

REGULAR TOWN COMMISSION MEETING MINUTES
MAY 2, 2022

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 2, 2022, 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 Hurlburt at 6:00 p.m.

Mayor Hurlburt 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 Manager Stevens led the roll call, which was answered by the following:

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

PLEDGE OF ALLEGIANCE

Mayor Hurlburt led the Pledge of Allegiance.

A moment of silence was held for the passing of longtime resident, Dr. Ritota. The Commission sent their condolences to the family.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

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

PRESENTATIONS & PROCLAMATIONS

a. Annual Financial Statement Audit Presentation and Acceptance of FY21 Financial Statement Audit by the Town Commission

Town Auditor, Ron Bennett, presented the FY21 audit report to the Commission, and he informed that there were no deficiencies found. He commended staff on transparency and internal controls.

Commissioner Coz moved to accept the FY21 audit report; seconded by Vice Mayor de Haseth. Motion carried 5-0.

Mayor Hurlburt read Proclamations b through d into record and thanked all the respective departments for their service.

- b.** Proclamation: Municipal Clerks' Week
- c.** Proclamation: National Police Week & Peace Officers Memorial Day
- d.** Proclamation: National Public Safety Telecommunicator's Week

e. Concerned Citizens for Public Safety on or near Old Ocean Boulevard
Carolyn Cassidy was invited to the podium to present. The concerned citizens group met on various occasions to discuss their concerns and possible solutions for Old Ocean Blvd. Mrs. Cassidy presented the recommendations proposed by the group. The recommendations include installing temporary (removable) speed humps, adding signage stating "Residents Only; local access only", Paint a center line down the length of Old Ocean, Clear the 5' Right-Of-Way along Old Ocean, and Consider lowering the posted speed limit on Old Ocean. The group will continue to meet to discuss other possible options and ask that all the recommendations provided be considered for implementation by the Town Commission.

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Commissioner Pugh asked if the some of the proposed signage would be added along A1A, and Mrs. Cassidy confirmed that it would be.

Mayor Hurlburt proposed hosting a workshop to discuss the recommendations. Commissioner Coz disagreed and asked that the recommendations be discussed at a regular meeting rather than a workshop. Commissioner Pugh concurred with Commissioner Coz. Mayor Hurlburt stated that a workshop would allow for the public to provide input, to which Mrs. Cassidy noted that their meetings were opened to the public. Mayor Hurlburt and Vice Mayor de Haseth stated that a workshop would allow the public to come and speak solely on that item. Commissioner Coz stated that the public will still be allowed to give input at a regular meeting and that the public could be alerted. Commissioner Pugh stated that placing it on a regular agenda would allow staff time to provide the information on the recommendations given. Commissioner Wiescholek preferred a regular meeting.

Vice Mayor de Haseth asked if the item could be a non-voting item at the regular meeting. Commissioner Pugh stated that the item needs to be a voting item to be able to advise staff on which recommendations to move forward with.

Stella Kolb, 204 Beachway Drive and member of the Concerned Citizen Group, asked for respect from the commission and asked for the recommendations to be considered. Vice Mayor de Haseth and Mayor Hurlburt stated that there is no disrespect, and they are just ensuring that the recommendations are heard.

Cindy Martel, 46 Harbour Drive South, stated that resources are being used on Old Ocean and that the any items approved needs to be consistent. She discussed some personal concerns.

Peter Buling, 7 Osprey Drive, noted the difficulties and challenges faced by the Commission. He stated that the group was able to meet and discuss all their issues freely. He asked that the Commission give respect to the exchange of ideas.

The Commission gave a consensus to the recommendations to the regular agenda of June 6, 2022.

