

MINUTES

Regular Meeting of the Town Commission

Tuesday, June 12, 2012

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

1. **Call to Order** - Mayor Thurlow-Lippisch called the Meeting to order at 7:02 P.M. and asked if there were any changes to the agenda. She went on to say after speaking with Atty. Torcivia regarding changes that needed to be made to Ordinances 372 and 373, she asked the Commission to table items 3c. Ordinance No. 371 Special Events Permit, and 3e. Ordinance No. 373 Property Maintenance Code. Cmsr. Bausch questioned having item 3d. Ordinance No. 372 Traffic and Vehicles on the agenda for a first reading saying he was “not on the commission when policy changes were made and felt this item should be discussed and vetted by all commissioners.” He also noted it was a procedural issue. Cmsr. Luger stated the proposed changes [to that ordinance] had been discussed in two previous workshops and the end result was from those discussions. Vice Mayor Schoppe made a motion, seconded by Cmsr. Luger to table item 3c., and move item 3d. to the Workshop portion of the meeting as Item 1a. All in favor. All in favor. (5-0)

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

Opposed: None

2. **Comments from the public on topics not on the agenda** – Residents: Ella Ford brought up what she referred to as “discrepancies” in the Town Charter and asked when this issue would be addressed? Responding, Cmsr. Luger said he spoke to Atty. Torcivia, who at that time said the Charter was clear, and based by Referendum the Town Manager was responsible for the hiring/firing of staff. Regarding the Clerk, Atty. Torcivia said the Referendum supersedes conflicting language, and [he] will put this in writing. Mike Melton, Jensen Beach resident/runner, said events are coming up, specifically one endeavor by the King children, and supported the permitting process. Don Gleichmann recommended posting resolutions on the Town’s web page.

3. **Public Hearings & Presentations:**

- a. Bird Island – Greg Braun, Executive Director of the Audubon of Martin County, updated the Commission with a PowerPoint presentation on Bird Island. He explained the County is nominating Bird Island (MC2) for the special designation as a “Critical Wildlife Area.” As a consultant for the County, Dr. Braun has been monitoring Bird Island paying special attention to erosion, bird diversity, and said that the ‘spoil’ island was created in the 1940’s and is 1 of 7 in the country. He noted there are approximately 600-1,000 nests during one nesting season, between December/January through June/July (before hurricane season). Trying to keep people away from nests is a major threat, along with fishing line entanglement. He concluded by saying Martin County has made a terrific commitment as a management entity and is doing what it can to prevent unauthorized persons entry onto the island.

- b. Ordinance No. 369 Amending Chapter 14 Rental of Dwelling Units, Section 14-165(3)(5), Second Reading & Adoption – A first reading of Ordinance No. 369 was held in April, said Town Manager Kellogg who explained the slight change in the ordinance where the owner of a property in Sewall’s Point will now be required to submit a copy of their lease to the Town, along with the rental agreement. Attorney Torcivia read the ordinance into the record. A motion was made by Cmsr. Bausch, seconded by Vice Mayor Schoppe to approve for second reading Ordinance No. 369, as indicated. All in favor. (5-0)

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

Opposed: None

- c. Ordinance No. 371 Special Events Permit - Tabled
- d. Ordinance No. 372 Traffic and Vehicles, Amend - Moved to Workshop.
- e. Ordinance No. 373 Property Maintenance Code, Amend – Moved to Workshop.
- f. Resolution No. 757 Engineering Consulting Design AIA Undergrounding – Town Manager Kellogg reviewed the proposal from Brannon & Gillespie at a cost of \$23,000.00, and asked for Commission

approval. Resolution No. 757 was read aloud and Cmsr. Bausch made a motion, seconded by Vice Mayor Schoppe to approve Resolution No. 757, as written. All in favor. (5-0)

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

Opposed: *None*

- g. Authorization of letter regarding Unity of Title, Marilyn Frederick - Attorney Torcivia explained that two lots owned by M/M Frederick were combined into one lot in 2001 [for tax purposes]. However, at this time, they would like to reestablish them as two separate lots. Vice Mayor Schoppe recused himself from any connection to this issue [due to possible future action re. his property]. Atty. Torcivia said he did not need to recuse himself as he had just disclosed his thinking about a possible future action. Representing the Fredericks, Atty. McCarthy said they are moving and have placed the property on the market for sale as two lots, selling separately. Atty. Torcivia indicated that "... each lot remains in the same configuration as originally created, therefore, no new lot of record is being created."

