

REGULAR TOWN COMMISSION MEETING HELD AUGUST 6, 2012

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

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

Commissioner Aaskov	Commissioner Allison
Commissioner Brookes	Commissioner Hennigan
Mayor Pugh	

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm Allison questioned Comm Brookes why he felt it necessary to add a comment to the minutes that she had made regarding PBSO at the June 4, 2012 meeting. He replied that after he listened to the tape he felt as a concerned citizen she had made a striking statement that her opinion may not be changed. Comm Allison clarified that her quote was that she felt “we needed more facts, but she was not sure the facts would personally change her own opinion, but she would be open”.

Clerk Hancsak stated that Chief Yannuzzi had requested a change to the July 9th minutes on Page 2 after Betty Bingham’s question to read ... 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. She also stated that Comm Hennigan had requested two changes to the July 25th minutes on Page 2 1st paragraph to read ... She stated that multiple times she had asked the staff for a history/forecast of certain major lines, such as health insurance and liability insurance. She also asked that the health, life and short term disability be split out by types. Also further down in the same paragraph to read ... She felt that the Manager should have met with the Commissioners individually in January/February per his action plan and the desired changes to the budget could have been addressed and put in place already. Also on Page 3 last paragraph of Public Safety to read ... Comm Hennigan stated that with these new costs, ORPD was approaching double the cost of PBSO. Atty Spillias requested two minor revisions, one on Page 3 to read “can’t sue as a special entity” and on Page 5 it was plants not plans.

Town Manager Schenck requested to add an item to amend the Code of Ordinance regarding floor elevations as Item #16a.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of July 9, 2012 to include a modification to the June 4, 2012 minutes.
2. Minutes of the Special Town Commission/Budget Presentation of July 25, 2012.
3. Approval of Annual floodplain Management Report for FY 2011/12

The Commission added and approved a Proclamation proclaiming Aug. 13-17, 2012 as “Florida Water Professionals Week”

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

Motion Carried – yea (5)

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Office will be Closed on Monday, Sept. 3, 2012 for the Official Holiday
5. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Monday, Sept. 10, 2012 at 5:01 PM Regular Meeting Immediately to Follow and the Final Budget Adoption will be held on Tuesday, Sept. 25, 2012 at 5:01 PM

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PUBLIC COMMENT

6. Legislative Update Provided by State Representative Bill Hager

Town Clerk Hancsak advised that Representative Hager was unable to attend and he would be rescheduled for the September meeting.

Justus Brown, 39 Coconut Lane, stated that he does not believe the noseem company routinely sprays behind his residence even though they leave a door hanger advising that that they were there. He added that he did not feel the spraying was as effective as in prior years. He also complimented the drainage work being done on Coconut Lane.

REPORTS

7. 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 August. The last couple of weeks have shown a big improvement in their work schedule. He reminded the Commission that there is a \$30,000 contingency built into the project. 2) Energy Grants – County Grant: The energy upgrades are complete and final invoices have been submitted. 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. FDOT is reviewing the request for a pedestrian crosswalk to the Boynton Beach Park. The sidewalk report and CD pointing out seven dangerous tripping areas has been submitted to FDOT 4) Chlorination Problem on A1A – The new lines in the 6700 blk of A1A have been completed and the chlorine problem has been solved 5) Bonito Drive Drainage – The drainage lines have been televised and we've evaluated the best way to correct the drainage problem. We plan on advertising for a contractor in August. 6) Inlet Cay Pilings – We plan on advertising the replacement of the pilings in August.

8. Town Attorney

Atty. Spillias advised that he was in the process of preparing an Ethics Policy and Procedure Training Manual for the Town to ensure that new employees receive the required training. Clerk Hancsak advised that new employees currently receive the training.

9. Police Chief

Chief Yannuzzi presented his monthly report, monthly fire report from Boynton Beach, the semi-annual ORPD and Briny Breezes report, and a Letter of Commendation for Officer Vinny Mollica. There were no questions.

10. Town Engineer

Engineer Tropepe was absent with notice.