ANNOUNCEMENTS

- a. The meeting schedule for the next month is as follows: Budget Meeting Monday, June 6th at 2:00 PM followed by the Regular Town Commission Meeting at 6:00 PM; Community Standards Hearing Tuesday, May 3rd at 10:00 AM; Planning & Zoning Commission Meeting Monday, May 16th at 8:00 AM; Board of Adjustment Meeting Monday, May 9th at 9:00 AM. All meetings are held in the Commission Chambers at Town Hall.
- b. The Town is hosting a blood drive event with One Blood on Friday, May 6th from 9am - 3pm and Saturday, May 7th from 10am – 4pm. The bus will be parked behind Town Hall. All those who wish to donate blood, can sign up through a link posted on the Town’s website. All donors will receive a \$20 E-gift Card, a T-Shirt, and a wellness checkup including blood pressure, temperature, and iron count.
- c. Town Hall will be closed on Monday, May 30, 2022 in observance of Memorial Day.
- 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)

Jean Burling, 7 Osprey Drive, read into record a public comment by Janet Schijns at 120 Dolphin Road and President of Starbright Civic Collector. Mrs. Schijns introduced the new nonprofit group led by residents in the town called Starbright Civic Collector. She went over the goals and intent of the group. Mrs. Schijns

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thanked the anonymous donor that helped form the organization. She gave insight into why the donor donated. Commissioners thanked Mrs. Schijns.

Terry Brown, Harbour Drive South, thanked the Commission for purchasing the land and preserving its status. He voiced the importance of appointing people with knowledge on the variance process to the Board of Adjustment. He suggested that a trained attorney educate the Board of Adjustment members.

Albert and Nancy Fornatora, 7 Inlet Cay Drive, discussed their issues with the approved variance for 8 Inlet Cay Drive at the November 17, 2021, Board of Adjustment meeting. Mr. Fornatora felt that the board did not do their due diligence. The Commission discussed the issues that have risen from the recent variance applications. Commissioner Wiescholek stated that there was no expert witness. Carolyn Cassidy, 7 Hudson Avenue and Board of Adjustment Member, noted that the board does their due diligence based on the information provided. Mrs. Fornatora stated that the board's decision impacted their property value. Commissioners understood and agreed that more education may be needed for members and that different ideas need to be explored to address the concerns.

James Lowe, 5700 Old Ocean Blvd, gave a personal recollection of his experience with dogs on the beach. He gave some suggestions from his experience in New Jersey.

The following comments were received by email to the Town Hall, and read into record by the Town Manager:

Penny and Gary Kosinski, 6000 Old Ocean Blvd, asked the Commission to not take any actions on the Old Ocean Blvd recommendations presented by the Concerned Citizens until the public has time to view the suggestions and provide their inputs.

Kim Jones, 6885 N Ocean Blvd, thanked the staff for their dedication. She told the Commission about her pleasant experience at the shred-it event at Town of Ocean Ridge.

Kathleen Ruberato, 6530 N Ocean Blvd, thanked the Commissioners for the purchasing the Priest property.

Fritz Devitt, 18 Harbour Drive South, discussed the issues with the process in reviewing for a variance during the Board of Adjustment meetings. He voiced his concern for setting precedence, and recommended that the Town Attorney do an education workshop

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

1.
 - a. Adopt Minutes of the Regular Town Commission Meeting of April 4, 2022
 - b. Adopt Minutes of the Special Town Commission Meeting of April 12, 2022
 - c. Acceptance of the Revenue & Expenditure Reports for March 2022
 - d. Ratify the unbudgeted emergency expenditure of \$27,885 to Rapid Equipment Response for Town Hall Generator Fuel Tank Replacement
 - e. Adopt Memorandum of Understanding Between the Town and the Palm Beach County Police Benevolent Association, Inc. Regarding Section 20.4 of the Agreement to Address Top Outs
 - f. Approve Building Permit Extension Requests and Waiver of Permit Renewal Fees for 28 Hudson Ave, 82 Island Drive, and 10 Harbour Drive South

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

REGULAR AGENDA ITEMS

2. **Appointments to Open Positions on the Board of Adjustment & Planning & Zoning Commission (By: Town Clerk Armstrong)**

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Town Manager Stevens outlined the rules for voting and notified who were on the ballots for both boards.

