

REGULAR TOWN COMMISSION MEETING MINUTES
JUNE 4, 2018

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday,
June 4, 2018, at 6:00 PM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Mayor Bonfiglio 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 Besler	x		
Mayor Bonfiglio	x		
Commissioner Coz	x		
Commissioner de Haseth	x		
Vice Mayor MaGruder	x		

PLEDGE OF ALLEGIANCE

Mayor Bonfiglio led the Pledge of Allegiance.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Vice Mayor MaGruder moved to approve the agenda as amended, moving item #6 to the July regular meeting agenda; seconded by Commissioner de Haseth. Motion carried 5-0.

PUBLIC COMMENT

Bob Weisblut, 23 Sailfish Ln, noticed a sign in Palm Beach Gardens recently that states “Drive As If Your Children Lived Here”, and he commented that he likes the sign as it portrays the message to drive slower, without saying “drive slow”, listing penalties, etc.

ANNOUNCEMENTS

- a. The Town Commission and Planning & Zoning Commission will hold a Joint Workshop on Monday, June 18, 2018 at 8:30 a.m. at Town Hall.
- b. The Town Commission will hold a Budget Workshop on Monday, July 2, 2018 at 3:00 p.m. at Town Hall.
- c. Town Administrative Offices will be closed on Wednesday, July 4, 2018 in observance of Independence Day.

APPROVAL OF CONSENT AGENDA

1. Adopt Minutes of Regular Town Commission Meeting of May 7, 2018
2. Designating Voting Delegates for the Florida League of Cities

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

REGULAR AGENDA ITEMS

3. **Plaque Presentation Recognizing Former Commissioner Gail Adams Aaskov for Her Years of Service to the Town (By: Town Manager Titcomb)**

Mayor Bonfiglio stated he takes great pleasure in recognizing Gail Aaskov for her many years of service to the Town of Ocean Ridge. He listed some of Mrs. Aaskov’s many accomplishments while serving Ocean Ridge, and stated that he would like to personally thank Mrs. Aaskov for her unselfish years of dedicated service to the Town. Mrs. Aaskov was not able to attend the meeting, and a plaque was presented to Betty Bingham on her behalf.

4. FY17 Audit Report (By: Town Auditor, Ron Bennett)

Town Auditor Bennett presented the FY17 Audit Report to the Commission, and handed out a financial highlights summary. He noted that the audit report is available on the Town website for the public to review. He thanked the Commission for allowing him to perform the annual audit, and thanked staff for working well with him and his staff. He noted that staff is doing a great job with the accounting for the town, and as such, he has issued a clean opinion throughout the reports with no findings. He explained the opinions throughout the report, and highlighted the Town's financial position. He stated that the Town's Fund balance is \$4.7M total, with \$3.6M which is unassigned funds that can be used for any lawful purpose that the Commission sees fit to use it for. Assigned fund balance is the money the town has earmarked for a specific purpose, which can also be un-earmarked for emergencies. He stated there was a \$348,000 increase in fund balance over the prior year, and that our unassigned fund balance is at 63%, which is enough to pay for 63% of the year if no other revenue is coming in. He stated that the Town's net position went up by \$121,000 in FY17.

Commissioner Coz asked about the 63% unassigned fund balance, and Mr. Bennett stated that the fund balance can be used in an emergency situation such as hurricanes, as revenue from insurance and FEMA can take a long time to collect and we would still need to operate. Commissioner Coz asked if the fund balance is the reserves of the town, and Mr. Bennett confirmed that fund balance is the same as reserves.

Mayor Bonfiglio asked if the net pension liability is the same as the unfunded pension liability, and Mr. Bennett stated that it is the Town's pro-rata portion of the money in the Florida Retirement System (FRS). Mayor Bonfiglio asked if we are using the State's numbers for the horizon and the discount rate, and Mr. Bennett stated that all of the figures come from the State. He stated that the FRS is one of the best retirement systems in the country, and it is 84% funded which is derived from the horizon and the discount rate. He stated that the percent funded has gone down over the past few years, as the State changed the assumptions, and with the new actuarial tables, they determined that people are living longer, so the percent funded decreased because the fund is paying people longer. He stated that the Florida Legislature determines what the contributions will be, and the actual horizon is until the last person in the plan dies. Mayor Bonfiglio asked if Florida uses a 15-20 year horizon, and Mr. Bennett stated that they do not; the horizon goes out forever. The actuaries look at the composition, and life expectancy of the last person in the plan. Mayor Bonfiglio asked if the \$2.894M figure is in today's dollars, and Mr. Bennett confirmed that it is, as it has been discounted back to current day at the 7.1% discount rate. He explained that we owe a percentage of payroll each month to FRS for as long as the Town is in the plan, and there are no balloon payments.

Commissioner Besler asked if we are completely phased in with the actuarial tables, and when they do the estimate, it is based on how long people will live, and Mr. Bennett confirmed and noted that it was radically increased over the last couple of years.

