

REGULAR TOWN COMMISSION MEETING MINUTES
JUNE 7, 2021

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday,
June 7, 2021 at 6:00 PM in the Town Hall Commission Chambers and live audio feed provided through
Gotomeeting.com.

CALL TO ORDER

The meeting was called to order by Mayor de Haseth at 6:00 p.m. Mayor de Haseth reminded that the live audio feed is no longer interactive and encouraged those that would like to make a public comment to attend in person, or send comments to the Town Clerk prior to the meeting.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Mayor de Haseth led the Pledge of Allegiance.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

There was consensus to suspend the rules of order and procedure to change the sequence of discussion to allow public comment after Commissioner discussion on regular agenda items.

Mayor de Haseth asked to add a Mayor update as item #12 and Town Manager Stevens asked to remove item 1.e. from the agenda.

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

PRESENTATIONS

a. Introduction of Boynton Beach Fire Chief Jim Stables (By: Police Chief Hutchins)
Boynton Beach Fire Chief Jim Stables introduced himself to the Commission and gave a general overview.

Mayor de Haseth asked that their monthly report include response times, and Fire Chief Stables stated that it is a doable request that he will be able to provide. Mayor de Haseth noted that Briny Breezes would also be in favor of noting their response times, and Fire Chief Stables stated that it can be done and response times are always available.

Police Chief Hutchins asked Fire Chief Stables to explain his analysis on response times, and Fire Chief Stables responded that he has been focusing on reducing the time it takes firefighters to get into the truck to head to an emergency. Commissioner Wiescholak asked Fire Chief Stables if they can request for the bridge to remain down when an emergency is called, to which Fire Chief Stables stated that they can request for the bridges to stay down if they have not been lifted already. Fire Chief Stables noted there is no way to either force the bridge down once it has been opened or stop a train. Commissioner Wiescholak asked for the variables in choosing a fire station, to which Fire Chief Stables responded that it is based on the nearest station and also the nearest unit to the location with the emergency that would receive the call. Commissioner Wiescholak commended Fire Chief Stables.

Town Manager Stevens thanked Fire Chief Stables and the City of Boynton Beach for their efforts in creating a COVID-19 vaccination site, and stated that the operation was very smooth and much appreciated

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by the residents of Ocean Ridge, to which Fire Chief Stables voiced his gratefulness and stated that it was a City-wide effort.

- b. Southeast Palm Beach County Climate Change Vulnerability Assessment (By: Alec Bogdanoff of Brizaga, Inc. and Liz Perez of Collective Water Resources, LLC)

Town Manager Stevens introduced Liz Perez of Collective Water Resources, LLC and Alec Bogdanoff of Brizaga, Inc. Town Manager Stevens stated that Ms. Perez and Mr. Bogdanoff are here to present the results of the Southeast Palm Beach County Climate Change Vulnerability Assessment, which the Town entered into along with seven other municipalities and Palm Beach County.

Mr. Bogdanoff presented the Southeast Palm Beach County Climate Change Vulnerability Assessment by highlighting the threats and vulnerable areas in Ocean Ridge.

Vice Mayor Hurlburt asked Mr. Bogdanoff how to obtain funding to strengthen the vulnerable areas and focus on infrastructure projects, to which Mr. Bodanoff suggested for the Town to continue looking for grants and also enter multijurisdictional beneficial agreements. He mentioned that it takes time to get funding, but that government agencies are putting out funding and reviewing needs.

Mayor de Haseth thanked the representatives for their presentation and asked for a more detailed report, to which Mr. Bogdanoff stated that a more detailed report will follow, but the presentation is short because of time constraints.