Town Manager Stevens proceeded with handing out the ballots for the Planning and Zoning Commission. The Commissioners voted, and it was unanimous for Robert Rodriguez and Roger Brinner to be the alternates for the Planning and Zoning Commission.

Commissioner Pugh moved to appoint Robert Rodriguez and Roger Brinner to serve as alternates for the Planning and Zoning Commission as shown on the ballots; seconded by Commissioner Wiescholek. Motion carried 5-0.

Town Manager Stevens proceeded with handing out the ballots for the Board of Adjustment. The Commissioners voted. The ballots showed Bruce Hindin as the winner for the regular position. The ballots also showed John Lipscomb and Nick Arsali to be the alternates for the Board of Adjustment.

Vice Mayor de Haseth moved to appoint Bruce Hindin to serve as regular member, and John Lipscomb and Nick Arsali to be the alternates the Board of Adjustment as shown on the ballots; seconded by Commissioner Wiescholek. Motion carried 5-0.

3. **Second Reading and Adoption of Ordinance No. 2022-04: An Ordinance of the Town of Ocean Ridge, Florida, An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances at Chapter 54, "Traffic And Vehicles," By Creating A New Article IV, Entitled "Combat Automobile Theft Program," and Establishing New Section 54-100, Entitled "Town of Ocean Ridge Combat Automobile Theft Program," and Creating New Section 54-101, Entitled "Definitions," and Further Establishing New Section 54-102, Entitled "Registration Requirements and Procedure," and Creating New Section 54-103, Entitled "Enrollment Implication, Termination and Civil Liability," Which Upon the Enacting of this New Program Will Serve to Permit and Assist Law Enforcement Officers to Detect, Apprehend and Prevent Automobile Thefts in the Town, Repeal of Conflicting Ordinances, Severability, and an Effective Date. (By: Town Attorney Goddeau)**

Town Manager Stevens read the ordinance into the record by title only.

Police Chief Jones noted that there have been no changes since the first reading of the ordinance, and that the program will be voluntary.

Mayor Hurlburt called for public comment, and there was none.

Commissioner Wiescholek moved to adopt Ordinance 2022-04 on second reading; seconded by Commissioner Coz. Motion carried 5-0.

4. **Second Reading and Adoption of Ordinance No 2022-05: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances at Chapter 67, "Buildings and Building Regulations," Article III, Entitled "Technical Codes and Other Construction Standards," By Amending Section 67-51, Entitled "Permit Required Generally; Demolition Permits," To Authorize the Waiver of the Letter of Credit Requirement by the Building Official for a Demolition Permit Issued Pursuant to Subsection (B)(1) or any Other Demolition Permit for the Interior of a Structure; Providing For Repeal of Conflicting Ordinances, Severability, and an Effective Date (By: Town Attorney Goddeau)**

Town Manager Stevens read the ordinance into the record by title only.

Town Attorney Goddeau stated that this item is on second reading and would give the Building Official the discretion to waive the Letter of Credit requirement for interior and partial demolitions.

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Commissioner Coz asked for clarification if walkways were included in the ordinance. Building Official Guy stated that walkways are not included in the ordinance and would not be consider demolition if being repair, replaced, or removed.

Mayor Hurlburt called for public comment, and there was none.

Commissioner Wiescholek had the same objection as during first reading.

Commissioner Pugh moved to adopt Ordinance No 2022-05 on second reading; seconded by Vice Mayor de Haseth. Motion carried 4-1 with Commissioner Wiescholek dissenting.

- 5. Second Reading and Adoption of Ordinance No. 2022-06: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances at Chapter 63, "General and Administrative Provisions," Article IV, Entitled "Site Plan Review Procedures," By Amending Section 63-56, Entitled "Development Plan Review," By Modifying the Authority of the Planning and Zoning Commission to Permit the Deferral of a Development Plan Review Application; Providing For Repeal of Conflicting Ordinances, Severability, and an Effective Date (By: Town Attorney Goddeau)**

Town Manager Stevens read the ordinance into the record by title only.