Commissioner Besler asked how we compare with other towns of similar size in grant income, and Mr. Bennett explained that grants are based on need, and Ocean Ridge is an affluent community. He stated that the municipalities that receive grants are economically challenged, and it will be tough for Ocean Ridge to qualify due to the affluency of the community. He advised the Commission not to apply for a grant unless there is an opportunity for a very large grant in the millions of dollars. He stated that grant administration is very expensive, and noted that a \$5,000 grant is worth a lot less than \$5,000 once the grant is administered.

Commissioner Coz moved to accept the FY17 Audit Report as presented by Town Auditor Ron Bennett; seconded by Commissioner Besler. Motion carried 5-0.

5. Stormwater Report (By: Town Engineer Lisa Tropepe)

Town Engineer Tropepe advised that she was tasked to come before the Commission to speak about the flood control study and updates since then. She presented information that showed the history of flooding in Ocean Ridge and the steps taken to resolve a lot of the flooding problems from the past. She noted that the Commission was presented with a Flood Control Study in 2000 which had three alternatives to choose from in fixing the problems, and the Town did a cost/benefit analysis and chose the middle option (the Alternate B project). Ms. Tropepe described each project that has been completed in Town since 2000 (South Phase, Harbour Drive, Ocean Ave, Hudson Ave, Coconut Lane, and Inlet Cay Island) which was also listed on the presentation that will be made available to the public.

Commissioner de Haseth asked when the majority of the work was completed, and Town Manager Titcomb responded that it was completed just prior to when he arrived, around 2014.

Ms. Tropepe stated that in the last 24 months, the Town has implemented a town-wide pipe cleaning and video program, implemented a town-wide paving program prioritizing roads in a multi-year process, have begun collaborating with FDOT Engineers on drainage issues along A1A, requested FDOT to install an inline tidal valve at the Ocean Avenue retention area, procured electrical contractors and specialists to upgrade the Tropical Drive pump station electronics, and surveyed Dolphin Bend to determine private vs. public drainage infrastructure, revised Town ordinances to provide a three foot setback for pool decks, increased the outfall valves and flap gates cleaning schedule, have begun requesting subsurface investigation reports for all building permit applications, refurbished the mobile pump and purchased two portable “trash” pumps, and removed exotic vegetation and enhanced the wetland friendly plants for better filtration to the Woolbright detention area.

Ms. Tropepe stated that plans for the future include:

1. South Phase: Continue maintaining all of the infrastructure including pipes, pumps, controls, generators, etc.; enhance Beachway Drive with an additional catch basin; and request easements on Dolphin Bend to address drainage issues.
2. Harbour Drive: Continue maintaining infrastructure; pursue drainage easements for existing private and future outfalls; and consider swales along the right-of-way (50 ft) and permit additional outfalls.
3. Hudson Ave and Coconut Ln: Continue maintaining all infrastructure including catch basins, pipes, flap gates, pump station, and generator, including the alleyway on Coconut Ln.
4. Inlet Cay Island: Consider recommendations from Higgins Engineering that come out of the “Inlet Cay Island Engineering Drainage Study.”
5. A1A Issues: Currently working with FDOT on Anna Street area flooding; work with FDOT on several other low-lying flood prone areas; update FDOT maintenance program for the retention ponds at Ocean Avenue.
6. Other Ideas: Homes on timers for irrigation in the summer are not being checked. The Town should consider regulations for irrigation shut-off during rain events, as extra water exacerbates the situation on Harbour Drive, putting more water in the roadway.

Ms. Tropepe noted that she reviews a majority of the building plans that come in to make sure they meet code in relation to drainage, she reports to NPDES annually, and works with staff on the CRS community rating system which helps with discounted flood insurance rates for residents. She stated that Lisa Burns runs the CRS program and does a great job. She stated it is not easy to get the flood insurance rates down on a barrier island, and we reduced our rating to a 7 which is good.

Commissioner Besler asked if it is the recommendation to get an easement on the Dolphin Bend issue, and Town Manager Titcomb responded that one option is to let private properties take care of their own issues, but public vs. private systems have been tied together over the years, and we want to try to

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optimize the entire system. He stated there are two current issues on Harbour Drive and Dolphin Bend, and if we don't have the public easements, we cannot expend public funds to fix issues that are on private property. He stated that staff is currently weighing through all three options and will bring the best options back to the Commission.

Vice Mayor MaGruder asked how hard it is to get the easements, and Ms. Tropepe responded that it is easy administratively; however, the homeowners are not always willing to allow an easement.

Vice Mayor MaGruder noted that we require swales when we approve building permits, and once a CO is given, some of the homeowners are filling in the swales, and the Town should be taking a hard line and implementing code enforcement action in those cases to help our drainage problems. Ms. Tropepe stated that swales are the most cost effective way to get water off the road; however, they are also the most unpopular option with the residents.

