

REGULAR TOWN COMMISSION MEETING MINUTES
APRIL 3, 2017

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday,
April 3, 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		
Commissioner MaGruder	x		
Mayor Pugh	x		

PLEDGE OF ALLEGIANCE

Mayor Pugh led the Pledge of Allegiance.

TOWN CLERK TO ANNOUNCE ELECTION RESULTS & SWEAR IN NEW TOWN COMMISSIONERS

Town Clerk Stevens announced that we currently have 1,600 registered voters, and 500 ballots were cast at the March 14, 2017 Town Commissioner Election which is a 31.25% turnout. The results are: Richard Bajakian 164; James Bonfiglio 249; Donald MaGruder 319; and Nan Yablong 168. Town Clerk Stevens swore in newly elected Commissioners James Bonfiglio and Donald MaGruder and congratulated them.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

APPROVAL OF CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of March 6, 2017.

Vice Mayor Bonfiglio moved to approve the agenda and consent agenda as presented; seconded by Commissioner Aaskov. Motion carried 5-0.

PUBLIC COMMENT

Meredith Cruz, a consultant to DOT, spoke to the Commission regarding the Ocean Ave Bridge Project which will begin on April 24th. She mentioned that there will be an open house/information meeting for residents on Tuesday, April 18th here at Town Hall. Jason Trujillo, with RS&H who is overseeing the project, also spoke to the Commission and noted that there will be a complete removal of the existing coating, re-application of the coating, stucco repairs, and painting. The contractor has 154 days to complete the work, and they are currently primarily restricted to night work. He noted that we may need to do some daytime bridge closures in order to compress the schedule and possibly finish the work in 90-120 days which would be early August, however, weather will play a significant role. He stated they are currently assessing peak values of traffic. Under the current contract, 9 pm to 6 am closures are allowed, and daytime closures are only permitted to drop off materials. Mayor Pugh asked about noise during the night hours, and Mr. Trujillo responded that propagation down the roadway should not be as much of a problem as propagation across the channel. The condo association is the biggest concern. Commissioner Coz asked about the time of day for possible closures, and Mr. Trujillo responded that they are currently doing a traffic analysis to determine the best times, however, the current plan is 9 am to 5 pm. Mayor Pugh stated that we will not want sandblasting at night, and Mr. Trujillo responded that they currently have approval to shut down the bridge for ten nights, but are trying to reduce that to six nights. There will be times that we have to do a full detour to paint the tips and heel, and that needs to occur at night. Mayor Pugh asked about the

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

weekends, and Mr. Trujillo responded that they are allowed to work seven days per week, but the contractor has indicated they want to work six days a week (Sunday through Friday) but reserve the right to work seven. To summarize, Mayor Pugh stated that we request no sandblasting at night and we wouldn't mind lane closures during the day in order to speed up the process. Commissioner MaGruder asked about holiday work, and Mr. Trujillo noted that the contractor indicated that there will be no holiday work. Town Manager Titcomb noted that he will be meeting with those involved next week to finalize the details.

Terry Brown, Harbour Drive South, congratulated the two winners of the election. He mentioned that we need to review the short term rental situation, and suggested that we send a notice out to applicants informing them about the 30 day rental requirement. He noted that the Legislature is currently reviewing a bill regarding vacation rentals, and there is a sunset provision so if we had a rental ordinance on the books before June 2011 it can remain, but the Legislature wants to preempt anything adopted after that. Commissioner Coz mentioned that Miami-Dade is working on a policy that may work for us, however, AirBNB is fighting the legality of that policy. Mayor Pugh noted that we currently have a policy, but it needs more teeth. Mr. Brown suggested that the Town Clerk's staff send out a letter if there are complaints on a specific property. Mr. Brown mentioned that he reviewed the Police Chief's report and didn't see a lot of information on where things are occurring. He noted that the old report had a narrative. Chief Hutchins responded that the newsletter version has more information and is available at Town Hall and on the website for those interested.

