

PALM BEACH SHORES TOWN COMMISSION REGULAR MEETING

August 18, 2008

Thomas R. Mills, Mayor
Lisa A. Tropepe, Vice Mayor

Commissioner Alan D. Fiers
Commissioner Thomas R. Sullivan
Commissioner John M. Workman

Town Attorney Keith Davis
Town Clerk Carolyn Gangwer
Town Administrator Cindy Lindskoog

1. **ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES:**
 - a. Regular meeting of July 21, 2008
 - b. Budget workshop meeting of July 29, 2008
3. **AGENDA APPROVAL:**

Additions, substitutions, deletions
4. **DEPARTMENT REPORTS:**
 - a. Financial report for July 2008
 - b. Police department report
 - 1) *Ratification of new police officer.*
 - c. Fire department report
 - d. Staff reports
 - 1) *Town Administrator*
 - 2) *Town Clerk – introduction of Jim McGinn of Florida League of Cities, Public Risk Services*
 - e. Legal update
 - f. Planning and Zoning Board report
5. **MAYOR, COMMISSION REPORTS:**
 - a. Commissioners' Priority Items
6. **MISCELLANEOUS BUSINESS:**
 - a. ***Discussion: Interlocal Law Enforcement Cooperation Agreement between the City of Riviera Beach and the Town of Palm Beach Shores***
 - b. ***Discussion: Capital purchases in FY 2007-2008.***
7. **ORDINANCES, RESOLUTIONS and PROCLAMATIONS:**
 - a. ***Second reading of Ordinance O-6-08***

Amending Appendix A. Zoning Ordinance by revising the definition of "Building, height of" and revising the placement and height regulations for walls, fences and hedges for properties located on the west side of Lake Drive and the south side of Inlet Way.
 - b. ***Resolution No. R-7-08***

Adopts updated fee schedule.
8. **PUBLIC COMMENTS:**
9. **ADJOURNMENT.**

MINUTES

Mayor Mills called the regular meeting to order at 7:00 pm. Roll call revealed that all members were present with the exception of Commissioner John Workman. In addition, Town Attorney Keith Davis, Town Administrator Cindy Lindskoog, Town Clerk Carolyn Gangwer, Police Lt. Steven Langevin and Police Officer Charles Hoeffler were present.

The Mayor led the meeting in the pledge to the flag.

APPROVAL OF MINUTES:

Commissioner Sullivan moved for **approval of the July 21, 2008 regular meeting minutes and the July 29, 2008 budget workshop meeting minutes as published.** After a second by Commissioner Fiers, the motion carried unanimously.

AGENDA APPROVAL:

The published agenda was approved on a motion by Vice Mayor Tropepe and second by Commissioner Sullivan. The Vice Mayor asked that the meeting be speeded up as much as possible due to impending Tropical Storm Fay.

DEPARTMENT REPORTS:

a. Financial report for July 2008.

Town Clerk Gangwer clarified that an expenditure in the amount of \$16,250 to National City Bank was in payment of payroll taxes. The **July 2008 financial report was approved** on a motion by Commissioner Sullivan and second by Commissioner Fiers.

b. Police department report.

- 1) Ratification of new police officer – Lt. Langevin introduced Charles Hoeffler to the meeting attendees. Officer Hoeffler comes to the Town with over 20 years of law enforcement experience with Riviera Beach. Lt. Langevin explained the various duties and areas of responsibility performed by Officer Hoeffler. Mayor Mills noted that he's had several dealings with Officer Hoeffler, all with positive feedback. Vice Mayor Tropepe moved to **ratify Officer Charles Hoeffler as a member of the Palm Beach Shores Police Department.** After a second by Commissioner Fiers, the motion carried unanimously.

Commissioner Fiers inquired as to the status of Officer Vincent Walasek – is he off of the town's payroll yet? Mayor Mills explained that Officer Walasek is being paid by the town's worker's compensation provider, but the final determination of his workers compensation claim is still under consideration. The worker's compensation provider has 120 days from the date of injury to determine the final status of the injury.

Discussion of the police report included a discussion of what constituted the 9 criminal arrests listed and the issue of where sexual offenders can live in town. Mayor Mills noted that he will give an update on Tropical Storm Fay later in the meeting.

c. Fire department report.

The fire department report was filed. Mayor Mills noted that Chief Larry Fauci is out of town on vacation this week.

d. Staff reports.

Town Administrator Cindy Lindskoog:

- Ms. Lindskoog introduced Mindy Lang to the meeting attendees as the new part time Community Center Coordinator. Ms. Lang is a town resident, and will be getting married at the Community Center in November. Ms. Lindskoog noted that Ms. Lang was one of 8 applicants, and she began working last week. The number of hours per week has not been determined yet.