Commissioner Coz thanked Ms. Tropepe for the presentation, and stated he thinks it is phenomenal that the town has taken care of everything that it has over the years. He mentioned that recently, a contractor cemented over two large outflow pipes when installing a seawall, and the Town successfully addressed that with the contractor. He stated that other problems on Inlet Cay occurred when maintenance was not being performed on our infrastructure, most recently with the case of a contractor pouring cement into the pipes and blocking them. Ms. Tropepe noted that since the drainage pipes are underground, it is hard to notice damages to them, however, our new vendor Televac has helped us with those problems, and now we have a maintenance program in place, and we are being more proactive. Town Manager Titcomb noted that the only problem is that Televac is a very busy company, so it has been tough in scheduling them to perform work for us. He stated that they should be arriving soon to address the sink-hole issue on Eleuthera Drive, and then the detention area project.

Commissioner de Haseth mentioned that there are some things we can look at when we begin looking at the comp plan amendments and LDR changes, such as maintaining the swales and backing it up with enforcement, looking at making sure we give guidance on best standards to private owners on drainage solutions, and look at smart irrigation systems on new construction moving forward. She challenged Ms. Tropepe to look at what we can do long term, and out of the five initiatives that we currently have, where do we go from here, and are there any more places we need to look at that we may have problems. Ms. Tropepe stated we do implement best practices and change things up, for example, everything in the town was corrugated metal pipe years ago, which corrodes in the salt environment, and we have moved forward with high density polyethylene pipes (HDPE) which have a life expectancy of around 1,000 years. She stated that there is new technology to capture water in catch basins that have a centrifugal force into it that can separate the solids and liquids, which is another thing we can be proactive with as we move forward. She stated that the town has to balance the cost with the benefits when moving forward as the new systems are much more expensive. She stated that we have been seeing more homes with swales, and more homes with exfiltration trenches (drainage system underground) recently as well, so we are moving forward in that regard. She stated that looking at our ordinances is a great way to upgrade and enhance the town to give us a better quality of life.

Vice Mayor MaGruder stated that it has been more complicated recently with the new state regulations that stormwater must be treated, and the new drains that filter the water are much more expensive. He stated we can't just enlarge the pipes and dump water into the intercoastal anymore. Ms. Tropepe stated that is correct, so what we do is fix everything to the outfall itself and we leave the outfall, because that has been here and grandfathered, and once you change the location or pipe diameter of the grandfathered outfalls, you trip the jurisdiction to Army Corp of Engineers and SFWM because we are next to the intercoastal waterway. She stated that they don't want any more outfalls in the intercoastal. She stated

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you have to prove water quality prior to discharge, and we don't have that on the majority of the systems that were built decades ago. She stated that the new interceptor systems are around \$50,000.

Vice Mayor MaGruder suggested that Ms. Tropepe come back to the Commission with recommendations on priority projects that we need to focus on this year with associated costs so we can set aside money in the budget for the upcoming year, and then identify projects that need to be done in the future to keep moving forward on priorities, and the amount that we would need to set aside each year to accomplish those projects. There was consensus of the Commission to direct Ms. Tropepe to develop those lists and costs. Mayor Bonfiglio stated that we need to incorporate this with our comp plan changes as well.

6. **Higgins Engineering Report (By: Bob Higgins)**

Item moved to the July 2nd Town Commission meeting, as Mr. Higgins could not attend the meeting.

7. **Second Reading & Adoption of Ordinance No. 630 – An Ordinance of the Town of Ocean Ridge, Florida, Providing for the Imposition of a Temporary Moratorium on the Processing of Applications and Issuance of Building Permits for New Construction or Construction that Exceeds Fifty Percent of the Cost of the Existing Structure or Increases the Size of the Existing Structure by More Than Fifty Percent for Properties Located in the Town's RSF Zoning District; Providing for a Nine (9) Month Term to be Extended if Necessary by the Town Commission; Providing for Conflicts, Severability, and an Effective Date (By: Town Attorney Shutt)**

Town Clerk Stevens read Ordinance No. 630 by title only.

Town Attorney Shutt advised that this ordinance provides for a temporary moratorium on the issuance of building permits in the RSF zoning district for new construction and construction that would exceed 50% of the size of the current structure, or exceed 50% of the cost of the existing structure. He stated that there is an exception section that provides for permits that are submitted that have not raised the issues that the Town Commission and the Planning & Zoning Commission has asked staff to look at regarding such things as compatibility, drain field requirements, parking, and other concerns regarding the impact of that type of housing on the single family zoning district. If an exemption is granted by the Town Manager, the applicant would be able to go through the process for obtaining a permit.

Commissioner de Haseth moved to adopt Ordinance No. 630 on second reading; seconded by Vice Mayor MaGruder.

