

REGULAR COMMISSION MEETING HELD FEBRUARY 5, 2007

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, February 5, 2007, at 6:00 PM in the Town Hall Meeting Chambers.

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

Commissioner Hogan                      Commissioner Bingham  
Comm Allison                              Comm Pugh  
Mayor Kaleel

Pledge of Allegiance

Mayor Kaleel congratulated Comm Allison for running unopposed. Comm Allison was sworn into office.

Additions, Deletions, Modifications and Approval of Agenda

Mayor Kaleel requested to add a comment regarding the sale of Briny Breezes at the end of the meeting as Item #12.

Comm Pugh motioned to approve the Consent Agenda and Agenda as amended. Seconded by Comm Allison.

Motion Carried - yea 5

CONSENT AGENDA

1. Minutes of the Regular Town Commission Meeting of Jan. 8, 2007
2. Confirm Hiring of James Loughnan as a New Police Officer
3. Ocean Ridge Resolution No. 2007-02; Supporting and Endorsing the Principles of Home Rule and Adopting the Policies Set Forth Below to Support the Premise that the Town Should have the Authority to Govern Within its Jurisdiction, Further Providing that Such Authority should not be Eroded
4. Authorize Renewal of the Landscaping Contract with A Classy Cut for a One Year Period in the Amount of \$80,752.44 (No Increase in Fees)

ANNOUNCEMENTS AND PROCLAMATIONS

5. The administrative offices will be closed for the official holiday on Monday, Feb. 19, 2007
6. 2007 Municipal Election is CANCELLED due to the filing by only the one incumbent thereby making the candidacy unopposed (Lynn Allison) Administer Oath of Office for Commissioner Allison

PUBLIC COMMENT

Barbara Gumas, 5530 N. Ocean Blvd, #110, read a statement regarding the Ocean Ridge Yacht Club Annex Linear Park. This parcel of land owned by Ocean Ridge was exchanged for the abandonment of a portion of Chickasaw Street which allowed boating access to the Intracoastal Waterway. It was understood that even with losing their only public access to the water, that the Linear Park would be developed so that they would still have public access to the waterway for fishing, kayaking, canoeing and other water activities. They have 2 concerns: 1) the placement of a 3-4ft wall and tall ficus trees denying access by Crown Colony to the waterway; the height of the ficus also blocks the view to the waterway by some of Crown Colony residents. 2) Upon examination of the final plans for the park, it seems like very little consideration was given to public access, preventing the carrying of a small kayak, canoe or jet ski to the waterway. They request that the town reevaluate the plans concerning the development of the park and make the

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following changes: 1) Make the pathway from Chickasaw to the waterway accessible, and plan the placement of bushes, trees, bushes, gazebo and fountain accordingly. They also request that the 18" stepping stone pathway, be changed to a safer 36" concrete walkway. 2) Change the boundary wall by cutting or reconfiguring for access of Crown Colony residents. 3) Remove the tall ficus trees. A few weeks ago she had tried to carry a kayak across the property, when she was stopped by the contractor, and then the next day the contractor placed a 3x5ft sign for "No Trespassing".

Mayor Kaleel took note of several residents from Crown Colony in the audience and also Ernie Varvarikas, the contractor of the Yacht Club. He asked for all to refrain from comments until later in the meeting, and then all would be given the opportunity to respond.

Wilson Eick, 26 Douglas Drive, stated his concern of the sale of Briny Breezes, as their wall is his backyard, 15 ft from his home. He was very concerned with the height of the proposed buildings, blocking the sun to his home, and the noise of 8 years of construction behind his home. He was also concerned that maintenance of Briny Breezes would deteriorate, and lessen the quality of life for the neighboring properties.

Pat DiStefano, 14 Tropical Drive, noted her concern of potential transient traffic from the new proposed development of Briny Breezes. She suggested traffic lights along N.Ocean Blvd

Victoria Costello, 27 Sailfish Lane, mentioned that the newspaper had reported of a study of the Palm Beach Co. Traffic Division that there would be minimal effect upon the street traffic from the new Briny Breezes development. She didn't trust the study as she felt the developer initiated the study.