Gilbert Fornatora, 7 Inlet Cay Drive, stated that there is some demolition occurring at 6 Inlet Cay Drive and they are using the vertical lead ball drop method. He stated he is opposed to this method, as it could cause problems for neighbors. He stated he is now looking for cracks in the walls and outside his home, and he found five cracks in the concrete. He stated the company representative met with him and told him the cracks could not have been caused by them, and told him to get a lawyer. He stated he would like to know if there was a waiver of codes on the approval of the permit or code violations for 6 Inlet Cay Drive. Mayor Pugh asked Town Manager Titcomb and Attorney Shutt to look into this, and for Town Manager Titcomb to contact the contractor with Mr. Fornatora's concerns. He stated he doesn't believe we have anything in the code regarding this, but the Building Official has informed them as well as the piling people not to pound anything into the ground because that area is like jello in the North end. Attorney Shutt noted that he has placed things regarding vibratory compaction into other Town's codes, but if contractors are not allowed to use this method, it may increase the time and cost of construction for residents. Mayor Pugh stated that construction of a house should not adversely affect the neighbors, so we should look into this.

Stella Kolb, 204 Beachway, congratulated the newly elected Commissioners, and asked Commissioners to look into construction parking regarding the building permit that was approved on Osprey Drive and the construction vehicles parking on that small street.

Ed Brookes, 15 E. Ocean Ave, stated he agrees with Terry Brown on the short term rental situation, and stated that the Town needs to be proactive as we should be concerned about who is living next door. He noted that we used to have a system where residents had to register who was renting their home. Mayor Pugh noted that we did, but it was thrown out. Mr. Brookes suggested sending a letter to everyone in Town reminding them what the ordinances are, as people are breaking the law and we need to do something about it. Commissioner Coz noted that the new SeeClickFix app can be used to report code offenses. Town Manager Titcomb stated there are policing and privacy issues that we need to adhere to, and the Legislature is currently trying to preempt local statutes. Vice Mayor Bonfiglio asked if the Legislature preempts our statutes as of 2011, would that restore the regulations we had that post-2011 ordinances superseded, and asked what we had on the books prior to 2011. Attorney Shutt advised that we did not pass any ordinances after 2011. Mayor Pugh asked Town Manager Titcomb to place an item on the next agenda regarding Rental Registrations. Town Manager Titcomb stated that anyone that is renting legally or otherwise is obligated to pay bed and tourist tax to the County or are otherwise violating the law. He noted that our rental ordinance states that you have to rent for at least 30 days, so the AirBNB type of things are violating the ordinance.

ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Pugh read the announcements for the public.

2. The Town will be providing free shredding services to residents on Saturday, April 22, 2017 from 9 a.m. until Noon at Town Hall.
3. The Planning & Zoning Commission will meet on Monday, April 17, 2017 at 8:30 a.m. at Town Hall to discuss ordinance amendments.
4. Proclamation Declaring Week of April 9-15, 2017 as “National Public Safety Telecommunicators Week”

Mayor Pugh mentioned that the Garden Club 50th Anniversary event went very well, and they did a good job. He also stated that we had a great turnout for the election (one of the top towns in Palm Beach County) which makes us a great community.

PUBLIC HEARINGS

None.

REPORTS

5. Town Manager

Town Manager Titcomb advised that his report is included in the meeting package. He reported that Florida League of Cities is monitoring and advocating for and against legislation that affects us and noted that he included a list of the bills which is attached to his report. He briefly reviewed them for the Commission.

Town Manager Titcomb mentioned that Elected and Appointed Board Members need to complete the State and County ethics training this year. Commissioner Coz asked if this training would be in addition to the online training, and Attorney Shutt stated that the County training is only 1.5 hours, and we need four hours of State training. It was the consensus of the Commission to conduct in-house ethics training.

He stated that we are still doing an inventory and gathering prices on street sign replacement. He noted that the signs are deteriorating and dry rot is setting in. We can no longer just paint over them and make them look good. He mentioned that we need to get them all at the same standard height. Commissioner Coz asked if Jeff Industries can come up with a composite material to replace the wooden signs that are identical to them, and Town Manager Titcomb responded that it would be our intent to use the material shown from the other companies in the aesthetic configuration that we currently have. Mayor Pugh asked about the timeframe, and Town Manager Titcomb responded that he may be able to present a proposal to the Commission next month. Commissioner MaGruder stated we put aluminum sleeves at the bottom of the posts in the past to keep the weed eaters from damaging the posts, but over time the sleeves have been removed. He stated he would like to see those on the new signs.