Public comment: Terry Brown, Harbour Drive South, stated that we are in a situation that someone should have looked at 20 years ago. He stated it is going to take a while to review the charter and codes. He stated that we are in a situation now that someone should have looked at 10-15 years ago regarding the unification of lots, and all of the building requirements, setbacks, heights, and floor area ratios that exist in the code today, and now we are going to issue a moratorium because of one property. Commissioner Besler stated that is not why he is looking at this. Mr. Brown stated that we are looking at not allowing building to occur on vacant lots for a nine month period. Commissioner Coz stated that isn't true. He noted that the Attorney stated that it is very clear that if someone is building a conventional house, there could be an exemption for approval. Mr. Brown stated that he envisions lawsuits regarding this ordinance, and he does not recommend doing it this way. He stated that everyone is concerned about sober homes, and this should have been looked at in the past so we wouldn't be in this situation now. He cautioned the Commission to be careful.

Mayor Bonfiglio stated that we have been looking at these issues for the past several months, and this is not designed to attack one particular property; this is designed to address a problem that exists in the code that we didn't realize, but we have been trying to address in the past several months.

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Mehmet Ozkurt, 60 Ocean Ave, stated that he wonders if this is a standard practice to stop construction. He would prefer a transition to slow things down but not completely stop construction, as it will hurt a lot of people in different aspects. Town Attorney Shutt responded that the provisions in the ordinance do not stop all construction, and the town is proceeding as quickly as possible to review the ordinances so that it will hopefully be completed in less than nine months. He stated that zoning in progress and moratoriums are common practice, and are used in municipalities all over Florida. Mayor Bonfiglio noted that Section 4 of the ordinance addresses Mr. Ozkurt's concerns.

Motion carried 5-0.

8. Planner Contract Scope of Services Addendum (By: Town Manager Titcomb)

Town Manager Titcomb advised that the Planning & Zoning Commission has recommended that the Town engage the services of a Certified Planner to give technical and practical advice on land development code amendments (LDR). He stated that the Town is already under contract with Urban Design Kilday Studios for our comp plan updates, and we reached out to them for a proposal for the additional scope of service for the LDR. He stated that the proposal does not exceed \$15,000 and will address our current code and zoning issues. He stated that a Certified Planner will expedite the resolution of the moratorium and other issues, and staff recommends approval. He stated that our current code provides that the Commission can select a vendor without going out for RFP, as we have a compelling town interest to decrease our costs by using the same Planner that is already updating our comp plan, and this would also minimize the length of time for the moratorium.

Commissioner Coz asked about the cost, and Town Attorney Shutt stated that the proposal does not exceed \$15,000 and everything is all inclusive.

Vice Mayor MaGruder asked where the funds will come from, and Town Manager Titcomb stated that we will look at the expenditure rates of various line items in the budget and those lines that are not fully expended will be reassigned to areas where we need them in the budget amendment process. He noted that we have already expended a good portion of the contingency fund, so we will need to aggregate other areas of unexpended funds. Vice Mayor MaGruder asked if the Town Manager feels confident that we can cover the cost, and Town Manager Titcomb stated that he is confident, and noted there is a cost/benefit analysis on potential lawsuits.

Vice Mayor MaGruder moved to approve the contract with Urban Design Kilday Studios for amendments to the land development regulations; seconded by Commissioner Besler.

Commissioner Coz asked for clarification on the cost as there is a blank spot in the contract, and Town Attorney Shutt stated that the proposal is included as an attachment to the contract, and the proposal is to not exceed \$15,000.

Public Comment: Terry Brown, Harbour Drive South, stated that it is confusing as to what this company would be working on, as the land development code is part of the Charter, and we have a recommendation to have a Charter Review Committee, so Planning & Zoning and this contractor will also make recommendations for changes to the land development code, which is also part of the Charter. Town Manager Titcomb explained that the land development code is different than the Charter. Mr. Brown asked for clarification that there is a section in the Charter for land development regulations, and Town Clerk Stevens stated that is not correct. She explained that the land development regulations are contained in the Town Ordinances. Town Manager Titcomb stated that the Town Ordinances are different than the Town Charter. Mr. Brown stated that they will not conflict with each other, and Town Manager Titcomb stated that is correct. Town Manager Titcomb clarified that the Charter Review Committee will review the Charter which is the enabling document of the Town on how the Town runs

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and how it operates. The ordinances are the laws of the town that are allowable by power of the Charter. Town Attorney Shutt followed up that the other reason to use this same vendor for the land development code review is that they are already doing the comp plan amendments, and the comp plan is the overriding document for the land development regulations. He stated there should be no conflict if you have the same Planner reviewing both documents.

Motion carried 5-0.

9. Appointments to the Planning & Zoning Commission (By: Town Clerk Stevens)

Town Clerk Stevens advised that Mauro Walker resigned from the Planning & Zoning Commission. She stated that typically, the Town Commission has moved an alternate member up to a regular member seat when there is a vacancy. Ric Carey is interested in moving up from an alternate to a regular member, and she also received applications from Mark Becker and Neil Hennigan.