11. Update on Report Regarding PBSO Proposal By: Kenneth M. Kaleel

Atty Spillias commented that he had spoken with Ken Kaleel regarding his understanding of what the Commission had requested or expected of him in regards to the PBSO proposal. Atty Spillias stated that he was concerned that the work that Mr. Kaleel had planned to do may be construed as possibly falling within the Sunshine Law parameters. He stated that Mr. Kaleel and the Commission needed to clarify their intentions related to the proposal or comparison. Mr. Kaleel commented that he had not perceived the Commissions' request as actually charging him to complete any actual comparison resulting in a recommendation and added that he had offered to provide data as a citizen. He added that he did not have a report update, requested by Comm Hennigan, as he was not under the impression he was to prepare a report. Comm Hennigan stated that she did not request a report update but actually requested a scope and time frame if he had one. Atty Spillias agreed that merely providing an analysis on his own would not fall within the Sunshine Law, similar to a Civic Association completing something similar. The consensus of

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the Commission was that Mr. Kaleel was not directly asked to complete a report, however; any comprised data would be welcome, and that the Town Manager should prepare the assessment of the PBSO/ORPD services once the budget is adopted.

12. Request to Discuss Fire and Police Consolidation By: Bob Ganger, on behalf of the Florida Coalition for Preservation

Mr. Ganger commented that from Gulfstream to Manalapan there is a true citizen initiative to discuss long term goals for the "AIA Future Plan". He commented that Gulfstream, Ocean Ridge and Manalapan will survive these economic times but we all share a common road, all traverse over the bridge to the mainland, all receive services from the mainland and should therefore ensure that we all remain in control over our own destiny. He stated that the coalition and other individuals were creating a list of priorities, such as water, beach erosion, possibly Fire/EMS, etc. and goals to attack these problems collectively.

Mr. Ganger was requesting that the various Commissions endorse the concept, possibly later assign a Commissioner to attend meetings, and also set aside a modest sum for an outside study. He suggested that the Commission discuss it at a subsequent meeting.

Comm Hennigan questioned the Town Manager on the status of obtaining a cost analysis for the modifications of our parking lot and quarters for the personnel of the Boynton Beach Fire Dept. He stated that the discussions with Boynton Beach have been suspended.

Comm Hennigan then moved to have the Town Manager complete a cost analysis for the modifications of the parking lot and quarters for the personnel of the Boynton Beach Fire Dept. Comm Allison seconded the motion.

Motion carried – yea (5).

13. Confirm the Hiring of Officer Harry Fenwick (start date 8/13/12), replacing Warren Burnett

Chief Yannuzzi stated that there has been an open position since Warren Burnett retired in April 2012. Advertisements were done and Harry Fenwick successfully completed all of the requirements and background checks. He has over 10 years of service, also serving as a Field Training Officer. He was introduced in the audience.

Comm. Allison motioned to confirm the hiring of Officer Harry Fenwick effective August 13, 2012. Seconded by Comm. Aaskov.

Motion Carried – yea (5)

14. Request for \$1,200 Donation to be Used to Purchase Grabbers and Ocean Ridge/Sand Sifters T-Shirts

Town Clerk Hancsak mentioned that Gary Solomon, Sand Sifters, was present in the audience and was seeking \$1,200 to assist in the purchasing of grabbers and T-Shirts for their beach cleanups. She advised that there were sufficient monies budgeted in the General Govt Other Current Charges Account.

Gary Solomon commented that his organization has been cleaning the beaches for over 7 years and they also provide educational knowledge through lectures, etc. He stated that the monthly cleanups are necessary to keep the Ocean Ridge beaches and the Oceanfront beach clean.

Comm Hennigan questioned why his agency seeks funding whereas the Sea Angels does not. Mr. Solomon replied that he could not speak for the other agency, however; he does not fund raise because he likes his team to concentrate their time on cleaning the beaches.

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Comm. Allison motioned to approve a donation of \$1,200 to the Sand Sifters from budgeted funds. Seconded by Comm. Brookes. Comm Brookes suggested that they try to be more visible throughout Town.

Motion Carried – yea (5)

15. Award of NoSeeum Spraying Contract with Clarke Mosquito Control for up to a 12 Month Period at a Maximum Cost of \$42,744 from Budgeted Funds

Manager Schenck reported that the company has had a contract for the noseem spraying since 2007, with a brief halt to save costs. The contract expires Sept. 30th. One other company offers this type of service but they advised that they cannot meet the price of the present contractor. He concluded by stating that their costs have remained constant for the last two years and they were proposing a 3% increase to cover the cost of chemicals. He recommended renewal of their contract through Sept. 30, 2013 for \$42,744 from budgeted funds.