Town Manager Titcomb stated we are exploring bringing more Building Department functionality in-house. Over the last four years, the number of permits we have issued, and the revenue from permits has been exponentially higher each year. The idea is to increase the time on task, reclassify internal positions such as a Building Clerk and Administrative Assistant and see if we can increase the Building Official and Zoning Official duties from three days per week to five, within the current budget figures. He stated he will bring specific numbers to the Commission in the near future. He stated a lot of the problems we have are because we don't have someone here full-time to take care of things on site as they come up. Our goal is to provide concierge service five days per week, have a quick turn-around time, trouble-shooting on a daily basis, and to bring plans review in-house for better efficiencies in order to increase our services in a timely manner. Mayor Pugh stated one of the main reasons we want to do this is because the Building Official was only here twice a week, and when problems arise, he is not here to look at the problems. He noted that some things are being done over the phone instead of on-site which isn't a good way to handle things. Commissioner MaGruder stated he would like to see a 3-5 year projection to see how long we could

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

keep an employee on board. Vice Mayor Bonfiglio stated we should be revenue neutral because we are already paying a contractor, and we would get more of our money's worth if we had someone in-house. He stated it shouldn't cost us that much capital-wise for another vehicle because we have a police vehicle that we could use. He mentioned that we have the office space as well. He stated it comes down to whether an in-house Building Official would cost us the same or more. He noted that the only slow-down in permit issuance would be a recession, and we can't predict that. Town Manager Titcomb stated we budget year to year so we could handle that during the budget process. **There was consensus of the Commission for Town Manager Titcomb to bring the proposal back to the Commission next month.**

Town Manager Titcomb noted that the July and September Regular Town Commission meetings this year need to change due to holidays.

Vice Mayor Bonfiglio moved to change the dates of the Regular Town Commission meetings in July and September to July 10th and September 11th; seconded by Commissioner Coz. Motion carried 5-0.

Town Manager Titcomb stated that Town emails have been issued for Commissioners, and if tech support is needed, Commissioners should see Chief Hutchins. He stated this will help with public records requests and to ensure all Town business is located in one place.

Commissioner Coz stated that he noticed a commercial enterprise using Old Ocean Blvd to deliver customers and equipment at the crossovers. If residents see this happen, please notify the Town Police Department as soon as possible so we can address it quickly. He stated Boynton Beach is at a pressure point population-wise where it will burst into Ocean Ridge. He stated that if residents have solutions, please let us know. Vice Mayor Bonfiglio asked if businesses can do this where we have commercial prohibition, and Attorney Shutt stated he would look into this. He stated stopping and unloading on the public right-of-way is the way we would need to address it. He stated if they had a stand and are collecting money that would be a different thing. Mayor Pugh stated the pictures show they are breaking the Town code. Vice Mayor Bonfiglio stated he would like to see us put a temporary injunction on him. Chief Hutchins stated the stopping and unloading in that area has been problematic and a violation of town code, and if residents see this happen, please call the Police Department immediately and do not engage the person. He noted that a picture of the side of the vehicle with a business name, or the license plate number would help. Commissioner MaGruder stated this is also happening in Briny Breezes. Chief Hutchins noted that the County pocket is also problematic.

Town Manager Titcomb stated that we need to setup a date for the first Budget Workshop for FY18. Mayor Pugh asked that Commissioners get back to the Town Clerk next week with availabilities in May. The meeting will be at 4:00 p.m.

Town Manager Titcomb stated that we are expending legal dollars at a greater rate than budgeted this year because of legal cases and ordinance review, and this will come to the Commission in the next couple of months if we find that we need a budget amendment.

6. **Town Attorney**

Town Attorney Shutt advised that there is no report.

