

# PUBLIC HEARING/TENTATIVE BUDGET ADOPTION MEETING AND REGULAR TOWN COMMISSION MEETING HELD SEPTEMBER 10, 2013

Public Hearing/Tentative Budget Adoption Meeting of the Town of Ocean Ridge held on Monday, September 10, 2013, at 5:01PM in the Town Hall Meeting Chambers.

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

Commissioner Aaskov  
Commissioner Allison  
Commissioner Brookes  
Commissioner Hennigan  
Mayor Pugh

## PUBLIC HEARING

### a. Comments from Commissioners and Public

Clerk Hancsak summarized the July 31<sup>st</sup> Budget Meeting stating that the consensus of the Commission was to revise the budget to reflect everything on the wish list with the exception of the part-time police officer. She put on the view screen the General Fund Budget Proposed Changes which included the wish list items (still reflecting a 5.35 millage rate). The approved revisions from the July 31<sup>st</sup> meeting included the salary/benefit changes to all (\$53,373 and a police vehicle (\$34,000). The expenditures of the Original Budget were \$5,352,147, and the Revenues were \$5,281,798 leaving \$70,349 as the amount needed to balance the budget. Once the items from the "Wish List" were added to the budget it increased to \$5,630,997 (including the \$100,000 transfer) with revenues totaling \$5,293,298, thus utilizing \$337,699 to balance the budget. In August it was realized that there were 4 adjustments that needed to be made to the budget. An estimated added Rental Registration Revenue of \$3000 should be added to the Revenues. An error was discovered regarding the increased costs for the part-time maintenance man to become full-time; they did not include the health insurance premiums which adds an additional \$5821 to the expenditures. Also we budgeted for an estimated 10% increase in the health insurance, the quote came in at 13.6% instead for an additional expense of \$4686. Also the quote for the Liability/Property/Workers Comp Insurance came in lower than estimated with a savings of \$1978 from the budgeted amount. If all items on the wish list were approved along with these 4 changes and the \$100,000 transfer to the Capital Projects Fund, the expenditures of the Original Budget would increase to \$5,639,526, the Revenues would increase to \$5,296,298 resulting in \$343,228 to balance the budget. Mayor Pugh opened for public comment.

### Public Comment

There was no public comment

### Comments from the Commission

Comm. Aaskov stated that she was in favor of approving the budget including the wish list (minus the PT police officer) with no changes.

The following budget items and wish list items were discussed:

- Salary/Benefit Changes to All (\$53,373) and a new Police Vehicle (\$34,000). Comm. Hennigan handed out a salary analysis that she had done. She was not in favor of the non-union employees receiving a 3% COLA increase or step plan, as she felt they were already very well compensated, and felt that the \$53,373 should be removed from the budget. If a COLA was given it should be lower than 3%. Comm. Brookes agreed with Comm. Hennigan and felt that according to the survey no increase was warranted. Comm. Allison, Comm. Aaskov and Mayor Pugh were in favor of the salary/benefit changes and felt that it was needed to retain good employees, and that it was commensurate with the duties that are performed.
- The Computer/Server Equipment with installation for both the General Government and Police Department budgets totaling \$58,355 All concurred that these were necessary expenditures.
- Salary Adjustments to Chief, Lieutenant, and Dispatchers - \$36,073 expenditure. Comm. Hennigan was in favor of the step increase for these employees, but was not in favor of a 3% COLA increase. She also felt that the Chief's salary should be \$2 - \$4,000 lower. Comm. Allison, Comm. Aaskov, Comm. Brookes and Mayor Pugh agreed with the salary adjustments as proposed.
- Add 1 Police Vehicle Minus Computer - \$32,000 expenditure. Comm. Hennigan was not in favor of an additional vehicle at this time. Comm. Allison, Comm. Aaskov, Comm. Brookes and Mayor Pugh agreed with the proposed addition of the 2<sup>nd</sup> police vehicle.
- Deduction of \$8,200 in Computer Equipment from the Police Dept. Budget - All were in favor
- Add Covered ATV for Police/Maintenance Use \$15,000 expenditure. Comm. Hennigan stated she was ambivalent regarding this purchase but the other Commissioners agreed that this expenditure was warranted