ANNOUNCEMENTS

- a. A budget meeting will be held on July 6th at 2:00 PM at Town Hall. The next Regular Town Commission Meeting will be held on July 6th at 6:00 PM at Town Hall. The next Planning & Zoning Commission meeting will be held on June 21st at 8:00 AM at Town Hall.
- b. Town Hall will be closed on Monday, July 5th in observance of Independence Day.
- c. The Town Commission will consider appointments to the following Board positions at the July 6, 2021 Town Commission meeting: Planning & Zoning Commission Alternate for a one year term. Interested residents must be registered to vote in Ocean Ridge and submit a resume and letter of interest to the Town Clerk by the deadline of June 25, 2021.
- d. Please join us each month prior to the Town Commission meeting at 5:00 p.m. for the Building Official Educational Forum in the Commission Chambers at Town Hall. Details including topics to be discussed each month are on the Town's website.
- e. 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.

PUBLIC COMMENT – (3-minute individual limit)

Betty Bingham, 1 E. Ocean Avenue, noted that she owns part of the sidewalk on A1A, and voiced her support for funding the Police Department.

Matthew Scott, 14 SE 4th St.in Boca Raton and Attorney on the Waterfront ICW Properties case, asked the Town Commission to direct staff to work on mediation regarding the case.

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

- 1. a. Adopt Minutes of the Regular Town Commission Meeting of May 3, 2021.
- b. Adopt Minutes of the Special Town Commission Meeting of April 19, 2021.
- c. Adopt Minutes of the Special Town Commission Meeting of May 10, 2021.
- d. Acceptance of the Revenue & Expenditure Report for April 2021.
- ~~e. Authorize Town Manager Stevens to sign a professional services agreement with KCI Technologies, Inc, and to Authorize the Town Treasurer to expend Town funds to satisfy the terms of the agreement.~~

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- f. Authorize Town Manager Stevens to sign a contract with AT&T & Expert Communications/Ipfone for Telephone and Internet Services.
- g. Authorize Town Manager Stevens to sign the Communications Service Tax Agreement for Access to Confidential State Tax information between the Town of Ocean Ridge and the Florida Department of Revenue

(Town Clerk's Note: Item 1.e. was removed during approval of agenda)

Commissioner Pugh moved to approve the consent agenda as amended; seconded by Commissioner Coz. Motion Carried 5-0.

REGULAR AGENDA ITEMS

2. **First Reading of Ordinance No. 2021-03: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances at Chapter 64, "Zoning", Article III "Supplemental Regulations", Section 64-41 "Accessory Uses, Buildings and Structures Generally" to Address the Allowance of Dune Crossovers by Administrative Special Exception if Seaward of the 1979 Coastal Construction Control Line and to Address Dune Crossover Steps; Providing for Codification, Repeal Of Conflicting Ordinances, Severability, and an Effective Date. (By: Town Attorney Goddeau)**

Town Clerk Armstrong read Ordinance No. 2021-03 into the record by title only.

Town Attorney Goddeau provided an overview of the item by noting that the proposed ordinance has been drafted by staff and approved by the Planning & Zoning Commission as directed by the Town Commission at the May meeting. She introduced the ordinance to the Commission to allow dune crossovers east of the Coastal Construction Control Line (CCCL) without a variance.

Commissioner Coz asked if decks will be allowed east of the CCCL, to which Town Clerk Armstrong stated that decks are in the definition for dune crossovers and Town Attorney Goddeau concurred. Commissioner Coz asked that it also be specified in the ordinance that decks and stairs are a part of the dune crossover so that there are no questions later, and Town Attorney Goddeau stated that wording can be included.

Commissioner Coz stated that walkways and steps should be allowed to extend seaward beyond the toe of the dunes, and Town Attorney Goddeau stated that the issue posed is setting a distance limitation of how far it could extend when the toe of the dune varies in depth and height. Commissioner Coz and Commissioner Wiescholak discussed examples within the Town and possible issues with not allowing walkways and stairs beyond the seaward toe of the dune. Building Official Guy stated that the toe of the dune varies and he suggested not to allow anything beyond the seaward toe of the dune. Commissioner Pugh stated that the toe of the dune is ambiguous and suggested changing to a stable number, to which Building Official Guy disagreed because the necessity for each property varies and it would not be beneficial to have one number apply to all properties with crossovers. Commissioner Coz voiced his concern for misinterpretation of future Building Officials, but decided to leave it as written.

