

SPECIAL TOWN COMMISSION MEETING MINUTES  
JULY 6, 2021

Minutes of the Special Town Commission Meeting of the Town of Ocean Ridge held on Tuesday,  
July 6, 2021 at 2:00 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 2:00 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 Wiescholek	Present

**PLEDGE OF ALLEGIANCE**

Mayor de Haseth led the Pledge of Allegiance.

**PUBLIC COMMENT – (3-minute individual limit)**

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

**ACTION ITEMS**

**1. Discussion of the Proposed FY22 Budget**

Town Manager Stevens presented the FY 2022 budget and highlighted the changes made in the budget since last meeting. Mayor de Haseth thanked Town Manager Stevens for being fiscally responsible and lowering the amount needed from reserves.

Town Manager Stevens advised the Commission to start by reviewing the capital items highlighted in yellow as a cost savings measure in order to decrease the consultant's fee and overtime for hourly staff that are present at today's meeting. Mayor de Haseth concurred and moved to discussion on the capital items.

Capital

The Commission upheld its decision on capital items #1-4. Mayor de Haseth asked to possibly re-visit capital item #5 at a later time.

**Capital Item #6: Fire Hydrant Repair and/or Replacement**

Public Works Maintenance Employee Armstrong provided an overview of the fire hydrants replacement plan and stated that fire hydrants are currently functioning. Commissioner Coz asked if there are any fire hydrants in need of immediate repair or replacement, to which Mr. Armstrong stated that he should have no issues next fiscal year after he repairs the two in need in the current fiscal year.

Town Manager Stevens informed the Commission that repairs are not covered under the American Rescue Plan Act (ARPA), but replacements are. She asked the Commission to defer this item to allow staff to gather more information regarding ARPA.

Vice Mayor Hurlburt asked for more details on the maintenance plan, to which Mr. Armstrong stated that he would like to put hydrants as a part of the capital plan to receive maintenance or replacement on rotation.

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Commissioner Wiescholek asked Mr. Armstrong if there is a spare hydrant in the garage in the case a hydrant needs immediate repair, to which Mr. Armstrong stated that we do not, but that he can have a replacement in about 2-3 days. Commissioner Wiescholek asked for the number of older fire hydrants, and Mr. Armstrong provided the information.

Commissioner Wiescholek stated that fire hydrant expenditures are life safety and is in favor of budgeting for the item. Town Manager Stevens stated that the item would only be deferred for a year and that funds from contingency can be used in the case of an emergency repair or replacement. Commissioner Hurlburt noted that the two in need of repair are getting repaired in this current fiscal year and she is in favor of using contingency if a hydrant needs repair in FY22. Commissioner Wiescholek voiced his opposition to deferring essential items. Commissioner Hurlburt asked for clarification from Commissioner Wiescholek on whether he wanted to replace all hydrants in FY22. Commissioner Wiescholek responded that he is not looking to replace all hydrants, but continue to budget for the item. Mayor de Haseth stated that repairs are not being deferred, but rather the capital spending on the item. She is in favor of deferring the item based on the information provided by staff with the condition of hydrants continuing to get checked and for any hydrants to be repaired or replaced with funds from contingency if needed. She also asked Town Manager Stevens to continue to review to see if replacement is covered under ARPA, to which Town Manager Stevens agreed.

Commissioner Wiescholek asked for this item to be deferred to the August meeting to see if Town Manager Stevens obtains more information from ARPA. Mayor de Haseth stated that she would like to establish a decision on all items. Commissioner Coz stated that he would like to defer this item for a year unless ARPA will cover it, then the item can be reconsidered in August. On a 3-2 vote, the Commission decided to defer the item for a year unless the item can be covered by ARPA. Mayor de Haseth, Commissioner Coz, and Commissioner Pugh voted to defer the item, and Vice Mayor Hurlburt and Commissioner Wiescholek voted to keep the item. The Commission asked Town Manager Stevens to gather more information on whether replacements would be covered by ARPA in FY 22.

The Commission upheld its decision on capital item #7 and noted that the item is not covered by ARPA.

### Capital Item #8: Beach Crossover Repair and/or Re-configuration

Commissioner Coz asked which crossover is in need of repair, and Public Works Employee Armstrong responded that Porter Street crossover is in need. Commissioner Coz followed up by asking how much money would be needed for the project, and Mr. Armstrong stated that he would have to obtain a newer quote for complete replacement of the crossover because of price fluctuation. Commissioner Coz asked if the beach crossover repair could be covered under ARPA because of public safety, and Town Manager Stevens stated that the public safety clause under ARPA refers to emergency services. There was consensus from the Commission to approve item #8.