7. **Police Chief**

Chief Hutchins advised that the Police Department report is included in the meeting package and includes monthly police department statistics. He stated that we are expecting the arrival of Chinese dignitaries in Lantana on Thursday which is not anticipated to directly affect us, but he is asking residents to seek alternate routes on Thursday and Friday this week as traffic will be a nightmare. He suggests that residents use Ocean Ave or Woolbright Road instead of A1A in Lantana. He stated we anticipate that police personnel

will be taking over the beach areas for staging for personnel. He noted that we can't gauge what will happen with proponents or protesters at this time. Vice Mayor Bonfiglio asked if this will impact overtime for our police personnel, and asked where we would apply for reimbursement. Chief Hutchins stated as of today, it should not impact our need for additional personnel. It is highly unlikely that we would receive any funds from the federal government in the event that we do need to expend money on overtime. Chief Hutchins stated the traffic plan has not been released yet, so we don't know which roads will be closed and when. Vice Mayor Bonfiglio asked about tracking of overtime expenses, and Chief Hutchins responded that if we incur any overtime related to this event, we can keep track of it separately in payroll. Chief Hutchins urged residents to please show up at the free shredding event on April 22nd, as identity theft has been our #1 crime. Town Manager Titcomb noted that the Delray Affair will also be held this coming weekend, so traffic to the South may also be impacted.

ACTION ITEMS

7A. Hiring of Police Officers: Salm and Boyle, April 2017 (By: Hal Hutchins, Police Chief)

Chief Hutchins advised that he has been asked by some Commissioners to provide additional information on applicants in advance of a Commission meeting. He stated he is asking for confirmation to hire Philip Salm and Debra Boyle as Police Officers. He stated that we are currently completing background checks and we would like the authority to hire as soon as those are completed and everything looks ok. He gave a brief background of each Officer.

Commissioner Coz asked what the average day in the life of a Miccosukee Officer is, and Chief Hutchins responded that they monitor the casino and hotel, do criminal investigations, traffic enforcement, and patrol. He noted that the difference is they have tribal law as opposed to Town Code. He stated Ms. Boyle's ability to deal with unique situations and people is enhanced because of this.

Vice Mayor Bonfiglio moved to conditionally hire Philip Salm and Debra Boyle as Police Officers for the Town of Ocean Ridge, conditioned on the final passing of various exams and background checks before hiring; seconded by Commissioner Coz. Motion carried 5-0.

8. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission By: Tracey Stevens, Town Clerk

Town Clerk Stevens advised that there are three regular member positions and two alternate member positions on both the Planning & Zoning Commission and Board of Adjustment. All current members have indicated that they would like to continue serving, and our current alternates David Hutchins, Susan Hurlburt and Bob Sloat have indicated that they would like to fill a regular member seat. We also received two new applications: James Leming would like to fill a regular member seat on the Planning & Zoning Commission, and Polly Joa is interested in serving on either Board. A separate motion will be necessary to appoint the group of members for each Board.

Commissioner Coz moved to approve the current slate on the Planning & Zoning Commission; seconded by Commissioner MaGruder. Motion carried 5-0.

Commissioner Coz stated he speaks highly of Susan Hurlburt to move up to the regular member position on the Board of Adjustment, and Commissioner MaGruder stated he would recommend Robert Sloat for the position as he has attended all of the Board meetings and believes he is the Senior Alternate member. Town Clerk Stevens noted that Susan Hurlburt is the Senior Alternate Member.

Vice Mayor Bonfiglio moved to appoint Betty Bingham, Bruce Gimmy, and Susan Hurlburt as Regular Members of the Board of Adjustment; seconded by Commissioner Coz. Motion carried 5-0.

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

Commissioner Coz stated that Polly Joa is a good candidate for the alternate position, as she is a traditionalist, has been a long time resident, and is familiar with the growing pains of the town.

Commissioner MaGruder asked if James Leming may want to serve on the Board of Adjustment as opposed to the Planning & Zoning Commission, as he has experience with Briny Breezes that would be beneficial to us going forward. Commissioner Coz noted that the deadline date was March 27th for submissions, which may be a technicality. Attorney Shutt asked the Town Clerk if there was a deadline date for submissions, and Town Clerk Stevens confirmed that we advertised with a deadline date for submissions on March 27, 2017. Commissioner MaGruder asked if Mr. Leming applied for either Board, and Town Clerk Stevens responded that he applied for the Planning & Zoning Board.

