

## REGULAR TOWN COMMISSION MEETING HELD APRIL 2, 2012

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, April 2, 2012, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov                      Commissioner Allison  
Commissioner Brookes                  Commissioner Hennigan  
Vice Mayor Pugh

### Pledge of Allegiance

Clerk Hancsak read the official election results for the March 13, 2012 Municipal Election. Registered voters total 1490, Town Hall Ballots totaled 384, Absentee Ballots totaled 18 and Under Votes totaled 85, and Total Ballots cast were 402. The results were Gail Aaskov – 240, Hans Kahlert – 192 and Geoffrey Pugh – 287.

Comm. Allison motioned to certify the March 13, 2012 Municipal Election Results. Seconded by Comm. Hennigan.

Motion Carried – Yea (5).

Clerk Hancsak performed the oaths & swearing in ceremony for Gail Aaskov and Geoffrey Pugh. Applause and congratulations from the audience and the Commission.

### ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty. Spillias requested to add Item #8a under his report to discuss the Palm Beach County Ordinance concerning Lobbyist Registration. It may require action from the Commission concerning the drafting of a new Town Ordinance.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Feb. 6, 2012 Including the Amendment
2. Minutes of Regular Town Commission Meeting of March 5, 2012

Comm. Brookes motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Allison

Motion Carried – Yea (5).

### ANNOUNCEMENTS AND PROCLAMATIONS

3. Presentation of Plaque to Ken Kaleel, Past Mayor and Commissioner (Cake to be served afterwards)
4. Proclamation Declaring Week of April 8<sup>th</sup> as “National Public Safety Telecommunicators Week” were present to discuss the PBSO bid,
5. Proclamation Declaring April as “Water Conservation Month”

### PUBLIC COMMENT

Vice Mayor Pugh requested that any questions the audience may have concerning the PBSO bid be held until the May workshop that would be scheduled later at this meeting. The Sheriff’s Department would be giving a presentation at the workshop. This would be a workshop only and open to the public. There would be no votes cast or final decision made at the May workshop.

Betty Bingham, 1 E Ocean Avenue, stated that she felt it was unfair to have something as important and crucial as the PBSO proposal delayed when most of the residents would be out of

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town for graduations or back up north at their primary residences. She asked that the meeting be scheduled in April.

Hans Kahlert, 57 River Drive, agreed with Ms. Bingham, and noted that Employee Benefits was on the agenda. He asked that the Commissioners stay true to the current budget.

Robert Merkel, 118 Marlin Drive, stated his interest in being involved in any contractual discussion with the PBSO. He considers his relationship with our Police Dept, Police Chief and Town Commission, and Sheriff Rick Bradshaw would be beneficial, and offered his expertise.

Gary Solomon, Sandsifters representative, announced that Saturday, April 7<sup>th</sup>, 2012 was their Beach Cleanup. It is their annual big event, and Commissioner Abrams would be present. Republic Services was providing one of their recycle trucks for the kids and activities involving recycling. DERM would be present and promoting sea turtle awareness. There would be free smoothies and a food drive. They expect 200-300 volunteers present. A box would also be at Townhall for the food drive. He invited the Commissioners and public to attend.

Vice Mayor Pugh requested that Kenneth Kaleel come forward for a presentation. He thanked Ken Kaleel for his years of service to Ocean Ridge, and stated that no one better could have represented Ocean Ridge as Mayor and Commissioner for 16 years. He thanked him for his years of tireless leadership and service. He presented to Mr. Kaleel a plaque and pen set. The audience and Commission stood and applauded. Vice Mayor Pugh also stated that there would be cake served after the meeting in appreciation.

### PUBLIC HEARINGS

6. An application submitted by Martha Stimpson, 6767 North Ocean Blvd. Unit #10, 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 267 sq ft bathroom addition and a roofed connection from main residence to existing freestanding garage which would extend a maximum of 59'8" (+/-) east of the Coastal Construction Control Line located at 6767 North Ocean Blvd. Unit #10 or legally described as the North 725.72' of the South 3512.65' of Acreage Section 22 in the Town of Ocean Ridge (exact description available for review in the Clerk's Office)

Clerk Hancsak reported that all fees had been paid and that no additional correspondence had been received. Atty. Spillias stated that this was a quasi-judicial hearing and asked if any of the Commission had spoken with the applicant or representation. There was no affirmative response. Atty. Spillias stated that this public hearing was necessary for FDEP approval. He then swore in those that were giving testimony.