### Capital Item #9: Pump Repair or Replacement at Tropical & Woolbright Pump

The Commission upheld its decision on this item, but asked if the item could be covered under ARPA. Town Engineer Tropepe explained that she has not read the ARPA manual in detail, but that the item may not be covered under ARPA because the Town is looking to repair the pumps and not replace them at this time. Commissioner Coz asked if the pumps should be replaced, to which Town Engineer Tropepe stated that the Town will inspect the pumps and will try repair first. ARPA may cover replacement of the pumps; however, the Town is opting to repair the pumps first. Town Manager Stevens stated that the manual for ARPA is constantly getting updated on what it covers, and Mayor de Haseth asked for Town Manager Stevens to have the grant writer review the manual for ARPA rather than staff doing it. The Commission decided to move forward with item #9.

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Capital Item #10: Drainage/ Stormwater & other infrastructure

- a. Curb Replacement/Flow Re-grade Coconut Lane Midblock

The Town Commission upheld its decision to not fund the item at this time.

- b. Raise Cul de Sac Spanish River Drive

The Town Commission upheld its decision to defer the item to FY23.

- c. Catch Basin Upgrade/Valve Replacements Spanish River Dr

The Town Commission agreed to move forward with the item, but directed Town Manager Stevens to see if it could be covered under ARPA.

- d. Bridge Repairs – Inlet Cay, Island Dr, Sabal Island Dr

Mayor de Haseth asked Town Engineer Tropepe about the necessity of the bridge repairs according to the reports from FDOT, to which Town Engineer Tropepe stated that the reports provide a deadline of when the repairs need to be done by and that the repairs are necessary. Mayor de Haseth asked if this item could be used as leverage for FDOT to address the retention pond, and Town Engineer Tropepe responded that it could not because it is two different departments that do not interact. Town Engineer Tropepe stated that bridge repairs should be done as indicated by a structural engineer. Commissioner Coz asked if the bridge would be passable while it is being worked on, and the response is that it will be passable, but it will go down to one lane during repair. The Town Commission upheld its decision to fund capital item #10d.

- e. Sidewalk Repairs – Ocean Avenue \$50,000

The Commission upheld its decision to fund capital item #10e.

Mayor de Haseth reiterated for Town Manager Stevens to see if the Catch Basin upgrades / valve replacements are covered under ARPA, to which Town Manager Stevens agreed to review and noted that the item will still need to be budgeted for even if it will be offset by ARPA funds.

Capital Item #11: Potable Water Infrastructure Repair & Replacement

Town Manager Stevens asked to defer this item to FY23 to see if it could be covered under ARPA. The Commission concurred for Town Manager Stevens to defer and review if it can be covered under ARPA.

Town Manager Stevens provided the Commission with dates and deadlines for ARPA.

The Commission upheld its decision to fund capital item #12.

The Commission upheld its decision to defer capital item #13 to FY23.

Capital Item #14: Newly Fully Equipped Fleet Vehicles (2) Police (1) Building Department

Commissioner Coz explained to the audience the capital item, and Police Chief Hutchins noted the benefits of a leasing program.

Mayor de Haseth asked if this would require a long time commitment, to which Town Manager Stevens stated that the vehicles can be bought back at any time. Commissioner Wiescholak concurred. Police Chief Hutchins stated that it is a gradual change since the Town is only leasing a certain amount of vehicles per year, such as four vehicles in the next fiscal year. Lieutenant Jones added that an advantage of the leasing program is that it will reduce the maintenance cost on vehicles. Mayor de Haseth asked Lieutenant Jones if he is favor of the leasing program, to which he stated that he is.

**Commissioner Coz moved to direct Town Manager Stevens and Police Chief Hutchins to work on an agreement with Enterprise to switch to a capital lease program for the Town's vehicle fleet; seconded by Commissioner Pugh. Motion carried 5-0.**

The Commission upheld its decision to fund capital item #15.

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### Capital Item #16: Crosswalk Near Crown Colony/Fayette Drive

Town Manager Stevens asked to defer discussion of this item until the Town Attorney is present.