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- Maintenance Position Full Time - \$20,248 with reduction of \$3000 for Overtime, plus the realized \$5,821 for the health insurance premium. Comm. Brookes and Comm. Hennigan were opposed to this increase, they felt a full time position was not prudent or warranted at this time. Comm. Aaskov, Comm. Allison and Mayor Pugh were in favor as the town had always been maintained by 2 full-time employees. Mayor Pugh felt that it was important Ocean Ridge be proactive with maintaining Ocean Ridge and not just reactive to broken pumps, and other repairs in Town. Manager Schenck stated that the overtime was for any additional hours he had to stay over to complete a repair or project.
- Add Used Bucket Truck - \$20,000 expenditure and the added Insurance, Maintenance and Fuel for the Bucket Truck - \$3500 Comm. Brookes, Comm. Hennigan and Mayor Pugh agreed that this may not be a necessary expenditure, and felt that there could be possible liability issues. Comm. Aaskov, Comm. Allison were in favor.
- There was no opposition to the increased revenues for the Sale of Computer Equipment (\$3,000), Police Vehicle Trade In and Ford Escape Sale (\$8,000), Sale of Polaris ATV (\$500)

Comm. Hennigan moved that the \$20,000 Used Bucket Truck with the \$3500 Insurance, Maintenance and Fuel \$3500 and the \$15,000 ATV not be included in the budget. There was no Second and the Motion Died.

Comm. Hennigan moved that no 3% COLA be given to non-union employees. Seconded by Comm. Brookes.

Comm Brookes felt it was unconscionable to use 10% from the reserves to balance the budget but he also stated that it appeared that the total budget as requested was going to be approved.

Chief Yannuzzi asked to clarify that the Chief, Lieutenant and Dispatchers were also non-union employees, also that according to the Town's survey we were in the median compared to like municipalities in Palm Beach County.

Motion Denied - yea 2 (Comm. Hennigan & Comm. Brookes)  
- nay 3 (Comm. Aaskov, Comm. Allison, Mayor Pugh)

b. Adoption of Tentative Budget for Fiscal Year 2013-2014

Comm. Aaskov moved that a budget in the amount of \$5,639,526 be tentatively adopted for the 2013-14 Operating Fund. This includes a \$100,000 transfer to the Capital Projects Account. Comm. Allison seconded the motion.

Motion carried – Yea 3 (Aaskov, Allison, Pugh)  
Nay 2 (Brookes, Hennigan)

c Adoption of Tentative Millage for Fiscal Year 2013-14

Comm. Allison moved that a millage of \$5.350 per \$1,000 of assessed valuation be tentatively adopted for the 2013-14 general operating revenues. Comm. Aaskov seconded the motion.

Motion carried – Yea 3 (Aaskov, Allison, Pugh)  
Nay 2 (Brookes, Hennigan)

d. Mayor Pugh announced that the computed millage rate of \$5.35 per 1,000 is 3.64% more than the rolled back rate of \$5.1621 (+3.64%).

e Mayor Pugh announced that the date and time of the 2<sup>nd</sup> and final public hearing is established at 5:01 PM on Tuesday, Sept. 17, 2013. The 2013-14 operating and capital projects budgets and corresponding millages will be finalized and adopted at that time.

The Public Hearing Portion of the Meeting was adjourned at 6:00pm.

Regular Town Commission Meeting started immediately following the Public Hearing at 6:00pm.

The following Commissioners were present:

Commissioner Aaskov                      Commissioner Brookes  
Commissioner Allison                  Commissioner Hennigan  
Mayor Pugh

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

Comm. Hennigan questioned whether Item #16 was going to be deferred to the October Town Commission Meeting to which Town Manager Schenck recommended that it be deferred because the Engineer's report had only just been received. Atty. Spillias requested to correct the minutes of the August 5<sup>th</sup> meeting, Pg 2, under his comments "funded by the cities," to "funded by the cities not the taxpayers". He also requested to add Item #5a Inspector General Suit, and Item 8a Request for a partial lien release from their Delray Beach property.

## CONSENT AGENDA

1. Minutes of Special Town Commission Meeting of Aug. 5, 2013.

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

Motion Carried – Yea (5).

## ANNOUNCEMENTS AND PROCLAMATIONS

2. Proclamation Declaring September as "National Sickle Cell Month"

## PUBLIC COMMENT

Betty Bingham, 1 E Ocean Avenue asked if the public would be allowed to comment throughout the meeting. Atty. Spillias stated that with the new policy, public comment would be allowed at any time throughout any meeting.

Kristine DeHaseth, 29 Sabal Island Dr, thanked the commission for not raising the millage rate, but felt that the budget should have been reduced.