Town Attorney Goddeau stated that the ordinance adds the ability for the Planning and Zoning Commission to defer as requested by the Town Commission and Planning and Zoning Commission at the Joint Workshop. She advised that the ordinance also aims to add verbiage to allow the Planning and Zoning Commission to review the landscaping for new development.

Commissioner Coz stated that the title block does not accurately show the change because the title block does not talk about the landscaping. Commissioner Pugh concurred that the title block should be clearer.

Vice Mayor de Haseth moved to adopt Ordinance No 2022-06 on second reading; seconded by Commissioner Wiescholek. Motion carried 3-2 with Commissioner Pugh and Commissioner Coz dissenting.

- 6. First Reading and Adoption of Ordinance No. 2022-07: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances to Correct the Name of the "C" Conservation Zoning District to Make it Consistent with the Current Comprehensive Plan, Zoning Map, and the Future Land Use Map Which All Refer to the "C" Conservation Zoning District as the "PC" Preservation/Conservation District, In Chapter 64, Zoning, Article I, District Regulations, Section 64-6, "C" Conservation District and in Chapter 65, Telecommunication Towers and Antennas, Sections 65-3, General Requirements, and Section 65-5, Special Exception Uses; and, Amending Chapter 63, General and Administrative Provisions, Article IV, Site Plan Review Procedures, Section 63-53, Major Development Application and Site Plan Requirements, to Encourage "PC" Preservation/Conservation Re-Zonings by Easing the Submittal Requirements for Re-Zoning Vacant Property to "PC" Preservation/Conservation; Providing for Repeal of Conflicting Ordinances, Severability, and an Effective Date (By: Town Attorney Goddeau)**

Town Manager Stevens read the ordinance into the record by title only.

Town Attorney Goddeau introduced the item by noting that the proposed ordinance would allow an applicant with an empty lot proposing a zoning change to preservation/conservation to not provide a survey, thus saving the applicant time and money.

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Mayor Hurlburt called for public comment, and there was none.

Commissioner Wiescholek moved to adopt ordinance 2022-07 on second reading; seconded by Commissioner Coz. Motion carried 5-0.

- 7. First Reading and Adoption of Ordinance No. 2022-08: An Ordinance of the Town Commission of the Town of Ocean Ridge, Florida, Amending Chapter 66 Environmental Regulations, Article IV Landscaping, Division 2 Water Efficient Landscape, Providing for Local Implementation of the Mandatory Year-Round Landscape Irrigation Conservation Measures Rule of the South Florida Water Management District (40e-24, F.A.C.); Providing for Intent, Purpose, Applicability and Definitions; Providing for Year-Round Landscape Irrigation Conservation Measures, Exceptions to the Schedule; Providing for Additional Requirements and Variances; Providing for Water Shortages; Providing for Enforcement and Penalties and for Other Purposes; and Providing for Codification, the Repeal of All Conflicting Ordinances, Severability and an Effective Date.**

Town Manager Stevens read the ordinance into the record by title only.

Town Attorney Goddeau introduced the item by noting that the item is localizing the law in place, so it can be locally enforced. Grant opportunities may be at stake if the law not locally adopted. Commissioner Coz asked about the watering days, and Town Attorney Goddeau confirmed the dates.

Mayor Hurlburt called for public comment, and there was none.

Commissioner Pugh discussed his issues with the title block and how it is not accurate. Town Manager Stevens stated that it is where it is being inputted. Commissioner Pugh stated that the ordinance change should not be added under water efficient landscape as it is not appropriate.

Vice Mayor de Haseth stated that the ordinance is just codifying the County's law and she is in favor.