Commissioner Coz gave historical information of how the state processes permits after a hurricane.

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

Commissioner Coz moved to adopt Ordinance 2021-03 on first reading with the condition to note that decks and stairs are allowed east of the CCCL; seconded by Vice Mayor Hurlburt. Motion carried 5-0.

3. **First Reading of Ordinance No. 2021-04: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances at Chapter 62, "Waterways", by Renaming Chapter 62 to**

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“Waterways and Parks”, Creating a New Article IV, “Parks”, and Creating a New Section 62-61 “Hours For Parks”, to Address the Operating Hours for Public Parks Located Within the Town; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date. (By: Town Manager Stevens)

Town Clerk Armstrong read Ordinance No. 2021-04 into the record by title only.

Town Manager Stevens provided an overview of the item by noting that the ordinance will allow the Town to regulate hours for any parks within the Town, such as Linear Park. Mayor de Haseth asked what the proposed hours will be for Linear Park, to which Town Manager Stevens responded that it would be dawn to dusk. Town Attorney Goddeau stated that the ordinance only allows for the Town to regulate hours, and the hours will be set via resolution so it could be easily changed later if needed.

Vice Mayor Hurlburt asked how many parks are within the Town, to which Town Manager Stevens stated that the Town owns Linear Park and the Ocean Ridge Natural Area.

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

Commissioner Pugh moved to approve Ordinance 2021-04; seconded by Commissioner Coz. Motion carried 5-0.

STAFF & COMMITTEE REPORTS

4. Planning & Zoning Commission

Mayor de Haseth invited Member Hutchins of the Planning & Zoning Commission to the podium. Mr. Hutchins read the report into the record and asked the Town Commission if the Planning & Zoning Commission can explore increasing the flat roof percentage.

Commissioner Wiescholek is in favor of increasing the flat roof percentage because of the elevation requirements set by FEMA. Building Official Guy stated that the Florida Building Code does give restrictions for flat roofs and listed the benefits of allowing it. He asked for a history of the roof pitch requirement. Commissioner Coz, Commissioner Pugh, Vice Mayor Hurlburt, and Mayor de Haseth are in favor of the Planning & Zoning Commission exploring the possibility of increasing flat roofs. Mayor de Haseth asked that they focus on restricting flat roofs from being used for recreational gatherings. There was consensus of the Commission to direct the Planning & Zoning Commission to explore the possibility of allowing flat roofs.

5. Town Manager

Town Manager Stevens advised that her report was included in the meeting package. She reported on the following:

- In the month of May, we celebrated the following employee anniversaries with the Town: Dispatcher Danielle Valdes, 2 years; Public Works I Chad Armstrong, 1 year; and Town Clerk Karla Armstrong, 4 years. We thank them for their service and dedication to the Town of Ocean Ridge!
- The second public hearing and adoption of the Town budget was originally scheduled for Monday, September 20th. However, the Town cannot hold its public hearing on the same date as the School Board or Palm Beach County Commissioners. The dates for the hearings of those two bodies was just released, and the County will be holding their second hearing on September 20th. I am proposing that we change the Town’s second public hearing on the budget on Tuesday, September 21st.

There was consensus to move the second public hearing and adoption of the Town budget to Tuesday, September 21st.

