

Monday, July 20,
2009



Town Hall
247 Edwards
Lane

TOWN COMMISSION REGULAR MEETING MINUTES

John M. Workman, Mayor
Alan D. Fiers, Vice Mayor

Commissioner Roby DeReuil
Commissioner Lisa A. Tropepe
Commissioner Scott McCranel

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

1. CALL TO ORDER

a. Roll call

Roll call revealed that all members of the Commission were present. Attorney Brad Biggs of Corbett & White, Town Administrator Cindy Lindskoog, Deputy Clerk Roberta Loftus and Chief Steve Kniffin were also present.

b. Pledge of Allegiance

Mayor Workman led the assembled in the pledge to the flag at 7:02 p.m.

2. APPROVAL OF MINUTES:

a. June 15, 2009 regular meeting

Vice Mayor Fiers **moved to approve the regular meeting minutes of June 15, 2009** with a second from Commissioner McCranel. Commissioner Tropepe noted that a spelling error occurred under item 8 Miscellaneous Business - "spares" instead of "spaces" and should be corrected. The vote was unanimous.

3. AGENDA APPROVAL:

Additions, substitutions, deletions

Commissioner Tropepe **made the motion to approve the agenda as presented**. After a second from Vice Mayor Fiers, the motion passed unanimously.

5. DEPARTMENT REPORTS:

a. Financial report for June 2009

Vice Mayor Fiers **moved to approve the financial report for June 2009 as presented** with a second from Commissioner Tropepe. Vice Mayor Fiers noted that third quarter projection of finances, to be presented tonight, had been discussed at the last budget meeting. The Town will have a projected fund balance of \$190,000 and \$191,000 in the undesignated reserve fund. The vote was unanimous.

b. Police department report

Chief Kniffin reported 10 arrests in June. Specifically one arrest, at the Channel House, was made regarding 236 charges of mail theft. Commissioner Tropepe was a victim of this crime and asked Chief Kniffin if the other victims had been notified to file for identity fraud. Chief Kniffin replied that all victims were notified by Community Policing via email and Reverse 911.

Resident J. Samanich asked about Reverse 911. Chief Kniffin explained it is a simultaneous emergency phone call system.

c. Fire department report

The Fire department report was filed.

d. Staff reports

Town Administrator Cindy Lindskoog reported:

- *Town Clerk Gangwer is on vacation. Ms. Gangwer requested the regular Commission Meeting be changed from Monday, September 21st to Thursday, September 24th to include the final budget hearing which is scheduled on the same day.*

Vice Mayor Fiers **made the motion to move the Commission Meeting to Thursday, September 24, 2009.** After a second from Commissioner McCranels, the motion passed unanimously.

- Town Clerk Gangwer also asked that the Commission consider increasing, by ten, the number of non resident beach passes. There are 11 names on a waiting list.

Commissioner Tropepe opined that some residents are adamantly opposed to increasing the non resident passes.

Commissioner DeReuil **made the motion to increase the number of non resident beach passes by 20.**

Commissioner McCranels seconded the motion. Vice Mayor Fiers suggested that the Town increase the non resident beach passes by 11. Commissioner McCranels added that the beach pass increase should be for one year and then the Commission can re-evaluate the issue. Commissioner DeReuil **amended his motion to change the number of passes from 20 to 11 for one year** with a second from Commissioner McCranels. The vote was unanimous.

- The Town Engineer has prepared a report and a proposal for Ocean Avenue drainage. A copy of the engineer's report has been forwarded to Ms. Myra Koutzen. Ms. Koutzen will present the report at Mayan South's board meeting to discuss cost sharing of the project.
- The next budget meeting will be held on July 30 – Fire Department, EMS, Community Center, Parks, Public Works, Streets and Storm Drains and Sewer.
- Qualifications are being accepted until August 14, 2009 for a contracted hospitality provider for the Community Center. The RFQ is posted on the website. Ms. Lindskoog noted that there were substantial problems with the rental on the weekend and suggested the Town have more of a presence during events. Information regarding the rental rates and other considerations will be discussed at the budget meeting.
- Florida Fish and Wildlife would like to install a monofilament cylinder for the fishing lines. The Town would be responsible to empty the full boxes. The full boxes are mailed back, free of charge, and a replacement is sent. Ms. Linskoog suggested placing the cylinder to the west of Ocean Avenue just off the jetty. It was suggested that one should also be placed at the East end with County approval.

e. Legal update

No report.

f. Planning and Zoning Board report

Report filed.

