

Public Hearing/Special Town Commission Meeting of the Town of Ocean Ridge held on Wednesday, July 21, 2015 at 8:30 AM 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 Bonfiglio
Commissioner Allison	Commissioner Lucibella
Mayor Pugh	

## PUBLIC HEARING

An application submitted by Kenneth Kaleel, Esp. 54 NE 4<sup>th</sup> Avenue, Delray Beach, FL 33483, representing the owner, Immo Francois Marcil, Inc., 5001 Old 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 seawall adjacent to the existing seawall that will extend a maximum of 256.16' (+/-) east of the Coastal Construction Control Line (CCCL) located at 5001 Old Ocean Blvd. or legally described as Palm Beach Shore Acres Blk A,B, & Z Pt of Lots 19 & 20 Blk A Lying East of & Adjacent to Old Ocean Blvd. R/W in OR18753P1269 A/K/A southerly 120' of Lot 54 Blue Ocean Sub Unrecorded (exact description available for review in the Clerk's Office)

Clerk Hancsak read the application. She stated that no additional correspondence had been received, and that all fees had been paid. She summarized the request advising the plan was to construct a new seawall adjacent to the existing seawall that will extend a maximum of 256.16' (+/-) east of the CCCL at 5001 Old Ocean Blvd. The Code requires a Land Development Permit for any construction east of the CCCL and that a public hearing be held for any work that requires submittal to DEP for formal permitting. This is not a variance request. The Commission had already approved a Land Development Permit for the 3-story plus lower level garage duplex to replace the existing 6 unit structure. The applicant did not include the seawall at the time of the original submittal. The applicant has provided draft site plans. Upon preliminary review it appears that all of the zoning requirements have been met, and as they will be utilizing the same finished floor elevation they will not need to seek a zoning variance. There are no legal issues in approving the request. Staff recommends approval of the applicant's request contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

As this was a quasi-judicial hearing, Atty. Spillias advised that anyone who would be giving testimony must be sworn in at this time. Comm. Bonifiglio stated that he had seen the property but he had not spoken with anyone.

Ken Kaleel, attorney and representative of the owners of 5001 Old Blvd stated that this request was to rebuild the seawall, their engineer was also present if there were questions.

There was no public comment.

Comm. Bonfiglio motioned to approve the applicant's request for 5001 Old Ocean Blvd contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

## ACTION ITEMS

1. CONSIDERATION OF THE 2015-2016 PROPOSED BUDGET

## SPECIAL TOWN COMMISSION MEETING HELD JULY 21, 2015

Town Manager Schenck stated that the proposed 2015/2016 General Fund Budget will require \$319,641 from unappropriated funds to balance the GF budget. This includes a proposed \$180,000 transfer to the Capital Projects Fund. To balance the budget as proposed, it would require a tax increase with a millage rate of 5.749. This would be a 13.0% tax increase which equates to an additional \$200 a year for a \$500,000 home. The fiscal year 2015/2016 General Fund Expenditures have an increase of \$402,631 over last year (not including the \$180,000 transfer). Personnel costs account for 45% of the budget and operating expenses (majority being the 2 loans and the fire/ems contract) account for 40%. The upcoming year's budget also focuses on continuing on-going projects including storm-water improvements, road and drainage pipe repairs, landscape maintenance, building & zoning contract and maintaining the town's current level of visibility for public safety.

This year's preliminary budget maintains last year's millage rate of 5.350 or a 5.34% increase over the rolled back rate. The reduction in property values several years ago has resulted in an annual loss of revenue of about \$740,000. The rolled back rate based on this year's property values is 5.0787. If we were to use this as our budget rate instead of the 5.35 we would need an additional \$217,177 to balance the budget or a total of \$536,818. This includes the \$180,000 for capital projects.

Manager Schenck reported that the cost for landscaping maintenance is based on the renewal contract with Chris Wayne & Assoc. and the cost is staying the same. This budget also includes \$31,992 for various landscaping projects. The budget includes the cost for noseem spraying at a cost of \$65,000. This increased due to the increase in homes and condos serviced. There is currently a Beautification Reserve Account that has an approximate balance of \$115,267. The funds in this account are not part of the general budget. It is proposed to utilize \$5000 from this fund to match the Garden Club for Town Hall upgrades.