Commissioner Coz moved to appoint Polly Joa as an Alternate Member of the Board of Adjustment; seconded by Vice Mayor Bonfiglio. Motion carried 4-1 (Commissioner MaGruder).

Commissioner Coz moved to appoint Robert Sloat as an Alternate Member of the Board of Adjustment; seconded by Vice Mayor Bonfiglio. Motion carried 5-0.

9. **Set Budget Workshop Meeting Dates & Review TRIM Timeline** By: Jamie Titcomb, Town Manager

Town Manager Titcomb advised that the Truth In Millage (TRIM) timeline has been included in the Commission packages for review. He noted that we have certain days we need to fall within throughout the process. He also noted that he has included in the packages a memo to staff regarding budget preparations. He noted that the Town Auditors will be doing their field work for the FY16 audit sometime this month. He also mentioned that earlier in the meeting, we discussed a date for a budget workshop in May, and Commissioners will check their calendars and get back to the Town Clerk with availability.

10. **Review Proposed Paving Plan for RFP** By: Jamie Titcomb, Town Manager

Town Manager Titcomb advised that he included the finalized street ranking for paving in the Commission packages. He noted that we have determined how much we may be able to pave based on \$200,000 budgeted funds for paving, and possibly expending the \$108,000 coming in from the penny sales tax since paving is an eligible expense under that program, for a working total of \$308,000 plus engineering fees for this fiscal year paving. In the grading and observation, we have identified the following streets as our recommendation for milling and re-paving: Engle, West Anna, East Anna, Ridge Lane, Beachway, Harbour Drive North, Harbour Drive South, Island Drive, Island Drive South, Marlin Drive, and Bonita Drive. The sub-contractors through our Town Engineers will do borings next week on all of those locations to determine age and condition of the road, and as soon as that is configured we will have the specifications for the paving RFP. Based on the level of bids and where we think we might end up, we could do around 3 ½ lane miles of re-paving this year. If the prices are higher due to the boring specifications, we may need to scale back, or on the other hand we could expand due to those results.

Commissioner MaGruder asked about the status of the traffic calming initiatives, and Commissioner Coz responded that we are waiting for the boring information and re-paving first.

Commissioner MaGruder stated he has looked at the streets and agrees with the list.

Mayor Pugh asked the Town Engineer if it is feasible to do twelve streets with this amount of money, and Ms. Tropepe responded yes, we are looking at typical mill and overlay but we need to follow the proper process which involves investigating the sub-surface. After the borings are complete, we can do our estimate and craft the RFP in a way to get the best value. She stated a lot of things were taken into consideration when the street list was developed, and hopefully we can do all twelve streets in Phase I.

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

Mayor Pugh asked how we are paying for the borings, and Town Manager Titcomb stated we have money in the budget in the engineering line for paving. Mayor Pugh asked if we would have the costs next month, and Ms. Tropepe responded that next month we will have the information and recommendation from the Geo-Technical Engineers and an estimate will come back to the Commission on how many streets we can do within the budgeted amount, and then move forward with an RFP based on the estimate.

Commissioner Bonfiglio noted that the only anticipated expense could be if the borings show there are problems with the sub-surface, and then we would need to get the cost of repairing the sub-surface in addition to the re-paving, and Ms. Tropepe confirmed that we should have that estimate for the next meeting.

There was consensus of the Commission to move forward with the borings and specifications for the streets as listed.

Public Comment: Terry Brown, Harbour Drive South, stated that a potential buyer of a property on Engle Street informed him that he decided not to buy because of the floor elevation is at three feet and the road is at sea level. Mr. Brown asked if there is something else we can do instead of just re-paving the road. Mayor Pugh responded that if we raise the road, we would be pushing the drainage onto people's yards.

