

## REGULAR TOWN COMMISSION MEETING HELD JULY 9, 2012

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, July 9, 2012, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Comm. Hennigan. The roll call was answered by the following:

Commissioner Aaskov                      Commissioner Brookes  
Commissioner Hennigan

Mayor Pugh and Comm. Allison were absent with notice, and Comm. Hennigan explained that the remaining 3 commissioners had drawn ballots to decide who would call the meeting to order. Comm. Hennigan was selected.

Pledge of Allegiance

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

Clerk Hancsak stated that there were a few typographical errors, and Atty. Spillias requested to change his comment under Item #9 to read...“He also cautioned the Commission that then it could appear at some point that the Commission has granted a defacto rezoning. Comm. Hennigan had also requested to change her comment on Page 8 under Item #12 to read...”Comm. Hennigan stated that she agreed that the Town should not make a quick decision but she also stated that she was opposed to filling the positions now considering the current uncertain environment. Comm. Brookes stated that while he was absent at the last meeting, he listened to the tapes. He requested that those speaking at the meetings to speak louder and directly into the microphones. Some of the comments on the tapes were soft, and hard to hear. He also asked who/how the minutes were prepared. Clerk Hancsak stated that both she and Deputy Clerk Hallahan took hand written minutes. A few years ago the Commission asked that the minutes be summarized even more than they had been in the past. From listening to the tapes, Comm. Brookes requested to add a comment made by Comm. Allison to the June minutes under Item #12. “She felt we needed more facts, but not sure the facts would personally change her own opinion, but she would be open.” Comm. Hennigan requested to add Item #11 – League of Cities Conference

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of June 4, 2012.

Comm. Brookes moved to approve the agenda/consent agenda as amended. Seconded by Comm. Aaskov.

Motion Carried – Yea (3).

### ANNOUNCEMENTS AND PROCLAMATIONS

- 2 The FY 2012/13 Budget/Adopt Proposed Millage Meeting will be held on July 25, 2012 at 8:30 AM.

Comm. Hennigan asked the Town Manager if he was going to schedule meetings with each Commissioner to review the budget prior to the budget workshop. Manager Schenck stated that they were still in the process of preparing the budget, but once prepared, he would meet with the each Commissioner separately to answer/address any concerns before the workshop.

### PUBLIC COMMENT

Richard Radcliffe, Executive Director of the Palm Beach County League of Cities, thanked the Commission for allowing him to speak. He reported that the League of Cities is working on the monitoring of funds for the Ethics Committee. One of the issues of the Ethics Committee is reimbursement of hotel stays for conferences if their spouse is also staying in the room. The League of Cities is also seeking a resolution regarding the \$12.50 ticket money. For almost a decade, every traffic citation issued \$12.50 of it is to go toward the issuing agency that can be utilized for designated purposes. However Palm Beach County would like to discontinue proportionately sharing the funds and keep all of the monies received. He requested the Commission consider adopting a resolution opposing this action. Mr. Radcliff invited all the Commissioners to attend their Conference in August in Hollywood, Florida.

Justus Brown, 39 Coconut Lane, stated that someone at the last meeting did not feel we had treated the Sheriff Dept with respect. He felt that he was not treated with respect by the PBSO. A comment had been

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made about him at the May Workshop by a member of the Sheriff Dept. He was not in favor of changing to the PBSO, and he felt our officers were doing a good job.

Debbie Brookes, 15 E Ocean Avenue, asked the Commission to research having a crosswalk between Boynton Beach Oceanfront Park and Town Hall. She felt it was a dangerous spot, and residents from the south end of Town cross over when they head to the beach. Manager Schenck noted that there is a crossover at the Hammock Park for residents to cross over. He would check with FDOT however to see if it was an option to have one in front of the Boynton Beach Oceanfront Park.

Betty Bingham, 1 E. Ocean Avenue, asked if Ocean Ridge participated in the \$12.50 program. Chief Yannuzzi stated that for each traffic violation ticket that is issued, the Town is allotted \$12.50 towards our connectivity of the PBCty radio system in addition to our portion of any fines received.