Most of the major stormwater issues have been addressed and the necessary construction completed. A major project proposed for the current year is a drainage project to connect the Villas of Ocean Ridge to the Town system and may continue into the 15/16 year. The cost is an estimated \$50,000 and would be funded in the Capital Projects Account. The Staff has budgeted \$35,000 for storm drainage, professional and maintenance services, road maintenance, and repairs. The Public Works budget includes a golf cart for cleanup patrol for \$2500 and a new lawnmower for \$3500 to replace a 10 year old mower that is becoming a maintenance problem. The Town had previously applied for and received approval for \$7,006,817 in State Revolving Fund Loan monies for the various stormwater drainage improvements. The term of the loan is for 20 years with semi-annual payments. The yearly payment amount is \$467,943.68.

There are a few capital projects anticipated for this year. This includes the Villas of Ocean Ridge drainage connection which was budgeted in 2014/15 but may carryover. The \$180,000 in this year's budget includes \$100,000 for revitalization of the street paving program and \$80,000 for the first half of the new radio equipment that allows the police to work with County. The remaining \$80,000 will be included in next year's budget. The County hasn't picked a vendor yet so the exact cost and timetable are not known.

Engenuity Group is requesting a 5% increase in their hourly rate. It has been 5 years since they have received an increase. We are budgeting \$50,000 for a full year of Town Engineer services, \$25,000 for building permit review, \$2000 for GIS and \$8000 for NPDES.

In regards to Law Enforcement we have signed a 3 year contract with the Police Union in effect through September 2017. The police budget has \$136,992 in requests for capital items: \$117,000 for 3 new equipped vehicles, and \$9247 for an ATV, replacement computers and a laser gun. We are in the 2<sup>nd</sup> year of a 3 year agreement with the Town of Briny Breezes for Police Services at a fee of \$213,145/year. The approved contract includes future increases based on 1.5% plus CPI. The CPI for this fiscal year was -.4% so the increase was actually a 1.1% increase.

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Manager Schenck reported that we had contracted with the Boynton Beach Fire Department in Oct 2004 for Fire/EMS Contract Services. Over the last 12 years, the contact has increased from \$655,296 to \$1,018,128 for this Fiscal Year 15/16 based on a 4% minimum increase per the contract. This contract expires in September 2016. Manager Schenck has spoken with neighboring municipalities regarding starting a new Fire District that would include 3 Stations from Gulfstream to Manalapan. Delray Beach may go with Palm Beach County and there is talk that Boynton Beach will be considering it also. Both Gulfstream and Manalapan have budgeted funds for a consultant to research the costs to develop a new fire district. They have asked Ocean Ridge to contribute towards the consultant fees. It was discussed that it would greatly benefit Ocean Ridge when we renegotiated the contract with Boynton Beach, but also investigate an alternate choice for Fire/EMS Services.

Manager Schenck stated that we have not received quotes regarding the health or liability insurance (expected in August) but have estimated a 20% increase and 5% respectfully. He added that the budget includes a 2% merit increase to those employees that are topped out and up to 5% for those employees not topped out (both based on their anniversary dates). He stated that this Fiscal Year includes 27 pays instead of 26 (an additional \$81,000+). He also noted that all highlighted requested items were included in the budget and could be discussed in more detail at the summary of each department.

Manager Schenck reported that we had received \$128,678.41 for the liens on 40 Hibiscus. He proposed to remove the 3 proposed police vehicles from the budget and purchase them this fiscal year instead.

### Revenues

Town Clerk Hancsak briefly summarized the revenues and reminded the Commission that the ad valorem revenue reflected an increase of \$293,919 from the prior year. This is based on a property tax levy of 5.3500 per \$1000 (same as current year) of assessed valuation. The rolled back rate for this year is 5.0787. She added that the Garbage/Trash revenue in the amount of \$302,000 reflects charging the residents a Single Family Rate of \$231.00 and a Multi-Family Rate of \$161.70 and the remainder is administrative fees. These are the same rates as last year, although there was a \$.01 decrease in the cost per unit. The estimated revenues for Building Permits are increasing from \$120,000 to \$200,000 as we are expecting 8-10 new single family homes next year. This will also increase our Building & Zonings costs for the increase of inspections that will take place next year. Clerk Hancsak concluded by stating that the \$5,991,770 in revenues supplemented by \$319,641 from reserves will balance the proposed budget based on a millage rate of 5.35. She then explained the Summary of Expenditures, the Personnel Expenses and Total Budget Review pages.

### Town Commission

The slight decrease in Florida State Retirement rates (7.37% to 7.26%) and an increase in the E & O Insurance (\$4,000) or 19.8% accounted for the increase in this department. The Town also received a lower bid however, the deductible would have increased to \$75,000 and the Town was waiting on their final decision on coverage regarding Comm. Lucibella.

