

Monday, January 25, 2010  
7:00 pm



Town Hall  
247 Edwards Lane

# TOWN COMMISSION REGULAR MEETING AGENDA

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

**Commissioner Roby DeReuil**  
**Commissioner Lisa A. Tropepe**  
**Commissioner Scott McCranels**

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

## MINUTES

### 1. CALL TO ORDER

- a. Roll call

The regular meeting was called to order by Mayor John M. Workman at 7:00 pm. Roll call revealed that all members were present. Also in attendance were Town Attorney Keith Davis of Corbett & White, P.A., Town Administrator Cindy Lindskoog, Town Clerk Carolyn Gangwer, Town Bookkeeper Wendy Wells, and Deputy Town Clerk Roberta Loftus.

- b. Pledge of Allegiance

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

### 2. APPROVAL OF MINUTES:

- a. December 21, 2009 regular meeting

Vice Mayor Fiers made the **motion to approve the December 21, 2009 regular meeting minutes as written**. After a second by Commissioner Tropepe, the motion passed unanimously.

### 3. AGENDA APPROVAL:

Additions, substitutions, deletions

Commissioner Tropepe **moved to approve the agenda as submitted** with a second from Commissioner DeReuil. The motion passed unanimously.

### 4. DEPARTMENT REPORTS:

- a. Financial report for December 2009

Vice Mayor Fiers **moved to approve the December expenditures of \$475,347**. After a second by Commissioner DeReuil, the motion carried.

1). *Approval: annual financial report for FY 2008-2009*

Bookkeeper Wendy Wells reported that the Town received an unqualified opinion from the auditors. Ms. Wells noted that the Commission received copies of the bound audit reports and the letter the auditors are required to provide. Ms. Wells introduced Ed Holt, partner in Nowlen, Holt & Miner, P.A. and Kara Peterson, auditor in charge of the town audit. Mr. Holt declared that the format for the audit report has not changed. Mr. Holt indicated that the Town assets went up by one half million dollars between 2008-2009. Mr. Holt explained that with 33% in reserves, the Town has exceeded the minimum of 20-25%.

Mr. Holt explained that the Management letter refers to insufficient segregation of duties. Mr. Holt noted that the Town has fewer people to complete the segregation of duties and found the records phenomenally kept, extremely clean.

Commissioner Tropepe thanked Bookkeeper Wendy Wells and Nowlen, Holt & Miner for the awesome job. Commissioner Tropepe asked where the half million dollars came from?

Mr. Holt replied that the activities statement on page 12 of the audit report would explain the change in net assets due mostly to property taxes and investment earnings.

Vice Mayor Fiers opined that Town Administrator Lindskoog will have an explanation in the first quarter review.

2). *Review of first quarter YTD budget numbers*

Town Administrator Lindskoog stated the quarterly financial review will give a snapshot of where the Town is as of 12/31/2009. The explanation of the budget changes are as follows:

- Administration is over 27% because 64% of the audit fee has been paid with the final payment due in January.
- 50% of the Comprehensive Plan update has been paid and will be over in the budget line item as the cost for greenhouse gases have been added to the update.
- Public Works and the Police Department at 29% and 28% over budget due to hiring a new full time officer and the January health insurance premium paid December 30<sup>th</sup>.
- A new dispatch console has been received for which the Town paid a 40% down payment. The console is to be paid by grant funds.
- Legislative is at 53% of the budget due to all publications and memberships being paid in full and the employee Christmas party.
- Debt Service is 50% as one of the two Sun Trust loan payments has been made.
- Risk Management is also over 25% as two of the 4 quarterly payments have been made.

Ms. Lindskoog stated that an overview of the fund balance shows that the Town is at 32% of the budget and after the \$155,000 to balance the budget and carry forward from last year puts the Town fund balance at 27%.

Ms. Lindskoog declared that the Town exceeded projections by \$71,000 as shown in the attached statement. Ms. Lindskoog voiced concern over the decrease in revenue from property taxes next year while expenditures will probably increase. Ms. Lindskoog recommended that no funds be committed until later in the year. There is \$62,000 left in the contingency fund.

