

REGULAR TOWN COMMISSION MEETING HELD FEBRUARY 2, 2015

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 2, 2015, at 6:00 PM 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 Bonfiglio
Commissioner Allison Commissioner Lucibella
Mayor Pugh

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Town Clerk Hancsak clarified that the minutes on the website and distributed in their packets contained a few minor amendments than those originally sent out as the draft.

Atty Spillias requested to add Item 6a – Request for an Attorney/Client Meeting regarding Case #50-2015-AP-900003-AXXX-MB Malchuski vs Town of Ocean Ridge and also an Item – Consideration of a Town Attorney Contract under Item #15 - Succession Planning.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of January 12, 2015
2. Minutes of Special Town Commission Meeting of January 15, 2015
3. Minutes of Special Town Commission Meeting of Jan. 28, 2015

Comm. Allison motioned to approve the Consent Agenda and Amended Agenda. Comm. Aaskov seconded the motion.

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Feb. 16th, 2015 for the Official Holiday.
3. 2015 Municipal Election/Eleccion Municipal 2015
 - a. Proclamation for Election Held on March 10, 2015/Proclamacion para eleccion sostenida el 10 de marzo de 2015
 - b. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada
 - c. Candidate Filing Dates run noon January 27, 2015 through noon on February 10, 2015/Las fechas de la clasificacion del candidatos recorren mediodia 27 de enero de 2015 de mediodia del 10 de febrero de 2015

PUBLIC COMMENT

Zoanne Hennigan, 91 Island Drive South, reminded the Commission of the importance of annual evaluations for the staff, including the Town Manager. She was advised that the Town Manager evaluation process would be discussed under Item 15 and that the evaluation forms were being distributed at the end of this meeting.

Terry Brown, Harbour Drive, suggested the possibility of enacting an ordinance that would permit golf carts on the road. He also commented that the Town's Charter defined the responsibility of the Commission as purely legislative in nature, including the Mayor, and that it should be reviewed to determine on who can speak with whom and to what extent so as not to violate the Sunshine Law.

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Tom Ambrose, 10 Hudson Ave., 25 year resident, thanked the Town for repairing the protective caps on the crossover at Edith Street. He suggested inspecting the other crossovers for necessary repairs. He also mentioned that the wood street signs are getting weathered and needed maintenance or replacement.

PUBLIC HEARINGS

None

REPORTS

5. Town Manager

Manager Schenck reported the following: 1) Eleuthera Drive Drainage Improvements - the drainage improvements are complete, however; there have been problems with the utility lines in the cul-de-sac being higher than were supposed to be and needed to be moved, thus increasing the time and cost. The road has been raised and repaved. Matching the road with the driveways and lawns is requiring more fill. A requested Change Order is later in the agenda 2) Spanish River Drive – water is ponding, and we have also discovered a broken storm pipe. We are analyzing the best way to solve the problem. 3) FEMA Flood Maps – FEMA is still reviewing our maps, however; the Town is requesting that they remove an additional 80 properties from the flood zone. They have agreed to look at it for their major study but we would like them to make the changes in the present study. 4) Town Hall Utility and Access Easement – Mr. Swaim is still working with the regulatory agencies. 5) PBA Contract Negotiations – The scheduled meeting was cancelled and has not been rescheduled. 6) LPR Cameras – We are waiting for their new City Manager to determine his interest in the camera system. 7) Beach Signs – The signs have been sent to the manufacturer. 8) Florida Population – The 2014 Florida population numbers are developed by the University of Florida for the purpose of State projections and revenue remittances. They report that Ocean Ridge, as of April 1, 2014, had a population of 1,780 (a reduction of 6 from the 2010 census).

Comm Allison questioned the delay regarding PBA negotiations to which she was advised that staff is waiting for the PBA to reschedule. She also clarified that the LPR camera project would still involve Chris Yannuzzi and also Lt. Hutchins.

6. Town Attorney

- a. Request for an Attorney/Client Meeting regarding Case #50-2015-AP-900003-AXXX-MB Malchuski vs Town of Ocean Ridge

Atty Spillias advised that he recently received notice that Ms. Malchuski has filed an appeal concerning the Dog on the Beach citation and he suggested an Attorney/Client Meeting in order to discuss the settlement negotiations or strategy related to litigation expenditures. The consensus was to schedule an Attorney/Client Meeting for Wednesday, Feb. 11, 2015 at 8 AM.

