titcomb responded that we have a Code Enforcement mechanism. He also noted that Airbnb and the advertisements that Mr. Brown mentioned are exempted under state legislative action if we didn't have specific prohibitions in Town Code prior to 2011. Chief Hutchins explained that the issue that comes in often is that the advertisement of a rental less than 30 days is not a violation. We have had discussions with the Department of Real Estate and numerous other state agencies regarding that, so the enforcement under Town Code comes in with us being able to show that they are being rented. We attempted to regulate some of that with our rental registration ordinance, and we continue to follow through on those. We look at Airbnb to see where some of the rental properties are and try to monitor traffic in those areas and then contact the owners or realtors regarding that. Chief Hutchins suggested that if anyone observes what they believe to be an unlawful vacation rental, they should notify staff at Town Hall who can check to see if the property is registered. If it is not registered, then it is referred to the Police Department for an investigation to determine if there is a violation we can follow up on. If there is a violation, it would be a Code Enforcement issue and be heard in front of the Special Magistrate if not cured within a certain amount of time before the hearing. Chief Hutchins noted that it is hard to monitor whether a rental is a long term or short term rental without infringing on people's rights. Mr. Brown stated that he has a list of rental properties and some of them are homesteaded properties. Chief Hutchins responded that there is a phone number on the Property

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Appraiser's website to call for tax complaints regarding homestead properties, and they do follow up on the complaints. Mr. Brown asked if residents could report tax violations to Town Hall staff to follow up, and Mayor Pugh responded that residents could do that. Chief Hutchins responded that although staff can look into those issues, there is nothing that precludes residents to report the violations directly to the Property Appraiser's Office.

Stella Kolb, 204 Beachway Dr, stated she agrees with Mr. Brown and reiterated that it is the responsibility of residents to report things that are unlawful. She stated she owns a second property that she cannot claim as homestead property and pays a lot of taxes on it. She stated she remembers a time when the ordinance stated you had to rent your property for at least two months in Ocean Ridge.

Kimberlee Duke Marshall, 5905 N. Ocean Blvd, speaking on behalf of the Garden Club, thanked the Town for the barrier island gardening book donation, and noted the book will be distributed in the Coastal Star. She stated the Garden Club will be hosting a public event on March 21-22 which is open to the community with lecture series and exhibitions. She stated she looks forward to seeing everyone there.

Merilee Lundquist, 6277 N. Ocean Blvd, and Dr. Jim Weege, 19 Sabal Island Dr, stated that the Koi pond is a wonderful addition to the Town that was purchased with funds from the McGinty donation, and was later refurbished with a donation from the Pugh family. Dr. Weege had maintained the pond for the Town until recently when the repairs extended beyond his expertise, and his hard work and dedication is appreciated. The Garden Club has always set aside money for the pond maintenance, and the members are now donating their spare change to help with the food for the fish. A collection box will be placed here at Town Hall for donations for food for the Koi as well as the pond maintenance.

Bob Weisblut, 23 Sailfish Ln, mentioned that he would like a welcome sign in town that says "Welcome to Ocean Ridge, Please Enjoy the Beach, We Would Appreciate Your Cooperation for Not Littering, Thank you", which would make a nicer impression of the Town.

Betty Bingham, 1 Ocean Ave, stated that since we may be seeing a huge influx of people using the beaches, she would like the Commission to setup beach rules and regulations such as no private property on the dunes, no disturbing the turtles, etc. and implement fines for doing so.

APPROVAL OF CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of January 9, 2017.

Vice Mayor Bonfiglio moved to approve the consent agenda as presented; seconded by Commissioner Coz. Motion Carried 3-0.

ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Pugh read the announcements for the public.

2. Town Hall will be closed on Monday, February 20, 2017 in observance of Presidents' Day.
3. The Municipal Election will be held on March 14, 2017. There are two Town Commission Seats Open for a Three Year Term. Candidate Filing Dates run from Noon on January 31, 2017 through Noon on February 14, 2017 / Las elecciones municipales se celebrará el 14 de marzo de 2017. Hay dos ciudad Comisión asientos abierto por tres años. Fechas de presentación de candidatos se ejecute desde el mediodía del 31 de enero de 2017 a mediodía del 14 de febrero de 2017.
4. The Police Department will be hosting "Coffee with a Cop" in the Community Room at Town Hall on Wednesday, February 22, 2017 from 7:30 a.m. to 9:00 a.m.
5. The Town will be providing free shredding services to residents on Saturday, April 22, 2017 from 9 a.m. until Noon at Town Hall.