Mayor Workman thanked Ms. Lindskoog and Ms. Wells for the quarterly review. Ms. Wells thanked office staff Sue Franklin and Roberta Loftus for their assistance.

Commissioner Tropepe opined that budget decisions by the Commission are made in summer because of deadlines and/or time frame constraints. Ms. Tropepe stated that this was the most difficult of budget years with many meetings. She declared that the Commission is fiscally conservative.

Resident Jack McDevitt inquired if the Town had received next year's anticipated revenue from the tax appraiser? Ms. Lindskoog responded that the Town usually receives the information in June.

Resident Frank MacNeil asked if there was a quarterly report with finer detail available. Town Clerk Gangwer will provide a copy of the report.

3). **Resolution No. R-4-10** – amending 2009-2010 FY budget

Deputy Town Clerk Loftus read Resolution R-4-10 by title only.

Town Administrator Lindskoog provided the following explanation of changes:

- (1) Carry forward unspent funds on the Community Center (\$112,893), Project Lifesaver approved in prior budget year (\$3,000), and Fleming Foundation Donation for Police (\$955) and Fire (\$11,501).
- (2) New telephone system for Town Hall (\$15,000), funds transferred from contingency.
- (3) Added one officer to the Police Department budget (\$60,000), transferred funds from contingency.
- (4) Grant for Police Department (\$1,500); increased grant revenue and grant expenditure.
- (5) Project Lifesaver (\$3,000) and (\$955) remaining Fleming Funding. Funds transferred contingency.
- (6) New Dispatch console to be funded 100% by a grant (\$22,293).

Vice Mayor Fiers **recommended approval of Resolution No. R-4-10 as explained by Town Administrator Lindskoog**. After a second by Commissioner McCranels, the motion passed unanimously.

Vice Mayor Fiers asked Auditor Holt to explain the use of depreciation in governmental financial statements.

Mr. Holt's explanation as described by Bookkeeper Wendy Wells is as follows:

Mr. Holt explained that depreciation is used to spread the cost of a capital asset over its useful life. Depreciation is used in the government-wide statements: the Statement of Net Assets and the Statement of Activities. Depreciation is not used in the fund statements: the Balance Sheet and the Statement of Revenues, Expenditures and Changes in Fund Balance. The fund statements are where capital assets are expended in the year purchased. Fund statements do not contain capital assets or long term liabilities.

b. Police department report

Chief Kniffin reported all the arrests during December 2009 including two burglaries – one where a cell phone was stolen and the other an auto burglary where a laptop was stolen. Chief Kniffin also provided an annual statistic report.

c. Fire department report

Chief Fauci reported that 7-8 volunteers are responding to fire calls.

d. Staff reports

1). *Town Administrator Lindskoog reported:*

- The Greenhouse Gases - Ms. Lindskoog will attend an energy grant meeting on January 26<sup>th</sup>. Florida Public Utilities will perform an energy proficiency audit of all 3 town buildings on Thursday, January 28<sup>th</sup> with Walt Fleming, Public Works Director. The grant deadline is February 12<sup>th</sup>.
- Ms. Lindskoog is awaiting final close out documents less \$20,000 from West Construction for the Community Center. The Town is planning to fix or order new doors after which a Certificate of Occupancy can be issued.
- The Seasideers have requested a storage area in the Community Center kitchen area which they will fully fund. Public Works is working on their request.
- The water for the shower at the beach walk was supplied by Marriott's Ocean Pointe who disconnected the water supply after they determined it was being abused. The Marriott manager is willing to write a letter to the corporate office for permission to allow the Town to install the shower and tap into their water supply.
- Ms. Lindskoog attended a Riviera Beach Commission Meeting and obtained approval of the EMS/Fire contract. The agreement for police joint jurisdiction was hand delivered to the City Manager of Riviera Beach. Ms. Lindskoog noted that relations with the neighboring city are greatly improved.
- Ms. Lindskoog attended a City Manager's meeting on the County Commission on Ethics where Brad Merriman gave a powerpoint presentation. There would be a dual referendum – both cities and the county would have to approve. Costs would increase on service contracts to pay for the Ethics Commission. Everyone seems to be acquiescing.
- Renovations at the sand transfer plant were delayed awaiting the installation of a permanent power supply by FPL. The Town of Palm Beach has retained an architect for the exterior enhancements and has received additional grant funding. Ms. Lindskoog would like a letter from Mayor Workman to Palm Beach Town Council regarding the exterior renovation for the aesthetics of the building.