Commissioner Coz moved to promote Ric Carey from an alternate member to a regular member of the Planning & Zoning Commission for a term of one year to expire in April 2019; seconded by Vice Mayor MaGruder. Motion carried 5-0.

Vice Mayor MaGruder moved to appoint Neil Hennigan as an alternate member of the Planning & Zoning Commission; seconded by Commissioner de Haseth.

Commissioner Coz asked if anyone has spoken to the P&Z members to ask for advice on the appointments. Vice Mayor MaGruder stated that Neil has been very active in working with the P&Z lately and has time to spend at the monthly meetings. He stated he has devoted a lot of his time and it is impressive, and also helpful to the P&Z. Ric Carey stated that he concurs.

Commissioner Besler stated that Neil has done a good job and provided a lot of detail, but a lot of his discussion has been against a certain type of housing. He stated that Mr. Brown brought up the fact that he thinks we are doing the moratorium and amending the codes in order to stop one house, and that's not the reason he wants to do it. He stated he has heard other comments about the Commission dropping the ball on other issues, and that's why he voted on the moratorium. He stated that if we put Neil on the P&Z, we may be leaning toward that situation that if we get sued, they can point to the Commission and ask why was the person that was against certain housing appointed to the P&Z to work on the ordinance amendments. He stated he has nothing against Neil, and thought he did a great job and pleasantly surprised with the data that was given.

Vice Mayor MaGruder stated that his idea was to have each member of the P&Z take a part of each ordinance and work on it such as the drainage, the septic, the size of homes, etc., but the P&Z decided to recommend hiring a land planner. He stated that will override any of Neil's particular interest in one property. He stated he doesn't think Neil was after one particular property. He stated what we need to do overall is to do an overall land plan which P&Z is in favor of. He stated Neil would be an alternate member so he would only participate if a regular member is absent.

Commissioner Besler asked Town Attorney Shutt if he's worrying about something he shouldn't be worried about, based on Mr. Brown's comments, and Town Attorney Shutt stated that each member of P&Z is a member of a five-member board, and Neil would be an alternate. He stated we could be challenged in a lawsuit, but we could be challenged about anything in a lawsuit, so it is not an overriding concern that he has.

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Commissioner Coz commented that Zoanne Hennigan had put her name in for the Charter Review Committee, and if we appoint Neil Hennigan to the P&Z, it may be a bit of an overload in that direction. He stated that it would be nice to have some new members involved.

Public Comment: Betty Bingham, 1 E. Ocean Ave, asked about the qualifications to serve on the P&Z. She stated it is nice to serve on the board, but you need a certain amount of background and that should be a consideration so the board can come to sound conclusions.

Ric Carey, 39 Spanish River Drive, suggested that the Commission defer the appointment until the next meeting, and advertise to the public that the position is open.

Vice Mayor MaGruder withdrew his motion to appoint Neil Hennigan to the P&Z; and Commissioner de Haseth withdrew her second.

Commissioner Besler stated that he thinks both applicants are qualified to serve on the P&Z.

Jerry Lower, 2 Harbour Drive N, stated that we have the great luxury of having two people interesting in serving on the board, and suggested that the Commission appoint both. Town Clerk Stevens stated that the code specifically states that there shall be five members and two alternates on the Board. Town Attorney Shutt stated the code would need to be amended if the Commission desires to appoint both applicants.

Commissioner de Haseth stated that she doesn't think the crux is whether an applicant is qualified or not. She stated that we did advertise for the position, we had three people apply, and P&Z had plenty of opportunity to come forward if they wanted to nominate someone.

There was consensus of the Commission for the Town Clerk to continue to advertise for the position, and to bring this item back to the July meeting.

10. Appointments to the Charter Review Committee (By: Town Clerk Stevens)

Town Clerk Stevens advised that at the April 23, 2018 Goal Setting Workshop, the Commission consensus was to appoint a five-member resident Charter Review Committee, and that each Town Commissioner would appoint one resident to the Committee. There was an announcement on the May 7, 2018 Town Commission meeting agenda for interested residents to submit a letter of interest and resume to the Town Clerk by May 25th. Residents Terry Brown, Zoanne Hennigan, and Polly Joa submitted a letter of interest to serve on the Charter Review Committee. Each Town Commissioner should state his or her intent on who they would like to appoint, and then a motion will need to be made to appoint those individuals to the Charter Review Committee.

Mayor Bonfiglio stated that because we only received three applications to fill a five-member board, he approached Ken Kaleel to see if he would like to serve, and he stated he would serve. Commissioner Besler stated that he asked Geoff Pugh to serve, and he agreed. Commissioner de Haseth nominated Zoanne Hennigan. Commissioner Coz stated that Polly Joa and Terry Brown also applied to serve.

Commissioner Coz moved to appoint Ken Kaleel, Geoff Pugh, Zoanne Hennigan, Polly Joa, and Terry Brown to the Charter Review Committee; seconded by Commissioner Besler. Motion carried 5-0.