PUBLIC HEARINGS

6. An application submitted by Steven M. Rayman as Trustee for the Rayman Equities Trust, 6155 N. Ocean Blvd, Ocean Ridge FL 33435, 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 seawall that will extend a maximum of 215' (+/-) east of the Coastal Construction Control Line (CCCL) located at 6155 N. Ocean Blvd or legally described as AMENDED PL OF BOYNTON'S SUB LTS 6 & 7 & N ½ OF LT 8 BLK 3 & TH PT OF BLK 10 LYG W OF & ADJ TO & ABND OCEAN BLVD LYG (exact description available for review in the Clerk's Office).

Mr. Rayman thanked the Town Staff and Commission for their help in expediting the project. He stated he may need to come to the Town later to request extra time on the project.

Commissioner Coz moved to approve the CCCL application for Steven Rayman at 6155 N Ocean Blvd subject to all applicable permitting requirements and any other applicable Town requirements; seconded by Vice-Mayor Bonfiglio. Motion carried 3-0.

7. An application submitted by Bradley Miller, Miller Land Planning, Inc., 508 E. Boynton Beach Blvd, Boynton Beach, FL 33435, representing the owner Ronald Kerrigan, 30 Engleton St, Tenafly, NJ 07670, 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 re-platting requirements. The applicants are requesting the approval of a final plat for a 5.176 acre property located on the north side and at the terminus of Thompson Street which was originally platted as Lot 44 and Lot 39 in Plat Book 18, Page 45 recorded in 1938; proposing a reconfiguration of the two lots to allow for two developable lots and re-plat. The two new lots are configured so that both contain upland areas that meet Town code regulations for the development of a single family home on each lot. The two lots will meet the zoning requirements for the RSF – Residential Single Family District.

Town Attorney Shutt suggested that the motion be subject to conditions that the applicant provide a letter of credit for roadway improvements, that infrastructure improvements shall be paid by the applicant as depicted on the submitted plans, and the applicant has agreed to a restrictive covenant being filed that there shall be no additional subdivision provided for this property.

Bradley Miller, Miller Land Planning, 508 E. Boynton Beach Blvd, stated that working with the new staff over the past several months has been great. He stated this is an application for a property that is already platted for two lots, and the proposal is to move the lot line over 95 feet in order to have two developable lots. He stated that the Planning & Zoning Board met last March, and all of the items that they were concerned about have been addressed such as drainage, that the access road is owned and maintained by the property owners, and that two lots remain in perpetuity.

Mayor Pugh asked the Town Engineer to assure him that the rainwater from the property will not affect properties on Harbour Drive North. Ms. Tropepe responded that she has reviewed the conceptual construction plans for the Thompson Street improvements and they have addressed the adverse effects on adjacent property owners. She stated that the applicant is, by letter of credit, putting up 110% of the estimated cost to construct the improvements within the right of way. When the construction permits are pulled, we will review the plans in accordance with our code. She stated the Town will utilize the letter of credit to construct the road improvements ourselves if the applicant does not take care of it.

Joe Pike, the Engineer of Record, Enviro Design Associates, stated that his firm will take care of town requirements of drainage for the site itself which is all they are required to do, but in addition to that we have been working very closely with the Town Engineer because Thompson Street was not perfect to begin

with and it never will be perfect, but we are trying to improve it by putting in a separate drainage system to address the runoff from the high point of Thompson Street which shoots toward the West and goes into the grassy area. We are addressing that by extending it and putting in a turn-around for fire trucks and in conjunction with that, we are putting in a drainage system at the end to capture that. We are also dedicating land to put in roadway swales to capture water there. This is all being done separately from the on-site draining requirements. He stated they are not statutorily required to do anything for the Thompson Street drainage, but they will be doing it anyway.

Terry Brown, Harbour Drive South, asked if this plan has been approved by the South Florida Water Management District (SFWMD), because water needs to be captured and filtered before it drains into state waters. He stated that Town code states that property owners only have to catch 1" of water, but he feels this should be 2". He stated that it appears that the water will run down into state waters. Ms. Tropepe responded that this project is not under the jurisdiction of SFWMD. She stated there are exemptions and this is one of them. She stated there will be no direct runoff into the wetlands, as we asked the applicant to give the Town 15 feet of land in order for them to construct a series of swales that will capture the water so it will not runoff into the wetland. Mr. Brown stated that regulatory requirements will not be met when we receive a lot of rain. Mayor Pugh stated that the applicant is meeting and exceeding the requirements.