### Town Manager

This department increased slightly: 27 pays instead of 26 pays, the personnel costs reflect a 2% merit increase, \$7,200 vehicle allowance, a Florida Retirement System contribution rate of 7.27% (\$7,843 in the ICMA account), 100% of the health insurance premium with a 20% estimated increase and 3 months remaining of the approved \$1500 2015 calendar year deductible and 9 months of a \$1500 2016 deductible, dental coverage (\$192) and vision coverage (\$84). The Operating Supplies for Gas and Oil is based on an estimated \$4 per gallon for fuel. No overlap has been budgeted, however \$23,550 was budgeted for the approximated payout for the retiring Town Manager.

### Town Clerk

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This department increased from the prior year due to 27 paychecks instead of the normal 26 and also with the anticipated overlap of salaries due to the retirement of the Town Clerk. The personnel costs include a 2% merit increase to the Deputy Town Clerk and Receptionist/Clerk and a decrease to the FRS contribution rate from 7.37% to 7.26%, and an increase from 12.28% to 12.88% for the DROP contribution rate for 4 months for the current Town Clerk. Monies are also budgeted for the estimated final payout to the retiring Town Clerk consisting of retirement bonus as per Resolution 2011-22 and sick and vacation payouts. The Life & Health Insurance reflect 100% of the premium (with a 20% estimated increase), 3 months remainder of the approved \$1500 2015 deductible, 9 months of a \$1500 2016 deductible, dental coverage (\$1344) and vision coverage (\$280) (based on 3 employees for 12 months and 1 employee for 4 months).

### Town Attorney

The Professional Services account reflects a 5 month partial salary for the in-house attorney and 7 months contractual service based on a \$7000 monthly retainer. A \$205/hour blended rate is still budgeted for anything not included in the retainer costs. The Special Counsel Account remained the same (\$25,000) to adequately cover any future items such as: PBA union negotiations and Inspector General Suit costs. Expenditures for permit review (\$1000) are offset by the building permit revenues. \$5000 is included in printing/binding for code supplements.

There was a discussion concerning hiring another town attorney vs. a law firm. Atty. Spillias stated that he had already spoken with one interested law firm and he recommended contracting with a firm.

### Appointed Boards

This department remains the same.

### General Government

This activity reflects an increase in several accounts: The Professional Services provides for increased ITT maintenance. The Insurance accounts provide for a 5% increases. The Repair and Maintenance account includes increased funding for a/c maintenance and equipment replacement (shifted from Capital Outlay account), Chambers/Community room and Dispatch carpet replacement, along with funding for any Town Hall building repairs such as sound equipment, annual fire inspection by our fire alarm company, cleaning service, etc. The Other Current Charges were reduced however, \$3000 still remains to provide for funding for donation/promotional events. Subscriptions and Memberships decreased based on projected fees provided by the PBC Inspector General - \$10,000 (FY 12/13 thru FY 15/16). The State Revolving Payment is \$468,000 and the Town Hall Loan Payment is \$311,175. The Capital Outlay item includes \$1200 to purchase one computer if necessary. Clerk Hancsak stated that although new carpets were budgeted for FY 14/15, they may not be done until next year due to other unanticipated repairs. She also stated that we were currently getting bids for cleaning service, as we were not happy with our current service.

### Public Safety

Clerk Hancsak noted that the costs in this department had increased from the prior year. There are 27 pays instead of 26. The FRS contribution rates changed from 19.82% to 22.04% and 7.37% to 7.26%. The personnel costs include a 2% merit increase to those topped out, and a 5% increase on the anniversary date to 15 employees not topped out on the Step Plan, an additional 5% for the 3 officers per the PBA contract effective Oct, 1<sup>st</sup>, 100% of the health insurance premium (with an estimated 20% increase) 3 months remainder of the approved \$1500 2015 calendar year deductible, 9 months of a \$1500 2016 deductible, dental coverage (\$4032) and vision coverage (\$1764) to all employees. The General Insurance account reflects a 7% increase. The Professional Services account increased due to an increase in the computer consultant contract. The Operating Supplies – Gas and Oil has stayed the same (budgeted \$4/gal). The Fire/ALS Service contract with the City of Boynton Beach increased 4% from last FY per the existing contract for a total of \$1,018,128 (\$39,259 increase from last year). Capital outlay expenditures

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include: 3 Police Vehicles fully equipped (\$117,000); 2 Computer Replacements (\$2400), 2 Laptop Computers (\$4,000), New Digital Camera (\$450); 1 Laser Radar Gun (\$1895), New ATV to replace the 2006 Suzuki (\$9247), and 2 New Dispatch Chairs, reimbursable by 911 (\$2000).