### Capital Item #17: Valve Can Locators

Mayor de Haseth asked if this item can be covered by ARPA, and Town Manager Stevens stated that it is very likely that it can be. Commissioner Coz asked for the item to be removed if covered by ARPA, and Town Manager Stevens stated that the item needs to remain even if covered by ARPA because it needs to be accounted for in the budget, but the expenditure would just be offset by the ARPA funds.

### Capital Item #18: Potable Water Valve Installation Inlet Cay Drive

Mayor de Haseth asked if this item can be covered by ARPA, and Town Manager Stevens stated that it is very likely that it can be.

### Capital Item #19: Replace All-Terrain Vehicle

Police Chief Hutchins explained the necessity for an all-terrain vehicle, and Mayor de Haseth concurred due to the increased need for beach patrol. The Commission upheld its decision to fund capital item #19.

The Commission upheld its decision to fund capital item #20.

Commissioner Pugh asked for an estimate of how much money will go into reserve, and Town Manager Stevens noted that there is the possibility that no funds will go into reserve, but rather funds may be used from reserves to balance the budget his year. She stated it is still too early to make a good projection.

Mayor de Haseth asked if the Town should budget for the expected Police Department software, to which Lieutenant Jones explained that the software would be a State requirement; however, the State may provide grants funds to fund it so more information is needed at this time. Mayor de Haseth asked Lieutenant Jones if the software will be helpful in his transition from Lieutenant to Police Chief, and Lieutenant Jones stated that he is focusing on policies and procedures and the software would help in those areas. Town Manager Stevens stated that the funds for the software could be offset by the open Lieutenant position once Lieutenant Jones becomes Police Chief, as the position won't be filled immediately, and Lieutenant Jones concurred. Mayor de Haseth asked if the software should be discussed now, and Police Chief Hutchins stated that it is too early at this time to discuss that as more information is needed from the State. Commissioner Wiescholek asked if the State could mandate a software without providing proper notice and allow local governments ample time to comply, to which Police Chief Hutchins responded that they could mandate without much notice and with very short time to comply. Police Chief Hutchins recollected a time when the State gave a mandate without much time to reach compliance.

Commissioner Coz asked about the percentage of reserves to be returned for FY20/21, and Town Manager Stevens pointed out that it is still too early to project, and referred him to the revenue and expenditure sheet that was provided. She pointed out that the Town has received the majority of its ad valorem tax revenues, that expenditures for most departments are on target, and that all the capital items should be done within the current fiscal year except the generator replacement. Commissioner Coz asked why the generator project is behind, and Town Manager Stevens responded that the Town is still waiting for specs from the contractor in order to go out to bid. Commissioner Wiescholek questioned why the specs were taking so long, to which Town Engineer Tropepe stated that the electrical engineer has to provide the specs that is compatible with the pump and can fit in the location. Town Manager Stevens stated that funds may be needed from reserves this fiscal year to balance the budget. They discussed the possible amount that would be used from reserves, but Town Manager Stevens asked the Commission not to hold her to a specific amount as it is too early to project.

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Mayor de Haseth provided a brief history of mil rates, and stated that the mil rate has been steady while the expenses have increased. She is in favor of increasing the mil rate in order not use money from reserves, and would like for others to consider it too so that the level of service demand from residents can be met.

Commissioner Coz discussed the population count of residents in Ocean Ridge and also provided the number of employees in different departments over the years. Commissioner Wiescholek stated that the building department is a wash because it generates the revenue that it expends, to which Mayor de Haseth concurred. Commissioner Coz voiced concern over the amount of employees in Town Hall.

### Capital Item #16: Crosswalk Near Crown Colony/Fayette Drive

Mayor de Haseth talked about how much has been spent thus far on the project. She voiced her position of how involved the Town should be in this matter, and asked other Commissioners for their positions. Commissioner Coz asked if the path near Fayette is a private property dispute, to which Town Attorney Goddeau stated that it is. Mayor de Haseth discussed the lack of notice from the Town to certain parties involved about the project, and also summarized the reasons for dispute. Mayor de Haseth stated that the Town only has judgment on the issuance of a permit, but does not have any judgment or cannot establish ownership. Commissioner Pugh stated that previous attorneys have deemed the Fayette walkway as belonging to Fayette residents, but that Crown Colony has access to the walkway because of the lease. Commissioner Pugh asked about who would apply for the permit application to install a gate at the Fayette walkway. Town Attorney Goddeau stated that her legal opinion is based on the original plat. She explained that ownership needs to be established to apply for a building permit, and that the original plat does not establish ownership. Town Attorney Goddeau stated that she would require a hold harmless agreement for lack of ownership on that easement. Mayor de Haseth asked about the liability on the hold harmless agreement, and Town Attorney Goddeau stated that the hold harmless agreement would hold the Town harmless from making any declarations as to who owns the property and protect the Town in case of a lawsuit. Commissioner Coz asked if it would hold the Town harmless if someone gets harmed on property, to which Town Attorney Goddeau responded that this particular hold harmless agreement is only for the properties that lack clear ownership. Commissioner Coz asked about the difference between the hold harmless agreement that Colonial Ridge had to sign for their sprinklers, and Town Attorney Goddeau stated that the one signed for Colonial Ridge was the hold harmless agreement for any item placed on the right of way. Commissioner Coz stated that the Town should also do a hold harmless agreement in case someone gets injured on that property, and Town Attorney Goddeau stated that she can customize the hold harmless agreement. Town Attorney Goddeau discussed the other arguments that can be raised of those who have used the walkway for years.