6. MAYOR, COMMISSION REPORTS:

a. *Commissioners' Priority Items*

Vice Mayor Fiers reported:

- A meeting has been scheduled for tomorrow at 2:00 p.m. with Mr. Villari of the Channel House. A report will be provided at the budget meeting.
- The Town has a handshake deal with the PBA in regards to the contract. There will be no pay increase or COLA. There will be an increase in base pay for entry officers to \$40,500. When the Town renegotiates wages and has funds available, a 3% equalization pay increase for existing officers will be given in order to maintain salary spread. Also the agreement will include some language to address the increased responsibility of the Lieutenant.

Town Administrator Lindskoog advised that she has a marked up version of the existing agreement if the Commission would like a copy.

- Vice Mayor Fiers stated that an executive meeting would be held after the budget meeting to finalize the police contract.

Commissioner Tropepe reported:

- This Wednesday, there will be a League of Cities meeting and encouraged the Commission to attend.
- Cordino Engineering Group has a contract to oversee the construction of the Little Blue Heron Bridge. They suggested holding a workshop for Town residents to discuss the construction effects on the Town.

Commissioner Tropepe moved to approve hosting a workshop for the proposed project called Little Blue Heron Bridge to be held at Town Hall on August 19th waiving the rental fee. After a second by Vice Mayor Fiers, the motion passed unanimously.

- The bus stop at Ocean mall remains perplexing. The stop at the corner blocks traffic.

Vice Mayor Fiers stated that Palm Tran would have to change the direction of the route beginning on Lake Drive.

Town Administrator Lindskoog suggested inviting Palm Tran to come to next month's Commission Meeting to discuss the bus stop at Ocean Mall and stops in Town where the bus blocks the intersection.

Commissioner DeReuil reported:

- No update on the Comprehensive Plan. Providing there are sufficient funds in this year's budget, he would recommend preparing the Data and Analysis for the Comprehensive Plan in order to submit a clean document to the State.
- The letter drafted in response to West Construction asking for new doors, etc. for the Community Center is being checked for legal sufficiency by the Town Attorney.

Commissioner McCranels had no report.

Mayor Workman had no report.

7. ORDINANCES & RESOLUTIONS:

a. Second reading of Ordinance O-2-09

Amending Chapter 14 "Buildings and Building Regulations" in order to add a new section Storm Panels.

Deputy Clerk Loftus read Ordinance O-2-09 by title only.

Commissioner Tropepe **moved to approve Ordinance O-2-09** with a second from Commissioner McCranels.

Vice Mayor Fiers asked if existing wood shutters would be required to be painted retroactively. Commissioner Tropepe **amended her motion to include existing shutters be painted retroactively**. Attorney Biggs stated that the Ordinance would be applicable to older shutters.

Commissioner Tropepe **moved to adopt Ordinance O-2-09 as presented** with a second from Commissioner McCranels. The vote was unanimous.

b. Second reading of Ordinance O-3-09

Amending Chapter 2 "Administration" in order to amend the appointment process for members of the Town's Planning and Zoning Board.

Deputy Clerk Loftus read Ordinance O-3-09 by title only.

Vice Mayor Fiers **made the motion to approve Ordinance O-3-09 as presented**. After a second by Commissioner McCranels, the vote was unanimous.

8. MISCELLANEOUS BUSINESS:

a. Consideration: agreements for off-site parking and valet parking per Pf. 7.2 and Pf. 7.13 for a proposed hotel and restaurant at 106 Inlet Way.

Realtor Anne Slocum presented the proposed project for 106 Inlet Way. Ms. Slocum stated that the intention is to construct a 25 unit hotel with a 150 seat, tiered dining room and bar on this property. The project will require an additional 18 spaces of off-site parking and valet parking. The building meets code in all respects except for parking.

Attorney Biggs opined that the agreements do not pertain to the actual property and this is not the actual off-site parking area.

Vice Mayor Fiers stated that in order to approve off-site and valet parking agreements the Town requires signed documents prior to the issuance of building permits. Tonight the Town would be giving conditional agreements in order for the project to proceed to the Planning and Zoning Board for site plan review.

Mayor Workman asked what recourse the Town would have should the business fail to provide the off-site parking. Attorney Biggs replied that the Town would issue a development order and if the conditions were not met the Town could obtain a court injunction. Also Attorney Biggs added that the Town can modify the conditions of approval if the conditions of the development order are violated.

The consensus of the Commission is that the project will be a good addition to the Town.

Commissioner DeReuil asked if the plan could utilize the private road for parking. Ms. Slocum replied that they would use that for truck deliveries on specific days.

Commissioner Tropepe requested that the owners consider more decorative improvements along the private road such as brick pavers, etc.

Vice Mayor Fiers commented that the Town could allow conditional usage of Town property to be bermed up to relieve the elevation from the Inlet as long as the owners landscape and maintain the area.

Commissioner DeReuil asked what is the definition of a private road?

