

REGULAR TOWN COMMISSION MEETING MINUTES
AUGUST 15, 2017

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Tuesday,
August 15, 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:

	Present:	Absent:	Tardy:
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.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Vice Mayor Bonfiglio moved to add an item under Town Commissioner Comments and approve the agenda as amended; seconded by Commissioner Coz. Motion carried 5-0.

PUBLIC COMMENT

Ted Ritota, 4 Hudson Ave, stated he is disappointed that the license plate recognition cameras were thrown out of the budget, and he sincerely believes that the police can't be everywhere at all times. He stated that criminals don't care if they have their pictures taken, and we need additional defense. The cameras may be an additional deterrent. He noted that if we have opportunists that will take a car within 50 seconds, we have a problem, and he is looking for feedback on why we are not doing this now.

Terry Brown, 23 Harbour Drive South, asked if the Town Attorney will be doing report on easements. He stated he recently read a study from the University of Florida about sea level rise, and he sees nothing in the budget or on the agenda to discuss the low lying areas of Anna, Engle, and Harbour Drive. He stated that in 2015, the sea level rose more than 6 times due to human induced global warming, and noted that it would be beneficial to look at what would happen 3-4 years down the road if the level comes up by a foot. Mayor Pugh stated that Commissioner MaGruder brought it up during the budget discussions. Vice Mayor Bonfiglio stated that he has been talking to legislators, and the Administration won't even let them use the words "climate change/sea level rise". He stated that drainage is the solution and we don't have the money.

Gil Fomatora, 7 Inlet Cay Drive, stated that Ocean Ridge used to have one contiguous seawall, and noted that when portions of the seawall are replaced, the main seawall is cut and sections are moved up along the property lines. He stated that the proper joining of seawalls should be addressed, as we could have a sinking problem in the future and drainage directly into the canals.

Kristine deHaseth, 29 Sabal Island Drive, a representative of the Garden Club, distributed the "Gardening Guide for Living on the Barrier Island" booklets that the Garden Club published. She stated that there are beautification projects going on in town, and before expenditures are made for Sabal Island or Harbour Drive, the town should go through a town wide assessment to see what is needed and what is just aesthetic. She would like to see it done on a macro level instead of some here and some there. She stated she would like to see us start removing the exotics and only plant natives. She stated that the booklet educates residents, Commissioners, and staff on why native planting is important. She stated she would also like the opportunity to discuss an ordinance that mandates when the town re-landscapes properties, that we will maintain it only through native plantings and migrate away from exotics that don't do well here.

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Nancy Hogan, 37 Hibiscus Way, stated that the Coastal Star local paper is wonderful. She stated she has been reading about the groins and what happens with beach erosion. She asked what the town is doing with groins and the shift of sand coming down through Manalapan and Ocean Ridge. She also stated that the Town needs to pay attention to the growth along Federal Highway and be involved.

APPROVAL OF CONSENT AGENDA

1. Adopt Minutes of the Special Town Commission Meeting of June 19, 2017.
2. Adopt Minutes of the Special Town Commission Meeting of July 10, 2017.
3. Adopt Minutes of the Regular Town Commission Meeting of July 10, 2017.
4. Adopt Floodplain Annual Progress Report (NFIP/CRS Re-Certification)
5. Consent to Insurance Carrier Proposed Berish Settlement
6. Adopt Building Department Fee Schedule
7. Adopt Third Amendment to Solid Waste and Recycling Collection Services Agreement
8. Adopt Solid Waste Authority Disaster Debris Removal Agreements

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

ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Pugh read the announcements for the public.

9. The FY18 Budget Meeting Schedule is as follows: Budget Workshop August 22 at 4:00 p.m.; First Public Hearing and Adoption of Tentative Budget September 11 at 6:00 p.m.; and Final Public Hearing and Adoption of Final Budget September 21 at 6:00 p.m.

TOWN COMMISSIONER COMMENTS

9. A. (By: Vice Mayor Bonfiglio)

Vice Mayor Bonfiglio mentioned the events that happened last week leading to 19 injuries and the death of 32 year old Heather Heyer in Charlottesville, Virginia who was killed innocently in a peaceful protest against Nazi's, white supremacists, racists and bigots. He stated he is horrified by these actions and we need to make sure the world knows that this country is better than that portrayed by these groups. He stated that Ms. Heyer wanted to send a clear message to the hate groups that people abhor their views in the city where she was born and the Country in which she lives. He stated she sacrificed her life in the fight for social and racial justice. He stated we need to make sure that Heather Heyer and the others that were injured will not be forgotten, and that we honor their memory and what they stood for. He stated to that end, he thinks we must condemn 45's attempt to blame many sides in his initial statement on these acts of unspeakable hate. He stated that 45 was on the wrong side, and he only changed his tune after the vast majority of the U.S. from all parties condemned his statement, which was too little and too late. Vice Mayor Bonfiglio asked for consensus of the Commission to direct the Town Manager to write three letters on behalf of Ocean Ridge; the first to go to the family of Heather Heyer offering our prayers, condolences, and support; the second letter to Mayor Signer for his attempts to remove symbols of racism from the town; and the third letter to #45 for failing to immediately speak out in condemning the individuals who precipitated the incidents leading to her death.