Mayor Kaleel noted that Comm McCarthy was not in favor of the new development, and would have a link on her website regarding Briny Breezes.

Ernie Varvarikas, 5582 N. Ocean Blvd, noted that he was the contractor for the Ocean Ridge Yacht Club, and asked to respond to the complaint of the construction of the easement. He stated his concerns of allowing public access to the water during the construction. He did not want public to be in harms way during an active construction site. (The walkway is only 5ft from exterior construction.) The ficus bushes would be trimmed down, however they were installed to help minimize the noise and to veil the activities of an active construction site as a courtesy for the neighboring properties. He also noted that the plans had undergone a stringent review and was approved. His purpose was to make the park as aesthetically pleasing as possible, with a fountain, park benches, and pavers for the path.

Comm Allison asked if the height of the wall was obstructing the view of Crown Colony. Ernie Varvarikas stated that they were required to install a retaining wall for drainage. The height of the retainage wall was at its highest point only 24", and was not aware that it was obstructing anyone's view. Comm Bingham stated her concern of the hazard for residents carrying a kayak or canoe over a broken pathway of 18" pavers. She felt a flat concrete pathway would be safer for pedestrians. Ernie Varvarikas stated their purpose was to make it more attractive rather than a flat concrete. Comm Hogan asked if he had received any written communication from the management of Crown Colony. Ernie Varvarikas stated that he had received nothing in writing, only verbal comments from a few of the residents and Gail Aaskov, the manager.

George Gumas, 5530 N. Ocean Blvd, Unit 110, President of the Board of Crown Colony, stated that they had no desire to speak with the contractor; they only wanted to deal with the Town, as it was a township plan. Mayor Kaleel asked if there was any current way to accommodate the request of Crown Colony. Ernie Varvarikas stated that as it was an active construction site, it

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could not be done at this time. Within 60 days however, the majority of the exterior work would be complete, and the danger to the pedestrians would be minimal at that time. Comm Pugh noted that any objections to this project should have been made at the 4 prior meetings with Planning & Zoning. The design of the linear park was changed several times He understood the dangers of having public access to a construction site or even close proximity to it. It is a narrow site and a 2-Story Building is being constructed. Mayor Kaleel asked for the developer to minimize the construction in order to allow for beach access. Ernie Varvarikas understood that Crown Colony wanted a more direct access to the water rather than down Chickasaw, but the retainage wall is in the way. The retainage wall is a requirement of their drainage design. A consensus was made to address as many of the concerns as possible between the contractor and Crown Colony, given the existing agreement that has already been approved.

### 7. Town Manager

Manager Schenck noted that the house on David Lane was under code enforcement for the blight, and some of the problems had already been corrected. The control panels for the pump should be installed at Turtle Beach and would then be complete by the end of March. A landscaping evaluation was performed and its final analysis was that the water in the Detention area was a result of the high tides, and may never be dry. At this time there are 2 options: 1) Make the detention area into a lake. 2) Plant aquatronic plants on the floor of the detention area to deter algae, and to absorb the standing water. He stated that the algae would be scraped off first, before the plantings. The cost of the plantings would be less than \$10,000, while the cost of the pond would be over \$100,000. He recommended the plantings, and the work could be started immediately.

Comm Hogan asked why the regrading had not been done yet, and why not do it before the planting. Manager Schenck stated that the regrading could not be done until the detention area was dry. If the planting was done, it would eliminate the need to regrade. Regrading would only improve a small area on the south west side, and it would only be 1-2 inches. Comm Hogan asked Engineer Tropepe to address this issue with her report.

Manager Schenck stated that the handicap ramp was being built for the portables. Having the electric, phones and computers lines installed would be the next phase. Twenty pre-qualification packages had been given out to general contractors, for bidding on the new Town Hall and Police Department.

### 8. Town Engineer

Engineer Tropepe stated the from an engineer's standing the South Phase was working perfectly. The tidal effect of the ground water on the detention area had always been a factor. The drainage piping from the south side of town was found to be dry, while the piping from the north side of town had water flowing into the detention area. Therefore the South Phase was working. Because of the heavy rains and flooding though, they tested the floodgate to see if it was a factor and found it working properly also.

