

REGULAR TOWN COMMISSION MEETING MINUTES
FEBRUARY 12, 2018

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday,
February 12, 2018, at 6:00 PM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Mayor Pugh at 6:01 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 during the special meeting at 5:00 p.m.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Vice Mayor Bonfiglio moved to move item #15 on the agenda to the first item after public comment; seconded by Commissioner Coz. Motion carried 5-0.

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

PUBLIC COMMENT

Merilee Lundquist, 6277 N. Ocean Blvd, thanked the Police Department for their extra care and concern when they found her car parked on Island Drive. She was attending a meeting and received a ticket due to a miscommunication with the Police Department, however, the Officer took the extra steps to make sure she was alright.

Jerry Goray, 130 Island Drive, reported on the P&Z meeting that was held this morning regarding the first Concept Plan Review application. He noted that it was a productive meeting and the members learned a lot. He stated that the issue of window proportions came up, and the applicant was gracious in acknowledging the Commission's suggestions. He stated that as things evolve, we may want to make a consideration on an ordinance change regarding notice to the neighbors as opposed to agenda notice only. He also noted that we may want to have the applicants provide graphic information on a flash drive so we can present the plans on the screen for the public during the meeting.

15. Possible Consent to Proposed Insurance Carrier Settlement for the Cooksey Lawsuit (By: Town Attorney Shutt)

Town Attorney Shutt advised that Mr. Cooksey is suing the Town claiming that our codes that we cited him under are unconstitutional, and the settlement that is proposed by our insurance carrier involves payment of the lien amount in the amount of \$7,618.93, along with payment of costs to Mr. Cooksey in the amount of \$381.20, with the condition in the settlement agreement that he must pay off the entire lien to the Town within a certain period of time. He stated that under our insurance policy, the Commission must consent to the settlement.

Attorney David Henry stated that Attorney Shutt stated exactly what the settlement terms are, subject to everything that was discussed during the shade meeting.

Commissioner Aaskov moved to accept the settlement offer as explained by the Town Attorney; seconded by Commissioner MaGruder. Motion carried 4-1 (Vice Mayor Bonfiglio dissenting).

APPROVAL OF CONSENT AGENDA

1. Adopt Minutes of Regular Town Commission Meeting of January 8, 2018.
2. Approval of Poll Workers for the March 13, 2018 Municipal Election
3. Chris Wayne & Associates Special Projects Approval
4. Approve Agreement with Urban Design Kilday for Town Comp Plan Amendments

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

ANNOUNCEMENTS AND PROCLAMATIONS

5. Town Hall will be closed on Monday, February 19, 2018 in observance of President's Day.
6. The League of Women Voters and the Town of Ocean Ridge are sponsoring a Town Commissioner Candidates Forum on Wednesday, February 21, 2018 from 6:00 p.m. to 8:00 p.m. at Town Hall. Residents of Ocean Ridge are welcome to attend and are encouraged to bring a question to submit to the Moderator.
7. The Town of Ocean Ridge will host a community lecture series for the public on February 28th from 6:00 p.m. to 8:00 p.m. regarding "Sea Level Rise Ready Communities" by Alec Bogdanoff, Ph.D., and "Understanding Home Rule and Legislation Impacting Our Community" by Lynn Tipton, Florida League of Cities University Director.
8. Proclamation: The Municipal Election will be held on March 13, 2018. There are two Town Commission Seats Open for a Three Year Term. Qualified Candidates Are: Gail Aaskov, Philip Besler, and Kristine de Haseth. / La eleccion municipal se celebrará el 13 de Marzo del 2018. Hay dos asientos disponible, con un period de tres años, para la Comisión de la Cuidad. Los candidatos calificados son: Gail Aaskov, Philip Besler y Kristine de Haseth.