Mark Marsh, Digby Bridges, Marsh & Associates and as a representative for Martha Stimpson reported that it was a minor addition, and requested that the Commission approve the application.

Comm. Allison motioned to approve the application submitted by Martha Stimpson, 6767 North Ocean Blvd, Unit #10, requesting a Land Development Permit. Seconded by Comm. Brookes.

There was no public comment.

Motion Carried – yea (5)

Mark Marsh, 14 Hudson Avenue, thanked Kenneth Kaleel for his leadership to Ocean Ridge, and stated that he would not be here today without his stewardship.

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### REPORTS

#### 7. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – Construction is continuing on Coconut Lane and the project is scheduled for completion in May. The generator contractor has installed the new emergency generator at Turtle Beach. It has been tested and found in good working order. 2) Inlet Cay and Sabal Island Bridge Repairs – Anzco Inc. had started repairs on the 2 bridges, and they expected to be complete in May. 3) Entrance Signs – The final sign has been installed at the south end of Town. We are talking to Briny Breezes about tying into their electricity to light the sign. 4) Energy Grants – County Grant: The contractor has ordered the lighting equipment for the parking lot. It will take about 8 weeks for delivery. In the meantime they are getting ready to do the interior work. State Grant: This has been extended to the end of July 2012. To date the consultant has approved 16 contracts for a total of \$21,000. 5) Capri Apts. – The Health Dept. finally issued a permit to construct a drainfield for the washing machine, they haven't completed the project yet however. 5) FDOT Discussions - FDOT has agreed to construct a proper pedestrian crossing at Woolbright Blvd and A1A. The planning probably won't start until the summer. We haven't received a response to our request to look at the retention ponds on Ocean Ave regarding the tidal influence and flooding or to our question about their sidewalk policies. FDOT has finally installed the new catch basin on A1A south of Ocean Ave, hopefully this will help with the flooding in that area.

Manager Schenck thanked the Ocean Ridge Garden Club for their assistance in beautifying the front of Town Hall. He also commented that the Annual Ethics Report from the Inspector General was available for review. Comm. Hennigan commented that FP&L had a change in their rates and asked what impact that would be to Ocean Ridge. Manager Schenck stated that it would be an increase of \$2.48/month.

#### 8. Town Attorney

Atty. Spillias reported that an Ordinance was passed by Palm Beach County late December 2011 regarding the Lobbyist Registration Program. He had missed the information given at the League of Cities concerning this Ordinance that was effective today. This Palm Beach County Ordinance provided for the municipalities that did not have a conflicting ordinance to become a part of their Lobbyist Registration Program. Ocean Ridge currently does not have an ordinance that could opt us out. The Lobbyist Registration Program has been in the process for several years. A paid lobbyist would need to register and identify their clients and sign in when coming to Town Hall or penalties could apply. Palm Beach County has set up a central on-line registration at a charge of \$25 for each client. If we choose to opt out of the Palm Beach County Ordinance, then we will need our own Lobbyist Registration Ordinance. He stated that several other municipalities have opted out, and that he could draft an Ordinance for Ocean Ridge to opt out also. This would allow the Commission to review it for a month. In the meantime Ocean Ridge will need a "Sign In" Book at Townhall for Paid Lobbyist to keep us in compliance. There was a consensus from the Commission for Atty. Spillias to draft an Ordinance for Ocean Ridge to opt out of the Palm Beach County Ordinance.

Comm. Allison disclosed that she had received a free luncheon invitation from the Literacy Coalition. Atty. Spillias stated that Comm. Allison would need to file a gift report with the Ethics Commission.