Vice Mayor Bonfiglio moved to approve the replat submission as requested with conditions and considerations as set forth in the plat documents and the restrictive covenant which prohibits subdividing more than two lots, and conditioned on posting a letter of credit of 110 percent of the value of the improvements for the town to draw on in the event they do not complete the project, and the infrastructure is constructed by and maintained by the property owners; seconded by Commissioner Coz. Motion carried 3-0.

REPORTS

8. Town Manager

Town Manager Titcomb introduced Mark Malloy from DBI Aquagenics who we contract with for the Woolbright Detention Area. Mr. Titcomb stated that if you look at the detention area now, it looks terrible, but we need to break it to fix it and it will take time. Mr. Malloy stated that they have removed the exotics and treated vines growing behind some of the yards. He stated they have a proposal out now to treat fence to fence, as they were only treating a portion of it before. We have installed plantings that will grow and help filter the water which is what the area was designed for. He stated they also have a proposal in for storm drainage throughout the town to inspect catch basins quarterly and measure sediment. Mayor Pugh asked about the area where roots are growing underground, and Mr. Malloy responded that he wants to see how it is working during a heavy rain occurrence and high tides before he makes any recommendations on how to move forward. Town Manager Titcomb mentioned that Barnacle Busters is also working to clear all of our valves throughout the Town. He stated that it is a comprehensive system that needs a major upgrade. Mayor Pugh asked about the standing water in the detention area, and Mr. Malloy stated we have a pocket that is not supposed to be there, but he needs to measure the sediment first before proceeding. Town Manager Titcomb stated that the dead vines that are hanging need to fall, and if they remove them prior to them falling, the seed pods will spread and make the situation worse.

Town Manager Titcomb stated that staff is currently working on the Town paving program. We are creating a matrix and grading system, and assessing the condition of each street in Town. We have already identified key streets ready for paving such as Anna and Engle. Engenuity will do some borings to finalize the plan, and we will wait until the off season to pave.

Town Manager Titcomb stated that staff has been inundated with public records requests, and building permits are booming which is slowing down the regular workload. Our intern has been working for months

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to help alleviate the extra pressures free of charge. We may give the intern a few hours and compensate her for the work she is doing to assist with the records requests.

Staff is currently working on an app for people to report things they see in the community that need to be worked on. Staff will be able to aggregate the data and report out on it on a regular basis. We are currently in the testing phase and hope to roll it out soon.

The Mayor and Town Manager will be going to Washington DC to advocate for the Town with our Congressional delegation on matters such as FEMA funding issues, sober homes, vacation rentals, etc.

There were no questions from the Commission.

9. **Town Attorney**

Town Attorney Shutt advised that there is no report.

10. **Police Chief**

Chief Hutchins advised that the Police Department report is included in the meeting package and includes monthly police department statistics. He thanked everyone who attended the identity theft seminar in January. He received feedback that it was very informative, and they are considering running the program again on another date and time.

Chief Hutchins mentioned that the "Coffee With a Cop" event will be held on February 22nd from 7:30 a.m. to 9:00 a.m. He stated this is not a formal presentation; this is an event for people to have the opportunity to ask questions and socialize.

Chief Hutchins noted that the Dispatch Center has been recertified as a Dispatch Center for a period of two years, and thanked Dispatchers Jessica Simpson and Courtney Barreca for the work they did on the recertification process.

Chief Hutchins announced that the Town has received a \$5,000 safety grant from the insurance company to go toward the purchase of the police radios. In addition, we have been awarded a \$2,000 grant from the University of South Florida to assist in bicycle and pedestrian education, and to help pay for overtime for officers.

Chief Hutchins presented the new Police Department patch and asked for permission to move forward with it. **There was consensus from the Commission to move forward with the new Police Department patch.**

Chief Hutchins mentioned that he included several commendations in the meeting package, and stated it is important to recognize Police Officers for their great work for the Town.

ACTION ITEMS

11. **Confirm the Hiring of Dispatcher/Clerk Jennifer Cohen;** By: Hal Hutchins, Police Chief
Chief Hutchins requested confirmation on the hiring of Jennifer Cohen as Dispatcher/Clerk. He explained that Ms. Cohen has passed all of the background checks and had received her 911 PST certification before she was hired. Chief Hutchins also introduced another new Dispatcher/Clerk, Zoie Arnold. The Commission welcomed both Jennifer and Zoie to the Town.

Commissioner Coz moved to confirm the hiring of Jennifer Cohen for the position of Dispatcher/Clerk; seconded by Vice Mayor Bonfiglio. Motion carried 3-0.