PUBLIC HEARINGS

None

REPORTS

9. Town Manager

Town Manager Titcomb advised that his report is included in the meeting package. He reported that drain system projects have been identified due to standing water issues at 101 Dolphin Bend and adjacent 111 Dolphin Bend, and also at Beachway/Osprey Court ever since we did some recent paving. He is looking for consensus to move forward on the projects, utilizing the in-house Town Engineer to address solutions to fix the problems in the most cost effective way. He stated that Beachway may need installation of an additional catch basin, and the Dolphin Bend solution is possible clearing and a swale in the right-of-way. He noted that specific proposals would be brought back to the Commission if the cost is not within his threshold to approve. Mayor Pugh stated that if it is within the budgeted amounts and within the Manager's threshold, he should proceed. Town Attorney Shutt stated that because we have certain agreements with vendors, if the cost is over \$10,000 in the aggregate, it would need to come to the Commission for approval. He stated that we would like to amend the purchasing code so that if costs are within budget, the Town Manager can approve projects without coming to the Commission. **There was consensus for the Town Attorney to draft the purchasing policy change.**

Town Manager Titcomb reported that we have been coordinating with our insurance company and FEMA for reimbursement for the Tropical pump station repairs and upgrades. We expect partial reimbursement from the insurance company, and then we will try to recover the remainder from FEMA. He stated we are ready to move forward on the proposed fixes to the pump station. Mayor Pugh asked when the system will

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be repaired, and Town Manager Titcomb responded that we have already made a temporary fix and it is working today, however, we are moving forward with a permanent solution so we don't have future problems. He stated that the estimated time for the repairs is 30-60 days.

Town Manager Titcomb reported that we are in the process of looking for an in-house Certified Building Official, and we have chosen our two top candidates. He noted that the #1 candidate has countered the initial offer, and we will need to finish background checks and then bring information back to the Commission.

Town Manager Titcomb report that staff has been working with the Town Attorney regarding contract updates. He noted that historic contracts and agreements need to be updated to be compliant with policies and expectations of the Inspector General's office. He stated that many past contracts have been done informally and executed with a letter of extension, and eventually they will need to be put out to bid.

He also reported that we recently completed construction of the low speed vehicle parking area, and a parking sign is forthcoming soon. Town Attorney Shutt mentioned that we will need to amend the code to provide for a schedule of fees that would be adopted by the Commission by ordinance, and then the schedule of fees could be amended by resolution from time to time. Once this schedule of fees is adopted, we can enforce the resident and non-resident low speed vehicle parking permits. He stated that he will work on the ordinance and bring it to the next meeting.

Town Manager Titcomb noted that March 5th is Mayor Pugh's last meeting as he is not re-running for Town Commissioner, and we plan to recognize him either before, during or after the meeting. **It was the consensus of the Commission to hold a reception for Mayor Pugh after the March 5th meeting.**

10. Town Attorney

No Report.

11. Police Chief

Chief Hutchins advised that the Police Department report is included in the meeting package and includes monthly police department statistics. He mentioned that there is a typographical error on one of the response times. There were no questions from the Commission.

ACTION ITEMS

12. Confirm Hiring of Police Dispatcher/Clerk Brittney Good and Police Officers Lequandra Beckford and Aaron Choban (By: Chief Hutchins)

Chief Hutchins introduced the candidates and gave a short background of each one to the Commission.

Vice Mayor Bonfiglio moved to confirm the hiring of Police Dispatcher/Clerk Brittney Good, Police Officer Lequandra Beckford, and Police Officer Aaron Choban; seconded by Commissioner Coz. Motion carried 5-0.

Public Comment: Bob Weisblut, 23 Sailfish Lane, asked if we are filling open positions or adding to the Police force, and Mayor Pugh responded that we are filling vacant positions.

13. Higgins Engineering, Inc. Inlet Cay Drainage Study Update (By: Town Manager Titcomb)

Mr. Higgins updated the Commission on the Inlet Cay Drainage Study, and gave them a report on the drainage capacity on Inlet Cay, and the soil boring analysis. He noted that the drainage capacity is insufficient and explained the frequencies. He noted that Ocean Ridge is at 2.33 frequency, and most municipalities have gone to a 10-year frequency. He stated that there are a lot of permitting issues and costs associated with changing out the pipes, or the Town Engineer would have suggested doing it years ago. He

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also noted that all of the soil borings had a very significant layer of muck or peat. He explained compressibility indexes to the Commission, and stated that if we want to learn what the compressibility is, that would require lab analysis. He noted that structures on the island have been built on pilings, so they won't settle, but everything else will such as driveways. He stated that when Inlet Cay Island was built, channels were dug and material was piled on top of unsuitable material. He stated that there is good soil on top, and then unsuitable material underneath. He suggested that whenever there is a tear down, the Town surcharge the site, and take the soil material from 10-15 feet extra load, let it sit for 60 days and then remove it, which takes care of close to 90% of the compressibility of the unsuitable layer.

