

REGULAR TOWN COMMISSION MEETING MINUTES
NOVEMBER 2, 2020

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Tuesday,
November 2, 2020 at 6:00 PM in the Town Hall Commission Chambers and virtually through
Gotomeeting.com.

CALL TO ORDER

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

ROLL CALL

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

Commissioner Besler	Present
Vice Mayor Coz	Present
Mayor de Haseth	Present
Commissioner Hurlburt	Present
Commissioner Wiescholak	Present

PLEDGE OF ALLEGIANCE

Mayor de Haseth led the Pledge of Allegiance.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Commissioner Besler moved to approve the agenda as submitted; seconded by Commissioner Hurlburt. Motion carried 5-0.

PRESENTATIONS

Mayor de Haseth invited Richard Foster, the Representative from City National Bank, to the podium.

Richard Foster, City National Bank Representative, stated that Bank of America re-priced the Town's loan back in August to the lowest rate at the moment. He did not recommend that the Town re-finance at this time, as the Town is already receiving a low rate and it could cost the Town a lot in interest rate swap breakage fees to get the same rate. He estimated what it would cost the Town to pay off the existing loan.

Vice Mayor Coz asked about the current rate on the loan, to which Mr. Foster responded.

Mayor de Haseth asked Commissioner Besler for his input, and Commissioner Besler noted that he arrived at the same conclusion based on the research that he did, and Mr. Foster confirmed.

Commissioner Wiescholak asked Mr. Foster what the rate would be on a loan for capital projects, and Mr. Foster responded that the loan would be interest only and the payment won't start until after the completion of the project.

Mayor de Haseth thanked Mr. Foster for his knowledge.

ANNOUNCEMENTS

- a. The next Regular Town Commission Meeting will be held on December 7th at 6:00 PM at Town Hall. The next Planning & Zoning Commission meeting will be held on November 16th at 8:00 AM at Town Hall. The next Septic to Sewer Citizens' Advisory Committee Meeting is to be determined.
- b. Residents who wish to sign up to receive important Town notifications and news through Civic Ready should sign up on the Town's website or call Town Hall for assistance.
- c. Town Hall will be closed on Wednesday, November 11th in observance of Veterans Day, and on Thursday & Friday, November 26th and 27th in observance of Thanksgiving.

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- d. The Annual Municipal Election will be held on March 9, 2021. There are two Town Commission seats open for a three-year term. Candidate filing dates run from December 7, 2020 at 8:30 a.m. through December 11, 2020 at 3:00 p.m. in the Town Clerk's Office. / Las Elecciones Municipales Anuales se celebrarán el 9 de marzo de 2021. Hay dos asientos de la Comisión de la Ciudad abiertos por un período de tres años. Las fechas de presentación de candidatos se agotan desde el 7 de diciembre de 2020 a las 8:30 a.m. hasta el 11 de diciembre de 2020 a las 3:00 p.m. en la Oficina del Secretario de la Ciudad.
- e. Next on the agenda is public comment. The Mayor will invite the public to speak to the Commission on any item that is not printed on the agenda. Public comments on specific agenda items may be made later in the meeting when the items are taken up. There is a one-time per item three (3) minute individual limit for public comments that will be timed by the Town Clerk. Public comment is not meant to be a question and answer period, and there will be no dialogue. Anyone wishing to speak during public comment will approach the podium and state their name and address for the record, and see the Town Clerk after speaking to fill out a speaker card in order for the minutes to be properly recorded. The Commission would like to remind everyone that individuals addressing the Commission shall use proper language, and that language which includes profanity or cursing, or which is presented in an aggressive or threatening manner toward the Town Commission, staff, or other members of the public is prohibited. All comments shall be directed to the Presiding Officer of the meeting and not to individual Commissioners, staff, or members of the public. Those addressing the Commission shall avoid personal attacks against anyone, and the Presiding Officer has the authority to remove individuals from the Town Commission Chambers if such conduct persists after the Presiding Officer has provided a warning that the individual is in violation of this policy.

PUBLIC COMMENT – (3-minute individual limit)

Clara Caldwell, 48 Spanish River Drive, voiced her concerns over the drainage issues on Inlet Cay. She stated that water is rising higher and the status has become severe. Commissioner Besler asked if item #12 on the agenda will help alleviate the drainage issues on Inlet Cay, to which Building Official Guy responded that item #12 will not resolve the issue, but staff will present some alternate options to the Town Commission that will require resident's involvement. Vice Mayor Coz stated that swales would reduce the issue. He stated that the Town should invest in a study, and that flooding should be considered a safety issue. Mayor de Haseh concurred and stated that the Commission is aware of the issue, and staff is looking at all the different options. She stated that resident involvement will be needed to create a long standing solution.

