

Special Town Commission Meeting of the Town of Ocean Ridge held on Tuesday, November 18, 2003 at 5:00 PM in the Town Hall Meeting Chambers

The meeting was called to order by Mayor Aaskov and roll call was answered by the following:

Commissioner Bingham
Commissioner Pugh

Commissioner Kaleel
Commissioner Schulte

- I. Request to re-instate the one-half abatement of the outstanding Code Enforcement Fine that was authorized at the August 4, 2003 meeting that had a stipulation that payment be received by August 15, 2003

Comm Kaleel moved to accept the half code enforcement payment previously approved for the property at 6470 N Ocean Blvd., seconded by Comm Pugh.

Motion carried - yea 5.

- II. Discuss Questions and Concerns regarding the technical issues regarding the Drainage Project with the Residents and Engineers

Comm Kaleel commented that the intention of the meeting was to relay the truths and concerns of the drainage project and that personal attacks on the Commission and Staff would not be tolerated.

Town Attorney Spillias suggested that the Town Engineers make their presentation and answer the questions previously asked by the Commission and residents before any additional discussion or questions are made. Atty Spillias also recommended that the request for Special Exception be postponed until the next Regular Commission Meeting scheduled for December 1, 2003. He mentioned that this will allow the Commission time to digest all of the information and allow the public time to present their views. Atty Spillias stated that he may also be recommending a different course of action for the Woolbright site because the Conservation District has limited use. He advised that the Town had intended to use the property as a detention area and incorporate a passive park to allow the use of accessory buildings in order to house the drainage pumps. Atty Spillias mentioned that during the Planning and Zoning Hearing a strong argument was made that the proposed use of the property violates the Town zoning code. Atty Spillias stated that if the issue was to go to court he was not totally confident that the Town would prevail. He mentioned that if the property was re-zoned as Public Ownership it would allow for a broader use of the land and he would be very confident it would stand to legal challenge.

Comm Kaleel moved to postpone the request for Special Exception until December 1, 2003, seconded by Comm Schulte.

Motion carried - yea 5.

Mayor Aaskov mentioned that she had received the "Question and Answer" memo from the Town Engineers and commented that it was very informative and suggested everyone read it.

Dan Shalloway, SFRN President of the Town's Engineering firm, requested that he have an opportunity to give a slight history and presentation of the project to address some of the possible questions. Engineer Shalloway stated that in 2000 the drainage process was started by discussing "levels of service" for providing protection. He mentioned that levels of service are categorized by storms referred to as 3 to 100-year storms. Engineer Shalloway explained that a design for a 3-year storm represents a 33% chance of flooding within the three year period and a 10-year storm design would be at 10%. He advised that most coastal cities use a 10-year storm design and areas near major roads typically use a 25-year storm design. Engineer Shalloway advised that the Town of Ocean Ridge chose a 10-year storm design for their level of protection and also advised the engineers that the Town was very price sensitive. He explained that a number of alternatives were considered and a proposal was made for a system to flow water to the Woolbright detention area with pumps because it was the least expensive, had the ability to receive grants and would be permitable. Engineer Shalloway advised that S. Florida Water Management has a basis of review criteria for new construction and major retrofits that requires 1" of water per hour be retained before discharge for stormwater treatment. He stated that the criteria could not be met because the Woolbright area was not large enough however they were able to demonstrate that they could improve the water quality as much as possible before release. Engineer Shalloway also stated that the Lake Worth Lagoon grant was awarded because they were able to provide the best level of treatment possible.

