

Public Hearing/Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 3, 2007, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Bingham                      Commissioner Pugh  
Commissioner Allison                      Commissioner Hogan  
   Mayor Kaleel

Pledge of Allegiance

#### CONSENT AGENDA

1. Minutes of Town Commission Meeting of Nov. 5, 2007
2. Ocean Ridge Resolution No. 2007-15; Designating the Supervisor of Elections as a Member of the Canvassing Board to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the February 12, 2008 election, and to Canvas Returns of Such Election Including the Absentee Ballots and Assigning the Supervisor of Elections to Handle the Absentee Ballots

Comm. Bingham requested to add a discussion of EMS service in Ocean Ridge as Item #16. Atty. Spillias requested to add under his report, a request for an Attorney/Client Session. Mayor Kaleel requested to add a donation for the the Tri City BBQ as item #17.

Comm. Pugh motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Allison.

Motioned Carried yea – 5.

#### ANNOUNCEMENTS AND PROCLAMATIONS

3. The administrative offices will be closed on Monday, Dec. 24<sup>th</sup> and Tuesday, Dec. 25<sup>th</sup> and Tuesday, Jan. 1, 2007 for the official holidays
4. 2008 Municipal Election
  - a. Date of Election is February 12, 2007
  - b. Two Commission Seats for Three Year Terms Each
  - c. Candidate Filing Dates run Dec. 21, 2007 through 3:00 PM on January 18, 2008

Clerk Hancsak commented that Item 4c was incorrect in a recent news article stating that two people were running when it should actually have said there were two seats open. Candidates do not qualify until December 21<sup>st</sup>, 2007.

#### PUBLIC COMMENT

Louise Stolzky, 47 Spanish River Drive, gave an update of her concerns of Inlet Cay from the last commission meeting: 1) Maintenance had been done on the storm drains. 2) Repaving Spanish River Drive - is there a time table yet? 3) The vegetation on the empty lots had been cut, but they were still being used as a parking lot for cars and boats. She thanked the town for the response to her concerns.

#### PUBLIC HEARINGS

5. An application submitted by V&O Island Properties, LLC, 5582 North Ocean Blvd., Ocean Ridge FL 33435, requesting a modification of the Site Plan for the Ocean Ridge Yacht Club Annex from the provisions of the Land Development Code, Article IV; Site Plan Review Procedures, Section 63-51(a)(4) Site Plan approval of minor or major development application or modification and Section 63-51(b)(2) Major Development review for what is known as the new

dock area. The Ocean Ridge Yacht Club Annex consisting of six units was originally approved in 2004 and recently given Certificates of Occupancy. The applicants are requesting a modification to the Site Plan to include a six-slip T-dock and finger piers (2/3's of the dock is already built). The property is located at 5600 North Ocean Blvd., Units 45A-50A (southwest portion of the Ocean Ridge Yacht Club) or generally described as all of the Ocean Ridge Club Annex, according to the plat therefore as recorded in Plat Book 105, Pages 53 and 54 of the Public Records of Palm Beach County (exact legal description located at Town Hall).

Clerk Hanscak reported that all fees had been paid, and there had been no additional correspondence received. Planning & Zoning had met and given their recommendations. Atty. Spillias stated that this was a Quasi-Judicial Meeting, and asked if any of the commissioners had any exparte communications with the applicant. Comm. Bingham stated that she had been called, but had not gone down to site. Comm. Allison stated that she had been contacted also, and was able to go to the site. Comm. Pugh stated that he went to the site. Comm. Hogan stated that she went to view the site for a broker/open house. The day of the meeting she again went to the site and the builder was not there either visit. Mayor Kaleel stated that he had met with the builder and visited the site. Atty. Spillias swore in those that would be giving a statement.

Greg Young, attorney representing V & O Island Properties, introduced Ernie & Marie Varvarikos and Matt O'Connor. Greg Young reported that in 2004 the site plan review was approved for the 6 townhouse units, and the CO's have been issued. The townhouse lots go down to the seawall/easement, and the Linear Park is complete, however they were still working on the signage. They have a tri-county agreement for the Linear Park to be kept in perpetuity. He stated that the docks had not been included on the original application. It was suggested to leave them off until final approval of Army Corp. of Engineer and DEP, so as to not hold up the project. Their plan was to modify it to include the docks. In July 2007, the Army Corp of Engineers gave partial approval for 2/3's of the dock (as it is currently built). The marine contractor gave bad advice and advised that they could proceed with the construction of the docks up to the first inspection, and then get the Ocean Ridge permit. The permit and inspection would be done at the same time. Their variance application is going before the Board of Adjustment next week. The code is for docks to be no more than 5 feet from the property line. The hardship for the variance is that the docks need to be extended west of the sea grass area because it is too shallow. Their permit is for 6 boat slips for the 6 units. Planning & Zoning recommended 4 slips, and asked them to remove the southern dock and the 2 mooring piles for the safety of those launching kayaks. They suggested that the mooring pilings have reflective bands for safety.