APPROVAL OF CONSENT AGENDA (Items that do not require discussion)

- 1. a. Adopt Minutes of Regular Town Commission Meeting of October 5, 2020
- b. Approve Expenditure of \$2,940.00 to Jones Foster for Legal Services for September 2020
- c. Approve Expenditure of \$3,079.50 to Roberts, Reynolds, Bedard & Tuzzio PLLC for Legal Services for September 2020
- d. Resolution No. 2020-24: A Resolution of the Town of Ocean Ridge, Florida, Adopting Budget Amendments for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020.
- e. Authorize Mayor de Haseh to sign the FDLE Coronavirus Emergency Supplemental Funding Program Acceptance of Federal Funding Program Application

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

REGULAR AGENDA ITEMS

2. Building Permit Extension Request for 6273 N. Ocean Blvd (By: Building Official Guy)

Building Official Guy briefed the Town Commission on the project. He notified the Town Commission that there has been increased building activity at the site, and that the representative provided an updated timeline that shows the construction will be completed in 2021.

Daniel Stern, Representative of the Homeowner for 6273 N Ocean Blvd, stated that construction workers are on site and moving forward with the construction and that he did not see any issues with the timeline provided to the Town Commission. Vice Mayor Coz asked Mr. Stern if his proposal to complete the project by May 2021 is realistic, to which Mr. Stern stated that it is his goal to finish it by that time.

Mayor de Haseth called for public comment, and there was none.

Vice Mayor Coz recommended that the extension be granted and hoped that they finish the project by May 2021 as indicated, to which Commissioner Besler concurred.

Commissioner Hurlburt asked Building Official Guy if the proposed completion date in 2021 is realistic, and Building Official Guy responded that based on his observations and experience that it is possible to finish the project within the timeline. He stated that the contractor can hire additional workers to quicken the project and to provide them the autonomy to decide on how fast or slow to move as long as the project is completed by May 2021 and he asked the Town Commission to extend the project with the condition that if the deadline is not met, then the applicant will be brought to Code Enforcement. Mayor de Haseth asked the process for Code Enforcement for such a project, to which Building Official Guy noted that the Town currently only had in place a Magistrate type of Code Enforcement. He further noted that he was working with the Town Manager and Police Chief on a tiered program for Code Enforcement that would allow the Code Officers to place fines prior to the violation going before the Magistrate. He also asked the Town Commission to allow the applicant a grace period to complete their project, and Mayor de Haseth asked how long would be a fair grace period, to which Building Official Guy responded that 30 days after the estimated date of completion should be enough time.

Commissioner Hurlburt asked if Mr. Stern is the representative for the homeowner or the contractor, and Building Official Guy responded that Mr. Stern is the representative of the owner and the contractor is listed as Mr. Rick Wingate. Commissioner Hurlburt was in favor of placing a condition on the project that if it is not done by a date certain, then the project will go before the Magistrate in the Code Enforcement process.

Commissioner Wiescholek listed his issues with the project and the timeline, and asked Mr. Stern if the Mechanical, Electrical, and Plumbing rough inspection would be completed by Friday as shown on the timeline, to which Mr. Stern confirmed that all the sub-contractors were finishing their respective duties and were on track to complete the rough inspections by Friday.

Commissioner Wiescholek asked Mr. Stern if he had previous experience in construction management, to which Mr. Stern provided a background of his professional services, which included building homes and that he had a Master in Business Administration.

Commissioner Wiescholek voiced his disappointment on the engineering report provided and stated that he would have liked a more detailed engineer report that discusses sealcoating and sanding since the property is located near the water, and Building Official Guy agreed with Commissioner Wiescholek and referred him to his site visit report where he requested a more detailed Engineering report. Commissioner Wiescholek further voiced his concern that damaged internal parts of the structure should not be covered up as it could become a hazard. Mayor de Haseth suggested that an Engineering report be a condition for the applicant.

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Commissioner Wiescholek stated that the timeline is ambitious, but could be completed if the applicant manages their employees and sub-contractors, and he suggested to Mr. Stern to reach out to additional companies if he needs additional help completing the project.