Engineer Shalloway then responded to the questions submitted by Commissioners and residents during the November 10th meeting. He answered that the noise level of the pumps, according to the manufacturer, will emit 60-80 decibels during peak operation at approximately 250 feet. Engineer Shalloway then opened the chamber doors and allowed the audience to listen to the Town's diesel generator that was running and read 70 decibels. He stated that the operation cost difference of the electric pumps compared to the diesel pumps was negligible. In regards to the questions if the park/detention area is wet or dry, Engineer Shalloway answered that the park/detention area bottom is set at -0.9' NGVD so that it will be in a moist condition during times when it is not raining. He advised that depending on the tide and rainfall the soils will be saturated or be inundated less than two feet deep so that the submerged aquatic vegetation will stay alive. Engineer Shalloway answered that the bottom of the park/detention area can possibly be raised so it is dry between storm events if they can demonstrate to South Florida Water Management that such a modification to the permit is in the best public interest. He also mentioned that the buffer around the park/detention area can be made larger within certain limits.

Engineer Shalloway mentioned that the proposed system is not the only alternative however it is the least expensive that the Engineer could design which meets the level of service set by

the Commission and still obtain a permit from SFWM. He also commented that a preliminary design would have to be done to determine the cost difference of utilizing stormwater injection wells. Engineer Shalloway stated that the Commission chose the level of service that provides protection for the 10-year storm but they could choose a higher or lower level of service. Engineer Shalloway answered that the cost to construct just the Northern portion that includes the park/detention area, outfall pipe, pump station and the rerouted piping would be approximately 1.7 to 2.0 million dollars. He explained that the Town is receiving money from grants and other sources that include a Lake Worth Lagoon Grant #1 for \$493,000; LWLG #2 for \$400,000; Federal 319 grant for \$300,000; and the FL Dept. of Transportation Joint Participation Agreement for \$240,000 which all together total \$1,433,000. Engineer Shalloway also advised that the Town would not be eligible for any grants if the park/detention area is not built, however, the Town may still be eligible to receive a portion of the money anticipated from the FL DOT (\$240,000).

Engineer Shalloway answered that if the park/detention area, pump station and piping leading to the North portion of the South Phase drainage project are not completed and injection wells are used in the Tropical Dr. area, the drainage from the Beachway/Adams area should have some improvements in drainage but it will not receive a level of service of protection from a 10-year storm. Engineer Shalloway also answered that if the project is delayed for several months the Town might not necessarily lose all of the grant money. He explained that the only grant that would be in jeopardy is the first Lake Worth Lagoon grant for \$493,000 which expires in May 2004.

Engineer Shalloway explained several drainage project alternatives including constructing the project as designed, modifying the project in a manner that attempts to keep the grants by possibly constructing a deeper detention area (wet), constructing a shallower detention area (dry), wider buffer, moving the pumps or utilizing electric instead of diesel. He also mentioned other alternatives include proceeding with the south half of the South Phase project, Hudson & Coconut and placing the north half of the South Phase project on hold for reevaluation or to place the entire South Phase project on hold and reevaluate and proceed with Hudson & Coconut. Engineer Shalloway stated that considerations include a need for high-level assistance to make decisions to proceed quickly in order to save the first Lake Worth Lagoon grant, the cost to modify permits, and the undetermined effect on the loan. Engineer Shalloway concluded that the matter is very time sensitive and direction is needed in order to proceed with the drainage project.

Comm Schulte questioned if the expenditures have to be used specifically for certain areas including the detention area. Atty Spillias commented that the Lake Worth Lagoon grant was awarded because of the requirements for pre-treating the water before discharge. He also explained that they are matching grants that reimburse what is spent in the construction phase of the project. Atty Spillias stated that any money that is not spent by the grant deadline will be lost.

Comm Bingham questioned if the Engineers had done studies to determine how much of the drainage relief is from cleaning the pipes. She also questioned if cleaning the pipes and using injection wells in the south end could justify constructing a smaller detention area. Engineer

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Shalloway stated the pipes are undersized and he cannot quantify how much relief came from cleaning them but that using injection wells will help with drainage relief. He also stated that the current design does not meet the mandatory 1" criteria and SFWM would have to approve modifying the retention area.