Public comment: Ken Kaleel, 86 Island Drive S, asked if the Commission has defined the objectives and timeframes of the Committee, and Mayor Bonfiglio responded that we will be taking that item up next.

11. Resolution No. 2018-06 – A Resolution of the Town of Ocean Ridge, Florida Establishing a Charter Review Committee, Assigning Its Duties, Providing Authority for Expenditures, Providing for Public Meetings, Providing for Legal and Staff Support for the Committee, and Providing an Effective Date and a Date for Termination of Activities (By: Town Attorney Shutt)

Town Attorney Shutt advised that there was no timeframe included in the Resolution because we did not want to restrict it. Mayor Bonfiglio stated that we need the Charter Review Committee to work quickly on everything in order to get something on the March ballot. Town Attorney Shutt stated we need to be on an accelerated time schedule, as the committee will need to complete its work, and then we will need to develop referendum language to submit to the Supervisor of Elections, have P&Z review it, and hold two readings in October and November. Town Clerk Stevens stated that the worst case scenario would be bringing the language forward for the March 2020 ballot.

Town Clerk Stevens read Resolution No. 2018-06 by title only.

Vice Mayor MaGruder moved to adopt Resolution No. 2018-06 as read by the Town Clerk; seconded by Commissioner Besler. Motion carried 5-0.

12. License Plate Recognition System (By: Chief Hutchins)

Chief Hutchins advised that proposals are attached regarding authorization to proceed with the license plate recognition system. The costs provided for the system represent a fully estimated cost for implementation to move forward with the project.

Commissioner Coz moved to accept the license plate recognition proposal as submitted by Chief Hutchins; seconded by Commissioner Besler.

Commissioner de Haseth asked what the term of the contract are, and Town Attorney Shutt stated that there is no contract yet. Chief Hutchins explained that we have not budgeted for the project in this fiscal year, however, this proposal came to us at a reduced cost, and he needs approval to move forward with a contract in order to proceed. He explained the costs associated with the project as outlined in the packages, and stated he does not anticipate that the costs will go over the amount in the proposal.

Vice Mayor MaGruder asked when the monthly or annual costs will be realized, and asked if he anticipates that the system will be running during this fiscal year, and Chief Hutchins responded that he needs authorizations from state agencies, but the system should be operational by October 1. This system has higher security rating systems. He stated that the \$550 recurring monthly charge will begin once the system is operational.

Motion carried 5-0.

Town Attorney Shutt asked the Commission if they would still want to see the contracts brought back to the Commission if the costs are within the Town Manager's threshold to approve. Chief Hutchins stated that the installation of poles may exceed \$10,000, and the maximum would be \$20,000 for the most expensive pole and electric installation that he knows about. Vice Mayor MaGruder stated that the Town Attorney should be drafting the contracts.

There was consensus of the Commission to have the Town Attorney draft the contracts, and to bring them back to the Commission if the costs exceed the Town Manager's threshold for approval.

REPORTS

13. Town Manager

Town Manager Titcomb advised that his report is included in the meeting package, and reported on the following:

1. We had a water main break a week ago, and it was repaired extremely quickly for such a large incident. He stated that FDOT will come back in the near future to fix the paving.
2. Our Certified Building Official starts on Monday, and he will bring more efficient processing for the Building Department.
3. PBA negotiations begin tomorrow, and we will come back to the Commission for a shade meeting in the near future, with the hopes to wrap it up quickly.
4. Mayor Bonfiglio submitted his resign to run letter so he can run for state office, with an irrevocable resignation date of November 6th whether he wins the state seat or not.
5. He met with an iguana control company recently and received proposals yesterday, which will be brought to the Commission during the next budget workshop.
6. He noted that hurricane season is upon us, and asked residents to be aware of tree trimming issues and emergency plans, and act upon those items now.

Mayor Bonfiglio stated that some of the water shut offs in our control have not been maintained, which probably exacerbated the water main break problem. **He would like the Town Manager to bring to the budget workshop an estimate of what it will cost to inspect and maintain the valves throughout the town to shut off the water in the future.** Town Manager Titcomb noted that the town owns the potable water infrastructure, and Boynton Beach utilities provides water through our pipes, and it is our responsibility to maintain the pipes, which could be an expensive future expense. Vice Mayor MaGruder asked what caused the break, and Town Manager Titcomb explained that the condition of subterranean soil, high caustic environment in our subterranean surface, constant shifting of subsurface, a tremendous amount of rain water in the past year or so, and the malleable surface that can flex over time and cause breaks and leaks have all contributed to the water main break. He stated that there is a collar in the 12” water main, and a small break happened in the joint. He noted that there is significant water pressure in there, and there are chemical reactions between the soil and pipe. Mayor Bonfiglio asked about the costs associated with the break, and Town Manager Titcomb stated that he is not sure if the bill will be submitted to us this fiscal year or next. Commissioner Besler asked about insurance coverage, and Town Manager Titcomb stated that we should be covered.