Gilbert Fornatora, 7 Inlet Cay Drive, noticed that when re-paving, we don't raise the drainage gutters, so we are getting crowns in the streets and the grades from the garage level down to the street are getting steep because the streets are sinking. He stated that when you pave and increase the crowns and not the gutters, it is difficult to get your car in and out of the driveway. He asked what the level of a street is that we can depend on, so for planning purposes of the building, what is the differential between the level that the code we are required to build to and what the street level is, and Ms. Tropepe stated that the island is complex and the sub-surface of that island is muck material, and when you improve the roads on top of material that condenses over time, you have surveyed that road three times and have different elevations each time. She stated that the roads are sinking on that island, but we try to keep up to the standard as best as we can to give everyone a good quality of life. Mayor Pugh responded that we had the same problem on Eleuthera and we tore the whole road out and raised the drainage, and fixed the driveways.

RESOLUTIONS

11. **Resolution No. 2017-04: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Electing a Mayor (By: Tracey Stevens, Town Clerk)**

Mayor Pugh read Resolution No. 2017-04 by title.

Commissioner Aaskov moved to re-elect Geoffrey Pugh as Mayor; seconded by Commissioner Coz. Motion carried 5-0.

12. **Resolution No. 2017-05: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Electing a Vice Mayor (By: Tracey Stevens, Town Clerk)**

Mayor Pugh read Resolution No. 2017-05 by title.

Commissioner Coz moved to re-elect James Bonfiglio as Vice Mayor; seconded by Commissioner Mayor Pugh. Motion carried 5-0.

13. **Resolution No. 2017-06: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Designating Depositories, Authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Checks (By: Tracey Stevens, Town Clerk)**

Mayor Pugh read Resolution No. 2017-06 by title.

Commissioner MaGruder moved to adopt Resolution No. 2017-06; seconded by Vice Mayor Bonfiglio. Motion carried 5-0.

FIRST READING OF ORDINANCES

14. **Ordinance No. 620: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 64, “Zoning”, Article III “Supplemental Regulations”, By Creating Section 64-60, “Decks, Patios, Steps, Stoops, and Terraces (Unenclosed and Uncovered)”, to Provide for Setbacks; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.** (By: Brian Shutt, Town Attorney)

Mayor Pugh read Ordinance No. 620 by title. Town Attorney Shutt advised that the Planning & Zoning Commission recommended approval of this ordinance. He noted that it provides for three foot setbacks for patio decks, pool decks, etc. and shall not apply if the deck is adjacent to a seawall. We have received some complaints recently from adjacent property owners with differences in elevation and pool decks being built right at the property line that are creating some issues, and there are issues with the requirement of maintaining stormwater on your property, and stormwater not running into the pool so it needs to be slanted the other way, but how do we accomplish that if the deck is right up to the property line and you can't sheet flow onto the neighbor's property.

Mayor Pugh noted that Ocean Ridge is one of the only towns that gives the ability to build a deck right up to the property line. He stated it makes more sense to have the three foot setbacks.

Mayor Pugh called for public comment, and there was none.

Vice Mayor Bonfiglio moved to adopt Ordinance No. 620 on first reading as set forth in item #14 on the agenda; seconded by Commissioner Aaskov. Motion carried 5-0.

15. **Ordinance No. 621: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-49 “Temporary Structures”, to Clarify the Regulations Regarding Temporary Structures; Chapter 67 “Buildings and Building Regulations”, Article I “In General”, to Provide for and Clarify Existing Regulations Governing Construction Sites; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.** (By: Brian Shutt, Town Attorney)

Town Attorney Shutt advised that the Planning & Zoning Commission recommends approval along with the construction site management handbook attached. He noted that the ordinance adopts the handbook, but the handbook will be adopted on second reading. The reason we have some of the language in the handbook as opposed to the ordinance is so that in the future if we need to change the regulations in the handbook, we won't need two readings, we can just come to the Commission for approval. We may run changes by the Planning & Zoning Commission first, but we won't need two readings in front of the Town Commission. The ordinance provides for cleanliness of construction sites, temporary construction fences only on the public right of way as long as the other sides of the property are adequately screened by a fence or vegetation, unless the Building Official determines that a fence is needed around the entire site. There is an ingress and egress requirement for the construction site, and the gate will need to be locked. We further clarify the NPDES requirements for a silt fence. We added a section on construction trailer storage and regulations. There is a section on issuance of permits and the establishment of fees for permits, and it is recommended that we have a resolution to adopt fees as opposed to placing them in the ordinance. Attorney Shutt stated that there have been several issues in the Town regarding construction vehicles parking in the right of way (not to be confused with service vehicles such as landscaping, etc.). The