Atty. Spillias cautioned the commission that the hardship/variance is for the Board of Adjustment to decide. The commission's decision needed to be based on zoning and the site plan only.

Yuri Klement, President of Crown Colony, 5510 N Ocean Blvd, and George Gumas, 5530 N Ocean Blvd were present to voice their concerns of the affect it would have to their properties, they also had photos of the new docks showing the proximity to Crown Colony. They felt that the docks would be a nuisance, because of the noise, air pollution, and a hazard to the town. There was also a concern that the 25ft setback from the south property line had not been met. Steve Dipace, 5510 N Ocean Blvd, was a Massachusetts Real Estate Attorney, and felt that Planning & Zoning's recommendation was a reasonable compromise and was not opposed to it.

The Commission went into executive session and clarified that according to the developer the docks were constructed prior to permit approval or a site plan modification based on bad advice from the marine contractor to the developer. It was discussed to remove the mooring piles and move the dock 15ft to the north, with a bridge to be built on the existing long portion of the dock to allow a kayak to traverse under the dock to travel north. Atty. Spillias stated that to make their

decision “contingent” upon a change such as relocating a portion to the north would be very difficult. He asked that the commission make a decision, and if the contractor wanted to change their permit with the Army Corp Engineers or DEP, they would need to come back for a modification at that time again. It was discussed about possible changes to the Linear Park: handicap accessible, having smaller spaces between the stone on the footpath for safety purposes, and improving kayak access; however, the attorney advised that the park had already previously been approved through an agreement signed by three parties.

Comm. Bingham motioned to approve to have the most southern boat slip and the 2 pilings be removed and to have no boat permitted on the south side, and a bridge designed to allow access for the kayaks to traverse north, and install reflective banding on the pilings and dock, subject to Board of Adjustment approval of any variances. Seconded by Comm. Hogan

Motion Carried - yea 5.

#### REGULAR AGENDA

Mayor Kaleel asked for Item #14 to be pulled and discussed at this time.

14. Ocean Ridge Resolution No. 2007-16; Evidencing its Forfeiture of a Reversionary Interest in that Portion of a Formerly Unimproved Thirty (30) Foot Wide Chickasaw Avenue Platted Right of Way Located on the Property Within the Town of Ocean Ridge Situated North of Lots 1,9,10,11 and 12 of Briny Breezes Addition Number 2 Plat Recorded in Plat Book 14, Page 62 and as More Particularly Described on Exhibit “A” Attached Hereto and Made a Part of Hereof (the “Abandonment Parcel”)

Greg Young, attorney representing V&O Island Properties, explained that one of the conditions or requirements was to complete the Linear Park within 3 years. An extension had been granted and the park was substantially complete.

A discussion was held as to the items needed to complete the Linear Park, such as signs, and a landing or area safe for launching kayaks. The hedges had been cut down from 8ft to 4ft; as the hedges had first been put up to conceal the construction site. It was also discussed that Crown Colony had continually changed from wanting hedges/then no hedges; and from concrete to pavers, and now back to concrete during the original site plan approval.

Comm. Hogan motioned to approve Resolution 2007-16 contingent on further discussion of the walkway, hedge height, and water landing. No Second, Motion died.

Comm. Hogan motioned to approve Ocean Ridge Resolution No. 2007-16, seconded by Comm. Pugh.

Motion Carried – yea 5.

#### REPORTS

6. Town Manager

Manager Schenck’s report addressed the following: (a) the status of the South Phase Drainage Project; (b) the status of the relocation of the town Hall and the Police Complex and the financing and construction of the new building. The de-mucking took longer than anticipated because of the extensive muck found and the significant debris found under the ground; SWA considered it contaminated fill. They expect to start pouring concrete in the next 2 weeks. (c) Harbour Drive South project was complete, except for inline vales to block the high tides (d) Ocean Ave Landscape will be reviewed with some citizens to develop the design and plan to redo the

landscaping (e) a meeting was held today with one resident on Old Ocean Avenue; and another resident tomorrow to discuss the problems and possible solutions concerning vegetation in the right of way. (f) storm water televising found leaks in Spanish River Dr and Eleuthera Dr. The cost to replace them was being evaluated, and would be ready for the January meeting.