Comm. Hennigan stated that currently there is a mandatory 3% FRS contribution made by employees. She asked if Ocean Ridge had a liability for that 3% contribution citing the recent suit filed. Atty. Spillias stated that he would check with his associates and also the League of Cities and give the Commission an update at the next meeting

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Atty. Spillias stated that he was a member of the Literacy Coalition. He stated that it was a wonderful organization that changed people's lives and invited anyone to get involved.

### 9. Police Chief

Chief Yannuzzi announced that next week was National Public Safety Telecommunicators Week and he acknowledged that Dispatch Coordinator Jessica Simpson was in the audience. Chief Yannuzzi also stated that Ray Carter, the interim fire chief for Boynton Beach had been promoted to the permanent Boynton Beach Fire Chief.

Chief Yannuzzi reported that there had been several bicycle events in the last few weeks including Cystic Fibrosis, and the Palm 100 Ultra Marathon that was from Ft Lauderdale to Ocean Park in one day. Sgt. McAllister received a letter of recommendation concerning his help with the Marathon. Last Thursday, Duffy Restaurant had participated in "Tip a Cop" and raised \$1000. He reminded the residents that there would be a Sunrise Easter Service at the Boynton Beach Park from 5:30-6:00 am. The parking was free, and everyone was invited to bring their lawn chairs.

Manager Schenck gave an update of the relocation the Boynton Beach Fire Department to Ocean Ridge. Boynton Beach's property did not sell, and at this time the project was on hold.

Comm. Hennigan stated her concern of the seasonal traffic and vehicles not stopping at the pedestrian crosswalks in Ocean Ridge. She asked that the officers be attentive and issue tickets to those who do not stop for pedestrians.

### 10. Town Engineer

Engineer Tropepe was absent with notice.

## RESOLUTIONS

### 11. Resolution No. 2012-04; Electing a Mayor

Comm. Allison nominated Geoffrey Pugh as Mayor. There were no other nominations.

Comm Allison moved to adopt Resolution No. 2012-04 electing Geoffrey Pugh as Mayor, seconded by Comm Aaskov.

Motion carried – Yea (5).

Mayor Pugh thanked the Commission and stated that he would work hard for Ocean Ridge.

### 12. Resolution No. 2012-05; Electing a Vice Mayor

Comm Aaskov nominated Lynn Allison. There were no other nominations.

Comm Aaskov moved to adopt Resolution N. 2012-05 electing Lynn Allison as Vice Mayor, seconded by Comm Brookes.

Motion carried – Yea (5).

### 13. Resolution No. 2012-06; Designating Depositories, authorizing Treasurer or Deputy Treasurer to Sign Town Checks; Authorizing any One of the Five Town Commissioners to Countersign Checks

Comm. Hennigan moved to adopt Resolution No. 2012-06. Seconded by Comm. Allison.

Motion Carried – Yea (5).

## ACTION ITEMS

14. Authorize Main Voting Delegate and Any One of the Commissioners or Town Manager as Alternate(s) for the Palm Beach County League of Cities

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Clerk Hancsak noted that Ken Kaleel was our past representative and voting delegate at the Palm Beach County League of Cities, and that a new representative needed to be chosen.

Comm. Allison nominated Comm. Hennigan as the main voting delegate for the Palm Beach County League of Cities. There were no other nominations.

Comm. Allison moved to authorize Comm. Hennigan as the main voting delegate for the Palm Beach County League of Cities and the remaining Commissioners and the Town Manager would be alternates. Seconded by Comm. Brookes.

Motion Carried – yea (5).

15. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission  
Clerk Hancsak reported that several appointments to the various boards will either lapse or have become open due to resignations and would need to be filled. The Board of Adjustment has 3 regular members and 2 alternate appointments. The regular members (Berndt Schulte and Richard Lucibella) have both expressed a desire to be reappointed as regular members. Regular member Gail Aaskov will need to be replaced. The alternate members were Jeff Lee and John Wootton. John Wootton has moved out of the area so his seat is open. Jeff Lee has volunteered to serve as an alternate again. Planning and Zoning Commission has 2 alternate appointments, and the alternate members are currently Dr Richard Bajakian and Penny Kosinski. Ms Kosinski indicated that she would like to serve again as an alternate member, while Dr Bajakian stated that he would be willing to serve as an alternate or regular member. Clerk Hancsak stated that in prior years the Commission deferred a few of the appointments for one month in the event additional residents wanted to submit a brief resume. A motion would be necessary to retain the current board members until after the May meeting. A motion would be necessary to appoint members for each board separately.