Vice Mayor Hurlburt summarized the parties and each issue faced by each party. She asked if all parties are needed for the permit application, and Town Attorney Goddeau stated that regardless of how many people or which party signs the application that the hold harmless agreement will be required. Vice Mayor Hurlburt asked about the recourse for a specific party if the gate installed is locked, to which Mayor de Haseth stated that any party could choose to sue and the Town will be held harmless because of the hold harmless agreement that will be needed. Commissioner Wiescholek asked to defer the item for another 30 days to see if the parties could resolve the issue on their own.

Mayor de Haseth stated that per conversations with Ron Kirn that Crown Colony would be willing to pay the \$10,000 for the lighting upgrades. She stated that she is waiting for further information from staff regarding the estimated amount of the project. Town Manager Stevens asked Town Engineer Tropepe if there is an actual estimate for the upgraded lighting, and Town Engineer Tropepe stated that it is hard to solidify an amount because there is no permit from the state for the crosswalk yet. Town Engineer Tropepe noted that there are issues between FDOT and FPL due to the lack of communication and understanding by both of those agencies. Commissioners asked staff to reach out to representatives to be able to mediate the situation so both agencies can come up with a solution. Commissioner Coz asked for the item to be removed

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from the budget since it would be offset by Crown Colony Club, and Town Manager Stevens stated that the item still has to remain in the budget, but could be offset by a donation from Crown Colony. Mayor de Haseth asked for the budget item to be contingent on receiving reimbursement from Crown Colony. Mayor de Haseth asked if the estimate is close to what the amount would be, to which Town Engineer Tropepe stated that the estimate is based off a price on a standard lighting for a crosswalk approved by FDOT. Commissioner Wiescholek asked for clarification if the estimated \$10,000 in the budget is only for the lighting on the crosswalk or for the entire crosswalk inclusive of striping. Town Manager Stevens clarified that the \$10,000 in the FY22 budget is for the lighting, as the Town already budgeted for the \$10,000 in the current budget to install the crosswalk. Mayor de Haseth noted that the Town has not expended the \$10,000 to install the crosswalk, but the Town has expended \$10,000 on engineering fees to apply for the permits.

Vice Mayor Hurlburt moved to leave Capital item #16 in the budget contingent on Crown Colony Club reimbursing the Town; seconded by Mayor de Haseth. (Town Clerk's Note: Motion failed as it was never voted on.)

Commissioner Pugh asked to defer this item for another 30 days to see if there is any resolution between FDOT and FPL. If there is no resolution, then the item may possibly be removed. Mayor de Haseth asked for a more concrete number from the lighting engineer. Commissioner Pugh asked for clarification on the installation of the lights, and he was informed that the FDOT is requesting a change in the lighting plan.

Mayor de Haseth called for public comment.

Town Clerk Armstrong read an email into the record received from Ron Kirn from 5510 N. Ocean Blvd. Mr. Kirn noted that no Fayette resident has approached them to discuss the installation of a gate, but that Crown Colony would oppose such action. He also noted that Crown Colony opposed excluding the Ocean Ridge Yacht Club and stated that Ocean Ridge Yacht Club has helped fund the decking for the crossover.

Town Clerk Armstrong read an email into the record received from Britt Flanagan from 5556 N. Ocean Blvd (Ocean Ridge Yacht Club). Ms. Flanagan voiced some issues that may have transpired with some of the Fayette residents. She noted all the documents that she sent to Town Attorney Goddeau. Ms. Flanagan stated that Ocean Ridge Yacht Club has preexisting use and financial commitment to the walkway on Fayette Drive.