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- No residents have applied to fill the Alternate Member position on the Planning & Zoning Commission by the deadline date. As such, the date to apply is being extended. Residents that are interested in filling this position should submit a letter of interest and resume to the Town Clerk by June 25, 2021.
- The Town Commission directed Town Staff to schedule a joint meeting with the P&Z members no later than July. However, since the summer season is upon us and some P&Z members have headed North or have travel plans, and Town Commissioners also have travel plans for the summer, it has been impossible to nail down a date where everyone or at least nearly everyone can be involved. We are proposing that we schedule a joint meeting in October when everyone is back in town. There was consensus to have the joint workshop in October 2021.
- The Town of Ocean Ridge as well as Palm Beach County have revised their facial covering policies. The Town Manager Stevens asked the Town Commission if they would like to end the emergency extensions for COVID-19. There was consensus to end the emergency declaration extensions.

6. Town Attorney

Town Attorney Goddeau did not have a report to present.

7. Police Chief

Chief Hutchins advised that the Police Department report was included in the meeting package. There were no questions from Commissioners.

8. Town Engineer & Public Works

Mayor de Haseth advised that the report was included in the meeting package. There were no questions from Commissioners.

9. Building Official

Building Official advised that the Building Department was included in the meeting package. He advised that residents should be enjoying the 5% reduction rate on flood insurance, and commended the Building Clerk for her efforts in the Community Rating System process.

Commissioner Coz asked staff if they knew how far the seawall at McCormick Mile extends, and Building Official Guy stated that staff should have more answers by the next meeting.

TOWN COMMISSIONER COMMENTS

10. Repeal Coconut Trimming Ordinance (By: Commissioner Wiescholek)

Commissioner Wiescholek voiced his opposition to the coconut ordinance and listed potential issues. He noted that coconuts in private residential areas should not be a safety concern for the Town, and that the Town should focus on falling coconuts or dying palm fronds in the rights-of-way. Town Manager Stevens stated that the Town can repeal the coconut ordinance while creating a “dangerous encroachments” section of the Code to include coconuts and dying fronds.

Commissioner Coz asked if the ordinance can be repealed at this meeting, to which Town Manager Stevens stated that it cannot because it has to be repealed via ordinance. Commissioner Coz further asked if code enforcement in regards to this ordinance can be suspended, and Town Manager Stevens stated that it can be suspended if the Town Commission consents to it while staff is working on a code change. Police Chief Hutchins concurred with Town Manager Stevens.

Commissioner Coz reminded that removal of coconuts and dying fronds should be enforced on private property if the tree encroaches into public property, and all Commissioners concurred.

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Vice Mayor Hurlburt asked for insight on whether coconuts can be projectiles, to which Commissioners discussed different research they found that support both sides of the argument.

Commissioner Pugh is in favor of repealing and agreed with only having an ordinance for plants encroaching in the rights-of-way.

Mayor de Haseth called for public comment.

Zoanne Hennigan, 91 Island Drive South, asked if there is any legal liability in repealing the coconut trimming ordinance, to which Town Attorney Goddeau responded that the Town is only liable for anything that is in or encroaches into the rights-of-way or public property. Town Attorney Goddeau stated that the Town could get sued for anything, but she believes a case on private property would not be successful.

Zoanne Hennigan, 91 Island Drive South, stated that the original intention of the ordinance was to stop the overhanging coconuts from falling on people.

Sara Steies, 16 Fayette Drive, voiced her frustration with a condominium near her that does not trim their coconuts and the coconuts fall on her property and equipment. She also voiced her frustration with a tree in the wires that causes sparks. Police Chief Hutchins stated that the Police Department has reported the issue about the tree in the wires to FPL on several occasions. He indicated that FPL has inspected the site and that FPL stated they are not interested in trimming. Mayor de Haseth asked if the owner of the tree has been notified of the tree in the wires, to which Police Chief Hutchins stated that the Police Department has notified the owner, who notified FPL, and FPL states that it is not causing issues at this time.

Earl Jones, 14 Sailfish Lane, stated that he is against repealing the ordinance because the Town would release itself from requiring people to cut their coconuts.