Commission Tropepe **made the motion for Mayor Workman to draft a letter to Palm Beach Council expressing the importance of finishing the exterior renovations and utilizing the grant funding received for the project.** After a second by Commissioner McCranels, the motion passed unanimously.

- Ms. Lindskoog reported that the Lake Drive lift station renovations are complete.
- The Little Blue Heron Bridge project shut down the Town's sewer pumping for a few hours but the Town was notified ahead of time.

Commissioner DeReuil asked if Palm Beach has asked for sewer and water easements. The reply was negative.

Commissioner McCranels noted that the pavement in the private road had been cut and repaved. Commissioner McCranels also mentioned that Palm Beach has added a bathroom to the pump house with the sewage being treated in the building.

Town Administrator Lindskoog previously asked Palm Beach for an update on the project but neither of those things was addressed.

2). *Town Clerk Gangwer reported:*

1. The January Planning & Zoning Board meeting is scheduled for tomorrow night, with the P&Z sitting as the Local Planning Agency to consider Ordinance O-1-10 at 7:00 pm, and the regular agenda after that.
2. Code Enforcement Officer Palacios is currently doing a complete survey of all town balustrades to ensure that required sight triangles are not impeded by vegetation. This information will be forwarded to the POA Environmental Committee when completed.

3. This Saturday is Town Shred it Day. Drop off your bank statements and other sensitive documents that you don't want to put into the regular trash between 9:00 am and Noon or shortly after. The shredding truck will be located in the town hall parking lot.
4. A small "office" will be created at the back of the meeting room from March 10<sup>th</sup> through April 30<sup>th</sup> to assist with the Census effort. The office consists of a long table and 2 chairs, which folks can use to meet with census reps if they have questions.
5. Ms. Gangwer is also obtaining quotes for the sound system in the meeting room. The microphones are not working well and the sound engineer proposed replacing all the microphones and replacing the amplifier. A new locked cabinet would be installed to house the equipment.

Resident Hurst stated that some folks have gone home and would not be counted here in Town.

Commissioner McCranel mentioned that census forms could be mailed back to the Census Bureau.

e. Legal update

Attorney Davis reported that Senate Bill 360 on Growth Management has been legally challenged. A ruling on the challenge is due on February 22<sup>nd</sup> in Tallahassee. Attorney Davis will keep the Town informed.

f. Planning and Zoning Board report

Planning and Zoning Board Chairman Ziegler reported that the board will be discussing the hedge issue at their January meeting. The Town is still receiving replies to the hedge questionnaire.

**5. MAYOR, COMMISSION REPORTS:**  
**a. Commissioners' Priority Items**

Vice Mayor Fiers deferred his report to the discussion of short term rental properties.

Commissioner Tropepe attended an emergency meeting of the Intergovernmental Committee to discuss pain clinics. The County has called a "Zoning in Progress Moratorium" in unincorporated Palm Beach County for one year to try to limit expansion of pain clinics. The County reached out to the Committee to advise that when a pain clinic is closed on one side of the street they usually jump to the other side. There are now approximately 120 pain clinics as opposed to none five years ago. Commissioner Tropepe asked Attorney Davis to verify that the Town does not allow that type of use in any of its zoning districts.

Resident Carol Hurst suggested the Chairman of the Intergovernmental Committee contact Riviera Beach to coincide efforts.

Commissioner DeReuil stated that he will have an update on the Comprehensive Plan at the next meeting.

Commissioner McCranel asked that the beach walkover shower be replaced and connected to the existing irrigation along the walkway for the water supply. Also Commissioner McCranel requested palm trees for shading.

**6. PUBLIC COMMENTS:**

Resident Jack McDevitt asked the Commission to discuss the adoption of a Town flag. Mr. McDevitt stated the flag could be white with the Town seal.