Mayor Pugh asked what the next steps are in the study.

Vice Mayor Bonfiglio asked about the map that was included in the packages, with two borings indicating peat on the south end, and muck on the north end in respect to rate of compression, and Mr. Higgins stated that if there truly is a difference, the peat will compress more, but his suspicion is that they are a lot closer to each other and there is no significant difference between the south and north end of the island with respect to muck and peat.

Commissioner Coz asked about the flow of the drainage in the report and asked if the current Inlet Cay drainage system can do 2 to 3 cfs, and Mr. Higgins confirmed. He stated that in a perfect world, it would be 31.

Vice Mayor Bonfiglio asked if Mr. Higgins can estimate the additional degree of compression that will take place, and Mr. Higgins responded that there is no way to know. He suggested that a Geotech firm do additional borings and take to the lab to analyze. Vice Mayor Bonfiglio asked how much it would cost, and Mr. Higgins responded that it would cost around \$2,000. Vice Mayor Bonfiglio asked where Mr. Higgins suggests we take the additional borings from, and Mr. Higgins suggested that we go to the thickest part so we can get the worst-case scenario.

Town Manager Titcomb stated that as Mr. Higgins continues in the process, he will make recommendations about things we can do, such as additional steps in the building process or changes to ordinances. He noted that on the drainage side, it is clear that the drains are working well to their capacity now that they have been cleared, but the capacity is significantly less than today's standards so that will be an issue down the road based on negative impacts we are having.

Mr. Higgins noted that the next step is Step 4 to look at the water table to determine if there is a spring there, which he highly doubts. He stated that the same layer of muck/peat is almost impervious which is a floor for the water table, so everything in the enclosed area is going to go up until it finds a relief point. He stated that the lots on the water have an obvious relief point in the back yard. He stated that he is scheduled to do a map of the water table in the area, and then looking at applying rainfall and septic tank drainage to see how much of a mound is created in the area.

Commissioner Magruder asked when the last core was taken, and Mr. Higgins responded that all of them were done in 2015-2016 with the exception of one which was older. He noted that one of them was a septic tank test that did a deep boring of 25 feet. Commissioner MaGruder asked if Mr. Higgins recommends moving forward with the additional borings and if it would provide additional information regarding the construction sites, etc., and Mr. Higgins responded that he would work with a Geotech for that process.

Commissioner Coz asked about the drainage, and if we are at 2-3 cfs with 24 inch pipes, and we continue putting pipes in and upsize the 8" ones as needed, what would be the result, and Mr. Higgins responded that every little bit would help. He stated that the typical pipe size for that type of subdivision would be 18-24 inch pipes, which is what it would be to put it into the 10 year flood protection.

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Commissioner MaGruder asked if increasing the catch basins that the pipes flow into would work to provide additional relief, and Mr. Higgins responded that the limitation on the drainage is the pipe size. He stated that we could put in an exfiltration trench, which is an underground perforated pipe surrounded by rock, which gives additional capacity. He stated there are other more expensive ways to handle it as well such as a storm sceptor that provides water quality treatment that would allow you to upsize the outfall pipe, but it would have to go through the storm sceptor first. Commissioner MaGruder stated that there are state requirements for water treatment before the water goes into the intracoastal.

14. Request for Building Permit Fee Reduction (By: Town Clerk Stevens)

Town Clerk Stevens advised that the owner of 31 Harbour Drive South is requesting reduction in the penalty portion of the building permit fee of \$7,707.88 for being cited for doing work without a permit. The penalty portion amount is \$5,745.00.