7. Police Chief

Lt. Hutchins advised the report had been distributed and he was available to answer any questions. The consensus of the Commission was to remove the numerical portion of an address from future reports. Atty Spillias clarified that if the report is supplied with the address included then that is the method that needs to be available for a public records request.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2013/14

Ron Bennett, Nowlen, Holt & Miner, thanked the Commission for allowing their firm to serve Ocean Ridge. The purpose of the audit was to render an opinion on the financial statements and submit 2 reports

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and a management letter with all the required comments. There were no notes or findings to report and he added that this doesn't happen often among municipalities. He thanked the management and staff for their help and assistance during the audit. He presented a bar chart showing the financial highlights of Ocean Ridge's Revenues and Expenses for the past 5 years. He advised that there were few variations and it shows that Ocean Ridge was consistent showing incredible stability.

Comm. Lucibella asked if specific funds were assigned for Capital Projects. Mr. Bennett explained that that the Fund Balance had 4 categories: 1) Unassigned – available funds. 2) Assigned – Town set aside for specific use. 3) Restricted – legally restricted and considered not available. 4) Nonspendable funds - Assets. Ocean Ridge has 45% of unassigned funds which he considers an acceptable level for risk tolerance. He feels that municipalities should have between 25% - 50%, and with Ocean Ridge being on a barrier island our funds need to be easily accessible in the event of a storm. Mr. Bennett also mentioned that governmental budgets usually utilize reserves to balance the budget but a municipality shouldn't accumulate much more than they feel they need and when they do that is when a portion of it should be utilized. Mr. Bennett stated that most people only think of auditors at year-end; however they were available to the Commission or staff all year long.

Comm Bonfiglio stated that he felt the staff did a good job budgeting to which Mr. Bennett stated he felt the Town did an extremely good job and the revenues and expenditures were very close to a match. Comm Lucibella stated that he felt there is a consistent surplus built into the budget process. Clerk Hancsak mentioned that the majority of the \$244,000 of unexpended Law Enforcement monies was the result of not having full staff, which in turn reduces the salary and all associated benefit costs.

Comm. Bonfiglio motioned to accept the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2013/14. Seconded by Comm. Lucibella.

Motion Carried – Yea (5).

10. Request for Release of Unity of Title for Lot 6A Charles D Owens Subdivision (5903 N Ocean Blvd.) and Lot 5, Blk 6, Boynton Sub Amended Subdivision (Dune Parcel) By: Kenneth Kaleel, Atty Representing Tim and Kimberlee Marshall, 5905 & 5903 N Ocean Blvd.

Ken Kaleel, attorney representing Mr. and Mrs. Marshall, 5905 and 5903 N Ocean Blvd., stated that his clients were requesting a Release of Unity of Title for 5903 N Ocean Blvd. and a dune parcel. He stated that the joined properties contain another lot in between them and therefore the Unity of Title was recorded incorrectly in 2013. He stated that his client was requesting the release because they are planning on transferring the dune parcel to the 5905 N Ocean Blvd. legal description. He stated that during review with staff it was discussed whether dune crossovers should be considered as accessory uses or structures at all, but that should be a matter later discussed with the Town Attorney.

Atty Spillias stated that staff met with Mr. Kaleel and agrees that there may be an ambiguity in the code and that dune crossovers were always interpreted as an accessory structure. He stated that the code could possibly be amended to define accessory uses more specifically or easements, however; he recommended Release of this Unity of Title.

Comm Aaskov moved to approve the Release of Unity of Title for Lot 6A Charles D Owens Subdivision and Lot 5, Blk 6, Boynton Sub Amended Subdivision. Comm Allison seconded the motion.

Motion carried – yea (5).

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11. Further Discussion on Possible De-Annexation of 5011 North Ocean Blvd. (Deferred from the Jan. 12 Meeting) By: Rob Sivitilli, representing property owner

Comm. Aaskov asked if she had to recuse herself. Atty. Spillias stated for the purposes of discussing de-annexing on a broader scale beyond her individual benefit in this instance it was not necessary. He advised that if the conversation got too specific he would advise differently.

Mr. Weiner, attorney representing the Sivitillis', advised that after additional research he felt the de-annexation could be presented to the legislature in January of 2016. He stated that they have received many positive statements from Briny Breezes but they are still awaiting the Briny Breezes Corporation input.