After further discussion. Cmsr. Bausch made a motion, seconded by Cmsr. Luger to send the letter to Atty. McCarthy confirming the Town's approval of the property as two lots. In favor. (4-0-1)

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

Opposed: *None*

Abstained: *Schoppe*

- h. Discussion of Sidewalk Bids - Town Manager Kellogg explained bids came in higher than expected at \$337,000.00. Town Engineer Capra emailed him and said in his conversations with Sunshine Land Design he was able to reduce the cost to approximately \$225,000.00 with the following changes: increase construction time from 90 to 120 days; change clay pavers to brick; and, eliminate the underground conduit for the future installation of electric lines, sewer, cable and telephone. By eliminating the conduit, only six poles would be required. With the changes noted, the total estimated cost would be \$240,000.00. Vice Mayor Schoppe made a motion to go forward with the project as recommended by the Town Manager, with a cap of \$245,000.00, seconded by Cmsr. Busha. All in favor. (5-0)

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

Opposed: *None*

4. Consent Agenda

Cmsr. Bausch made a motion, seconded by Vice Mayor Schoppe to approve the minutes as amended. All in favor. (5-0)

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

Opposed: *None*

WORKSHOP

1. Discussion of Ordinance No. 372 Traffic and Vehicles, Amend - Cmsr. Luger apologized for the technical error in having the proposed ordinance come before the Commission for a first reading. He reiterated the work that had come from previous meetings in this regard concerning pick-up truck weight, height, racks, etc., along with discussion of vans, i.e., windows on both sides of the vehicle. Cmsr. Bausch expressed his concern to change the ordinance for such a small number [of people] is inappropriate, and for the record he said he had received "emails and phone calls urging me not to support this change." Residents: New resident Susan Park Jones said there is "... a new way of doing business" and asked the Commission to consider a 'new voice.' Maria Dunn understands both sides, but said trucks are nicer now, although she would still like to prevent 'monster trucks' and as far as vans are concerned, she said as long as people are doing the right thing in 'good faith.' Cmsr. Busha read two emails: one from Vinnie Barile and one from Jon Chicky, both opposing a change to this ordinance. After much discussion, Vice Mayor Schoppe supported changes to the truck ordinance and to the vans. Mayor Thurlow-Lippisch asked the Commissioners to indicate their thoughts for each item.

<u>Commissioner</u>	<u>Truck</u>	<u>Van</u>
Bausch	Yes	No
Schoppe	Yes	Yes, windows all around, back into driveway
Thurlow-Lippisch	No	No
Busha	Yes, Back in	Yes, windows
Luger	[Questioned] whether to make two separate paragraphs	

In an effort to clarify discussions, Attorney Torcivia said the pick-up trucks would still have a 7' height limit, and the vans, no limit. It was decided to bring back to the July workshop.

2. Pocket Park Update – Cmsr. Luger thanked Mrs. Bausch for her assistance with Lucido & Assoc. in creating space for more native plantings. The cost is estimated at \$47,000.00. He went on to say that he and Town manager Kellogg would like to bring the plan to the neighboring residents of Lantana Park, and if okay, get bids to see if they can get costs down more and bring back to the Commission. Cmsr. Luger will bring a list of 10 people who will give their support to this project at the next workshop.
3. Discussion of 2012-2013 Budget – Town Manager Kellogg presented the Commission with a budget of \$2,379,875 and said he had left the millage at its current rate (2.2896), and had budgeted for capital improvements., i.e., tree trimming, storm drainage improvements and street paving. Discussions continued around health insurance costs, salary caps, costs related to the new clerk position in the Police Department, property values, reduce the costs of the Town Engineer, to name a few.
4. Discussion of Storm Water Grant Funds – Town Manager Kellogg said the deadline for filing is July 1st with funds becoming available in September. He said this would be an excellent opportunity to secure funds to make storm drainage repairs on West High Point, noting the erosion was significant. Mayor Thurlow-Lippisch asked to see pictures of the erosion.
5. Town Manager's Comments – Town Manager Kellogg reported that a security system would cost approximately \$75,000 and noting where cameras would be placed. Upon receipt of additional information, he will bring back to the Commission.
6. Chief of Police – Chief Cerniglia indicated everything was quiet and said the Neighborhood Watch effort was progressing.
7. Comments from Commissioners on topics not on the agenda – Mayor Thurlow-Lippisch noted Wendy Werb in the audience, who is running for Town Commission. MPO/Beth Beltran will be meeting with FDOT re. signalization of AIA/Sewall's Point Roads as a priority "list" to replace the mast arms at a cost of \$360,000.00 (fully funded).
8. **Adjourn:** A motion was made by Cmsr. Bausch, seconded by Cmsr. Luger to adjourn the meeting at 10:2-P.M. All in favor. (5-0)

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

Opposed: None

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