## PUBLIC HEARINGS

3. An application submitted by Smith and Moore Architects, Inc., 1500 South Olive Ave., West Palm Beach FL 33401, representing the owner, Andrew Abony of Ocean Dell Holdings LLC, 6273 North 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 new single family home, reflecting pool, and 5 car garage with a maximum finished floor elevation of 23.33' NGVD which would extend a maximum of 146' east of the Coastal Construction Control Line (CCCL), and also a pool and deck area which would extend a maximum of 160'3" east of the CCCL located at 6273 North Ocean Blvd. or legally described as the North 120' of the South 170' of Unnumbered Block Lying East of Ocean Blvd. Of Boynton Beach Park Subdivision (exact description available for review in the Clerk's Office)

Clerk Hancsak summarized that this request was to raise the existing structure and detached garage and construct a new single family residence and reflecting pond that will extend a maximum of 146'(+/-) east of the CCCL and a pool and deck area which would extend a maximum of 160'3" east of the CCCL at 6273 N Ocean Blvd. The 5 car garage and staff quarters are located west of the CCCL. The Town Code requires a Land Development Permit for any construction east of the CCCL. The code also requires that a public hearing be held for any work that requires submittal to DEP for formal permitting. This is not a variance request. The applicant has provided draft site plans. It appears that there is still an item (full kitchen facilities in the detached staff quarters) that may not meet all of the zoning requirements. The applicant is also requesting a FFE that is the same as the existing structure and therefore will not require a zoning variance before the Board of Adjustment. The applicants have been made aware of this zoning code and the plans must be changed prior to any letter being forwarded to the DEP. These changes should not affect this request for the maximum amount of encroachment east of the CCCL. The Commission may either approve the request contingent on DEP approval once it is verified that it meets all zoning regulations or deny it until it is verified that it meets all our land development regulations and require a continuation or a rehearing. There are no legal issues in approving this request, and there is no fiscal impact. Staff recommends approval of the applicant's request for 6273 N Ocean Blvd, contingent on acceptable zoning revisions and DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

Clerk Hancsak stated that all fees have been paid and that no additional correspondence had been received. Atty. Spillias stated that this was a quasi-judicial hearing, and those providing testimony were sworn in at this time. He asked the Commission if they had ex parte communications with the client or representatives. There was none.

Comm. Brookes commented that the draft sight plans (20 x 36) were quite bulky and detailed, and asked if the plans could have been more concise on smaller sheets. Clerk Hancsak stated that is was being discussed that permit plans be put on a CD, and in the future she could request CD's for the Commission to review.

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John Shibles, 6201 N Ocean Blvd, stated that he was an adjacent property owner and upon review of the plans he had several concerns. He felt that some variances would be required for this construction in regards to parking allowances, drainage, the reflecting pool, lack of windows, size of the septic system and the massive size of the building itself. Mayor Pugh thanked him for his concerns, but stated that this was a land development permit request only and that no permit had been applied for yet. This land development plan would be contingent upon DEP approval and meeting all of the zoning and building requirements.

Comm. Brookes motioned to approve the application submitted by Smith & Moore Architects, for 6273 N Ocean Blvd., contingent upon DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Hennigan.

Mayor Pugh suggested that Mr. Shibles meet with staff regarding his zoning concerns.

Motion Carried – yea (5)

REPORTS

4. Town Manager

Manager Schenck reported the following: 1) FDOT Discussions - we are still working on the flap gate issue to reduce the flooding on Ocean Ave during high tides. The original plans show that the pond discharge was not built in a way that a flap gate could be installed. FDOT is still reviewing the plans to find a solution. 2) Inlet Cay Batter Pile Replacement – The piles have been installed and the concrete seawall has been poured on both sides of Inlet Cay Dr. We're working with the contractor to clean up the site. 3) Inlet Cay Island – The contract for the 3 cul-de-sac improvements was awarded to Anzco Inc. in the June meeting. Bimini Cove Drive and Eleuthera Drive are now complete and they started Inlet Cay Drive today. There have been several changes in the construction discovered during the construction. 4) A1A Crosswalk at Town Hall – We received 2 bids, and Anzco was the lowest, it will be discussed later in the agenda. 5) Old Ocean Blvd Right of Way – This item will be discussed later in the agenda.