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

construction site management handbook provides that parking in right of way is prohibited unless the Building Official approves it on a case by case basis. The Contractor will provide a site plan with a plan for parking, storage of materials, fencing, etc. Attorney Shutt noted that a lot of construction sites are small so there could be issues with some properties, and the Building Official would have authority in those cases to make exceptions. Attorney Shutt stated that he needs direction for the second reading on how to deal with the parking issue in either the ordinance or handbook.

Commissioner Coz suggested that we could have a fee-based parking in the right of way permit, and the Building Official would have the authority to provide a parking permit.

Vice Mayor Bonfiglio stated that we talked about a parallel process for the contractor to apply for additional parking, and in some cases they may lease some spots in the Boynton Beach public beach area. He stated we may want to put that suggestion in the construction site management handbook.

Attorney Shutt asked if we want any caps on how many permits the Building official can issue, and Commissioner Coz responded that we are concerned with road obstruction. Vice Mayor Bonfiglio responded that we should leave that to the Building Official's discretion. Mayor Pugh stated that we definitely want to limit the amount of parking permits issued, and suggested a blanket permit for the contractor to use for all of the sub-contractors. He noted that the construction should not adversely affect the neighbors, and the Building Official needs to be the one to manage that. He stated that the Police Department would have a means for code enforcement if there is a parking permit, and there should be a certain number allowed. Vice Mayor Bonfiglio stated it depends on where the building is (as to how many permits are issued). Mayor Pugh stated that if the contractors manage the job well, it will not be a problem. Commissioner Coz suggested limiting the permits to two parking permits per construction site, and if the Building Official sees a need, we can change that later. Attorney Shutt stated we can put that in the handbook so it can be changed in one meeting as opposed to two readings.

Public comment: Stella Kolb, 204 Beachway, asked about the handbook. She stated we are not being protected as homeowners, and asked if we can do something about people driving over neighbor's lawns, septic, etc. She would like to see strong language in the handbook to please consider the neighbor, and the contractor is responsible for damages to grass, etc. Mayor Pugh responded that we should have a section that states contractors will be responsible for damage to adjacent property owners. Commissioner Coz noted that there is language in Section #9, Trucks, but he's not sure if that applies to all vehicles. Attorney Shutt stated we can clarify the language. Chief Hutchins stated Item 1, Section 4 in the construction handbook addresses offsite damage.

Cheryl Olanoff, 566 David Ln, stated that there is currently construction on her street, and the cement trucks are cleaning off into the drainage. She also mentioned that a pickup truck backed into her driveway and left cement tracks. She has also noticed contractors putting paint down the drain. She stated that she made a complaint about it and the Police made them open the drain and remove it. She stated she has cones up and when she comes home the cones are knocked over. She stated she would also like to see no construction permitted on Saturdays. Chief Hutchins stated that the construction site management handbook is meant to address problems such as the ones Ms. Olanoff and Ms. Kolb are experiencing. Vice Mayor Bonfiglio stated that a full-time Building Official would help with neighbor complaints and other issues because we will have someone specifically dedicated to following up on all of these things, and watching to make sure the contractors are not violating Town code.

Vice Mayor Bonfiglio moved to adopt Ordinance No. 621 on first reading as set forth in item #15 on the agenda; seconded by Commissioner Coz. Motion carried 5-0.

REGULAR TOWN COMMISSION MEETING MINUTES APRIL 3, 2017

SECOND READING AND ADOPTION OF ORDINANCES

None.

TOWN COMMISSION ITEMS

None.

ADJOURNMENT

Meeting Adjourned at 8:02 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on May 1, 2017.



Mayor Geoffrey A. Pugh

ATTEST:



Tracey L. Stevens, CMC, Town Clerk