RESOLUTIONS

12. Resolution No. 2017-02: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Designating the Town Planning and Zoning Commission, Including the Alternates, as the Town Infrastructure Surtax Citizen Oversight Committee; Establishing the Responsibilities and Duties of the Oversight Committee; Establishing Procedures for the Conduct of Meetings and Operations; Establishing a Sunset Date; Providing An Effective Date; and for Other Purposes.

Vice Mayor Bonfiglio moved to approve Resolution 2017-02 designating the Planning & Zoning Board including its Alternate Members to serve in the capacity as the Town's Infrastructure Surtax Citizen Oversight Committee as required by the County Ordinance relative to the additional sales tax that the Town will receive; seconded by Commissioner Coz. Motion carried 3-0.

FIRST READING OF ORDINANCES

13. Ordinance No. 617: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 2, "Administration", Article II, "Officers and Employees", Division 3, "Town Clerk" to Clarify the Requirements of the Town Clerk; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Attorney Shutt explained that this is a housekeeping type of ordinance, providing that the Deputy Town Clerk will attend meetings in the absence of the Town Clerk. The ordinance will also allow the Town Treasurer to expend funds through an electronic debit in addition to paying by check, which has been the practice of the Town for many years. The ordinance provides that any recurring funds paid out electronically such as loan payments, etc. are only done so by agreement approved by the Town Commission or adopted in the annual budget.

Commissioner Coz asked if an electronic payment can be made without a co-signer, and Attorney Shutt responded that it can only if an agreement has been approved by the Town Commission or the payment has been adopted as part of the annual budget.

Vice Mayor Bonfiglio explained that the electronic debits are not significant in number; they are generally for the automatic payments of the loans and payments to the Florida Retirement System, and Florida Power and Light.

Vice Mayor Bonfiglio moved to adopt Ordinance No. 617 as set forth in item #13 on the regular Town Commission meeting agenda of February 6, 2017; seconded by Commissioner Coz. Motion carried 3-0.

14. Ordinance No. 618: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 2 "Administration", Article (6) VI "Finance", By Deleting Division 1 "Generally" and By Creating a New Division 1 "Purchasing Code" to Provide for Regulations Governing the Purchasing of Goods and Services; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Attorney Shutt explained that the Town purchasing policy will not be adopted until second reading of the ordinance. The ordinance does not give the Town Manager any greater power to approve dollar amounts than was previously granted, as there is still a cap of \$10,000 for acquisitions and anything above that would still have to come to the Town Commission. Attorney Shutt explained that there are provisions in the ordinance on bid procedures in certain circumstances such as sole source vendors. The ordinance clarifies Department Head acquisitions, bid protest procedures, extensions of contract for certain period of time to allow us to go out to bid, and provides for exemptions provided that certain requirements have been met.

Vice Mayor Bonfiglio stated that the ordinance has proper safeguards, and he is comfortable with it.

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Mayor Pugh explained that we are proposing this so that our code is more detailed, more understandable and not as vague. Attorney Shutt stated that a problem you can have if things are not spelled out in the code is if the IG or another agency comes along and asks how we went out to bid on a project when our code does not specify our procedures on things like sole source vendors, etc. Attorney Shutt stated this amendment is not a means of skirting an issue. In fact, the IG has looked at the wording and is comfortable with it as well.

Vice Mayor Bonfiglio stated this is basically codifying the procedures we have already been using, and gives us a basis if we are audited or questioned.

Commissioner Coz moved to adopt Ordinance No. 618 on first reading; seconded by Vice Mayor Bonfiglio.

Public Comment: Terry Brown, Harbour Drive South, asked for clarification that the requirement that the Town Manager can spend up to \$10,000 is still in the code, and Mayor Pugh responded that it has not changed. Mr. Brown stated that it was irritating that the previous Town Manager would come to the Commission begging for \$500 to spend at a later date, and he does not want the code to slow progress down. He stated that the Commission should not micro-manage the operations of the Town. Town Manager Titcomb responded that the changes we are proposing will not slow things down. We are trying to modernize the Town's code to match the best practices and current law.

Motion carried 3-0.

SECOND READING AND ADOPTION OF ORDINANCES

None.

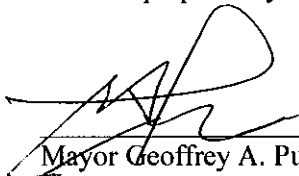
TOWN COMMISSION ITEMS

None.

ADJOURNMENT

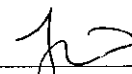
Meeting Adjourned at 7:19 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on March 6, 2017.



Mayor Geoffrey A. Pugh

ATTEST:



Tracey L. Stevens, CMC, Town Clerk