- Storm update: Ms. Lindskoog reported on the most recent update at 5:45 pm: Several tornado warnings have been issued, the worst of the storm will be tomorrow morning, wind gusts of 50-55 mph are forecast, and Palm Beach County Schools and all local municipal offices are closed tomorrow. Staff will get into the office tomorrow, weather permitting. The Commission will be kept informed. Mayor Mills noted that when these storms are expected, staff goes into FEMA training mode. Monitoring is done every 6 hours to determine if action needs to be taken.
- Budget: Information for the next budget workshop meeting will be sent out on Wednesday. The proposed budget will be updated per the Commissioners' comments at previous budget meetings.
- Community Center: the east side doors and bar surface issues are heating up. Attorney Davis explained that the east facing doors on the second floor and the bar surface should be considered defective work (as outlined in the contract with West Construction). SB Architects has identified these outstanding issues as West Construction's responsibility, and will not sign off on the doors and bar surface until they are corrected. A letter to West Construction regarding this should be drafted *immediately*. The Mayor asked the board members if they were in agreement with sending a letter to West Construction, outlining the Town's points. Commissioner Fiers suggested dealing with the doors first, and then the bar issue with any funds that might be left. Town Administrator Lindskoog reported that the Building Official will perform a final Occupancy inspection of the Community Center on Wednesday.

Town Clerk Carolyn Gangwer:

- Ms. Gangwer introduced Jim McGinn, with Florida League of Cities Public Risk Services to the meeting attendees. She reported that, after much review of proposals, FLC's proposal has been chosen. This proposal for insurance services was over \$40,000 less than the other proposal, made by the Town's existing provider, Wells Fargo Insurance Services. The Town Clerk and the Mayor carefully reviewed both proposals against the Town's current coverages, and found the FLC proposal to be 'apples to apples'. Mr. McGinn gave a brief presentation regarding the solid financial standing of the Florida Insurance Municipal Trust, noting that the Trust returned \$10,000,000 to its members last year, and expects to return \$30,000,000 this year. Commissioner Fiers opined that FMIT's balance sheet is very impressive. Mr. Fiers asked if the liability cap was high enough at \$1,000,000? There followed some discussion of this issue. Mr. McGinn was asked to provide the cost of increasing the liability insurance cap to \$2,000,000. Vice Mayor Tropepe stated that she knows Mr. McGinn from her work with the Florida League of Cities, and opined that she is glad for the change.
- The Building Official toured all construction sites this morning and reported that all sites are properly secured against possible high winds.
- The regular monthly Planning and Zoning Board meeting is scheduled for August 27th at 7:00 pm.
- A Code Enforcement Special Magistrate hearing is scheduled for tomorrow at 2:00 pm. The cases both include property maintenance violations.
- The next budget workshop meeting is scheduled for Thursday of this week at 6:00 pm. This workshop will review revenues, loans and contingencies, as well as take a final look at the total FY 2008-2009 budget.
- Annual sewer service statements were mailed out last week.

e. Legal report.

Attorney Davis reported that he has spent much time dealing with the West Construction issues lately. In addition, budget information has been prepared and provided to the Town Clerk for the upcoming tentative and final budget hearings. Mayor Mills asked for an update on finalization of issues at Cannonsport. Mr. Davis reported that he is working with Cannonsport's attorney to finalize a hold harmless agreement and other issues, including sovereign immunity. Mayor Mills confirmed that a bench is being prepared for placement at the viewing area.

f. Planning and Zoning Board report.

The draft minutes from the July Planning and Zoning Board meeting were filed.

MAYOR, COMMISSION REPORTS:

- a. Commissioners' Priority Items: Commissioner Sullivan stated that he likes seeing the priority issues spelled out in this format. Vice Mayor Tropepe asked that the solid waste collection issue be removed from the list for now. Ms. Lindskoog noted that she did not get any updates for any of the items prior to tonight's meeting.

Commissioner Fiers reported that the interlocal cooperation agreement with Riviera Beach is on tonight's meeting agenda for discussion, but the summaries did not arrive yet. The agreement has been reviewed by the Riviera Beach police and legal departments, and is now sitting on the City Manager's desk. Mayor Mills commented that he hopes this document will be ready for the September Commission meeting.

Vice Mayor Tropepe reported that the League of Cities convention in Tampa was excellent. The new League president is from Palm Beach County. Ms. Tropepe attended a good session regarding property appraisal issues. Resolutions were passed by the FLC, including one asking the State Legislature to follow the same Sunshine Law guidelines as local governments and a resolution requesting that surplus fire equipment be donated to volunteer departments.