Chief Hutchins stated that Ford was considering reinstating the Crown Vic within the next year. Last year we had purchased the Chevrolet Caprice and there have already been issues with it. The Crown Victoria was a more durable police vehicle. Once the extended warranty on the vehicles expires at 75,000 miles, the maintenance costs greatly increase. The police department has a small fleet and if they are down 2 vehicles at the same time, it causes difficulty covering the road. Comm. Lucibella questioned the purchase of another ATV when the Ranger was just purchased last year, and why it could not be utilized more for the beach control. Chief Hutchins stated that the size of it does not allow for stable access on the beach. Once we are back to full staff, he does anticipate using both more and there is a need for it; however if the Commission chooses not to purchase a new ATV at this time, he would make do.

Comm. Lucibella asked about license plate cameras. He stated that in Phoenix the municipality was collecting monies from repo companies for their information. Would this information then become public data, and how long would it be stored. He was concerned with a misuse of it even internally. He didn't feel it was a right timing for a decision yet. Earlier this this year when we had a one week test of a license plate camera system, what were the results of that trial?

Chief Hutchins reported that in order to institute cameras at the entrances of Ocean Ridge, we are not able to obtain FDOT approval yet. He had received an inquiry from residents of one island. If the residents purchased the cameras, the Police Department would monitor it. Most of it is automatic, the system alerts the dispatcher to problems. He is researching through Florida Chief Association to resolve issues of using the stored information. Public records becomes a trust issue, while the desire to protect the community is big, at what cost. If allowed to go forward, they would keep the information local and start small with strict control. When Ocean Ridge had the test cameras, there were a lot of alerts, such as expired tags...it was set on a wide perimeter.

There was a consensus to research and provide a synopsis of the license plate camera and a breakdown of costs to the next Commission Meeting.

Chief Hutchins stated that Palm Beach County will be replacing their Radio System on August 18<sup>th</sup>. Our current system is almost 11 years old. He felt it was in the best interest to stay with the County. This system would include computer hardware and maintenance. Motorola prioritizes us above other users.

### Building & Zoning

The Professional Services account increased based on anticipated additional inspections associated with a potential for 8 – 10 new Single Family Home permits and a slight anticipated increase in building permit applications and its associated review related to new home construction or building permits. The contract with Hy-Byrd Inspections, Inc. was renewed last year and remains the same without an increase. This department is offset by the building permit revenue.

### Emergency Preparedness

There was no change to this department as it remains as zero. Clerk Hancsak encouraged the Commission to consider funding for this department in the future if projected revenue allows for same. Having funds budgeted would avoid any delay of payment for emergency expenses.

### Solid Waste

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This activity reflects a slight increase. The contract with Republic Services actually reduced by one cent per month per unit; however a possible increase for special SWA charges was added. The costs are offset with revenues received. The proposed Single Family Rate will be \$231 and the Multi-Family Rate will be \$161.70 annually.

### Environmental

This department had several increases. The Professional Services reduced \$12,000 because the State mandated Comprehensive Plan amendment to address new regulations related to the potable water system will not be required until 2017. The NoSeeum Spraying cost has increased due to their increased mileage; however the contractor actually reduced the price per mile (total cost \$65,000). The Town Engineering fee has increased 5% and the budget also adjusted due to additional homeowners site review anticipated (total cost \$77,000). The Landscape budget increased by \$5,000 to budget for anticipated landscaping projects at Town Hall (Garden Club to match funds). The Repair & Maintenance account decreased \$5000 with a reduction in anticipated water improvement costs.

Comm. Lucibella felt the cost of the Town Engineer was high, and asked if we should hire an individual engineer on staff instead. There was a consensus not to consider an in-house engineer. Manager Schenck stated that most of the increase would be a result of increased building permits. There was a consensus to not approve the proposed 5% increase for the Town Engineer.