Mayor Pugh stated he has no problems with letters one and two, but he will not support the third letter degrading our President of the United States.

Commissioner Coz stated he does not have a problem with the first letter. He stated he thinks it is improper to use the Ocean Ridge dais for a political platform outside of Ocean Ridge.

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Vice Mayor Bonfiglio stated he thinks we need to stand up to the Nazi's and white supremacists who think they now have free reign for violence against peaceful protesters in our country, and we need to make a statement. Mayor Pugh stated he believes Vice Mayor Bonfiglio has made a statement.

Mayor Pugh stated the Commission does condemn the acts, and we do have those feelings on some of those things. There was consensus of the Commission to direct the Town Manager to compose a letter to the parents of Heather Hever, sending our prayers, condolences and support, and to circulate the letter amongst the Commissioners for their signatures.

PUBLIC HEARINGS

None

REPORTS

10. Town Manager

Town Manager Titcomb advised that his report is included in the meeting package. He reported that under the CCNA rules, we need to appoint a selection committee for the drainage study RFQ, and asked the Commission to think about how to seat that committee, whether it be by staff, citizens, or both. He noted that he will be out of town at the Florida League of Cities conference this week. He also reported that he has received many calls from citizens regarding dogs on the beach, and reassured everyone that nothing has formally been proposed, and town codes will prevail. There were no questions from the Commission.

11. Town Attorney

Town Attorney Shutt advised that the beach crossover title work has been completed, and the five northern crossovers at Edith, Anna, Corrine, Thompson and Porter were dedicated for public access by plat. He stated that the Beachway crossover was dedicated for public access by a separate plat. He stated that there are no deeds that give any other ownership to the town. He stated that the Diamond Beach crossover was deeded to the town by warranty deed that has a reverter clause to revert back to Diamond Beach Corporation. The Southern crossover was deeded to us by Palm Beach County for public beach access, and it also has a reverter clause back to Palm Beach County. He stated that we cannot get title insurance for the crossovers because the Town Commission did not formally accept the dedications, but we don't really need it anyway because no one has a greater interest in the crossovers than the Town. Commissioner Coz asked about the crossover at the end of Tropical, and Chief Hutchins stated it is deeded to the residents on Tropical. Public comment: Terry Brown, Harbour Drive South, stated that it became public by prescriptive use. He stated that Beachway access point is permanent and you cannot close it or restrict its use. He noted that the Commission has proposed to spend additional money for extra patrols at the crossovers, and he is concerned about having police vehicles parked at the access points idling and putting fumes into the air for intimidation purposes. He stated that \$156,000 is a lot of money for extra patrols. He stated that there are dogs on the beach every evening and no one says anything, and if we add patrols during the day, it won't solve problems with dogs on the beach in the evening.

Attorney Shutt stated that the RFQ for the engineering drainage study on Inlet Cay Island is in the packages for the Commission's review, and we plan on putting it out soon for a period of 30 days. He stated that a selection committee will need to evaluate the proposals and make recommendations to the Commission. Vice Mayor Bonfiglio asked if the Town Engineer can submit a proposal, and Attorney Shutt responded that if she has to write the scope of work, it would be a conflict, and he does not expect her to submit.

Attorney Shutt stated that the concept plan review ordinance was presented to the Planning & Zoning Commission at its meeting yesterday. Language regarding the concept plan review process from the site plan review proposed ordinance was provided, and the process would be voluntary in nature, and the P&Z would make a recommendation that was non-binding. During the meeting, Town Clerk Stevens pointed out that in the minutes, it looked like the Commission wanted to make the process mandatory for single

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family homes, or for improvements over the 50% threshold, and the P&Z recommendation to the Zoning Official would not be binding. Mayor Pugh stated it was his understanding it would be mandatory and the recommendation would go to the Zoning Official. There was Commission consensus that the concept plan review process will be mandatory and the P&Z non-binding recommendation will go to the Zoning Official.

Public Comment: Polly Joa, 35 Hersey Drive, stated that we already have a site plan review requirement in town code, and the architectural review ordinance was going to expand that. Attorney Shutt stated that we do not currently have a site plan review ordinance for single family homes. Ms. Joa stated that the recommendation process should be looked at.