Mayor Workman voiced his approval of a Town flag which could be flown at the Town Hall complex as well as the Community Center.

Commissioner McCranel made the motion to approve a Town flag, a white background with the Town seal as stated. After a second by Commissioner DeReuil, the motion passed unanimously.

Resident Carol Hurst suggested a flag money making project. On certain holidays a smaller version of the flag would be placed on lawns in front of houses for a fee.

**7. MISCELLANEOUS BUSINESS:**

***a. Approval: A frame signs at 123 Ocean Avenue and 181 Ocean Avenue***

Niko Bujaj, owner of the Islander Grill and Tiki Bar at Palm Beach Shores Resort explained he would like to put an aluminum frame sign in an area at the front of the Resort from 9:00 a.m. – 7:00 p.m.

Attorney Davis stated that temporary signs were approved by the Commission.

Town Clerk Gangwer noted that the Seaspray had a similar sign. Ms. Gangwer invited the Seaspray to participate but they declined saying they have decided to remove their sign board.

Commissioner Tropepe made the motion to approve a frame sign at 181 Ocean Avenue for six months with a second from Vice Mayor Fiers. Commissioner DeReuil asked if the Planning and Zoning Board had reviewed the sign. Chairman Ziegler stated he is in favor of the sign. The vote was unanimous.

***b. Discussion: status of search process for new Fire Chief***

Ms. Lindskoog reported that the Town has not placed a formal ad for a new Fire Chief but the position has been posted in the City Managers Forum, the Florida League and Fire House magazines. To date two resumes have been received. One interview has already been held. Mayor Workman will meet with this candidate on Thursday.

Chief Fauci stated that the Fire Department bylaws state that the volunteers elect their own Fire Chief.

Ms. Lindskoog stated that the Town charter says that the Fire Chief is a hired position and that the Fire Chief is an appointed official of the Town.

***c. Discussion: town ethics code***

Commissioner Tropepe opined that the County is creating a Commission with an Inspector General of Ethics position at a cost of approximately three million dollars. Commissioner Tropepe believes the Town should create its own policies using the state and federal laws that the Town already has to abide by. Commissioner Tropepe stated that the Chairman of the Palm Beach County League of Cities is 100% behind the formation of a County Ethics Commission. No one will step forward and say that this Commission and staffing of same, is unnecessary. Commissioner Tropepe suggested that Attorney Davis draft a resolution stating that the Town Commission will govern itself by internal policy and will swear to abide by state and federal laws.

Commissioner McCranel declared that the Town follows the Sunshine Law and should have their own internal policy which should be updated each year.

Commissioner DeReuil stated that the Commission takes an oath once a year, so a resolution is not necessary.

Vice Mayor Fiers **moved to have Attorney Davis draft a short resolution stating that the Commission will adhere to state laws in lieu of the Ethics Commission laws by taking an oath every year at the reorganization meeting.** After a second by Commissioner Tropepe, the motion carried unanimously.

***d. Approval: request for reimbursement of costs for removal of paved parking area on town property – 125 Claremont Lane***

Mayor Workman explained that Mr. Collins' daughter submitted the request for reimbursement of costs for removal of the paved parking area on town property.

Vice Mayor Fiers **moved to reimburse Mr. Collins' daughter \$475.00** with a second from Commissioner Tropepe.

Commissioner DeReuil stated that this issue has been a long term goal of the Planning and Zoning Board to get parking off Town streets.

Gil Trower asked if Public Works could remove the paving and replace it with grass. Ms. Lindskoog gave a negative reply.

The vote was unanimous.

***e. Discussion: Short term residential rentals***

Vice Mayor Fiers led the discussion on short term residential rentals. Vice Mayor Fiers declared that in December he met with District B short term rental property owners who all agreed to sign a letter of governance with part of the stipulation being participation in the trespass program. Any participant in the trespass program can call the Police Department to find out if a renter has been trespassed.

Vice Mayor Fiers opined that Monroe County has enacted short term rental regulations. Vice Mayor Fiers urged the Commission to read those regulations with the intent of adapting them to the Town Code.