Mayor de Haseth noted the concerns listed by the neighbors of the subject property. The concerns were whether the subject property had an approved septic system and the need for soil testing, to which Building Official Guy noted that the contractor provided an updated septic design and plans that were approved by the Health Department. Mayor de Haseth asked if the Town Commission should require that the septic system be placed within 45 days, and Building Official Guy stated he is against the condition because the contractor would not be able to receive a final plumbing inspection without properly functioning toilets and the Health Department inspection approval. Mayor de Haseth asked Building Official Guy if the Town Commission should place deadlines for different aspects of the projects, to which Building Official Guy stated that he is in favor of having one deadline for the overall project and allow the contractor the autonomy to control the pace of the project.

Vice Mayor Coz asked if the condition for Code Enforcement should be a part of the motion because the Code Enforcement can begin if the project is not completed by the deadline, and Town Attorney Ryan stated that it would be best to include the requirement for Code Enforcement in the motion so that the representative and contractor are properly aware that they would go for Code Enforcement if a Certificate of Occupancy is not completed by the set date. Town Attorney Ryan guided Vice Mayor Coz into drafting a motion based on the Town Commission desires.

Vice Mayor Coz moved to grant the Building Permit Extension Request for 6273 N. Ocean Blvd to July 21, 2021, and if a Certificate of Occupancy has not been issued by the deadline date, then staff is directed to start the Code Enforcement process for the property; seconded by Commissioner Hurlburt. Motion carried 5-0.

3. **Resolution No. 2020-25: A Resolution of the Town of Ocean Ridge, Florida, Designating the Palm Beach County Supervisor of Elections or Designee, the Town Clerk or designee, and Town Manager or designee as the Canvassing Board to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 9, 2021 and to Canvass Returns of Such Election Including the Absentee Ballots; and Assigning the Palm Beach County Supervisor of Elections or Designee to Handle the Absentee Ballots. (By: Town Clerk Armstrong)**

Town Clerk Armstrong read Resolution No. 2020-25 into the record by title only.

Mayor de Haseth called for public comment, and there was none.

Commissioner Hurlburt moved to approve Resolution No. 2020-25; seconded by Commissioner Wiescholek. Motion carried 5-0.

4. **Resolution No. 2020-26: Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the Palm Beach County Supervisor of Elections and the Town of Ocean Ridge. (By: Town Clerk Armstrong)**

Town Clerk Armstrong read Resolution No. 2020-26 into the record by title only.

Mayor de Haseth called for public comment, and there was none.

Vice Mayor Coz noted that the memo had the incorrect date of the meeting.

Commissioner Wiescholek moved to approve Resolution No. 2020-26; seconded by Commissioner Besler. Motion carried 5-0.

5. Sign Hold Harmless Agreement with Property Owners for Construction of Seawalls in the Town's Right-of-Way at Edith and Anna Street Crossovers (By: Town Manager Stevens)

Town Manager Stevens briefed the Town Commission on the two hold harmless agreements presented. She noted that one agreement is for the construction of a seawall near the crossover at Edith and the other for the crossover at Anna, and the agreement would allow them to remove the crossover to be able to complete the needed seawall construction in order to protect the properties that have suffered severe dune erosion, while also requiring them to re-install the crossover after completion of work and hold harmless the Town in the case of any damages to town property.

Mayor de Haseth called for public comment, and there was none.

Vice Mayor Coz explained the reason why a seawall cannot be placed at the Edith Street crossover location and he also voiced his gratitude for the homeowners that were allocating funds to install the seawall at the Anna Street crossover.

Commissioner Besler asked who would be policing the project, to which Town Manager Stevens stated that the project will be deemed a construction site that will need to be properly secured by the contractor while they are working on it.

Commissioner Hurlburt understood the need for the agreement and the need for the seawall, and she was happy that it is getting done.

Commissioner Wiescholek was happy to see the homeowners coming together and stated that he was saddened to see that Department of Environmental Protection (DEP) did not approve the seawall at the Edith Street crossover.

Ken Kaleel, representative for the homeowners listed on the Edith Street Hold Harmless Agreement, explained the necessity of the project and stated that he is still reviewing the changes made by the Town Attorney. He further asked the Town Commission to approve it with the ability for the Town Manager and Town Attorney to make minor changes to the agreement, if necessary. Town Attorney Ryan concurred and stated that she made last minute changes to the agreement because of the DEP decision to not allow a seawall over the right-of-way on Edith Street. Mayor de Haseth asked if the approval for the agreement should be deferred to the following month, to which Mr. Kaleel dissented as he stated that it is crucial to get the project started right away and such decision will cause for delays. Town Manager Stevens concurred with Mr. Kaleel and stated that the project is time sensitive and needs to be completed prior to the commencement of turtle season.