Commissioner Coz asked about tree trimming and noted we need to be proactive this year, as some residents were out of power for two weeks during the last hurricane due to lack of trimming by residents. Chief Hutchins stated that he will begin his annual outreach efforts for tree trimming next week. He stated they will be mailing letters this year as opposed to door hangers. He stated that Asplundh has conducted a significant amount of cleaning since the last storm.

Vice Mayor MaGruder asked about coconut trimming, and Chief Hutchins stated that the Town does not have an ordinance regarding that. Vice Mayor MaGruder stated that we have a contract with Chris Wayne to trim coconuts on public property twice per year, and suggested that we put a public notice on the website for people to take care of coconuts on private property. Commissioner Besler suggested passing an ordinance that mandates trimming, and Town Attorney Shutt stated that FPL is sending out a proposed ordinances for towns to adopt which provides that tree trimming needs to be done at a certain distance using an FPL contractor because they don’t want people interfering with their lines. He stated that Broward County recently adopted the ordinance. He stated that he would be leery of directing someone to conduct tree trimming near the power lines, as there is a concern about limbs a certain distance from power lines, and we don’t want to have a homeowner who is not experienced knocking lines down or getting injured in the power lines. Town Manager Titcomb stated that FPL does not want to encourage people to electrocute themselves by removing palm fronds, and that is a delicate balance we

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have to work out if we put an ordinance into place, trying to keep the town free of electrical problems, but working in compatibility with FPL regulations. **There was no consensus to move forward with an ordinance.**

Commissioner Coz asked what we will do if residents ignore the tree trimming letter, and Chief Hutchins responded that we can call FPL to take care of it. He stated that when we have to go into code enforcement mode, we have to be careful not to have residents trim their own trees and hurt themselves.

Public comment: Charles Kittler, 35 Hersey Drive, stated that he had a problem with a neighbor's vegetation last year, which is still there now. He stated that Asplundh is available to trim, but the neighbor actually stopped them last year, and then he went without electricity for three weeks, and there still has been no action taken. He stated that it has been problematic trying to report problems to FPL, and they don't maintain their lines and poles properly. He stated he is frustrated that there has been no action yet from last year's problem. He stated that when we lose power for a long period of time, there could be problems.

Mayor Bonfiglio asked Town Manager Titcomb to contact FPL about Mr. Kittler's issue.

14. Town Attorney

No Report.

15. Police Chief

Chief Hutchins advised that the Police Department report is included in the meeting package and includes monthly police department statistics. He reported that Lieutenant Jones and Billy Armstrong installed the new screens in the Commission Chambers.

He noted that a Commissioner has asked that the graphics in the statistical reports be removed. Vice Mayor MaGruder stated that there is duplicative information on the reports, and it costs a lot to make color copies and place the reports in the books. He noted that the reports are on the website to read, and asked if this is something we can eliminate to save on color copying costs. **It was the consensus of the Commission to leave the reports in the packages.**

Commissioner de Haseth asked about the 266 calls for service by type, and Chief Hutchins responded that it means that there were 266 times that an officer actually went out on foot patrol. She asked about the 1,501 district checks, and Chief Hutchins responded that those are self-initiated; we divide the town into patrol districts for statistical and tracking purposes, and the officer's log each time that they complete the check of a full district. She asked about the 335 beach patrols, and Chief Hutchins explained that's a beach patrol either on ATV or Beachway crossover checks to check the beach on foot. He stated that the PD was mandated by a former Commission to log when we do crossover and beach checks. Commissioner de Haseth asked about the ATV patrols, and Chief Hutchins stated that the officers do checks during the day and at night, and have a minimum requirement for each shift day and night.

TOWN COMMISSIONER COMMENTS

16. Non-Discrimination Ordinance (By: Mayor Bonfiglio)

Mayor Bonfiglio stated that he would like to update Resolution 2007-07 and pass a civil rights ordinance that would promote a discrimination free quality of life for Ocean Ridge residents through advocating a policy of nondiscrimination to all groups who may face discrimination when they seek housing in Ocean Ridge. Palm Beach County Ordinance 95-31 as amended prohibits employers, employment agencies, and labor organizations from discriminating on the basis of race, color, sex, pregnancy, religion, national origin, age, disability, familial status, marital status, sexual orientation, and gender identity or expression. The

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ordinance prohibits retaliation against persons who assert their rights under the law. Other county municipalities have joined Palm Beach County and passed a similar Civil Rights Ordinance over the years. While Ocean Ridge Resolution 2007-07 prohibits discrimination on the basis of race, color, sex, national origin, religion, age, disability, familial status, marital status, and sexual orientation, it does not include the full list of classifications covered by the Palm Beach County Equal Employment Ordinance. Moreover, the resolution addresses only municipal employees, whereas a civil rights ordinance would also cover residents and demonstrate that the Town of Ocean Ridge, as a matter of public policy, opposes discrimination based on race, color, sex, pregnancy, religion, national origin, age, disability, familial status, marital status, sexual orientation, and genetic information. He stated he thinks passing the ordinance will help attract all people to buy homes and live or retire in Ocean Ridge, and that we should join Palm Beach County and the various municipalities in updating our resolution and make it an ordinance. He stated he was contacted by Rand Hoch of the Palm Beach County Human Rights Commission, and he is seeking consensus to have the Town Attorney draft an ordinance.