Comm. Allison motioned to defer a decision appointing Board Members until the May meeting and that the current appointees retain the positions until the May meeting. Seconded by Comm. Hennigan.

Motion Carried – Yea (5).

16. Schedule Special Meeting to Review/Discuss the Palm Beach County Sheriff's Office Proposal for Police Services By: Kenneth Schenck, Town Manager

It was discussed that it was important for all Commissioners to be able to attend. The PBSO would make their presentation and answer questions and this would be a workshop only, no voting at this time. David Lundquist, 6277 N Ocean Blvd, asked if there was a deadline and felt it deserved time for discussion. Manager Schenck stated that the deadline was October 1<sup>st</sup>, 2012, the new fiscal year.

Betty Bingham, 1 E Ocean Avenue, felt that this was a loose contract and that it was important to get the opinions from the residents. Mayor Pugh stated that this workshop was to review and to negotiate.

Comm. Brookes stated that this would be similar to the PBA negotiations, and did not feel it should be a referendum.

Berndt Schulte, 5 Osprey Court, was in favor of a May workshop.

A consensus was made for the Workshop to Review/Discuss the PBSO's bid for Police Services to be held on May 8<sup>th</sup>, at 6pm.

Chief Yannuzzi stated that the Town of Manalapan already had their first PBSO workshop and that it was 3 hours long and they have a second workshop scheduled for April 23, 2012 at 10am.

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SECOND READING AND ADOPTION OF ORDINANCES

17. Ordinance 596; Amending Chapter 67, Article III, Section 67-31(a) Adopting the Florida Building Code to Add Provisions Regarding Wind Speed Lines and Risk Categories of buildings and Other Structures; Providing for Codification; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date

Comm. Brookes motioned to approve the Second Reading of Ordinance 596. Seconded by Comm. Hennigan.

Motion Carried – Yea (5).

Atty. Spillias requested to give an update of the litigation involving the Inspector General. He stated that there was meeting held between the municipalities and the Inspector General to find a resolution to the funding issues. The legislation proposed is to fund the Inspector General as “one tax rate” and would require a referendum. When the meeting adjourned, it was decided that it would go to mediation in May 2012 with an attorney and representative of each side to be present.

18. Discuss Employee Benefits

Comm. Allison stated that at the last meeting she had requested a discussion of providing \$1000 one time lump sum for the 12 employees not included in the PBA, it was determined that should be a decision for the future Commission. The \$1000 salary adjustment would total \$12,918. Monies would not have to be drawn from the reserves as there is \$49,812 already in the budget for employees that don’t currently have health insurance. She felt this would improve morale and spread a feeling of fairness. She stated that there are budget changes that occur every year, and felt the Town could afford it.

Comm. Allison motioned to approve a \$1000 one time lump sum salary adjustment for the 12 employees not included in the PBA Contract for a total amount of \$12,918. Seconded by Comm. Aaskov.

Comm. Brookes felt that the \$1000 wasn’t an altruistic event when negotiating with the Police Dept. He asked that increases be considered during the normal course of evaluation at the next budget cycle. He was not in favor or it.

Comm. Hennigan agreed with Comm. Brookes and stated that even if the Town Manager found the funds within this budget, that it should not be spent just because we have it. During the budget process salary increases were discussed and a decision was made at that time. She asked that the Commission be fiscally responsible and monies spent cautiously.

Mayor Pugh stated that it had been 3 years since the employees had received an increase. The \$1000 was \$333/year adjustment. He felt that the employees worked hard and were reliable.

Motion carried – Yea (Allison, Aaskov, Pugh)  
Nay (Brookes, Hennigan)

Meeting Adjourned at 7:48pm.

Attest By:

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Town Clerk

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Mayor Pugh

\_\_\_\_\_  
Commissioner Aaskov

\_\_\_\_\_  
Commissioner Allison

\_\_\_\_\_  
Commissioner Brookes