Mayor Pugh stated that he was concerned that this de-annexation request may set a precedent for adjacent properties to do the same. Atty Weiner stated that he did not believe so, citing the history of this one piece of property (since 1969) and the fact that this particular request will go directly to the State legislation. Mayor Pugh also questioned the benefit to Ocean Ridge to de-annex to which Atty Weiner advised that the general policy adopted in 1969 was to phase out commercial and this property is different because it is a mixed use and will remain as a mixed use. He added that the Sivitillis' have owned the property since the 1980's and have been good landowners and want to spend a lot of money to improve the property and keep the current services for the surrounding residents. Mayor Pugh stated that he was also concerned with the Town losing control of the property and the effect it may have on the homeowners behind it.

Comm Bonfiglio reiterated his concern that the current code violation was still not being addressed and it will probably be 18 months before there is final resolution. He cited that he did not see a benefit to the Ocean Ridge residents, he questioned if the property would be improved under Briny Breezes control, and there would also be a loss of tax base revenue. He added that several other buildings in the area are still vacant.

Comm Lucibella stated that he would like to be informed on Briny Breezes code and what would be permitted vs not permitted. He added that if the Town gives up the revenue and another municipality permits commercial then Ocean Ridge would be in the same position. He questioned why the Town should contemplate the de-annexation because we would lose control of property and its use.

Speaking from the audience, Dr. Terry Halshill, 5011 N Ocean Blvd. and J.P. Ross, Midlane Road, both spoke in favor of continuing the mixed use for the 5011 Building, whether under the control of Briny Breezes or Ocean Ridge. They believe the improvements will be attractive and keeps some local services, such as the Barber Shop, available to the surrounding residents.

Gerry Magruder, 9 Ridge Blvd., mentioned a prior meeting several years ago that took place in Delray Beach regarding the proposed multi-story condominiums/stores in Briny Breezes attended by then Mayor, Ken Kaleel. She advised that at that meeting Mr. Kaleel made a point of advising those present that there was no commercial in Ocean Ridge and that the 5011 Building would be phased out through the grandfathering clause.

Ken Kaleel, 86 Island Drive So, advised that he remembered the meeting and added that at that time the Sivitilli's were planning on converting the building into 3 townhouse units, citing that it was fine then but not now, and he doesn't know what changed. He felt de-annexing didn't make sense because it does not benefit the Town and we are still left with the same situation. He added that if the Town was contemplating permitting mixed use then the immediate area should be considered for commercial. He felt input from the residents was needed and the plan should be thoroughly researched and well planned

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out. He concluded by stating the Town should encourage redevelopment but he was not in favor of a singular zoning change or de-annexing.

Terry Brown, Harbour Dr, agreed with Ken Kaleel, adding that a small fishing village concept could be extremely nice for the Town. He also stated that there should be concern about the lobbying for this bill because no one knows what future lobbying may be done due to what they may envision for the area.

Kristine de Haseth, Sabal Island Dr, felt that de-annexing should only be considered if the Town had a legal binding agreement that included: repaying the Town for all past incurred costs, funding the entire cost of the de-annexation, and require that the improvements be completed prior to January 2016. She still questioned what the Town was considering, such as, spot zoning, a comprehensive plan amendment or de-annexation.

Rob Sivitilli, Fayette Drive, commented that no referendum would be required, the legislation session was moved from March 2016 to January 2016, and if the County Legislators advise that both municipalities are in support of the local bill it should be approved. He added that if there is not support from either the Town, Briny Breezes or the County Legislators then they would concede. He added that their original agreement included converting to 3 townhouse units, however; it was not economically feasible now. He stated that if they could stay in Ocean Ridge with their current use they would complete the renovations and place deed restrictions on the property.

Zoanne Hennigan, 91 Island Drive South, stated that this topic has dragged on and she agreed with Comm Bonfiglio's comments.

Stella Kolb, 205 Beachway Dr, felt the Town should enforce the decision they already made and felt that the Town has more than accommodated the Sivitillis.

Comm Allison acknowledged that the community is very mixed on this issue. She stated that if the renovations occurred the south end of Town would see a quaint charming area.

Comm Aaskov stated she has rented in the 5011 Building for 28 years and she would love to see renovations completed. She felt that Briny Breezes will not agree to the annexation unless Ocean Ridge agrees to de-annex. She added that Briny Breezes new comprehensive plan allows for a commercial strip across from the 5011 Building but she felt it would be ideal to approve the mixed use through grandfathering and require the renovations to be completed.