Jerry Goray, 130 Island Drive, Chairman of the Planning & Zoning Commission, stated that the consensus of the P&Z was that we need a step in the process to provide some mandatory minimal oversight to make sure we don't go off in directions that are not inconsistent with the town. He stated that they would like to see a mandatory review, and a recommendation process vs. an approval process.

Terry Brown, Harbour Drive South, stated he appreciates the concept, but this will increase the time involved with a building permit. He stated that with the P&Z only making a recommendation, the contractor or owner could still say that they aren't going to change based on the recommendation, and that would be slowing the process with extra regulation.

12. Police Chief

Chief Hutchins advised that the Police Department report is included in the meeting package and includes monthly police department statistics. He stated he included additional information on traffic signs for traffic calming on Beachway. He also asked that residents be vigilant and lock doors and take keys out of cars. He noted that the Police Department recently recovered a car that was stolen, very shortly after it was stolen due to the Officers' skills, and gave them kudos. Vice Mayor Bonfiglio asked for an update on Naloxone, and Chief Hutchins responded that Naloxone is the antidote for an overdose, and the Police Department purchased some and did initial training for officers. He stated we have done research into the full program for the town, and noted that we need training. He stated we don't have a medical director, so we would like to work with Boynton Fire Rescue under their medical director for us to be able to carry naloxone. He stated the cost to the town is maintaining the prescription on an annual basis, which is less than \$700 per year. He noted that we have seen an increase in overdoses in Ocean Ridge.

ACTION ITEMS

13. Telephone System Upgrade (By: Hal Hutchins, Police Chief)

Chief Hutchins advised that we budgeted to replace the town's current telephone system in this year's budget, and he recommends using our current town vendor due to the cost effectiveness and service provider change without additional costs. He stated the cost will be \$13,388 for the system upgrade, and we budgeted \$13,000.

Vice Mayor Bonfiglio moved to authorize the purchase of the telephone system upgrade from the recommended vendor in the amount of \$13,388 as set forth in action item #13 on the agenda; seconded by Commissioner MaGruder. Motion carried 5-0.

14. Security Camera Upgrade (By: Hal Hutchins, Police Chief)

Chief Hutchins advised that the security camera upgrade is a budgeted item to update the town hall security video system, and remove the DVR systems and locate them in the front office. He noted that the current technology is beginning to fail, and recommends purchasing the new system at the cost of \$23,076.

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Commissioner Coz asked about the warranty, and Chief Hutchins responded that there is a warranty on the telephone system upgrade, and the video system comes with a one year manufacturer's warranty on equipment, but that does not cover labor.

Vice Mayor Bonfiglio moved to authorize the purchase of security system upgrade in the amount of \$23,076 as set forth in action item #14 on the agenda; seconded by Commissioner MaGruder. Motion carried 5-0.

15. Town Attorney Contract (By: Brian Shutt, Town Attorney)
Town Attorney Shutt advised that this is the first amendment to the current agreement which would extend the current contract for one year until September 20, 2018.

Vice Mayor Bonfiglio moved to approve the extension of legal services agreement with Torcivia, Donlon, Goddeau & Ansay, PA as set forth in action item #15 on the agenda; seconded by Commissioner Coz. Motion carried 5-0.

16. Town Manager Contract (By: Brian Shutt, Town Attorney)
Town Attorney Shutt advised that the current agreement terminates in October. The new contract provides for a 30 day term which automatically renews. The Town Commission would give 30 days' notice of its intent not to renew, and the Town Manager would be entitled to 30 days of severance pay. All of the other terms are the same except the termination notice. The Town Manager must give 60 days' notice if he does not want to renew the agreement.

Commissioner Aaskov stated she was not here at the last meeting, and does not understand why the Town Manager's annual contract would not be renewed when there is a 30 day clause in there already. Attorney Shutt stated it is a severance issue. He stated that currently if the Town terminates the agreement, the Town Manager would be entitled to 90 days severance along with benefits, and in the new agreement, he is only provided 30 days severance and he has to sign a release. Commissioner Aaskov stated she does not know why we would not do an annual contract.

Vice Mayor Bonfiglio moved to approve the Town Manager's contract as set forth in action item #16 on the agenda; seconded by Commissioner Coz.

Public comment: Terry Brown, Harbour Drive South, stated he agrees with Commissioner Aaskov that the 30 day contract does not make sense, as it rolls over automatically unless the Commission decides to terminate it. If severance is the issue, the Commission should just change the severance section. He stated it does not make sense, and it sounds like the Commission is trying to spook the Town Manager, and that is not the way to deal with people.