Don Magruder, 9 Ridge Blvd, questioned the window tinting on the police vehicles, as they could not identify which officers were patrolling. Chief Yannuzzi stated that the level of tinting is legal, and it is for the protection and comfort of the officers and laptops in the squad cars. He would consider making the tinting a little lighter with any new vehicles. This concern had also been mentioned by other residents along with the purpose of the officers wearing "tactical" vests. Chief Yannuzzi stated that for our officer's protection, our policy was changed. It is now mandatory for our officers to wear vests while they are on the road. He was currently attending a Police Chief Conference, and they introduced a new type of armored vest that would not appear as "tactical", and could be worn under their shirts.

Joe Belmonte, 5600 N Ocean Blvd, has met with several residents over the last few weeks, and their feelings were that Chief Yannuzzi was very professional in the face of overwhelming odds at the PBSO Workshop. Even though PBSO had all the "toys" at their fingertips, (boats, helicopters, canine unit, SWAT...); Chief Yannuzzi had explained that Ocean Ridge also had access to the same with the use of just one phone call. These residents also liked having their alarm monitoring hooked up at the Police Department, and did not want it to change. The residents along Old Ocean complained that on Saturday the noise from the lawn companies seem to last all day. They asked the Commission to consider that no major lawn service be performed on Saturday or Sunday. Clerk Hancsak stated that our current code allows lawn companies to work Monday-Saturday during regular business hours. "Residents Only" are allowed to mow their lawns on Sunday 11-3pm, no lawn service is allowed to work on Sunday. Chief Yannuzzi thanked Mr. Belmonte for his comments and support. There was no consensus.

Nancy Hogan, 37 Hibiscus Way, stated that at the last meeting when the Auditor's Report was presented, she had asked to speak, but Mayor Pugh did not recognize her. She was concerned that the town's auditor felt it reasonable that the Town's Reserves be up to 50%. She felt this was too high and that 18-22% should be standard instead. She asked that during the budget process we use our reserves instead of raising taxes. She was also concerned with the safety at the intersection of Federal Hwy and Woolbright. Comm. Brookes noted that this intersection was in Boynton Beach, not Ocean Ridge. Mrs. Hogan did not feel that Ocean Ridge had performed due diligence with the traffic studies, and that it was a dangerous intersection. She also felt concern with Ken Kaleel performing the PBSO analysis, she felt he was too close to be objective, and she wanted to know if he was getting paid. Comm. Hennigan stated that he was not being paid, and that he had others working independently with him.

Christine Schulte, 5 Osprey Court, thanked Comm. Hennigan for an e-mail sent to her on May 31<sup>st</sup>, before the PBSO Workshop in June. She appreciated the information, and asked what response if any, she had received from the other residents that received the e-mail also. Comm. Hennigan stated that she did not send it out to all the residents. She did get response, some were in favor and some not. Some residents had questions and asked for further details concerning the PBSO.

### REPORTS

#### 3. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – Construction is continuing on Coconut Lane and the project is behind schedule with liquidated damages of \$450/day. They hope to finish by the end of July. 2) Energy Grants – County Grant: The energy upgrades are complete. The first 4 months have shown an energy savings, but we'll need more time to realize the full savings. The interior

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work in Town Hall and the garage is complete. State Grant: the residential upgrades are complete, and the residents have been reimbursed \$43,019 for energy upgrades. 3) 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're still working with them to improve the retention ponds on Ocean Ave regarding the tidal influence and flooding. Linetec found 182 broken sections of sidewalks along A1A; only 7 are considered trip hazards. 4) Chlorination Problem on A1A - The Boynton Beach Water Dept found an area near the Dunes of Ocean Ridge that was unable to maintain acceptable chlorine residuals. In order to correct the situation we are proposing 3 directional bores under A1A to connect to the water main on the west side of the road. Now that we have the FDOT permit - the work will start this month, as the Health Dept. wants it done as soon as possible. The item will be further discussed later in the agenda. 5) Bonito Drive Drainage - The drainage lines have been televised and we're evaluating the best way to correct the drainage problem. We plan on advertising for a contractor this month.