Mayor Mills reported:

- Announced a Literacy Coalition meeting, asking Vice Mayor Tropepe to attend with the Town Administrator.
- The Solid Waste Authority is rethinking developing a landfill in the western part of the County, and Belle Glade is asking for the Town's support to keep the land fill there. There was some discussion regarding whether the town should get involved before all the aspects of the issue are known.
- Mayor Mills will sign a proclamation encouraging younger students to be more involved in American History.
- The Mayor gave a brief update on Tropical Storm Fay, explaining the police department's emergency schedule.

Commissioner Fiers raised the issue of the expansion of the Port of Palm Beach, noting that a Council member from the Town of Palm Beach approached him on this issue. Mr. Fiers stated that the Town of Palm Beach is opposed to an expansion, including a deeper and larger channel, and the City of Riviera Beach is in support of this expansion. There was some discussion, with general agreement that more information was needed before a decision could be made as to whether to support or oppose expansion.

MISCELLANEOUS BUSINESS:

- a. **Discussion: Interlocal Law Enforcement Cooperation Agreement between City of Riviera Beach and the Town of Palm Beach Shores.**

This issue will be placed on the next regular Commission agenda, as discussed earlier.

- b. **Discussion: Capital purchased in FY 2007-2008.**

Purchase of capital items including new truck for Public Works, new Laserfiche software for Administration and new nozzle for Fire Department in the current fiscal year were approved on a motion by Commissioner Fiers and second by Commissioner Sullivan. The vote was unanimous.

ORDINANCES AND RESOLUTIONS:

a. Second reading of Ordinance O-6-08.

Ordinance O-6-08 was read by title only by the Town Clerk. After brief discussion, **O-6-08 was adopted on second reading** on a motion by Vice Mayor Tropepe and second by Commissioner Fiers. The vote was unanimous.

b. Resolution No. R-7-08.

Resolution R-7-08 was read by title only by the Town Clerk. Commissioner Sullivan moved for **approval of R-7-08**, second by Commissioner Fiers.

Discussion ensued. Commissioner Fiers stated that he would like to see significant fines for littering. Attorney Davis explained that fines for littering are already codified in Chapter 42 "Nuisances". Mr. Fiers asked if this fine could be included in the fee schedule? Mr. Davis answered that it would be possible to remove the littering fine from Chapter 42, and place it in the fee schedule. This will take 2 readings of an amending ordinance, and a revision to the fee schedule by means of another resolution. Commissioner Fiers also recommended increasing the cost of non-resident beach parking passes from \$100 to \$200, and limiting the number sold to a maximum of 20. After some discussion, including the fact that the town must consider reasonable parking arrangements for use of the beach park which was paid for by grants, it was determined that the cost of non-resident passes would remain at \$100, with a maximum of 20 being sold annually.

The motion passed on a unanimous vote.

Attorney Davis was directed to look at codified fees and bring back information to the next Commission meeting.

PUBLIC COMMENTS:

Dr. Scott McCranels confirmed that there would be dynamiting if the Port of Palm Beach is expanded.

Mayor Mills announced that agreement has been struck with the Police Benevolent Association on a one year contract. There will be a 4% increase (not COLA, only increase), no increase in fuel charged to officers with take home vehicles, and several other minor issues. The Mayor particularly thanked Lt. Steve Langevin for sitting in on today's negotiation meeting, along with PBA reps Officer Clark and Officer Simmons.

Commissioner Fiers requested confirmation that 4% is the same increase as for all other staff with the exception of the Police Chief, Police Captain, Town Administrator and Town Clerk, whose salaries are frozen for 2008-2009.

Commissioner Fiers requested confirmation that for budgeting purposes, the cost of gas is forecast at \$4.50 per gallon for FY 08-09.

Commissioner Sullivan raised the issue of boats parked out in driveways. Officer Strine, who is the Code Enforcement liaison officer will check with Commissioner Sullivan on the locations.

Mayor Mills asked if notices were posted regarding watering violators? Lt. Langevin reported that this had been done. Friendly Notices will be issued on the first report, and if the violation continues, the Town's Code Enforcement Officer will be notified.

Other issues discussed were the Hybyrd Inspections invoices (billing is per hour for a 3 month period), foreclosed properties in town and how the new camera at Ocean Avenue is working.

The meeting adjourned at 8:35 pm.

Carolyn J. Gangwer, Town Clerk

Thomas R. Mills, Mayor