Commissioner Wiescholek voiced his concern that the town has the burden of enforcing an ordinance from the South Florida Water Management District (SFWMD). He discussed further issues with the SFWMD. Vice Mayor de Haseth asked if the town should enforce a water management ordinance regardless of the county's ordinance. Commissioner Wiescholek stated that he is not aware of residents mismanaging its water to go to the extreme.

Commissioner Pugh asked Police Chief Jones if the Police Department has cited residents for violating the water codes. Police Chief Jones answered that officers have through a uniform code citation process. He stated that Ocean Ridge residents are not willfully violators. Commissioner Pugh asked how it was enforced without the ordinance. Town Attorney Goddeau stated that the town has a water shortage code and can enforce if water shortage is enacted. Town Attorney Goddeau stated that the title block is discussing where the code is being amended.

The Commission discussed the impacts if the ordinance were adopted versus not adopted. Town Attorney Goddeau noted that SFWMD can still enforce their regulations even if not locally adopted. She went over the intent or objective of the SFWMD.

Commissioner Coz asked if SFWMD notifies that they will be enforcing, to which Police Chief Jones stated that SFWMD has enforced in the past and does not notify the town. Police Chief Jones went over the enforcement policies.

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Vice Mayor de Haseth asked Town Manager Stevens about the town's education mechanism for SFWMD new rules. Town Manager Stevens stated that she will check. All Commissioners were in favor of the town doing an education campaign about SFWMD regulations.

Commissioner Wiescholek moved to not adopt Ordinance No. 2022-08; seconded by Commissioner Pugh. Motion carried 3-2 with Mayor Hurlburt and Vice Mayor de Haseth.

8. Purchase of a Storage Facility for Public Works (By: Town Manager Stevens)

Commissioner Wiescholek stated that Public Works needs a storage facility, so that equipment does not get rusted outside in the salt environment. He went over the quotes and stated that the investment is reasonable. Police Chief Jones went over the various equipment's that had to be discarded because of the salt environment.

Commissioner Pugh stated that the storage facility would not be under warranty because it is close to the Ocean. Commissioner Wiescholek concurred, but noted the benefits that the storage facility would bring.

Mayor Hurlburt called for public comment.

Mark Marsh, 14 Hudson Avenue, asked for more information on the parking spaces. Commissioner Wiescholek stated that no parking spots will be lost because they are already being taken up by equipment. Police Chief Jones confirmed. Vice Mayor de Haseth asked if there is parking metric for Town Hall, and Town Manager Stevens stated that there is. Mr. Marsh asked for staff to check that parking spaces requirements are still met with the storage facility. Commissioners concurred. Town Attorney Goddeau stated that the zoning official can check to see if all the code requirements of the town are met.

Commissioner Wiescholek moved to approve the purchase of a storage facility for Public Works conditioned on ensuring zoning compliance for parking spaces; seconded by Commissioner Coz. Motion carried 5-0.

9. Request for Building Permit Extension for 6273 N. Ocean Blvd

Town Attorney Goddeau gave the Commission a status update and noted that the agreement is not ready.

Mayor Hurlburt called for public comment.

Michael Whiner, Attorney for John Shibles, stated that the proceeding should follow that of a Quasi-Judicial hearing. Town Attorney Goddeau informed that she notified all attorneys that she would ask the Commission to defer this item.

There was consensus to defer the item.

STAFF & COMMITTEE REPORTS

10. Planning & Zoning Commission

P&Z Chair Marsh read the Planning & Zoning Commission report into the record.

11. Town Manager

Town Manager Stevens advised that her report was included in the meeting package. She read her report into the record. She further advised that resident Brit Flanagan submitted her name after the deadline to be on the ballot for the alternate Planning and Zoning position.

12. Town Attorney

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Town Attorney Goddeau did not have a report to present; However, she spoke about the variance process and that the burden falls on the applicant to produce the evidence for the consideration of the board. She stated that the applicant needs to ensure that everything is listed in the application. Further added, that the process can be changed to require construction plans to the variance application for a more detailed review.