Comm. Brookes stated that on Ocean Avenue next to the bridge, the palm trees have caused the sidewalk bricks to lift up, and asked if that area was included in the report. Manager Schenck stated that FDOT was addressing the sidewalks by the bridges.

#### 4. Town Attorney

Atty. Spillias gave an update on the funding of the Inspector General. The mediation failed and to resolve the differences, and in the interim the Inspector General filed a motion to intervene in the lawsuit themselves as they feel their interests are not being properly represented. The municipalities have responded to the Judge stating that the Inspector General can't sue as a special entity, however the judge has recused herself. A new hearing will be rescheduled.

Nancy Hogan, 37 Hibiscus Way, stated that the Inspector General was voted in countywide by 68% of the public. In Palm Beach County, officials have gone to jail for corruption, and felt that the Inspector General was necessary; she was troubled with the proceedings.

#### 5. Police Chief

Chief Yannuzzi presented his monthly report, along with the monthly and annual fire reports. The annual fire report showed that Fire Station #1 responded to 55% of the Ocean Ridge and Briny Breezes calls, while Fire Station #4 responded to 41%. Chief Yannuzzi stated that it was announced that all current full time police officers of Ocean Ridge could apply by Friday noon if they had a desire to participate in the promotional process for Sergeant. In October, there will be a written test, followed by an oral exam for those who scored higher than 70% on the written. The oral exam will be administered by 3 outside senior ranking officers. Chief Yannuzzi will then make his recommendation to the Town Manager for approval, and once approved by the Town Manager to the Town Commission for final authorization.

Chief Yannuzzi presented to the Commission a letter of commendation for Dispatcher Brandi Gonsman. Due to her quick thinking and professionalism a life was saved. Even though she had received minimal information from the 911 caller; due to her knowledge of Ocean Ridge and its residents she pieced together the correct address, and was quickly able to dispatch an officer and EMT to the proper home. Comm. Brookes commented that one of the attached e-mails mentions the address of the incident, and asked that for the privacy of the homeowner, it be removed.

Chief Yannuzzi announced that the Town of Manalapan was scheduled to hold another PBSO workshop on July 17<sup>th</sup> at 10AM. It is open to the public. He also announced that on July 4<sup>th</sup>, 2012 there was a full force represented at the Parks by PBSO and the Park Rangers.

Comm. Hennigan asked for the status of the performance evaluations of the officers and dispatchers, along with the Lieutenant's and the Chief's evaluation. Chief Yannuzzi stated that all the officers were complete except for one, and he had not done the Lieutenant's evaluation yet. The Town Manager stated that he would be performing the one for the Chief after the budget process. At this time the budget was priority.

#### 6. Town Engineer

Engineer Tropepe was absent with notice.

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7. Confirm the Hiring of Dispatcher Rebecca Moore (Start Date 7/10/12), replacing Anita Calhoun Chief Yannuzzi stated that there has been an open position since Ms. Calhoun left in January, and that the hiring of Rebecca Moore as a dispatcher would also serve to civilianize a task currently being done by one of the Police Sergeants – the custodial duties associated with Evidence & Recovered Property. She has a combined 26 years service to the State including dispatching for 6 years. Because of the certification requirements under the new state mandate, she is attending a 232 hr training course (on her own time). Until she receives her certification, she will be hired at a lower rate and then increase a step once she completes her certification in October. Since the position was fully budgeted for in FY 2011/2012, there are adequate funds to cover the position, and he is recommending her hire.

Comm. Aaskov motioned to approve the hiring of Dispatcher Rebecca Moore effective July 10, 2012. Seconded by Comm. Brookes.

Motion Carried – yea (3).

8. Authorize Palm Beach County Energy Grant Contract Extension (For the Retrofitting of Town Hall and Parking Lot)  
Manager Schenck stated that our contract with the County for the energy savings grant expired in May. This grant was paying for the lighting upgrades to the Town Hall and the parking lot. In order to correspond with the County extension they received from the State, we need to extend our agreement with them through August. There is no money involved in the agreement just a time extension.

Comm. Brookes motioned to authorize the Palm Beach County Energy Grant Contract Extension through August 2012. Seconded by Comm. Aaskov.

Motion Carried – yea (3).