5. Town Attorney

5.a Inspector General Lawsuit

Atty. Spillias stated that he had spoken with Corbett & White, Esq. regarding representing Ocean Ridge for the lawsuit involving the Inspector General. They are currently the attorney for 5 other municipalities, and their costs are split between those towns. Their rate is \$190/hr. They did admit to him that some of their work was pro-bono which also reduced the costs to the other towns. If the Commission chose to go with Corbett & White for the lawsuit, he would withdraw and there would be a modest savings to Ocean Ridge as the lawsuit may be resolved within the next few months. Atty. Spillias also noted that the City of West Palm Beach has in-house counsel on salary and they are the lead attorneys for this suit.

It was discussed that while the \$16,000 cost already spent was high; they were unsure if the other firms had the expertise or experience that Atty. Spillias had. It may have been beneficial if we had gone with Corbett & White in the beginning, but it may not be prudent to change now; they respected Atty. Spillias.

There was a consensus to keep Atty. Spillias regarding the lawsuit against the Inspector General.

6. Police Chief

Chief Yannuzzi presented his monthly report and the monthly Boynton Beach Fire/EMS Activity Report. The police department had received 2 letters of commendation to Officer Massimino and Officer Savino.

Comm. Pugh requested that the dark graphs not be included in his police report as they were hard to read. Comm. Hennigan noted on July 19<sup>th</sup>, his report mentioned a short term rental violation and asked which property was in violation. Chief Yannuzzi stated that it was the 6011 N Ocean Blvd property. They were currently preparing a full list of the known rental properties. The CAD report lists 817 as Rental Registrations, and 810 as the Vacation Rentals less than 30 days. Clerk Hancsak stated that in October the Garbage & Trash billing will go out with the Annual Statement and will include the new Rental Registration Policy, which will then be followed up with a letter from the Town Manager.

7. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

8. Request for Lien Reductions Concerning Two Liens at 6011 N Ocean Blvd.

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8.a. Request for a Partial Lien Release from the Romano's Delray Property

Atty Spillias stated that the Romano's have approximately \$50,000 in liens owed to Ocean Ridge. They are attempting to sell their Delray property, however the liens are attached to any properties owned by the Romano's. Our lien is holding up their sale and they have asked us to release only heir Delray property from the lien. They now have a buyer for the 6011 property also, and they want a release/reduction of lien. They have funds set aside in escrow (103% of the lien amount), and await the Commission's decision. The Commission could vote to release the lien or defer it to the next meeting since the new owners or their representative was not able to attend this evening.

The consensus was for Atty Spillias to contact their attorney and have them make a formal request to the Commission for the partial release. The lien reduction request will be deferred to the Oct. 7 meeting.

9. Approval of Employee Health Insurance to Become Effective Oct. 1, 2013

Manager Schenck stated that the new employee health insurance quotes had been received and the present policy was a 13.6% increase for the 25 employees. The proposed budget only includes a 10% increase. Our agent did present 4 other policies with NHP and five other companies to compare costs and policy types. He was recommending that we keep the current policy, HSA XV-7, with \$1500 copay deductible already included in the proposed budget. The agent also presented a United Health Care dental plan. The eye vision policy is currently available, but fully paid by the employees. The employees also currently have CompBenefits Humana policy for dental coverage. This is also fully paid by the employee and at a higher rate than the proposed NHP dental plan. The 2 policies (health and dental) could be bundled together to allow for a discount and reduce the premiums on the health insurance. The vision coverage remains the same.

Comm. Hennigan motioned to approve the NHP Policy HSA XV-7. Seconded by Comm. Allison.

Motioned Carried – yea (5).

Comm. Allison motioned to approve the United Health Care dental coverage. Seconded by Comm. Aaskov.

Motioned Carried – yea (5)

10. Approval of Insurance Coverage Workers Comp, General and Auto Liability, Property, Crime by Preferred Government Insurers Trust through Milton Carpenters Insurance at a Annual Cost of \$100,910 Effective Oct. 1, 2013  
Manager Schenck stated we had received a quote from our current carrier, Preferred Government Insurance Trust. The worker's comp quote was a 14.5% reduction, and the property and liability rates were a 7.2% increase. Staff has recommended staying with Preferred Government Insurance Trust.

Comm. Hennigan motioned to approve the Insurance Coverage for Workers Comp, General and Auto Liability, Property and Crime by Preferred Government Insurers Trust through Milton Carpenters Insurance at an Annual cost of \$100,910. Seconded by Comm. Allison.

Motion Carried – yea (5).

