

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 6, 2012

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 6, 2012, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel. The roll call was answered by the following:

Commissioner Allison Commissioner Brookes
Commissioner Hennigan Commissioner Pugh
Mayor Kaleel

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Manager Schenck requested to pull Item #14 from the Agenda. The PBA vote for the contract was a tie and a will be scheduled for later this month. He would keep the Commission informed.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Jan. 09, 2012
2. Approval of Poll Workers for the 2012 Municipal Election

Comm Pugh moved to adopt the agenda and consent agenda as amended, seconded by Comm Allison.

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

3. The Administrative Offices will be closed on Monday, Feb. 20, 2012 for the official holiday
4. 2012 Municipal election/Eleccion Municipal 2012
 - a. Proclamation for election Held on March 13, 2012/Proclamacion para eleccion sostenida el 13 de marzo de 2012
 - b. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada
 - c. Candidate Filing Dates run February 3, 2012 through 3:00 PM on February 17, 2011/Las fechas de la clasificacion del candidate corren el 3 de febrero 2012 por 3:00 PM el 17 de febrero de 2012

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

5. An application submitted by Bridges, Marsh & Assoc., 18 Via Mizner, Palm Beach FL 33480, representing the owner, 6019 Old Ocean Blvd. Land Trust Agreement (Tenenbaum), 6019 Old Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a covered 900 sq ft patio/deck which would extend a maximum of 185'(+/-) east of the Coastal Construction Control Line located at 6019 Old Ocean Blvd. or legally described as Lot 9 & 10, Block 4, of the Amended Plat of Boyntons Sub (exact description available for review in the Clerk's Office)

Clerk Hancsak stated that at the January meeting it was agreed that this Public Hearing was to continue to tonight to allow sufficient time for Mr. Duffy, the adjacent neighbor to review the plans. Since last month's meeting there had been several phone calls, but only one person had come in to review the plans. Atty. Spillas stated that Mr. Duffy's representative, Marty Perry

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would not be here tonight. As this was a quasi-judicial hearing, he advised that anyone who had not been sworn in and would be giving testimony must be sworn in at this time. There was one new individual, Tony Mauro, present who was sworn in. Mayor Kaleel commented that he had represented Tony Mauro in the past and all the local Old Ocean Blvd residents. Atty. Spillias advised as he was not currently representing then there was no conflict. Comm. Pugh reminded the Commission that he had to recuse himself from the discussion last month, because the owner is a current customer of his. He had signed the Voting Conflict Form at last month's meeting.

Mark Marsh, Bridges, Marsh & Associates, Inc., representing 6019 Old Ocean Blvd. Land Trust Agreement (Tenenbaum), commented that this request was for a Land Development Permit only for construction east of the Coastal Construction Control Line (CCCL). After the January meeting he had e-mailed Mr. Duffy in an attempt to address any concerns or issues Mr. Duffy might have had with the project. Mr. Duffy e-mailed that he would oppose the construction project up to the highest court in Florida. He received no further communication from Mr. Duffy.

Tony Mauro, representative for Mr. Duffy, stated that it was felt that Mr. Tenenbaum's new veranda on the 2nd Floor will evoke his neighbor's privacy. As Mr. Tenenbaum already had a current deck, Mr. Duffy did not see the need for any expansion.

Mr. Marsh stated that they had complied with everything that the ordinances and code allows. Clerk Hancsak advised that these were only preliminary drawings and complete plans would not be submitted to Ocean Ridge until after FDEP approval. FDEP has very stringent guidelines. Atty. Spillias stated that as far as the Zoning requirements - no known violations exist.

Comm. Brookes moved to approve the application submitted by Bridges, Marsh & Assoc., 18 Via Mizner, Palm Beach FL 33480, representing the owner, 6019 Old Ocean Blvd. Land Trust Agreement (Tenenbaum), 6019 Old Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a covered 900 sq ft patio/deck which would extend a maximum of 185'(+/-) east of the Coastal Construction Control Line located at 6019 Old Ocean Blvd. or legally described as Lot 9 & 10, Block 4, of the Amended Plat of Boyntons Sub (exact description available for review in the Clerk's Office). Seconded by Comm. Hennigan.

Motion carried – Yea (4)

REGULAR AGENDA REPORTS

6. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – Preliminary construction has begun on Coconut Lane. FPL is scheduled to install the necessary power pole, and the project is scheduled for completion in May. A fuel tank for the generator at Turtle Beach is being fabricated. The factory is constructing the generator to replace the existing generator at Turtle Beach and is scheduled for installation in February. 2) Old Ocean Blvd – Due to the increased rains, we will start developing the cost of removing the scavoela and replanting the area with native vegetation. They were still resolving the replanting - one resident wants just grass, and the others want to address the privacy issue. Now that we've been getting rain, we can finalize the landscape plan. 3) Inlet Cay and Sabal Island Bridge Repairs – We have gone out to bid, and they are due February 9th at 2PM. The contractors estimate is \$55,000 including inspection services. The funds that were set aside for this project are being used for the Tropical emergency generator so the Commission will have to appropriate additional funding from the reserves for the construction after we receive the bids. 4) Entrance Signs – The final sign as been installed at the south end of Town. Because of FDOT guidelines, it cannot be closer to the road. Our plans were