Comm Hogan asked Engineer Tropepe if from the beginning she understood the influence of the high tide to the detention area. Engineer Tropepe responded that yes she always knew that the sump area or the northwest area would be wet. By permit it has a catch basin that is installed at a certain elevation, and designed with the berm to allow that small area to stay wet. Originally that area had a deep drop off covered in vegetation, and was consistently wet from tidal surge. She agreed that these plantings would reduce the algae and assist in the absorption of the water.

Comm Pugh motioned to authorize a contract for plantings on the bottom of the detention area with an amount not to exceed \$10,000 from the Capital Projects Fund. Comm Bingham seconded.

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Comm Bingham noted that some of homeowners on Hudson when they had their floodings, had the same planting placed on their property, and it was working great and looked nice too. Comm Hogan asked Engineer Tropepe for a vote of confidence that the plantings would work. She felt that the town had a legal obligation to the homeowners whose input was instrumental in the design of the detention area. She asked if the residents had been notified of the possible change. Manager Schenck stated that he felt that the plantings coincided with the intent of the project. The original idea was to have grass planted along the bottom, but it was rejected. Instead of “grass”, the plantings would be more effective as they would deter the algae and be more absorbent also. Attorney Spillias stated that there was no legal obligation to the residents except for it to be made public as in tonight’s meeting, as the final decision of the detention area was made by Ocean Ridge. The residents were allowed to give their input to the landscape architecture with their ideas, but the final decision was made by the commission.

James Bonfiglio, 5616 N. Ocean Blvd, stated his concern of having the detention area turned into a lake or pond. Aesthetically he enjoyed the view of the wildlife, but was not in favor of the algae problem, and asked that the work be completed and finalized as soon as possible.

Don Magruder, 9 Ridge Blvd, stated that he was in favor of the planting, especially if it was the same planting used at the IBIS development on PGA Blvd, as he thought that looked very nice. He was concerned of the north east corner staying so low, and asked for grading to resolve it, as the standing water could result in a high level of mosquitoes. He also noted that 15 of the palm trees were dead. Manager Schenck stated that he was aware of the dead palms. Those palm trees had been supplied by the “Keep Palm Beach County Beautiful” Project and they had been notified. They should be replacing them within the next few weeks.

Motion Carried, yea 5.

### 9. Public Safety

Chief Hillery stated that there was nothing to report. Comm Hogan asked what process or steps are followed in finding employees for the police department. She also asked who interviewed them, and if advertisement was placed for the position, and did they receive special training in customer service also. Chief Hillery stated that the State of Florida has prerequisites that must be followed including psychological, physical, credit checks, and detailed background checks into their employment history and education. Most of the staff was found by word of mouth through other departments. He felt that it was his responsibility to find the highest quality of personnel that would reflect well on the community. He felt that the current police officers on staff did just that, and was proud of his staff.

### 10. Town Attorney.

Attorney Spillias had nothing to report.

### 11. Report on Evaluation of Old Ocean Blvd. (Vegetation and Traffic Control)

Manager Schenck noted that after review of Old Ocean Blvd, it was found that 25 homes had vegetation in the right of way. He asked the commission for direction of the 6ft limit as it affected 10-11 of the homes along Old Ocean Blvd. There was a mix of new and old plantings involved. Comm Bingham noted that some of the trees planted within 3ft of the right of way would eventually grow into the right-of way. Earlier in the week, she and the Town Manager had driven down Old Ocean, and 3 times they had to stop to avoid walkers, bikers, and mothers with strollers. She asked that a final decision be made for public safety. Manager Schenck noted that the letter allowed for his discretion, and asked for a more definite decision to made rather than leaving it to “discretion”.

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Bruce Gimmy, 12 E. Ocean Avenue, stated that Planning & Zoning had initially requested a 15 ft, but 10 ft was decided upon for hedges and vegetation. He noted that there were safety concerns for walking pets in the early morning along Old Ocean Blvd. He requested that sidewalks be installed, to avoid the danger of walking in the street. One property has gates and tall hedges that had been there for a long time. There hasn't been any enforcement.