11. Authorize a Temporary Hiring of a Dispatcher/Clerk to Fill the One Remaining Vacant Positions to be Confirmed at the October 7th Meeting

Chief Yannuzzi reported that the background investigation of Courtney Guiddy for Police dispatcher was now complete. Although she has no dispatch experience, she is bi-lingual and has excellent typing/clerical skills. Under the new state-mandated certification requirements she must attend a minimum of 232 hours of training within her first year of employment, and it can be done in house. Since she is inexperienced she is prepared to accept the position at a starting salary of \$33,133.60. The position is fully budgeted for FY 2013/2014. If approved, Chief Yannuzzi requested that it be effective October 1<sup>st</sup>, 2013. He introduced Ms. Guiddy who was present in the audience.

Comm. Brookes moved to authorize the hiring of Courtney Guiddy as a dispatcher/clerk to fill the one remaining vacant position at budgeted annual salary of \$33,113.60. Seconded by Comm. Allison.

Motion Carried – yea (5).

12. Discuss/Approve Retirement Bonus for Sgt. Eve Eubanks (originally discussed June 3, 2013)

Manager Schenck stated that during the June Commission meeting, Vice Mayor Allison made a motion to give Sgt. Eve Eubanks a bonus of \$1000 for her retirement. There was some discussion as she had not been employed for the

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20 years stipulated in the bonus ordinance. The motion was approved, however; since it was incorrectly added to the agenda, it has to be re-addressed by the Commission. A new motion would be required and another vote to approve the bonus.

It was discussed that the policy regarding retirement bonuses was for employees with over 20 years of employment and that she did not meet the criteria.

Comm. Hennigan moved to keep the policy intact. Seconded by Comm. Brookes.

Atty. Spillias advised that no motion was needed to enforce the existing policy. No motion was made to approve a retirement bonus for Sgt. Eubanks.

13. Approve an Amount Not to Exceed \$9,700 to Anzco Inc. for Emergency Repairs to the Side Walls of Inlet Cay Drive Funded from the Capital Projects Fund

Manager Schenck reported that repairs were needed to the side walls of Inlet Cay Drive. Anzco Inc. had given a quote of \$9648, to be funded from the Coconut Lane grant reimbursement that is now proposed to fund road repaving.

Comm. Brookes motioned to ratify an amount not to exceed \$9700 to Anzco Inc. for Emergency repairs to the side walls of Inlet Cay Drive funded from the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea (5).

14. Approval of the \$7,467 Bid from Anzco Inc. to Construct the Pedestrian Crosswalk Across from Town Hall and Authorize an Additional \$1,000 to Engenuity Group to Complete the Inspections and the FDOT Engineering Certification Thereby Increasing the Original Approved Expense from \$13,500 to \$15,000 from the Contingency Account

Manager Schenck stated that FDOT approved for the Town to construct a crosswalk on A1A just south of Town Hall. We've received 2 bids for the construction and Anzco was the lowest bidder at \$7467. The funds for this project will come from the present budget's contingency account. The Commission previously authorized \$13,500 from contingency for this project, and we are requesting an additional authorization of \$500 from contingency for the construction of this project. We are also requesting \$1000 additional funds for Engenuity to complete the inspections and FDOT engineering certification requirements for a total of \$1500 additional funds from the contingency account.

Comm. Allison motioned to approve the \$7467 bid from Anzco Inc. to construct the pedestrian crosswalk across from Town Hall and authorize an additional \$1000 to Engenuity Group to Complete the Inspections and FDOT Engineering Certification thereby increasing the original approved expense from \$13,500 to \$15,000 from the Contingency Account. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

15. Discuss the Options for the ROW Abutting the Four Old Ocean Blvd. Properties South of Beachway Drive

Manager Schenck stated he had contacted the 4 residents on Old Ocean Blvd, and they would be in favor of the Town abandoning the right of way but retaining a 15ft easement for future needs. The homeowner would be responsible for the maintenance of the easement and any work/change to the easement would require Town approval. If the Town removes the scavola and plant grass, our cost would be about \$8200, but if we turned the property over to the residents they will assume the vegetative costs. There is also a concern that we don't have any water at the site. A width of 20ft is needed for a utility easement or fire hydrant. As Ocean Ridge has no need for this property, Manager Schenck did not believe this transfer would be detrimental to the Town. It was also believed that the County gave these properties to Ocean Ridge.