Motion carried 4-1 (Commissioner Aaskov

dissenting). RESOLUTIONS

None

FIRST READING OF ORDINANCES

17. Ordinance No. 624: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 66 "Environmental Regulations", Article II, "Floodplain Management", Section 66-21 "Inspections", Section 66-25 "Definitions", Section 66-32 "Manufactured Homes" To Provide Regulations Related to Manufactured Homes; Providing for Codification, Conflicting Ordinances, Severability, and an Effective Date. (By: Brian Shutt, Town Attorney) *

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Town Attorney Shutt advised that we just adopted a floodplain ordinance, however, we received comments from the State Floodplain Coordinator that we need to insert provisions related to manufactured homes since our town code allows them. He stated that we also received correspondence that since we are within 30 days of the time we need to enact an ordinance, the State will make notice to certain agencies required under their code, even though they know that our ordinance will be adopted before the deadline. He stated that the P&Z reviewed the ordinance and they recommend approval.

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

Vice Mayor Bonfiglio moved to adopt Ordinance No. 624 on first reading; seconded by Commissioner MaGruder. Motion carried 5-0.

18. Ordinance No. 622: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 67 "Buildings and Building Regulations", Article II "Technical Codes and Other Construction Standards" By Creating Division 3, "Amendments to the Florida Building Code" to Set Forth the Local Amendments to the Florida Building Code; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date. (By: Brian Shutt, Town Attorney)

Town Attorney Shutt advised that the State Floodplain Coordinator stated that we need to remove the countywide amendments to the Building Code, and we need to adopt our own amendments. He stated he looked at several other municipalities that adopted amendments to the Florida Building Code, and noted that the amendments are similar to the Palm Beach County amendments except the Floodplain issues are different. He noted that the P&Z reviewed the ordinance and they recommend approval.

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

Vice Mayor Bonfiglio moved to adopt Ordinance No. 622 on first reading as set forth in item #18 on the agenda; seconded by Commissioner Aaskov. Motion carried 5-0.

19. Ordinance No. 625: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 34 "Nuisances", Article I "In General", Section 34-8 "Business By Contractors and Vendors on Sundays and Federal Holidays", to Clarify the Hours When Construction May Be Conducted; Amending Article II "Noise", Division 3 "Noise Control Standards", Section 34-83 "Construction During Certain Hours, Sundays and Federal Holidays; Penalties", to Regulate Construction Hours on Saturdays; Enacting Section 34-97 "Lawn Maintenance Equipment Noise" to Set Forth the Time Periods that Lawn Maintenance Equipment May Be Operated by Contractors and Vendors; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Attorney Shutt advised that this proposed ordinance came out of the joint meeting with P&Z, and in speaking with the Chief, we recognize that we don't have anything that prohibits construction after a certain time. He stated that noise is prohibited after a certain time, but not construction itself. He stated this is to limit construction hours for contractors, not homeowners. The proposal is to limit construction to 8 a.m. until 6:00 p.m. Monday through Friday, and Saturday from 9:00 a.m. to 1:00 p.m., and none allowed on Sundays or certain federal holidays. He stated that emergency permits are allowed under the provisions of the ordinance. He stated that lawn maintenance equipment noise would not be allowed during the same time period for construction. He stated that the P&Z reviewed the ordinance, and they recommend approval. Attorney Shutt stated he looked back in the minutes, and it looks like the direction was to stop construction by 2:00 p.m., not 1:00 p.m.

Public Comment: Jerry Gorny, 130 Island Drive, Chairman of the Planning & Zoning Commission, stated that the P&Z considered this ordinance seriously with public comment and board discussion, and the main

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item of debate was whether the time limit on Saturdays for contractors should be 1:00 p.m. or 4:00 p.m. He stated that they reluctantly voted on 1:00 p.m., and noted that they wanted to be sensitive to residents wanting peace and quiet to enjoy their Saturdays.

Terry Brown, Harbour Drive South, stated he would like to see Saturday construction eliminated but he knows that won't happen, and stated that the better time frame is 1:00 p.m.

Nancy Hogan, 37 Hibiscus, stated she does not suggest not having construction on Saturday, and noted that if she could choose a time it would be 4:00 p.m.

Commissioner Coz stated he wants to make sure lawn maintenance and construction is merged, and Attorney Shutt confirmed that the time frames match.

Vice Mayor Bonfiglio stated that we can revisit this in 6 months if we have problems.

Vice Mayor Bonfiglio moved to adopt Ordinance No. 625 as set forth in item #19 on the agenda; seconded by Commissioner MaGruder. Motion carried 5-0.

SECOND READING AND ADOPTION OF ORDINANCES

None

ADJOURNMENT

Meeting Adjourned at 7:20 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on September 19, 2017.



Mayor Geoffrey A. Pugh

ATTEST:

Tracey L. Stettin MC, Town Clerk