Town Manager Stevens asked Town Attorney Goddeau if a resident could cut branches that overhang onto their property from their neighbor, to which Town Attorney Goddeau stated that a homeowner can do that because property extends to the air; however, it is recommended for the owner to speak to the neighbor first.

There was consensus to repeal the coconut ordinance and add a “dangerous encroachments” section of the code to include coconuts and dying fronds.

Mayor de Haseth noted that the Town is in the process of updating the code enforcement process, and Commissioner Wiescholak concurred.

11. Beach Jurisdiction (By: Commissioner Wiescholak)

Commissioner Wiescholak stated that it is hard to determine the beach jurisdiction and where the mean high water mark begins. He wants clarification on where the Town can start enforcing. Mayor de Haseth inquired as to which items Commissioner Wiescholak needs clarification on in regards to enforcement, to which Commissioner Wiescholak stated that trespassing, signs, and enforcement of dogs on the beach are the major issues. Mayor de Haseth commented that dogs on the beach is a County ordinance, and Commissioner Wiescholak stated that it is the State that needs to do enforcement. Chief Hutchins explained, based on experience and conversations with previous attorneys that a homeowner owns the property to the mean high water mark line, and the Town’s jurisdiction runs to the waters of the Atlantic Ocean as per Town Charter. Chief Hutchins stated that Police Officers have to make the best decisions when on the beach to where the mean high water mark line is and where they can enforce dogs on the beach.

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Commissioner Wiescholek reiterated that he would like legal information about how the beaches are owned and the mean high water line. He stated that the Town has to be careful in approving private signs east of the mean high water mark. Mayor de Haseth asked Commissioner Wiescholek to give information about which signs could be in violation so that the Town could address.

Commissioner Coz stated that he is against pursuing this issue because it has been pursued before and there hasn't been any definite answer. He also commented that the dogs on the beach are usually from Ocean Ridge residents. Commissioner Pugh concurred and stated that the beaches need to be patrolled for life and safety, and Town ordinances. He also commented that there are lots of public crossovers to allow the public access to the beach.

Vice Mayor Hurlburt is against pursuing the issue at this time because other municipalities have also tried pursuing the issue and there isn't a definite answer.

Commissioner Wiescholek stated that he has two issues at play and that one issue is that the private signs that could be perceived as east of the mean high water mark and the type of enforcement that the police can make east of the mean high water mark. Commissioner Coz stated that he is only okay with exploring the private signs.

Town Manager Stevens asked Town Attorney Goddeau for advice, to which Town Attorney Goddeau mentioned all the items that are considered when establishing the mean high water mark. She stated that it is an on-going issue that will generate a huge legal expense. She further stated that the only way to solve it is to create a system that can show GPS coordinates of where the mean high water mark is and where the police officers are to see if they are east or west of that line. She added that the Town is in line with what other coastal communities are doing. Mayor de Haseth stated that she would not like to pursue this item at this time unless it becomes an actual issue.

On a 2-3 vote, it was decided not to pursue this item. Commissioner Wiescholek and Commissioner Coz in favor, and Vice Mayor Hurlburt, Mayor de Haseth, and Commissioner Pugh against.

12. Mayor's Updates

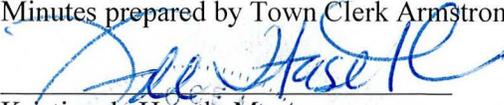
Mayor de Haseth reported on the following:

- Town Commissioners do not sign off on dune trimmings or plantings. She advised that the Town is strengthening the dune code for more dune protection.
- The City of Boynton Beach is doing private library tours. Any persons interested could notify the Town Clerk.
- Mayor de Haseth will be attending the annual Florida League of Cities conference in Orlando in August and was appointed to serve on the Utilities and National Resource Legislative Policy Committee.

ADJOURNMENT

Meeting Adjourned at 8:54 p.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Town Commission on July 6, 2021.



Kristine de Haseth, Mayor

ATTEST:



Karla M. Armstrong, Town Clerk