### Public Works

This department increased from the prior year. There will be 27 paychecks instead of the normal 26 in this fiscal year. The personnel costs include a 2% merit to the Maintenance Supervisor and a 5% increase on the anniversary date to the other employee not topped out on the Step Plan and the Florida Retirement System contribution rate from 7.37% to 7.26%. The Life & Health Insurance reflects 100% of the premium (with a 20% estimated increase), 3 month remainder of the approved \$1500 2015 calendar year deductible, 9 months of a \$1500 2016 deductible, dental coverage (\$384) and vision coverage (\$168). The Operating Supplies for Gas and Oil is based on an estimated \$4/gal. The Capital Outlay account includes \$2,500 for an electric golf cart and a new riding lawn mower (\$3500).

Clerk Hancsak advised that \$50,000 was again budgeted in the Contingency for miscellaneous unbudgeted or emergency funding in any department.

Mayor Pugh requested to obtain a cost from Chris Wayne Associates to include the additional lawn mowing currently performed by the maintenance department. It was also discussed that the salt air breaks down the equipment faster, and research purchasing an inexpensive reliable mower instead of a John Deere. It was also discussed and a consensus was made to not include the \$2500 electric golf cart.

### Capital Projects

A \$180,000 Transfer from the General Fund is proposed to assist in funding projects including: \$80,000 towards a one-half estimated cost to replace the radio maintenance system for the Police Department and also \$100,000 for Phase I of Repaving. There is also \$15,000 budgeted for miscellaneous drainage professional services.

In summary, a consensus was made to investigate and report license plate cameras, pricing for hiring a consultant to create a new Fire District, remove the 5% increase for the Town Engineer while maintaining the propose budget, and the removal of the \$2500 golf cart, obtain cost for Chris Wayne to mow all areas of Town including those areas mowed by maintenance.

Comm. Bonfiglio stated that the Commission should consider adding \$13,000 to the budget for the consultant fee for the Fire District.

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**Certification of Rolled Back Rate for Millage for 2015/16**

Comm. Bonfiglio moved that the rolled back rate be certified at 5.0787 per \$1,000 and that the Certification of Taxable Value form be executed to reflect this for submission to the Property Appraiser and Tax Collector of Palm Beach County. Comm. Lucibella seconded the motion.

Motion carried – Yea (5).

**Proposed Millage Rate for 2015/16**

It was discussed that any proposed millage rate set at this meeting can come down prior to the budget adoption, however it cannot go up.

Comm. Bonfiglio moved that the proposed millage rate for 2015/16 be established at 5.4000 mills (to cover all proposed expenses without utilizing any surplus) and that this be included on the Certification of Taxable Value form that is forwarded to the Property Appraiser and Tax Collector of Palm Beach County. There was no second to the motion.

Comm. Allison moved that the proposed millage rate for 2015/16 be established at 5.3500 mills and that this be included on the Certification of Taxable Value form that is forwarded to the Property Appraiser and Tax Collector of Palm Beach County. Comm. Aaskov seconded the motion.

Motion carried – Yea (5)

**First Public Hearing to consider the budget for fiscal year 2015/2016**

Comm. Bonfiglio moved that the First Public Hearing to consider the budget for the fiscal year 2015-2016 be held at **5:01** PM on **Thursday**, September **10<sup>th</sup>, 2015**, with the regular meeting immediately following, and that this date be included on the Certification of Taxable Value form that is forwarded to the Palm Beach County Property Appraiser and Tax Collector, seconded by Comm. Allison.

Motion carried – yea (5).

**Second Public Hearing to consider the tentative budget for the 2015/2016 fiscal year**

Comm. Bonfiglio moved that the second public hearing to consider the tentative budget for the 2015/2016 fiscal year be held at **5:01** PM on **Thursday** September **17<sup>th</sup>, 2015**, seconded by Comm. Allison.

Motion carried – yea (5).

Manager Schenck stated that there had only been a couple of applicants for the Town Clerk position. The current job description still includes Finance and the Title is Town treasurer. Clerk Hancsak advised that we would need to change the job description in the code also that there was no cut off time or salary range for either the Town Manager or Town Clerk – it had been left open. There was a consensus to revise the description for the Town Clerk position. In the past the Town Commission chose the top 3-4 Town Manager candidates and the interviews were done in public. A second meeting/interview was done in public and the applicant was chosen. The Town Clerk position is interviewed and chosen by the Town Manager and then approved by the Town Commission. Comm. Bonfiglio asked if he had to recuse himself if he knew an applicant. Atty. Spillias stated that it would not be applicable.

Meeting adjourned at 10:23am.

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Mayor Pugh  
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Attest By:

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Town Clerk

Commissioner Aaskov

\_\_\_\_\_

Commissioner Allison

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Commissioner Bonfiglio

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Commissioner Lucibella