Mayor Kaleel noted that approximately 7-8 years ago, it was discussed to make Old Ocean a One-Way Street, but the idea was rejected by homeowners. Attitudes change, and maybe now more may be in favor of a one-way street. Comm Bingham noted that the right of ways were public land, and the purpose of clearing the right of ways is for public safety. She did not favor the idea of a One-Way Street.

A consensus was made for Manager Schenck to send out a letter to the residents of Old Ocean Blvd concerning the right of ways, as a first step to addressing the problems of vegetation and traffic control.

### 12. The Sale of Briny Breezes

Mayor Kaleel stated that he had attended a meeting with Comm McCarty, Boynton Beach, Town of Gulfstream, Palm Beach County Staff and Catalfumo, the Land Developer and the financiers, and other representatives. The purpose of the meeting was to inform us of their concept of the new development proposed. They refused to give anything in writing. We were shown pictures of the new resort looking like the Breakers or Fisher Island. It would be a high end resort and hotel with condos and a marina. The residential buildings would average 12 stories with a 2-level parking garages underneath, or a total of 14 floors. There would be 8-10 of these (the size of the 2 new towers on the other side of the intra-coastal), plus a 20/25 story resort hotel. The concept was nice, but appeared a massive total of 5 million sq feet. They have until August to show due diligence and March to August 2009 to close. It is unsure what the final picture would be. He asked them if when finalized if they would come and make a presentation to Ocean Ridge. He felt very concerned as to the impact that it would have to our small community and the Town of Gulf Stream, but as Briny Breezes was their own entity, they may have the right to make their own regulations. As it concerns Ocean Ridge however, we do have a legal right to speak our opinion, but since at this time they are not committing to anything, there is nothing to oppose. Ocean Ridge is a small town with limited funding to fight this, but we can start laying the ground work so that as things progress we can be ready to give our opinion. We will keep the citizens posted as to any initiatives and involvements as they unfold. He also noted that Commissioner McCarty was not in favor of the massiveness of the project and the dramatic effect it would have on Ocean Ridge and the Town of Gulfstream, and wants to work with us. If when developers approach Boynton Beach, as to the increase of water and sewer demands, the City of Boynton could at that time make it conditional to being annexed. The land developers have major obstacles to overcome: Army Corp of Engineers, D.E.P, F.D.E.P, Treasure Coast regional Planning Council, South Florida Water Management, water, sewers, and traffic. There will be plenty of opportunity to make our voices known.

Mayor Kaleel mentioned that he had asked if Lewis, Longman & Walker would consider registering as our any lobbyist in the State Legislature and be our representatives to react to any lobbying that would relate to new development in Briny Breezes. With legislature, things can proceed at a very rapid pace, and needed to be followed on a daily basis. If not closely watched, a secret decision could be made in favor of the developers that we need to be aware of.

Comm Allison asked if there would be a conflict of interest, if Lewis Longman was our lobbyist, while still the CRA of Boynton Beach. Atty Spillias noted that from a strict legal aspect, the only conflict he could foresee was if Boynton Beach annexed Briny Breezes. There was no indication of this taking place at this time, but if it did, Ocean Ridge would take precedent. The Town of

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Gulf Stream shares the same interests as Ocean Ridge and would be welcome to join us in a coalition.

Comm Pugh motioned to authorize Lewis, Longman & Walker to prepare a contract to serve as the registered lobbyist for Ocean Ridge. Comm Allison seconded.

Motion Carried - yea 5

TOWN COMMISSION COMMENTS

Comm Allison stated that on Saturday, the Sand Sifters had a beach cleanup with Commissioner McCarty present. The results were amazing. There were 100+ helpers, and it was mentioned that our beaches were the cleanest in Palm Beach County. Comm Bingham asked if the Police Department would enforce the issuance of citations for litter violations. She requested a distinction of the high water mark, to make certain of the jurisdiction of owner of the property (State vs. Town) before citations were issued.

Meeting Adjourned at 8:03pm.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Bingham

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Commissioner Hogan

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Commissioner Pugh