Chief Kniffin noted that the Police Department received their first trespass inquiry today.

Vice Mayor Fiers stated that Riviera Beach will have the 2<sup>nd</sup> reading of their Certificate of Use Ordinance on Wednesday night at their Council Meeting.

***f. Discussion: Community Center rental fees***

Town Administrator Lindskoog asked the Commission to consider reducing Community Center rental fees by 50% from Monday thru Thursday bearing in mind the schedule of uses by civic groups.

Commissioner DeReuil **made the motion to reduce the rental fees by 50% Monday thru Thursday** with a second from Commissioner McCranel.

Commissioner DeReuil asked that the fees for downstairs be decreased for Town residents.

Ms. Lindskoog stated that she hoped to offset the costs to Town residents with increased use by outside parties.

The vote was unanimous.

***g. Discussion: POA request for use of beach parking lot***

Town Administrator Lindskoog stated that the Property Owners Association is requesting use of the beach parking lot to raise funds on Thursday evenings. The POA will provide additional parking for Sailfish Marina's Sunset Celebration. The Sailfish Marina will use their trolley to shuttle people back and forth.

Vice Mayor Fiers **made a motion to approve the use of the beach parking lot on Thursday evenings.** After a second by Commissioner McCranels, the vote was unanimous.

Mayor Workman inserted that Commissioner Scott McCranels was recently inducted into the Surfing Hall of Fame.

**8. ORDINANCES, RESOLUTIONS, PROCLAMATIONS:**

**a. First reading of Ordinance O-1-10** Amending Appendix A "Zoning Ordinance" at Section XVII Development Applications in order to provide for waiver of DRC review under certain circumstances.

Deputy Clerk Loftus read Ordinance 0-1-10 by title only.

Attorney Davis explained that Ordinance 0-1-10 provides the Chairman of the Development Review Committee the authority to waive the meeting requirement using the following guidelines:

- The total cost of the proposed development is less than 25% of the market value.
- An addition or renovation to an existing building and does not propose construction of a new building.
- No variance or special exception is required.
- Not for a second story addition to a single story building.

This is a joint recommendation from Town staff and the DRC Committee.

Commissioner DeReuil **moved to adopt Ordinance 0-1-10 on first reading as long as all requirements are met.** After a second by Commissioner McCranels, the motion passed unanimously.

**b. Resolution No. R-1-10** Declaring support to pursue grant opportunities for energy conservation and efficiency projects.

Deputy Clerk Loftus read Resolution No. R-1-10 by title only.

Commissioner Tropepe **made the motion to pursue the grant opportunities for energy conservation and efficiency projects** with a second from Commissioner McCranels.

The vote was unanimous.

**c. Resolution No. R-2-10** Adopting revised general policies concerning the collection of Social Security numbers by the Town and adopting revised written Social Security number collection policy statement.

Deputy town Clerk read Resolution No. R-2-10 by title only.

Attorney Davis explained that Resolution R-2-10 is based on State Statutes. Mr. Davis also stated that R-2-10 updates the Town policy regarding Social Security number collection. Mr. Davis added that the Town was originally required to provide annual reports on the collection and dissemination of Social Security Numbers to the State.

Commissioner DeReuil **moved to adopt Resolution No. R-2-10.** After a second by Vice Mayor Fiers, the motion carried unanimously.

**d. Resolution No. R-3-10** Appointing the Supervisor of Elections or designee as a member of the town's Canvassing Board.

Deputy Town Clerk Loftus read Resolution No. R-3-10 by title only.

Commissioner Tropepe **made the motion to approve the appointment of the Supervisor of Elections as a member of the Town's Canvassing Board.** After a second from Commissioner McCranels, the motion passed unanimously.

The Property Owners Association President Gil Trower suggested that the Town move the Reorganization Meeting to the Community Center to make it more festive. Refreshments will be provided.

Mayor Workman stated that the Town Commission will consider this request at the next Commission Meeting. Town Clerk Gangwer will try to establish a means of recording the meeting.

The meeting was adjourned.

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Roberta Loftus  
Deputy Town Clerk

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John M. Workman  
Mayor