Comm Bonfiglio asked Atty Spillias if this request can cause a ripple effect of other requests and he was advised that theoretically yes but de-annexing is very rare between municipalities. Atty Spillias also commented that the Town is unsure what Briny Breezes' expectations are and suggested a possible joint meeting with the Briny council or Briny Attorney. He stated that both Towns would need to see precisely what the plan is, the Briny Breezes codes, covenants running with the land, and then there could be a possibly be an agreement between both Towns if desired.

Atty Weiner advised that if he can get some support at this meeting he can address some of the concerns with restrictions and covenants. He suggested the Commission provide input to the Town Attorney which in turn can be forwarded to him.

There was a consensus that Atty Weiner present a more definitive plan at the next meeting.

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12. Discuss All Aboard Florida Train Program (Deferred from the Jan. 12th Meeting)

Atty Spillias disclosed that his firm represents the All Aboard Florida Train concerning land use issues and therefore he cannot answer questions.

Mr. and Mrs. Lundquist both provided a brief summary on the program and the effects it would have on Delray Beach, Boynton Beach and neighboring communities. Some of the facts presented included: the ultimate route is a 235 mile corridor (with Phase I from Miami to West Palm Beach), and 32 passenger and 20-30 freight trains per day with speeds up to 60-79 mph. They felt the projections were incorrect and the project was more about increased freight traffic to accommodate freight from Panama. Some of the concerns to the Ocean Ridge residents included: negative effect to life/safety issues, noise problems, decreased property values, more public subsidized real estate, pedestrian crossing issues, and travel through environmentally sensitive areas. They suggested that the Town write a letter in opposition of the project and encourage adjacent communities to do the same.

There was a consensus for the Town Manager to draft a letter outlining the Town's grave concerns regarding the All Aboard Florida Train Program of not being informed publicly on a project that can significantly impact the barrier island communities, to be forwarded to John Winkle and Kathryn Dobbs of the Federal Railroad Administration and Governor Scott, for approval at the March 2, 2015 meeting.

Terry Brown, Harbour Dr, stated that he was a member of the Metropolitan Planning Organization (MPO) and suggested that Kim Delaney be invited to provide a brief presentation regarding the project.

13. Authorize \$15,000 from the Contingency Account for the Maintenance and Regrading of the Woolbright Detention Pond

Manager Schenck summarized his memo by stating that it has been approximately 10 years since the pond had major cleaning and regrading. Aquagenix has been overseeing the pond with regular vegetation monitoring since it was completed. The vegetation on the south side needs to be removed or cut back because it is inhibiting proper flow from the discharge pipes into the pond. The proposed work will also include regrading of the northern part of the pond and regrading of the berm around the discharge area at the northwest corner. He stated the repairs are necessary for the pond to function as designed. He recommended approving \$15,000 from the Contingency Account to Aquagenix to complete the additional work.

Comm Allison questioned if plans and specs are necessary to which the Town Manager advised that the cost would be higher if put out to bid and Aquagenix has consistently maintained the site.

Comm. Bonfiglio motioned to authorize a \$15,000 expenditure to Aquagenix from the Contingency Account for the Maintenance and Regrading of the Woolbright Detention Pond. Seconded by Comm. Allison.

Don Magruder, 9 Ridge Blvd., questioned why there was algae build up if it has been maintained for the last ten years. Manager Schenck stated that the pipes were south of the proposed improvement area and this maintenance would keep the vegetation clear and the regrading would stop the saltwater from coming into the pond.

Mayor Pugh asked if a red valve could be installed to which Manager Schenck advised that the pipe was too large and it would be rather expensive. It was suggested that the maintenance contract be more precise to clarify future maintenance.

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Motion Carried – yea (5).

14. Authorize Amount Not to Exceed \$5,000 to Bridge Design Associates to Prepare Plans and Specifications to Rehab the Sabal Island and Inlet Cay Bridges for Safety Issues to be Funded from the Capital Projects Fund

Town Manager Schenck summarized his memorandum by stating that FDOT has inspected the two bridges for safety issues. While they are in good shape, there are some areas where there is some erosion of the steel and concrete that should be repaired to prevent additional deterioration.

Manager Schenck requested that Bridge Design Assoc. submit a proposal to prepare bid plans and specifications to rehab the bridges. The repairs will include those needed on the bridge structures themselves and the grouting and stabilization on the north/south wing walls due to erosion. The proposal is \$2,500 for each bridge. We will have an estimated construction cost once the plans/specs are complete in order to bid the project. He was recommending approving \$5,000 for Bridge Design Assoc. to prepare the plans/specs to be funded from the Capital Projects Fund. As the project was not anticipated, funds that were designated for paving will be utilized.