9. Authorize Water Line Extension of SR A1A in the 6700 blk of North Ocean Blvd.  
Manager Schenck reported that there was a problem around the Dunes Condo regarding a low chlorine residual in their water. The decision is to connect the units involved to the water main that runs along the west side of A1A. This will require 3 directional bores under the highway. There are only a few contractors that do this type of work. ARE Inc. has worked with Boynton to get the FDOT permit. They will do the borings and Line Tec (our water line contractor) will make the necessary connections. The cost is \$17,000. There are budgeted funds in the Road Materials & Supply Account and Utility Services Account, and the cost will be split between these 2 accounts. If not completed soon, we could face a fine from the Health Dept.

Comm. Aaskov motioned to authorize the water line extension of SR A1A in the 6700 blk of North Ocean Blvd at a cost of \$17,000 to be funded from the budgeted Road Materials & Supply and the Utility Services Accounts. Seconded by Comm. Brookes.

Motion Carried – yea (3).

### SECOND READING OF ORDINANCES

10. Ordinance No. 598; Amending the Code of Ordinances, at Chapter 67, Buildings and Building Regulations, Article VIII, Building Standards, Section 67-174, Maintenance and Appearance Standards, and at Chapter 66, Environmental Regulations, Article IV, Landscaping, Section 66-119, Installation; Maintenance; Plant Material, and at Chapter 34, Nuisances, Article I, in General, Section 34-6, Removal of Rubbish, Noxious Plants, Stagnant Water and Weeds, Making it Unlawful and Constituting a Nuisance for any Person Owning Land Within the Town to Have or Permit Thereon any Dead, Dying or Defoliated Hedges or Trees and/or Hedges, Trees or Other Plants Infested with any Type of Exotic Pest Such as White Fly; Providing for Severability; Providing for Repeal of Ordinance in Conflict; Providing for Codification; and Providing for an Effective Date

Comm. Hennigan read the Ordinance by title.

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Comm. Brookes motioned to approve the adoption on Second Reading of Ordinance No. 598; Amending the Code of Ordinances, at Chapter 67, Buildings and Building Regulations, Article VIII, Building Standards, Section 67-174, Maintenance and Appearance Standards, and at Chapter 66, Environmental Regulations, Article IV, Landscaping, Section 66-119, Installation; Maintenance; Plant Material, and at Chapter 34, Nuisances, Article I, in General, Section 34-6, Removal of Rubbish, Noxious Plants, Stagnant Water and Weeds, Making it Unlawful and Constituting a Nuisance for any Person Owning Land Within the Town to Have or Permit Thereon any Dead, Dying or Defoliated Hedges or Trees and/or Hedges, Trees or Other Plants Infested with any Type of Exotic Pest Such as White Fly; Providing for Severability; Providing for Repeal of Ordinance in Conflict; Providing for Codification; and Providing for an Effective Date. Seconded by Comm. Aaskov.

Atty. Spillias stated a change was made per the request of Comm. Aaskov to state that residents who have infected/dead shrubs be given the opportunity to treat plants rather than remove them. After 60 days, the infected/dead plants would need to be removed.

Justus Brown, 39 Coconut Lane questioned which plants are affected by the white fly. Comm. Aaskov stated that the white fly mainly affect ficus hedges. If you run your hand along the hedges they fly out.

Motion Carried – yea (3).

11. Florida League of Cities; By Comm. Hennigan

Comm. Hennigan stated that the Florida League of Cities Annual Conference is in Hollywood. As she is the Town’s representative she would like to go the conference. The League of Cities has a \$1000 stipend available for First Time Representatives. She is asking the Commission’s approval to apply for this scholarship funding of \$1000. The Town Manager would need to draft a letter requesting the \$1000 stipend amount.

Comm. Brookes motioned for the Town Manager to draft a letter to the Florida League of Cities requesting a \$1000 stipend amount for Comm. Hennigan to attend their conference. Seconded by Comm. Aaskov.

Motion Carried – yea (3).

Meeting Adjourned at 6:45pm

Attest By:

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Town Clerk

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Commissioner Aaskov

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Commissioner Brookes

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Commissioner Hennigan