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to use a solar spot light, but it is not bright enough, so we are searching for other options or power sources. 5) Energy Grants – The contract for the energy improvements is on the agenda for approval. We want to eliminate the changes in the parking lot lights and instead include a solar pump for the koi pond. This will bring the project within budget. The 3 municipalities in the State residential rebate program are Ocean Ridge, Atlantis and Haverhill. Lantana is overseeing the whole grant. EcoSmart PR has begun advertising for participants. We were awarded \$112,000 to use for rebates on energy savings improvements for the residents, however; a budget adjustment will be necessary to front the funding prior to reimbursement. It will not have an overall impact on the budget. As of this time, Ocean Ridge has only had 2 applicants. 6) Capri Apts. – The Health Dept. finally issued a permit to construct a drainfield for the washing machine. Their Board is scheduled to meet in February to select a contractor. 7) Police Union Discussions – We came to a tentative agreement on a contract with the PBA and sent the contract to the officers for their vote. The results were a tie (5 to 5). Two of the officers were not available for the vote and a revote will be done. 8) FDOT Discussions - FDOT is still evaluating our request to construct a pedestrian crossing at Woolbright Blvd and A1A. They are also still reviewing our request to look at the retention ponds on Ocean Avenue regarding the tidal influence and flooding. 9) Employee Evaluation – We have reviewed the forms used by several other communities, and although each are a little different, the content is basically still the same. We propose to continue using our form for employee evaluations, and they will be done on the employee's anniversary. 10) Street Inspections – We will be evaluating the streets this month and ranking them as to their need for repaving. 11) Island Drive Rabbits – A question was raised regarding the possible raising and releasing rabbits on Island Drive. An officer investigated and found that one resident does have rabbits as pets; however they are not breeding them nor releasing them. Our code doesn't list "rabbits" as unlawful animals for pets. The wild rabbits are a different breed and have been there for years. There doesn't appear to be any violations of our code at this time, and County Animal Control also couldn't find any violations of county code. We could not determine anything illegal or any code violations at this time. Should problems occur in the future they will be addressed at that time.

Manager Schenck mentioned that the new landscape improvements at Beachway & Old Ocean Blvd that were just completed and said it was a great improvement. He also announced that the Sea Angels now include Beachway as part of their monthly beach cleanup. Comm. Allison stated that she was not satisfied with the work done by FDOT last year on the sidewalks and asked that the street inspections include A1A also.

Manager Schenck gave an update of the Boynton Beach Fire Station and reported that Boynton had not sold any property. They were given a set of our Town Hall plans for review. Manager Schenck also stated that along with Manalapan he had met with AMR Emergency Service regarding pricing for ambulance service. They gave us a quote of \$650,000/year for 24/7 service for 1 vehicle on this side of the intra-coastal. The price remains the same if 1 or 3 municipalities participate. AMR planned to home the ambulance in Manalapan. This however would be a longer commute for the south end of Ocean Ridge or Briny Breezes.

7. Town Attorney

Atty. Spillias had nothing to report.

8. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. He stated that after next month, his monthly reports will be presented in a new format due to the implementation of the CAD software program. Chief Yannuzzi stated that there had been no decrease in level of service with BBFD yet, as they were still using Fire Station #1. He stated that there was a 6% reduction in crime, and 16% reduction last year for a total of 22% reduction

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in the last few years. Comm. Hennigan requested for a Summary Sheet to be added to next month's report showing crime trends and comparison month/month.

9. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Approval of Revised Agreement for Dock Lease with Ken/Elizabeth Joy, 62 Harbour Drive North, Partially Located in the Thompson St. Right-of-Way
Manager Schenck stated that the Joy's Insurance policy had only a \$300,000 liability not \$1mil as previously declared. We requested to be added as additional insured, and were denied stating that a government agency could not be added. The current dock is in disrepair at this time.

Comm. Pugh motioned to approve the Revised Dock Lease Agreement with Ken/Elizabeth Joy, 62 Harbour Drive North, Partially Located in the Thompson St. Right-of-Way. Seconded by Comm. Allison.

Atty. Spillias stated that the Joy's Insurance Policy of \$300,000 along with the Town's current insurance coverage should be sufficient.

Motion Carried – yea (5).

11. Approval of Town Hall energy Savings Bid with HyPower Inc. in the Amount of \$25,789 to be Totally Reimbursed through a County Grant and also Approval of the Professional Services by Hiller Engineering in an Amount Not to Exceed \$2,500 (Both are from budgeted Funds)

Manager Schenck stated that the recommendations by Eaton Inc. included changing the interior light bulbs, changing the lights in the garage, changing the light fixtures in the parking lot and changing the fixtures on Ocean Ave. The cost of new light fixtures on Ocean Ave exceeded our grant, and is not part of our recommendation. We received one bid for the other 3 items from Hypower Inc. for \$44,022. This cost, along with the engineering cost of \$27,000 exceeds the grant. Since \$32,830 of the cost was for the parking lot lighting we decided not to recommend this part of the project, instead we recommend installing a solar pump for the pond at a cost of \$13,100. This brings the total cost within the grant funds. These costs will be totally reimbursed by the County Energy Grant.