Comm Brookes questioned if they could provide individualized service to which he was advised that a property owner could request his/her area to be evaluated and added to the spraying. Manager Schenck advised that the spraying area has increased by approximately 25% and Pelican Cove has been added.

Justus Brown, 39 Coconut Lane, again reiterated that he did not feel the service was as effective as in prior years. Mayor Pugh agreed and also stated that he felt the company should present itself more professionally such as uniforms containing identification.

The consensus of the Commission was to defer this item until the September meeting when a representative could be present to address the concerns.

16. Approval of One (1) Year Landscaping Contract with Chris Wayne and Assoc. in the Amount of \$43,008 Commencing on Oct. 1, 2012

Manager Schenck commented that the company has done an excellent job for the Town since 2008 while also assisting in improving the landscaping in several areas. This service was last bid out for the 2011/12 year when only one other bid was received from a Miami company that was six times the cost. The company advised that they will not increase their price from last year other than the additional areas added (Beachway/Old Ocean Blvd & Island Dr Bridge). He recommended renewal of the contract at a cost of \$43,008.

Atty Spillias clarified that the company was insured, mentioning a current personal injury suit recently filed involving a slip and fall on Ocean Ave. He stated that this company was recently sent a letter alleging that they may be responsible, however; there is no proof of negligence at this time. Manager Schenck commented that FDOT, the County, and others are also named in the suit.

Comm. Aaskov motioned to approve a one (1) year landscaping contract with Chris Wayne and Assoc. in the amount of \$43,008 commencing on Oct. 1, 2012. Seconded by Comm. Allison.

Motion Carried – yea (5)

16a. Authorize Town Attorney to Draft an Ordinance Amending the Code at Section 67-33 Regarding Floor Elevations

Manager Schenck advised that the code currently requires that the lowest slab of any enclosed area be no less than 8' above zero elevation, which includes basements and garages. He cited several areas where the street elevation is well below (in some cases 4.5') thereby causing a hardship for those property owners to travel up a steep driveway and into their garage. He stated that FEMA currently has provisions to allow for certain areas at a lower elevation provided they meet certain guidelines. Staff met and spoke with

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several building officials and architects who advised there should be no adverse effects in amending the code. Pending confirmation that such a change would not adversely affect the current flood insurance ratings, staff was recommending that the Town Attorney draft an ordinance to make these changes.

Town Clerk Hancsak mentioned that two anticipated variance applications for a lower garage elevation are how this code amendment question was raised.

There was a consensus for the Attorney to draft an ordinance for first reading at the September meeting.

RESOLUTIONS

17. Resolution No. 2012-07; Strongly Supporting the County’s Continued Allocation of the \$12.50 Funds to the Municipalities Pursuant to County Resolution No. R-2002-0192, Which Services to Enhance the County’s Intergovernmental Communications Plan; and Strongly Supporting the County’s Disbursement of the \$12.50 Funds to Cover Expenses for all Municipalities that have Radio Systems that are Functionally Interoperable with the county’s Radio system Without Arbitrary Distinctions Being Made

Manager Schenck advised that this resolution was similar to that adopted by the PBC League of Cities.

Comm Hennigan moved to adopt Resolution No. 2012-07, seconded by Comm Allison.

Motion – yea (5)

Ken Kaleel, requested to speak on the subject of increased crime activities at the Inlet County Park. He mentioned that when the park was originally opened it had an operational PBSO substation, partially due to problems occurring in the Inlet, and since closing it there is an increasing problem again. He requested that the Commission consider forwarding a letter to the PBSO and County requiring that the Inlet County Park be closed from dusk to dawn north of the Ocean Ridge side until PBSO provides full coverage.

There was a consensus to forward such a letter.

Chief Yannuzzi commented that he has received great response from PBSO since the original letter was sent and Capt. Murray will be conducting a review for the calls for service and he will request that report and suggested waiting after the report is received.

Comm Hennigan commented that she will be representing the Town at the Florida League of Cities conference in August and received materials for one of the presentations titled 30 or More Ways to Reduce Your City’s Expenses. She requested that staff distribute the material to all of the Commissioners.

Meeting Adjourned at 7:50pm

Attest By:

Town Clerk

Mayor Pugh

Commissioner Allison

Commissioner Aaskov

Commissioner Brookes

Commissioner Hennigan