Commissioner Wiescholek moved to approve the Hold Harmless Agreements with Property Owners for Construction of a Seawall near the Town's Right-of-Way at Edith and Anna Street Crossovers and authorized the Town Manager and Town Attorney to finalize the agreements as long as the amendments are within the bounds of the agreement presented before the Town Commission; seconded by Commissioner Hurlburt. Motion carried 5-0.

6. Resolution No. 2020-27: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Approving a Unity of Title Covenant for Properties Located on 4 Beachway North and on Old Ocean Blvd; and Providing an Effective Date. (By: Town Attorney Ryan)

Town Clerk Armstrong read Resolution No. 2020-27 into the record by title only.

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Town Attorney Ryan presented the item by stating that Ordinance 2020-06 was approved and required applicants to unify property prior to building, and that 4 Beachway North is the first application requesting a unity of title with its non-adjacent dune property. She also noted that the unity of title cannot be released unless they come before the Town Commission.

Mayor de Haseth called for public comment, and there was none.

Town Clerk Armstrong noted that a unity of title would be required for all properties with a dune that is separated by a street even if the dune is within the deed.

Commissioner Besler moved to approve Resolution No. 2020-27; seconded by Vice Mayor Coz. Motion carried 5-0.

7. Sign Agreement for Storm Drain Maintenance and Repair with Shenandoah (By: Town Manager Stevens)

Town Manager Stevens presented the item by stating the agreement is being presented so that the Town has additional companies to choose from to complete storm water repair and maintenance within the Town.

Mayor de Haseth called for public comment, and there was none.

Vice Mayor Coz stated that there is no harm in having additional companies for storm water.

Vice Mayor Coz moved to approve the Agreement for Storm Drain Maintenance and Repair with Shenandoah; seconded by Commissioner Hurlburt. Motion carried 5-0.

STAFF & COMMITTEE REPORTS

8. Planning & Zoning Commission

Mayor de Haseth invited Vice Chair Carey for the Planning and Zoning Commission to the podium. Mr. Carey stated that there was no P&Z meeting in October, but they did a Joint Workshop with the Town Commission and P&Z will be reviewing the items discussed over the next few months. Mayor de Haseth stated that the Joint Workshop between the Town Commission and the P&Z was beneficial to provide staff with direction.

9. Town Manager

Town Manager Stevens advised that her report was included in the meeting package. There were no questions from Commissioners.

10. Town Attorney

Town Attorney Ryan stated that there is no report, but that she is delighted to be a part of the team.

11. Police Chief

Lieutenant Jones stated that he will be filling in for the Police Chief since the Police Chief would be out of the office for a while. He advised that the Police Department report was included in the meeting package, and he reminded residents to lock up their vehicles and not to leave keys in the car.

12. Town Engineer & Public Works

Mayor de Haseth advised that the report was included in the meeting package.

Commissioner Besler stated that he would like to see additional projects with resident involvement, such as the Sabal Island project.

13. Building Official

Building Official Guy advised that his report was included in the meeting package, and that the Florida Building Code will be updated at the end of 2020. He asked that homeowners make their contractors aware of the revision so that their contractors become familiar with the new changes and he also noted that the Town Commission will need to update the Town Code as well. Mayor de Haseth suggested different mediums to provide the resident with that information and congratulated staff on the “10 things for Residents to know”, and Building Official Guy noted that Assistant Town Clerk, Katherine Gatewood, is the developer of the flyer.

TOWN COMMISSIONER COMMENTS

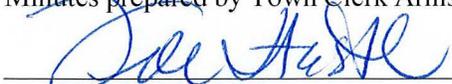
The Town Commission tested the audio system to see if those participating virtually could hear.

Commissioner Wiescholak asked for a status update on 6009 Old Ocean Blvd, to which Building Official Guy stated that a demolition permit was issued and that the Town has been in contact with the contractor. Assistant Town Clerk Gatewood concurred and stated that the contractor had called to schedule their pre-demolition inspection.

ADJOURNMENT

Meeting Adjourned at 7:20 p.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Town Commission on December 7, 2020.



Kristine de Haseth, Mayor

ATTEST:


Karla M. Armstrong, Town Clerk