Commissioner Coz asked if a variance decision sets precedence. Town Attorney Goddeau stated that the variance decision does not set precedent because every situation could differ; however, if the criteria is not being applied, then the board won't be held to the letter of the criteria.

Vice Mayor de Haseth asked for the applicant to list previous code violations on the property on the application. Town Attorney Goddeau stated that code violations could be listed, but that it is not part of the criteria. They discussed adding a history section to the variance application, so the applicant can list any violations they've had on the property.

Commissioner Coz stated that there is no penalty for applicants that do not provide the complete information.

Commissioner Wiescholek asked about staff analysis and staff recommendations. Town Manager Stevens went over the staff memo for the board to consider. Commissioner Pugh stated that the decision ultimately falls on the board members. Vice Mayor de Haseth suggested giving the variance process to a Special Magistrate. Town Attorney Goddeau spoke on the pros and cons of switching to a Special Magistrate.

Commissioner Wiescholek stated that board members need more education. Commissioner Pugh stated that more board members with experience need to be on the board. Betty Bingham, 1 Ocean Avenue and Board of Adjustment Member stated that the criteria needs to be applied and felt that members were not educated as they should. She advised that strict scrutiny and their impact on neighbors should be considered.

Commissioner Coz warned about changing the process over one incident. Commissioner Pugh stated that issues are arising because it has been a long time without a variance application. They discussed the guidelines for the variance and the board member's review. Commissioner Wiescholek, Commissioner Coz and Commissioner Pugh did not want to change up the system. Commissioner Wiescholek stated that he would like education.

Vice Mayor de Haseth summarized the suggestions, which included: adding a history section to the application, requiring construction plans as a part of the application, or having a special magistrate review variance applications. There was consensus to add a history section to the variance application. Town Manager Stevens suggested vamping the notices to include more language on how to challenge and appeal. Town Attorney stated that she would do an education forum at the next Board of Adjustment meeting. Commissioner Pugh stated that a report of board of adjustment decisions should be presented to the Commission to see if they would like to challenge any decisions. There was consensus to have a more extensive notice sent to neighbors.

13. Police Chief

Chief Jones advised that the Police Department report was included in the meeting package. He went over the contents in his report, and gave information on the life vac.

Vice Mayor de Haseth asked if we have a CERT program, to which Police Chief Jones stated that we do not have a program. He advised that the criteria to have one is cumbersome, but that we look at other communities.

14. Town Engineer & Public Works

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The Town Engineer and Public Works reports were included in the meeting packages, and there were no comments from Commissioners.

15. Building Official

Building Official Guy advised that the Building Department report was included in the meeting package. He discussed the trainings that part-time inspector/plan examiner is doing.

TOWN COMMISSIONER COMMENTS

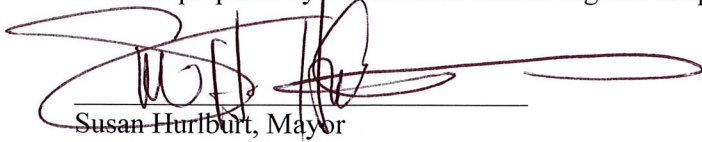
16. Roles of the Building Official & Building Department Staff (By: Commissioner Wiescholek)

Commissioner Wiescholek stated that there is feedback regarding the Building Official's decisions. He stated that in many instances the applicants are not doing what they are supposed to. He went over the goals of the Building Official and provided an example. He asked for Commissioners to defend and support the Building Official on his decisions. Vice Mayor de Haseth and Mayor Hurlburt concurred.

ADJOURNMENT


Meeting Adjourned at 8:53 p.m.

Minutes prepared by Town Clerk Armstrong and adopted by the Town Commission on June 6, 2022.



Susan Hurlburt, Mayor

ATTEST:



Karla M. Armstrong, Town Clerk