Mayor Pugh questioned how often the bridges are inspected to which he was advised the last inspection was probably 3 years ago.

Comm Bonfiglio moved to authorize an expenditure not to exceed \$5,000 to Bridge Design Assoc. to prepare the plans/specifications for the Inlet Cay and Sabal Island Bridge Repairs to be funded from the Capital Projects Fund. Comm Allison seconded the motion.

Motion carried – yea (5).

15. Discuss Succession Planning

Comm Lucibella mentioned that this item involved several items, one of which included replacing Town Clerk Hancsak, who he felt was the current institutional memory of the Town. He stated the search should begin 6 months prior to her departure. He stated that an important aspect of her job was the budget process and her replacement should be involved with the budget process. He stated that he reached out to FAU and questioned whether the Town was interested in a preceptorship with a student, citing that the budget can be documented and analyzed with recommendations. He mentioned the police budgets of several small communities and mentioned that the comparative services should be analyzed. Comm Allison thanked him for the outreach and stated that the Town Clerk should start documenting various aspects of her job and agreed there should be an overlap with any new employee which will affect the budget.

Town Clerk Hancsak stated that the Commission needed to determine whether the job duties and description for the Town Clerk and Town Manager will be revised, citing that in many small communities the Town Manager is usually a Finance Director/Town Manager position and most, if not all, Town Clerks do not handle finances. She added that governmental budgets would be familiar to most experienced finance personnel.

Comm Bonfiglio and Comm Allison commented that the replacement process may include also restructuring from within and also during the rehiring process because of the various duties currently being performed.

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Town Manager Schenck reminded the Commission that the Town Clerk also handles the majority of the planning and zoning issues and that too should be taken into consideration.

Comm Lucibella questioned the possibility of outsourcing the finance department.

Terry Brown, Harbour Dr, commented that Town Clerk Hancsak can be hired on a contractual basis through a private company after her retirement.

Zoanne Hennigan, 91 Island Dr So, stated that while this discussion of revising job descriptions is an awkward scenario she felt that the overall office and job functions should be reviewed. She agreed that most other municipalities have different roles than our employees. She added that she was not in favor of outsourcing finance.

Don Magruder, 9 Ridge Blvd., suggested that the Town Clerk and Town Manager suggest various ideas regarding her replacement.

The consensus of the Commission was for the Town Clerk and Town Manager to present various ideas regarding the Town Clerk replacement and/or restructuring.

The Town Manager's evaluation process for March 2nd was discussed at the end of the meeting.

Regarding the consideration of a Town Attorney contract, Atty Spillias commented that he had discussed the idea of changing his current contract status to an in-staff attorney status. He distributed a document titled Proposed Terms of Employment for a one year contract. He stated that he had worked with the Town Clerk concerning the financial terms in order to remain lower than the existing legal budget. He stated that the proposal would be a benefit to the Town because he could focus on one client, especially considering the transitions taking place now and within the next year. He stated that he felt he could be totally available within 2-3 weeks as he was planning on retiring from his firm, which currently serves the Town at will, and this one year proposal could work with the possibility of an extension.

Comm Lucibella stated that he has worked with Atty Spillias since 1999 and he could not imagine better representation for the Town and moved to accept his proposed terms and instruct that a written document be created. Comm Aaskov seconded the motion.

Mayor Pugh stated that he felt hiring Atty Spillias on staff would assist the Town greatly, especially with the future application and review process for both the Town Clerk and Police Chief positions. He stated he was very proud that Atty Spillias selected Ocean Ridge as his one client.

Zoanne Hennigan, 91 Island Dr So, questioned the total salary to which she was advised \$90,000 (approximately \$106,000 with benefits). She commented that she felt it was unusual to have an embedded attorney and added that she felt it would be easier to make changes if necessary with an outside source. Regarding the assistance with the application/review process she stated that there were residents that would have assisted free of charge.

Terry Brown, Harbour Dr, commented that although Atty Spillias did a wonderful job, he felt he should work at will without a contract. He also mentioned the package includes the extra cost of the Florida Retirement System.

Comm Bonfiglio stated that the Florida Bar Association recommends that there be written agreements or contracts. He added that he felt the \$106,000 was a wise expenditure. Atty Spillias suggested that the Town duplicate the proposed terms into a letter, similar to that of the Town Manager.

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Motion carried – yea (5).