Atty. Spillias stated that there are several options including abandonment or sale of the easement or leasing. He was not in favor of leasing the properties. Old Ocean Blvd used to be part of A1A and he would need to research how the road was dedicated to determine our options. If the property was deeded on the plat, it remains with it and it could not be sold back once it was abandoned. Comm. Brookes was concerned that this decision could set precedent of any future abandonment.

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There was a consensus for staff to research the background of the properties along Old Ocean Blvd and research possible options to be discussed at the October meeting.

Betty Bingham, 1 E Ocean Avenue, stated that if the Commission chose to abandon it, that the Town should receive the tax revenue. She also cautioned that fire hydrants require 20 ft. Atty. Spillias stated that once it goes to the resident it does increase their property values and increases their taxes.

16. Discuss the Rezoning of 5011 North Ocean Blvd.

This item was tabled to the October Meeting, however Lisa Sivitilli was present and requested to speak to the Commission.

Lisa Sivitilli, owner of 5011 N Ocean Blvd, stated that per the Commission's request, she had an engineer's report listing only minor repairs that would be needed to upgrade the 5011 Building. Manager Schenck stated that he had forwarded this list to the Town's Building Official for his review.

### RESOLUTIONS

17. Resolution No. 2013-07; Providing for Public Participation Guidelines in Accordance with Newly Adopted Senate Bill 50 Which is Codified at Sec. 286.0114, Florida Statutes, as well as General Rules of Procedure Governing the Town's Public Meetings

Atty. Spillias stated that State Legislation now required municipalities to allow public participation on any agenda item. He had prepared a resolution outlining the policy using Manalapan's format. Clerk Hancsak stated that the last item on the agenda "Commission Comments" had been changed to "Commission Items" to allow for action be taken. Atty Spillias advised that the new policy would require that anything that would require staff preparation can be added to the agenda at the beginning of the meeting, but be acted upon at the next meeting.

Comm. Hennigan noted that Deerfield's policy allowed for telephonic participation, and also allowed voting by proxy for any commission absent. She was in favor of telephonic as long as a quorum existed, to allow participation. Atty. Spillias stated that he would research, as there was case law concerning phone participation only for sudden or emergency situations. It was discussed that this policy could always be amended at a later time once it was approved.

Comm. Brookes motioned to approve Resolution 2013-07. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

18. Resolution No. 2013-08; Approving the Agreement Between the Town of Ocean Ridge and the Town of Briny Breezes for Purpose of Providing Law Enforcement and Police Protection Services

Clerk Hancsak read Resolution No. 2013-08. Manager Schenck stated that Briny Breezes had adopted the agreement through an ordinance. The term of the agreement shall be for a period of 3 years (Oct 2013 thru Sept 2016) with an annual amount of \$203,500. Subsequent years will increase by the annual CPI, plus 1.5%.

Comm. Allison motioned to approve Resolution No. 2013-08; Approving the Agreement between the Town of Ocean Ridge and the Town of Briny Breezes for the purpose of Providing Law Enforcement and Police Protection Services. Seconded by Comm. Hennigan.

Mayor Pugh thanked Manager Schenck and Chief Yannuzzi for the good job they had done to get the resolution approved. Chief Yannuzzi thanked his whole department for their team effort and hard work.

Motion Carried – yea (5).

19. Resolution No. 2013-09; Amending the 2012/2013 Fiscal Year Budget to Include a Transfer from the General Fund Restricted Fund Balance and the Unassigned Fund Balance to the General Fund Operating Budget

Clerk Hancsak read Resolution No. 2013-09. Atty. Spillias stated that the purpose of the amendment would be to issue 2 building permit refunds to the owners of 6161 N Ocean Blvd. They had applied/pulled a permit in the Fiscal Year 09/10 for a Guest House. It was not issued however, and then in September 2010 they abandoned the permit and applied for a separate permit for new construction of a single family residence. Time lapsed and they chose not to construct the home. This year, they sold the property and are now requesting a refund of permit fees and have threatened a law suit. The permit fee for the 2010 permit is \$12,580.42 and the permit fee for the 2012 permit is

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\$57,231.65. The town did incur building and engineer review costs from the reviews, and there has been a lapse of time. There has been no prior case for the Town to issue a refund. It would be at the Town's discretion to negotiate with the property owner or return the fees. Atty. Spillias recommended that the Town take no action at this time, and he would have his recommendation at the October meeting.

There was a consensus to table this item to the October meeting.

Meeting adjourned at 7:58pm.

Attest By:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor Pugh

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

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Commissioner Allison

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Commissioner Brookes

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Commissioner Hennigan