Commissioner Coz asked how this intersects with families in Ocean Ridge, and Town Attorney Shutt stated that there is no intersection, and noted there are already federal and state provisions, and those agencies already look at discrimination based on everything in the ordinance. He stated that the town employees would be covered under that. He stated that by adopting the ordinance, it would show that the town supports what has been adopted by the county, state and federal government as far as discrimination, and stated he is not sure there is a huge impact on Ocean Ridge because there is no commercial here, and discrimination based on housing would be referred to the state and county to address.

Mayor Bonfiglio stated that by passing an ordinance, the Commission would be making a statement to the public that we recognize that as time evolves, all of the different classifications should not be discriminated against, and it would get us up to speed, making the town more attractive.

Commissioner Besler mentioned a recent Supreme Court case in Denver, CO, and Mayor Bonfiglio stated that the opinion that came out of that stated that it wasn't a general opinion regarding the policy, but they had a right to a hearing in front of an unbiased Commission, and the Commission by their comments was biased.

Vice Mayor MaGruder stated that he does not see that Ocean Ridge has ever discriminated against anyone, but passing an ordinance will not harm us.

Commissioner Coz stated he does not want to see us stray into the inside workings of a family, and Mayor Bonfiglio stated that this covers discrimination in housing. Commissioner Coz stated he does not have a problem with it.

There was consensus of the Commission for the Town Attorney to draft an ordinance to bring to the Commission.

Public Comment: Bob Weisblut, 23 Sailfish Ln, asked if we would be covered under the county's ordinance, and why the town would need its own ordinance, and Mayor Bonfiglio explained that we would be affirming the County's ordinance.

17. Purchase Emergency Water Supply for Residents in Preparation for Hurricane Season (By: Mayor Bonfiglio)

Mayor Bonfiglio stated that he would like to get a supply of water for residents that would not have the means to buy it if stores are out of water or if we can't get off the island. He stated he would like to purchase 500 cases of water and store it at Town Hall. He stated that town employees could use it if we don't need it for hurricanes.

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Commissioner Coz stated he thinks we are going down a strange path, and stated that gasoline is more important. He doesn't feel that we should reward people who have not evacuated when told to do so. He stated we are an affluent community and we can take care of ourselves. He stated it is more important that neighborhoods identify residents who can't take care of themselves due to infirmity or age, or who might not have family or the wherewithal to get out of town during an evacuation.

Public Comment: Bob Weisblut, 23 Sailfish Ln, offered an alternate suggestion to send notices out by email to people reminding them to fill pots and pans and bathtubs with tap water before a storm. He also noted that some residents have hot water heaters with available water that can be used when you turn off the in-valve.

Chief Hutchins stated that we will do our best to put out pre-hurricane information on how to get assistance from us and Palm Beach County emergency management for evacuations, and we will make sure that information gets out. Commissioner de Haseth stated we can't rely on email in these situations. Chief Hutchins suggested that residents subscribe to the Nextdoor app, as the PD can send out instantaneous messages through that app. He suggested that the Commission authorize staff to buy water prior to the storm when doing the emergency declaration, as opposed to purchasing it early. He stated that Town staff does its best to make sure the residents have what they need after the storm. He stated we should evaluate it on a storm by storm basis, because it is difficult to manage early.

Vice Mayor MaGruder asked if our water service is a gravity fed system, and Town Manager Titcomb confirmed that it is. He asked if we would still have water service in a power outage situation, and Chief Hutchins stated that sometimes the water valves are shut off during extreme outage situations. He stated that there is an electric supply to the water tower, and sometimes you will have non-potable water.

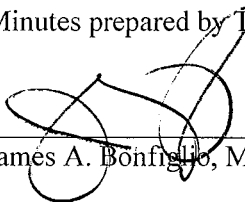
Betty Bingham, 1 E. Ocean Ave, stated she is opposed to buying water for residents, and it sounds like Big Government taking care of residents. She stated that FEMA ships water in after 2-3 days, and most citizens can take care of themselves. She also stated that the swimming pools are available for bathing.

The Commission discussed the topic, and there was no consensus to purchase water for hurricanes.

ADJOURNMENT

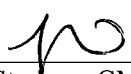
Meeting Adjourned at 9:09 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on July 2, 2018.



James A. Bonfiglio, Mayor

ATTEST:



Tracey L. Stevens, CMC, Town Clerk