Melanie Rodriguez, 3 Fayette Drive, stated that she did not receive any funds from any Ocean Ridge Yacht Club members to help with the replacement of the deck on the crossover. She stated that the Yacht Club has no legal use over the gate because they are not a part of the plat and that there was lack of communication from the Town regarding the project. She advocated for the gate to protect the neighborhood.

Sara Steies, 16 Fayette Drive, recollected different events that cause safety concerns in the neighborhood because of the open easement. She stated that something needs to be done whether it is a locked or unlocked gate to help alleviate some of the safety concerns. Commissioner Coz asked if they would be willing to do an unlocked gate, and Ms. Steies responded that something must be done even if it is just an unlocked gate, but that she is only voicing her personal opinion.

Town Engineer Tropepe and Public Works Employee Armstrong were dismissed from the meeting.

Commissioner Wiescholek discussed the security concerns for all three entities and asked to defer the item for another 30 days so that interested parties can come together for a solution. Commissioner Pugh stated that he is in favor of Fayette residents receiving the permit for the gate and to give 30 days to see if there is any progress on the crosswalk. He also discussed that the Yacht Club has access to other crossovers to the

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beach, and Commissioner Coz added that the Yacht Club has customary use over the Fayette walkway and that Crown Colony is against installation of the gate. Commissioner Hurlburt stated that there should be a way to mediate the issues between the three parties and that the Town could help bring the parties together. Commissioner Wiescholek pointed out that the issue is a civil matter, but he would offer his expertise to mediate as a resident, not a Commissioner.

Sara Steies, 16 Fayette Drive, gave the Commission a history of the agreement between Fayette Drive and Crown Colony that is no longer being upheld by Crown Colony. Mayor de Haseth thanked Ms. Steies for providing the information.

Melanie Rodriguez, 3 Fayette Drive, asked about a public records request sent to Town Manager Stevens, and Town Manager Stevens stated that there was a misinterpretation of the request. Mrs. Rodriguez asked if there is proof that the Yacht Club is part of the plat and can use the path, to which she stated that there is none. Commissioner Wiescholek noted that they may be able to claim customary use of the Fayette Drive walkway.

Mayor de Haseth stated that she agreed with a lot of the information stated, but that this is a civil matter. She voiced her support for locking the gate and further stated that the Town can approve the gate if the gate meets all building codes and if the applicant signs the hold harmless agreement. She stated that she does not want additional staff time taken up on this issue because it is a civil matter.

**2. Certification of Rolled Back Rate for Millage for FY22**

Town Manager Stevens provided the roll back rate, which is 5.1384, and she stated that the roll back rate is calculated by the Property Appraiser.

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

**Commissioner Coz move to certify the roll back rate at 5.1384 per \$1,000 for FY21/22 and that the Certification of Taxable Value form be executed to reflect this for submission to the Property Appraiser and Tax Collector of Palm Beach County, and the State Department of Revenue; seconded by Vice Mayor Hurlburt. Motion carried 5-0.**

**3. Set Maximum Millage Rate for FY22**

The Commission discussed the different options of mil rates and how much may be possibly used from reserves to balance the FY20/21 budget. Commissioner Wiescholek proposed the maximum mil rate being 5.65 so that little money is needed from reserves to balance the budget. Commissioner Coz proposed the maximum mil rate to be 5.55 or 5.50. Commissioner Pugh agreed to make the maximum mil rate 5.50. Vice Mayor Hurlburt is in favor of making the maximum mil rate 5.65. Mayor de Haseth concurred with the maximum mil rate of 5.65 proposed by Commissioner Wiescholek.

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

**Commissioner Wiescholek move to establish the maximum millage rate for FY21/22 at 5.65 mils and that this be included on the Certification of Taxable Value form that is forwarded to the Property Appraiser and Tax Collector of Palm Beach County, and the State Department of Revenue; seconded by Vice Mayor Hurlburt. Motion carried 3-2. The voting record is as follows:**

Commissioner Wiescholek	Aye
Vice Mayor Hurlburt	Aye
Commissioner Coz	Nay
Commissioner Pugh	Nay

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Mayor de Haseth                      Aye

**ADJOURNMENT**

Meeting Adjourned at 4:35 p.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Town Commission on August 2, 2021.

  
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Kristine de Haseth, Mayor

ATTEST:  
  
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Karla M. Armstrong, Town Clerk