7. Town Attorney

Atty. Spillias requested an Attorney/Client Session regarding Case #2003 CA010524 AB with Cory Heith vs. Town of Ocean Ridge. The consensus was for Wednesday, January 9<sup>th</sup>, 2008 at 8 a.m.

8. Director of Public Safety

Chief Hillery had nothing to report.

9. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Awarding the Bid to Remove/Replace the Fuel Tanks on Town Hall Property to Delta Petroleum in the Amount of \$105,632.00 to be Funded from the Capital Projects Fund

Manager Schenck reported that 3 bids had been received: Delta Petroleum \$105,632.00; Advantage Environmental \$136,301.58; and AWS Engineering \$200,800.00. Staff recommended Delta Petroleum subject to the attorney's review of the contract.

Comm. Pugh motioned to award the bid to remove/replace the fuel tanks on Town Hall property to Delta Petroleum in the amount of \$105,632.00 to be funded from the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea 5.

11. Approve Contract with Bridge Design Associates for Design of the Island Drive Bridge Replacement in an Amount of \$61,800 to be Funded from the Capital Projects Fund

Manager Schenck reported that Bridge Design had submitted a contract in the amount of \$59,300 to design the new bridge plus \$2500 on a cost plus basis for permitting.

Comm. Pugh motioned to approve contact with Bridge Design Associates for design of the Island Drive Bridge replacement in an amount of \$61,800 to be funded from the Capital Projects Fund. Seconded by Comm. Allison.

Motion Carried – yea 5.

12. Discuss Renewal of Landscaping Contract with A Classy Cut

Manager Schenck reported that the renewal of the landscaping contract with A Classy Cut would be up for renewal in February and asked if the commission wanted to advertise and go out to bid. Comm. Bingham stated that she found 3 problems with A Classy Cut. 1) use of herbicides that killed the hawthorn. 2) not enough mulch 3) fertilized stick was not being used. 4) their rate is \$35/hour. The consensus was to go out to bid for landscaping.

13. Discuss Format for the Minutes

Atty. Spillias presented new formats for the minutes, and used the minutes from the September 10<sup>th</sup> as an example. It was discussed that the written minutes are the only permanent record of the

meetings, and that the audio is only kept for 2 years and that minutes do not need to be verbatim. He added that public comment is only required during a Quasi-Judicial meeting.

Comm. Hogan motioned to approve Version #2 as format for the minutes. Seconded by Comm. Bingham. After further discussion the motion was withdrawn.

Comm. Bingham motioned to approve Version #3 as format for the minutes with clarifications on resolutions or ordinances. Seconded by Comm. Allison.

Motion Carried – yea 5.

TOWN COMMISSION COMMENTS

15. Discuss Holiday Bonus for Employees

Comm. Allison motioned to approve employee bonuses of \$500 each from the Contingency Account. Seconded by Comm. Bingham.

Motion Carried – yea 5.

It was suggested that a plan be designed to award those employees who serve over 25 years.

16. Tri-City BBQ

It was announced that the Town of Pahokee was hosting the Tri-City BBQ, with the golfing tournament in Belle Glade on Friday, December 7<sup>th</sup>, 2007.

Comm. Hogan motioned to authorize a donation in the amount of \$200 towards the Tri-City BBQ. Seconded by Comm. Allison.

Motion Carried – yea 5.

17. Discussion of EMS and Fire Service By: Comm. Bingham

Comm Bingham commented that in light of several recent articles she felt it should be known that EMS had never been in Ocean Ridge, and the cost to have EMS would put Ocean Ridge in bankruptcy. The bridges go into lockdown when fire or EMS is requested. Our response time is quicker than for some of the Boynton residents. Boynton Fire Dept had been reassured by Ocean Ridge that we were happy with their service. Comm Hogan commented that the Town should keep its options open for the future.

18. Ocean Inlet Update

Mayor Kaleel reported that the Ocean Inlet research was not complete, but that Ocean Ridge was opposed to the draw bridge concept. The impact of drainage and tidal flow to Ocean Ridge has not been concluded, and more discussion in needed.

Meeting adjourned at 8:50pm.

Attest By:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor Kaleel

\_\_\_\_\_  
Commissioner Allison

\_\_\_\_\_  
Commissioner Bingham

\_\_\_\_\_  
Commissioner Hogan

\_\_\_\_\_  
Commissioner Pugh