16. Ratify Interim Police Chief Appointment

Town Manager Schenck stated that Lt. Hal Hutchins was appointed as acting Police Chief through March 1, 2015 in Chief Yannuzzi's absence. As Chief Yannuzzi will no longer be employed by the Town after March 1, 2015 he proposed appointing Lt. Hutchins as interim Police Chief until such time as the Commission approves a permanent Chief. He recommended approval.

Comm Aaskov moved to approve the appointment of Hal Hutchins as Interim Police Chief effective March 2, 2015 with a salary adjustment approved at the March 2nd meeting. Comm Allison seconded the motion.

Lt. Hutchins assured the Commission that he would try to have the department run as smoothly as possible through the transition and was open to the salary discussion at the next meeting.

Motion carried – yea (5).

17. Approve Change Order #1 (typographic error discovered – actually Change Order #2) for the Eleuthera Drive Drainage/Paving Project in the Amount of \$22,943 to be Funded from the Capital Projects Fund

Town Manager Schenck provided the Commission with a list of additional costs for this project and advised that the staff, engineer, and contractor have worked together throughout the project and he and the engineer felt the costs were legitimate. He stated that the underground utilities weren't supposed to be there and the utility companies would have to move their lines, so the Town got approval to move them. He stated coordinating the driveways and lawns have been a constant problem because of raising the road 1+ feet which led to several unknowns. He felt the project provide the desired improvements to the drainage on the street. He felt the additional cost of \$22,943 was justifiable, citing that the total project was still \$20,000+ less than the next original bidder.

Comm Bonfiglio questioned if the utility companies could be forced to repay the Town for the utility line relocations. Manager Schenck advised that the lines were not buried as deep as originally thought and for them to relocate the lines would have taken a lot more time. The companies agreed to permit the Town to move the lines.

Comm Bonfiglio moved to approve the Change Order in the amount of \$22,943 to Anzco, Inc. to be funded from the Capital Projects Fund. Comm Allison seconded the motion.

Motion carried – yea (5).

Mrs. Mesritz, 105 Bonito Dr, clarified that the process for the demolition for 110 Bonito Dr. has started.

Regarding the Town Manager's evaluation for March 2nd, Comm Lucibella commented that he was opposed to a public evaluation, adding that most small businesses do not perform evaluations. He stated that the Town Manager should already be aware of his performance and the Commissioners should discuss any concerns with him at any time. He also stated that the Town Manager and Commission are aware that a motion can be made at any time to separate if a Commissioner felt it necessary.

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Comm Allison disagreed and felt the public setting was the only way to determine other Commissioners input regarding his evaluation. She added that she felt Manager Schenck's performance improved after his prior evaluations.

Comm Bonfiglio questioned the point of the evaluation when Manager Schenck will be retiring soon.

Mayor Pugh reminded the Commission that the evaluation was an issue regarding the Chief and if that is the policy then a motion should be approved for any changes.

Comm Lucibella moved to withdraw the public portion of the annual evaluation for the Town Manager, seconded by Comm Aaskov.

Mr. Magruder, 9 Ridge Blvd., stated that evaluations are key in his workplace environment and questioned whether the evaluations could be provided to the Mayor to discuss with the Manager. Atty Spillias stated that could not be done. Mrs. Magruder suggested the Town Manager complete his own evaluation to be shared with the entire Commission, who in turn would complete their own evaluation.

Mayor Pugh commented that it was incumbent on the Commission to continually discuss any concerns with the Town Manager and felt the public evaluation does not change his job performance. He added that he was not a fan of public evaluations.

Atty Spillias commented that some cities perform the written evaluations and then ultimately have a meeting to discuss them collectively. He advised that the Commissioners individual written evaluations/comments could not be distributed until the meeting. Clerk Hancsak reminded the Commission that any written evaluations/comments would become public record.

Zoanne Hennigan, Island Dr So, stated that she felt the evaluation must be done at a public meeting in order to be aware of the other Commissioners concerns or accolades. She added that she felt every employee should be evaluated and his form identifies key criteria in what the Commission wants and expects from a Town Manager. She also stated that she was concerned that the Commission may be shying away from the public evaluation because of various issues that have been expressed.

Comm Lucibella stated what while he respected Mrs. Hennigan's comments he felt that although they may receive a satisfactory evaluation on paper it does not include all of the concerns that may have been expressed verbally during the year, which can ultimately be a problem in the future.

Motion carried – yea (Lucibella, Aaskov, Bonfiglio, Pugh)
Nay (Allison)

Meeting Adjourned at 9:45 PM.

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella