

# MINUTES

Regular Meeting of the Town Commission

Wednesday, August 15, 2012

**Present:** Mayor Thurlow-Lippisch, Vice Mayor Schoppe, Cmsrs. Busha and Luger, and Town Manager Kellogg, Attorney Torcivia, Chief Cerniglia

**Absent:** Building Official Adams

**Call to Order** - Mayor Thurlow-Lippisch called the Regular Meeting to order at 7:02 P.M. and asked if there were any changes to the agenda. Town Manager Kellogg asked to add under item 3. Public Hearings & Presentations, g. Approval of Resolution No. 760 FMIT Board of Trustees Nominee, and to remove from the Workshop item 1. Discussion - a. Presentation on Security Camera System by Wild Fire Connection. A motion was made by Cmsr. Luger, seconded by Cmsr. Busha to approve the agenda as amended. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

1. **Comments from the public on topics not on the agenda** - None.

2. **Public Hearings & Presentation** - Vice Mayor Schoppe asked to address the public by requesting that everyone show civility in presenting their thoughts/concerns to the Board relative to the Van and Pick-Up Truck ordinances being heard. He went on to say that he was disappointed in the tone of some of the emails he had received and said anything less than respectful would not be tolerated. He ended by saying he and the other members of the Board "are your neighbors, serving you and the Town."

a. Proclamation "Florida Water Professionals Week" - Mayor Thurlow-Lippisch read the proclamation into the record saying we take our water for granted and expressed appreciation to those who devote themselves to produce/distribute safe drinking water.

b. Ordinance No. 373 Property Maintenance "Swale" First Reading - Town Manager Kellogg said two changes were made to this ordinance: property owners are required to maintain the swale in the public right-of-way, and vegetation may be placed at curbside no earlier than 24 hours prior to pickup. Attorney Torcivia read Ordinance No. 373 Property Maintenance "Swale" into the record. A motion was made by Vice Mayor Schoppe, seconded by Cmsr. Busha to approve for first reading, as indicated. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

c. Ordinance No. 374 Traffic and Vehicles (Van), First Reading - Cmsr. Luger began by saying he appreciated all of the e-mails he received. He further stated, information put out to the public was "misinformation" and said he wanted to clear up the differences of what was disseminated with the truth. Currently, he said, trucks less than 5,000 lbs and up to 7' were allowed to park in front of homes after 5 PM. The proposed change would remove the weight limit, but the height would remain the same. He went on to explain point-for-point about pick-up trucks, and then spoke to the private passenger van issue. Cmsr. Luger started off by saying they [Commission] separated the ordinances to prevent confusion, and passenger vans could be parked in front of homes if they have rear windows, height restriction would be eliminated, and he raised the question of late model vehicles in neighborhoods that were in disrepair and fading - not providing economic cultural values to the community. He also spoke to the safety issue of trucks, enforcement, complaint-driven violations (also addressed by Cmsr. Busha), etc. At that time, 17 residents spoke for three minutes each *against* the proposed ordinance(s), 4 residents in *support of* same, and the Commissioners read emails/letters from six residents not in attendance, but wanted their feelings known - 5 in support, 1 opposed. As far as the passenger vans are concerned, Vice Mayor Schoppe said "the community has spoken." He did support changes to the truck ordinance. Cmsr. Busha indicated she "... had thought about this issue for months and could not reconcile this to be in the best interest of Sewall's Point," and would not support it. Concluding, Mayor Thurlow-Lippisch indicated her lack of support. At that time, Attorney Torcivia read Ordinance No. 374 Traffic and Vehicles (Van) into the record. Cmsr. Luger made a motion, seconded by Cmsr. Busha to approve Ordinance No. 374. In favor (1-3) Motion failed.

**In Favor:** Luger

**Opposed:** Busha, Schoppe and Thurlow-Lippisch

Cmsr. Busha made a motion, seconded by Vice Mayor Schoppe to allow 'amnesty' of six months for those owners who currently have the vehicles discussed. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

d. Ordinance No. 375 Traffic and Vehicles (Pick-Up Truck) First Reading - Having been discussed with the Van ordinance, Attorney Torcivia read Ordinance No. 375 Traffic and Vehicles (Pick-Up Truck) into the record.

Cmsr. Luger made a motion, seconded by Vice Mayor Schoppe to approve Ordinance No. 375. In favor (2-2) Motion failed.

**In Favor:** Luger, and Schoppe

**Opposed:** Busha, and Thurlow-Lippisch

- e. **Approval of Resolution No. 758 Budget Appropriation** – Town Manager Kellogg reviewed Resolution No. 758 and the reasons for the resolution. One of the suggestions by the Commission was to have an account set-up for the Cultural Committee, which would provide a clearer accounting of expenditures. Vice Mayor Schoppe made a motion, seconded by Cmsr. Luger to authorize Resolution No. 758. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

- f. **Approval of Resolution No. 759 County Gas Tax Distribution** – Town Manager Kellogg requested Martin County Commissioners approve extending the current gas tax distribution formula for an additional year, until a mutual agreement can be reached [method of distribution]. A motion was made by Vice Mayor Schoppe, seconded by Cmsr. Busha to approve Resolution No. 759 County Gas Tax Distribution. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

- g. **Approval of Resolution No. 760 FMIT Board of Trustees Nominee** – The FMIT Board sent out a notice requesting cities and towns to submit their nominee to sit on this board, said Town Manager Kellogg. He recommended Mayor Thurlow-Lippisch. Cmsr. Busha made a motion, seconded by Cmsr. Luger to approval Mayor Thurlow-Lippisch as the Town's nominee to the FMIT Board. All in favor. (4-0)

**In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch

**Opposed:** None

### 3. Consent Agenda

Cmsr. Luger made a motion, seconded by Cmsr. Busha to approve the Consent Agenda with the changes suggested by Mayor Thurlow-Lippisch to the Town Clerk. All in favor. (4-0)

Vice Mayor Schoppe made a motion, seconded by Cmsr. Busha to conclude the first portion of the Regular meeting at 9:09 P.M. All in favor. (4-0) **In Favor:** Busha, Luger, Schoppe and Thurlow-Lippisch **Opposed:** None

### Workshop

#### 1. Discussion

- a. **Presentation on Security Camera System by Wild Fire Connection** – Postponed until 8/28/12

b. **Tree Trimming** – Town Manager Kellogg reviewed the list of trees needing trimming as submitted by Stuart Fire Rescue. Cmsr. Luger asked Mr. Kellogg for a list of specific trees (location) and costs for the next meeting.

c. **Maintenance Items** – Town Manager Kellogg went over the information on Town Maintenance projects provided by Town Engineer Joe Capra, who spoke to issues of pipe deterioration, inspection and cleaning of pipes, etc.

d. **AIA update** – Town Manager Kellogg informed the Commission of a settlement agreement between the Estate of Gertrude E. Neese and Stephen Bohner (Premier Realty) and the State of FDOT. A variety of questions and concerns were expressed re. loss of trees and it was decided to have **Mr. Kellogg contact FDOT to find out if the Agreement was finalized; and Mayor Thurlow-Lippisch would contact Mr. Bohner.** He will bring back to the Commission at the next meeting.

e. **New Dental Plan Insurance** – A recommendation to go with Guardian Dental was made by Town Manager Kellogg, noting the cost was less than last year.

f. **New Health Insurance Plan** - A recommendation was made by Town Manager Kellogg, noting an increase of 6.9% over last year.

g. **2012-2013 Budget** – Town Manager Kellogg reviewed the proposed 2012-2013 budget, saying he was leaving the millage at its current rate of 2.2896. He went on to say he had budgeted funds for capital improvements of tree trimming, storm drainage improvements, and street paving, with a total budget for next year of \$2,379,875 which includes 10 police officers and a clerk.

2. **Town Manager's Comments** – First TRIM meeting will be September 13<sup>th</sup> and the next meeting will be 8/28/12.

3. **Chief of Police** – Chief Cerniglia noted Officer Donlon celebrated 15 years of service with the town.

4. **Comments from Commissioners on topics not on the agenda** – Mayor Thurlow-Lippisch commented on the positive work being done on the FEMA project. Cmsr. Busha talked about the calls she received from residents re. vehicle parked on wrong side of road with obscenities written on it.

5. **Adjourn:** Cmsr. Busha made a motion to adjourn, seconded by Cmsr. Luger. All in favor. (4-0)

Respectfully submitted, Ann-Marie S. Basler, Town Clerk