Comm. Pugh questioned the use of the solar pump. As a pool contractor he was not impressed with the quality and use of the solar pumps. He questioned the length of the warranty for the pump, as it may need to be replaced within a few years. Manager Schenck stated that they could set aside and store the existing pump for future use.

Comm. Allison motioned to approve the Town Hall Energy Savings Bid with HyPower Inc. in the Amount of \$25,789 to be Totally Reimbursed through a County Grant and also Approval of the Professional Services by Hiller Engineering in an Amount Not to Exceed \$2,500. There was no second. Motion died.

Comm. Pugh stated that most solar pumps only run during the daylight, and asked if the proposed pump had a battery backup. Manager Schenck stated that he would do further research in regards to the solar pump for the koi pond for the March meeting.

12. Discuss Town Manager Action Form and Review
Manager Schenck thanked the Commission for their honest and constructive criticism included in their evaluation of his work performance. He summarized his revised goals and objectives to improve managerial functions and correct deficiencies to include daily inspections of the community, keeping the Commission apprised of relevant happenings, contacting each of the Commissioners prior to the monthly meetings to address individual concerns, timely follow-up on

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pending issues, to have the agenda ready and delivered 5 days prior to the meetings, annual review of all employees and update job descriptions and the employee manual. Manager Schenck stated that he would also continue working with BBFD and EMS service with the goal to have Boynton relocate their central fire station to Ocean Ridge. He also provided the Commission with a schedule of construction projects that are presently being considered over the next 3 years.

The Commission discussed and agreed to have the review now rather than schedule a Special Meeting.

Comm. Hennigan stated that she was conflicted on a personal basis, and concerned on a professional basis with Manager Schenck's performance. She asked for strong leadership, and felt there was a lack of responsiveness and communication from Manager Schenck. She felt that the action plan was still vague and non-descriptive. She felt that the Town Manager should have taken a lead role during the labor negotiations instead of the Chief, and urged the other Commissioners to listen to the tapes. She did not feel that he followed the direction of the Commission, and was concerned that the labor contract does not have any final associated costs calculated. She did appreciate all that he did, but asked for stronger leadership. She also noted that other communities have more workshops.

Comm. Allison stated that she had worked with Manager Schenck for 6 years, and felt that he had made a lot of effort to address the concerns of the Commission. She has seen a difference in the last few months, and he seemed to have addressed all the issues. She felt leadership involves team building, and feels that the team works well together and are respectful of each other. She had not received any negative communication from the residents. She understands that it is a hard balance and felt he has done it well. He is seen more in the community, and has developed good relations with Boynton Beach and Briny Breezes. She also commented that she supported the need to have a cost presented to the Commission regarding the PBA contract. We all have room for improvement, but felt that positive steps had been made and she sees a tremendous change.

Comm. Pugh stated that he agreed with Comm. Allison and had seen an increase of leadership and that Manager Schenck was doing an excellent job. The residents have told him that the Town Manager is concerned and looks into their problems. He did feel that he was taking more initiative now, and asked him to keep up the good work.

Comm. Brookes agreed with Comm. Pugh comments. He also stated that the revised performance plan was better than the original. Next year's budget process would be the judge of the Town Manager's performance. Comm. Brookes did see positive movement and had no issues at this point.

Mayor Kaleel stated that we all have room for improvements, but felt that the Commission has pushed him in the right direction. He stated that Comm. Hennigan did make relevant points, but what happened in Delray with recent housing events took everyone by surprise and he was aware of it prior to the Town manager and he should not be blamed for any lack of communication. He asked him to stay ahead of the curve and be involved with other Town Managers. He asked the Town Manager to keep on track during the budget review. He suggested reevaluating the Town Manager performance during budget time rather than in the middle of the year.

Manager Schenck thanked the Commission for all their comments pro and con, and stated he needed the boost, and would continue to do better to improve.

RESOLUTIONS

13. Resolution No. 2012-02; Approving an Amendment to the 2011/12 Fiscal Year Budget to Include Funding for the State Energy Reduction Grant Homeowner Rebate Program

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Manager Schenck stated that the State Grant for \$112,000 was to reimburse homeowners for installing energy savings devices. We are required to pay the homeowner and then submit the request to the State for reimbursement. As we didn't know how much would be involved when we did the budget for this year, we couldn't include the expense or income in the budget. The resolution amends the budget to incorporate the funding for this program. The expenses are 100% reimbursable so the overall budget is not adversely affected. Staff recommends adoption of the resolution.

Comm. Pugh motioned to approve Resolution No. 2012-02; Approving an Amendment to the 2011/12 Fiscal Year Budget to Include Funding for the State Energy Reduction Grant Homeowner Rebate Program. Seconded by Comm. Brookes.

Motion Carried – yea (5).

Meeting Adjourned at 6:50pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan

Commissioner Pugh