Mayor Aaskov questioned the purchasing and operating cost difference between electrical and diesel pumps. Engineer Shalloway explained that the maintenance cost is approximately the same however the purchase price is \$200,000 more for the electric.

Comm Pugh stated that if the original plan was to use the electrical pumps and diesel was only chosen to save on the purchase cost then the electric should be used to keep the concerns from the residents down.

Comm Kaleel questioned what would need to be housed for the electrical pumps and generator vs. the diesel pumps. Engineer Tropepe explained that there will still be the same amount of pumps whether electrical or diesel is used. She stated that the diesel pumps will have to be housed and the electrical pumps will need to be housed unless they are submerged with only one diesel generator.

Comm Kaleel stated that before the drainage project began the intention of the Town was to call the Woolbright area a "park". He commented that the concept was there in 1999 and it is not a new idea. Comm Kaleel mentioned that he has concerns with the tropical hammock vegetation. He asked if the engineers could design a plan to preserve some of the natural hammock area. Engineer Shalloway explained that a design could be made but he did not know if the permit could be modified. He also stated that if he is given direction he could attempt to get permitted a new design preserving some of the hammock area and possibly have an answer in a couple of weeks.

Public Comment

Atty Spillias mentioned that the 195 page transcript was made available from the Planning and Zoning meeting that detailed all of the questions and concerns.

Patrick Doyle, 18 Hudson Ave., questioned Engineer Shalloway if he had complaints from residents with diesel pumps. Engineer Shalloway stated that he did not have specific experience with the pumps but checked with the Town of Palm Beach who has several diesel pumps and they have not received only noise complaints.

Mr. Doyle also questioned if the Town could be at any liability if the drainage project is postponed and injuries are incurred as a result of flooding or standing water. Mayor Aaskov stated that the drainage project is moving along. Comm Kaleel advised that the Commission appreciates and understands the concerns of the residents and commented that anyone can file a lawsuit for anything.

Mr. Doyle then commented that the P&Z's recommendation to deny the request for Special Exception should be taken with a grain of salt because he felt that a large influence was made by one person who put undue sway on the decision of the board.

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Comm Kaleel mentioned that he spoke with Jim Bouser from the Town of Palm Beach who also advised him that they have no complaints from the residents regarding the noise from the diesel pumps which are exercised every two weeks to a month for 30 minutes.

Patricia DeStefano, 14 Tropical Dr., questioned if the 10-year storm protection would be provided for both Adams and Tropical. Engineer Shalloway answered that if the wells are permitted, Tropical Dr. would receive the same level of protection.

Earl Jones, 14 Sailfish Lane, asked what the required injection well size is. Engineer Shalloway stated that the wells are underground within the Town right-of-way and would not be visible unless repairs are needed. Mr. Jones questioned if there was a cost difference for the injection wells. Engineer Shalloway explained that the cost would be less however the longevity of the injection wells is not totally known.

Gerald Goray, 130 Island Dr., member of the Planning and Zoning Commission stated that he was here to speak on an individual capacity. Mr. Goray mentioned that everyone would like to see the drainage improve somehow but he felt the Town did not provide enough projective data at the time of the P&Z meeting for a special exception to be approved. He mentioned that the decision was very difficult and that he did not want to minimize the drainage problem, however, there are concerns with noise, fumes and ground water.

Richard Lucibella, 5 Beachway N., asked how many acre feet of water the detention area is designed to hold. Engineer Tropepe stated she would need some time to review the answer. Mr. Lucibella then questioned if the plan for pre-treating water included a volume of water standing for a certain amount of time before discharge. Engineer Shalloway answered that theoretically the detention area should hold certain water for an amount of time during some storms for pre-treatment requirements. Engineer Shalloway explained that most pollution discharge is during smaller rains after oil build up and that there is not as much pollution concern during the heavier rains.