Vice Mayor Fiers stated that the private road is town property but the two adjoining properties to the east and the west have an easement and a right for ingress and egress. The private road has always been Town public use property.

Resident J. Samanich asked if the berming would be a protection during a hurricane. Vice Mayor replied it would not help protect the property.

Mayor Workman queried the number of seats in the restaurant. Ms. Slocum replied there would be 150 seats under air to address the liquor license issue.

Vice Mayor Fiers **made the motion that the Commission direct the Planning and Zoning Board to make, as a condition to the development order, a requirement that a legally executed agreement to provide for off-site parking in sufficient quantity to bring parking spaces up to the number required by the code. A legally executed agreement to provide for valet parking as per the proposed plans will also be required.** After a second by Commissioner Tropepe, the motion passed unanimously.

b. Discussion: allow placement of signs within town right of way directing persons to the Port of Palm Beach for Palm Beach Princess Cruises.

Mayor Workman suggested that this discussion be postponed to the next regular Commission meeting. The consensus of the Commission was not to promote this type of business. The issue was dropped.

c. Certificate of Taxable Value (DR420)

Set proposed millage rate and setting Thursday, September 10, 2009 at 6:00 p.m. at Town Hall, 247 Edwards Lane, Palm Beach Shores, Florida as the date of the first budget public hearing.
Setting public hearing and adopt, lower than or equal to but not higher.

Vice Mayor Fiers **moved to set the proposed millage rate at 5.7420 and Thursday, September 10, 2009 at 6:00 p.m. at Town Hall as the first budget public hearing date** with a second from Commissioner Tropepe.

In the discussion that ensued it was noted that the Town has a comfortable amount in the fund balance and the unreserved fund balance. An increase in taxes may be unavoidable next year.

Mayor Workman declared that he has met with several Riviera officials and the contract for Fire/EMS service should remain at the same amount.

The vote was unanimous.

d. Approval: Police department connectivity fee.

Town Administrator Lindskoog led the discussion asking for Commission approval of payment for the Palm Beach County Connectivity Fee for the MHz radio system. Ms. Lindskoog stated that making the payment in the current fiscal year will reduce the overall expenditures for the upcoming budget year. There are funds available to cover this expense.

Mayor Workman explained the 800 MHz system allows our police department to communicate via radio with the Sheriff's office.

Vice Mayor Fiers **made the motion to approve the connectivity fee payment of \$26,988.62** with a second from Commissioner Tropepe. Vice Mayor Fiers **amended the motion to a not to exceed amount of \$27,000** with a second from Commissioner Tropepe. The motion passed unanimously.

e. Discussion: Hedges.

Mayor Workman asked Chairman Rick Ziegler of the Planning and Zoning Board for their recommendations. Mr. Ziegler stated that hedge height in the rear should not be limited as long as it does not interfere with power lines. The Planning & Zoning Board would like to have a clear and defined description of hedge. Mr. Ziegler added that the safety triangle should be strictly enforced.

After a discussion, the Commission directed the Planning and Zoning Board as follows:

- No height restrictions for hedges on the side lot lines all the way up to the 10' strip.
- No height restriction for hedges on the rear lot lines.
- All hedges must be well maintained.
- Retain the current regulations in the 10' strip.
- Enforce the safety triangle.
- Sunset all non-conforming hedges in 5 years or at change of ownership, whichever occurs first.

The draft ordinance will be discussed at the Planning and Zoning Board meeting in August and discussed by the Commission in September. The first reading of this ordinance should take place in October.

f. Discussion: Town wide Wi-Fi.

Mayor Workman explained that the Town is considering a town wide WiFi service. Service could be provided as follows:

- 1) Residents could subscribe at will.
- 2) The town could provide service and add to the ad valorem tax.
- 3) A private vendor where residents would pay for their own service.

Commissioner McCranels mentioned that Juno Beach has a WiFi system. Commissioner McCranels added that there is also a Wi-Fi network which is a repeater system. One home repeats after the other as long as you have a computer, PC, etc.

Commissioner DeReuil stated that a smaller network located in the Town Hall building would be inexpensive and could be password protected for use of Town residents.

Mayor Workman opined that if the Commission considers the new voicemail phone system, there is a dedicated T1 with a plethora of broadband.

The Commission directed Town Administrator Lindskoog to contact Juno Beach to obtain the pros and cons of their WiFi system.

9. Comments

Commissioner McCranels asked why Marriott does not have a restaurant at their facility. Vice Mayor Fiers replied Marriott did not want a restaurant where the public could have access to their property.

Attorney Biggs noted that dining rooms must have an integral front on a public street as part of the principle use.

The meeting adjourned at 9:10 p.m.

Roberta Loftus
Deputy Town Clerk

John Workman
Mayor