Town Manager Titcomb stated that the state statutes penalty fee is two times the building permit fee amount, however, the town charges a penalty fee of four times the building permit fee amount.

The owner Tom Nguyen spoke to the Commission and explained that he contacted the Contractor and was misinformed about needing a permit for the demolition. He stated he realizes he is at fault for not knowing the codes himself, and will be diligent in checking the codes in the future.

Chief Hutchins noted that the owner has been very cooperative during the whole process.

Vice Mayor Bonfiglio stated we would like to encourage owners who are trying to do the right thing, and would suggest only charging half of the penalty fee.

Vice Mayor Bonfiglio moved to reduce the penalty fee by half; seconded by Commissioner MaGruder.

Commissioner Coz stated that this is the first owner who has taken full responsibility for his actions, and he would like to reduce the fee further.

Mayor Pugh stated that the Commission appreciates the owner's cooperation, and suggested only charging \$200 for the penalty fee.

Vice Mayor Bonfiglio moved to amend the motion to only charge a penalty fee of \$200; seconded by Commissioner MaGruder. Motion carried 5-0.

15. Item moved to first item under public comment (see page 1).

RESOLUTIONS

16. Resolution No. 2018-01: A Resolution of the Town of Ocean Ridge, Florida, Urging the State Legislature to Resist Pre-Empting Local Governments on Matters of Home Rule and Local Control (By: Town Manager Titcomb)

Town Clerk Stevens read Resolution No. 2018-01 by title only.

Town Manager Titcomb explained that some of our most egregious issues are continuing to evolve, and not in a good way, and we have not seen a legislature as egregious as this one in preempting local government. He stated that we need to make it known that we do not appreciate the Legislature trying to preempt local issues that affect our residents. He stated that we are steering away from specific legislative items, and that this Resolution sends a statement that we are not happy. He explained the vacation rentals laws, and stated

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that we need more local control over it. He also noted that there is a travel bill to preempt local officials, and an election bill to mandate that our local elections occur on specific dates.

Commissioner MaGruder mentioned that the Legislature is even considering a bill prohibiting the Town from enacting codes regarding where residents can grow vegetable gardens.

Betty Bingham, 1 E. Ocean Ave, suggested canvassing the town of Ocean Ridge to gather signatures and send a letter to the Legislature along with the signatures. She stated that our Legislators do not understand that the best government is the government closest to the people. She stated we elect people to govern us that know what we want and who we are, whether it's the Federal Government, State, County, or Municipal.

Commissioner Coz moved to adopt Resolution 2018-01; seconded by Commissioner MaGruder. Motion carried 5-0.

FIRST READING OF ORDINANCES

None

SECOND READING AND ADOPTION OF ORDINANCES

None

TOWN COMMISSIONER COMMENTS

17. Designate Town Representative for Beach Re-Nourishment Issues and Projects (By: Vice Mayor Bonfiglio)

Vice Mayor Bonfiglio explained that there is presently a dispute and ongoing discussions between the County, Lake Worth and Manalapan regarding control of sand re-nourishment in South Palm Beach, and we could be significantly impacted by the outcome. He suggested that we send someone from town to sit in on the meetings to protect the town's interests in these matters.

Mayor Pugh noted that Commissioners Coz and MaGruder will be on the Commission the longest based on their terms and suggested that one of them be designated.

Commissioner Coz noted that the groins in South Palm Beach stop the sand from reaching Manalapan, and if Manalapan lacks sand, they could ask why they are sending their sand to Ocean Ridge.

Town Attorney Shutt stated that our sand pumping agreement has expired, however, there is a continuation clause that Palm Beach County will continue to operate and pump sand South of the inlet, so the expiration of the agreement does not impact the sand transfer station. He stated it is important for someone from Ocean Ridge to attend the meetings to understand and hear what is happening, and how the groins will impact Ocean Ridge.


There was consensus of the Commission for Commissioner MaGruder to be the representative for sand re-nourishment issues.

ADJOURNMENT

Meeting Adjourned at 7:09 p.m.

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Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on March 5, 2018.



Mayor Geoffrey A. Pugh

ATTEST:



Tracey L. Stevens, CMC, Town Clerk