Donald Magruder, 9 Ridge Blvd, asked if the 5 pumps will be required if injection wells were put in the south end. Engineer Shalloway stated that he may be able to reduce the design to 4 pumps, however, his feeling is that 5 pumps are needed to keep the level of service and have the ideal system.

Dave Collier, 5 Midlane Rd., asked if the residents who are directly affected could hold a workshop and form a committee to have a voice and authority regarding the detention area. Comm Kaleel stated that the discussions are ongoing and are being held now. Comm Kaleel also advised that the Commission is trying to listen to all the concerns and look at the greater good as a whole.

Town Atty Spillias suggested that the Commission direct the Attorney's office to contact Comm McCarty, Senator Atwater and the appropriate agencies in order to request an extension for the grant money.

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Comm Kaleel stated that any decision made will not satisfy everyone and mentioned that he would like to see the pond area raised, as much of the Hammock area preserved as possible, electrical pumps used instead of the diesel, and a modified plan to move the pump station as far away from the residents as possible.

George Bierlin, 26 Hudson Ave., stated that all three original engineering alternatives that were presented listed the Woolbright area as a necessary site for the drainage project. Mr. Bierlin also questioned when the grant monies will be lost if the project is postponed. Engineer Tropepe answered that the first Lake Worth Lagoon grant for \$493,000 will expire in May 2004, the second Lake Worth Lagoon grant for \$400,000 will expire in May 2005, and the third Federal grant for \$319,000 will expire in approximately December 2006.

James Bonfiglio, 5616 N Ocean Blvd., stated his concerns included how the sludge would be removed from the detention area and also what the removal cost and time would be. He also asked how the Town would prevent vandalism of the pipes and also how sink holes will be prevented. Mr. Bonfiglio felt that the detention area phase of the project should be tabled to study further and the Town should proceed with the Tropical and Hudson phase.

Engineer Shalloway answered that sludge is not associated with stormwater but the sanitary stormwater would need to be vacuumed out at least once a year for a wet well and eventually all of the old plants would have to be bulldozed out and replaced. He also advised that there is riprap rock placed on the outfalls to keep the erosion down and that typically screening is not placed on the pipes but steel rods could be placed on them.

Jerry Magruder, 9 Ridge Blvd., felt that the Town has time to do the project the right way and asked that the Commission help in addressing the concerns of the residents. She also commented that she would not be able to attend the Town Commission Meeting on December 1, 2003 but would be represented by her attorney. She also mentioned that a letter received by Ed Buxton said the grant could be extended easily.

Town Manager Dailey mentioned that the letter sent by Ed Buxton requesting the grant be extended is not as simple as thought because the grant was originally sent through the State Legislature and any amendments would have to go back through the State Legislature for approval.

Comm Schulte stated that the issue is with the detention pond and that South Florida Water Management is demanding it. He advised that if the pond is necessary to help with flooding than the decisions need to be made on the details.

Comm Schulte also mentioned he was in favor of a dry detention pond and also agreed with Comm Kaleel that the pond should be raised, the hammock should be saved as much as possible, electrical pumps should be used and the pumps should also be moved away from the residents as much as possible.

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Comm Bingham was also in favor of the electrical pumps and dry detention area. She also stated that she felt more buffer should be used and as much of the hammock area should be preserved as possible.

Town Attorney Spillias suggested that before anything is presented or any decisions are made, that the request for Special Exception be cancelled until final decisions are made. He also mentioned that the grant extension needs to be worked on and would not be done by December 1st. Atty Spillias also suggested that the Town Engineers meet with the Engineer representing the homeowners and review their designs.

Comm Schulte moved to table the request for Special Exception and to bring back the drainage item on the December 1st agenda, seconded by Comm Kaleel

Motion carried - yea 5.

Adjournment

Meeting adjourned at 7:20 PM

Attest By:

Town Clerk

Mayor Aaskov

Commissioner Bingham

Commissioner Kaleel

Commissioner Pugh

Commissioner Schulte