

**TOWN OF SEWALL'S POINT  
MINUTES OF REGULAR MEETING  
JUNE 22, 2010**

**PRESENT:** VICE MAYOR THURLOW-LIPPISCH, CMSRS. BAUSCH AND SCHOPPE, AND TOWN MANAGER KELLOGG, ATTORNEY TORCIVIA, AND CHIEF CERNIGLIA  
**ABSENT:** MAYOR KLINGENSMITH, CMSR. BUSH

1. **CALL TO ORDER** – VICE MAYOR THURLOW-LIPPISCH CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ASKED IF THERE WERE ANY CHANGES TO THE AGENDA. CMSR. BAUSCH ASKED TO INCLUDE WITH THE MINUTES, THE MEMO RE. CHANGES MADE. HEARING NO OTHER CHANGES, A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY CMSR. SCHOPPE TO APPROVE THE AGENDA AS NOTED. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

2. **COMMENTS FROM THE PUBLIC ON TOPICS NOT ON THE AGENDA** – NONE

3. **PUBLIC HEARINGS & PRESENTATIONS:**

A. **REPRESENTATIVE ADAM FETTERMAN** - REPRESENTING DISTRICT 81 WHICH INCLUDES SEWALL'S POINT, JENSEN BEACH, RIO, PALM CITY, ONE-HALF OF INDIAN TOWN AND PORT ST. LUCIE, REP. FETTERMAN SAID THIS WAS HIS FIRST TERM IN OFFICE AND THIS LEGISLATIVE SESSION HAD BEEN DIFFICULT, ESPECIALLY FOR FLORIDA. SOME OF THE ISSUES DISCUSSED WERE: BUDGET-MOST IMPORTANT; SUN RAIL-NOT THE RIGHT TIME TO INVEST; AGRICULTURE-SHOULD BE FUNDED; SWEEPING OF TRUST FUNDS (VOTERS ASKED TO PUT MONEY ASIDE FOR SPECIFIC REASONS)-300 OF WHICH WERE 'RAIDED'. A QUESTION/ANSWER PERIOD FOLLOWED. CMSR. BAUSCH ASKED HOW THE STATE WILL GENERATE REVENUE WITH A \$5BILLION SHORTFALL? SALES TAX AND PROPERTY VALUES WILL BE LOWER, REP. FETTERMAN SAID, BECAUSE OF THE OIL CRISIS IN THE GULF, UNNECESSARY PROJECTS NEED TO BE REIGNED IN; AND FUND ONLY THE MOST NECESSARY AND ESSENTIAL FORMS OF GOVERNMENT, I.E., FIRE SAFETY, EDUCATION, THE SICK, TO NAME A FEW. HE ALSO NOTED TAX EXEMPTIONS IN FLORIDA HAVE NEVER BEEN REEXAMINED, AND SHOULD BE. CONVERSATION CONTINUED AROUND JOBS, THE EMPTYING OF LAKE OKEECHOBEE AND THE SUGAR INDUSTRY. VICE MAYOR THURLOW-LIPPISCH THANKED REP. FETTERMAN FOR SERVING AND GAVE HIM A COPY OF THE MARTIN COUNTY LEGISLATIVE PRIORITIES FOR '09-'10, SAYING IT WAS IMPORTANT THAT HE REPRESENT OUR INTERESTS IN INDIAN RIVER LAGOON, ST. LUCIE RIVER INITIATIVE, DCA, ETC. RESIDENT HOLLAND ASKED ABOUT INSURANCE COMPANIES DROPPING CLIENTS AND NOT HAVING TO GIVE A FULL EXPLANATION. REP. FETTERMAN ASSURED MR. HOLLAND THAT HIS OFFICE WOULD LOOK INTO HIS CONCERN AND GET BACK TO HIM.

B. **MARTIN COUNTY ECONOMIC COUNCIL** - EXECUTIVE DIRECTOR TAMMY SIMONEAU WAS UNABLE TO ATTEND, THEREFORE, MR. JOE CAPRA PROVIDED AN UPDATE VIA A POWER POINT PRESENTATION ON THE MARTIN COUNTY CONSORTIUM FOR LIFE SCIENCE AND RESEARCH AND TECHNOLOGY ADVANCEMENT. THEIR GOAL, HE SAID, WAS TO HAVE A CAMPUS LOCATED IN MARTIN COUNTY AT WILLOUGHBY COVE WHERE SOME OF THE EXISTING BUILDINGS WOULD BE USED ALONG WITH INDIAN RIVER COLLEGE.

C. **ORDINANCE No. 356, FENCE, AMENDING CHAPTER 82, ARTICLE IV, §82-276 - SECOND READING AND ADOPTION** - ATTORNEY TORCIVIA READ ORDINANCE No. 356 INTO THE RECORD. CMSR. SCHOPPE MADE A MOTION TO ACCEPT ORDINANCE No. 356. CMSR. BAUSCH QUESTIONED §82-276 (A) (2) WHERE IT INDICATED "TEN" FEET IN HEIGHT, BUT IN (A) (8) IT INDICATED "SEVEN" FEET IN HEIGHT AND ASKED IF THIS COULD BE MADE CONSISTENT TO PREVENT ANY QUESTIONS. CMSR. SCHOPPE RESUBMITTED HIS MOTION TO REFLECT THE CHANGE SUGGESTED BY CMSR. BAUSCH, SECONDED BY CMSR. BAUSCH. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

D. **ORDINANCE No. 357, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE VI "FINANCE," §2-261, 262 - SECOND READING AND ADOPTION** - ATTORNEY TORCIVIA READ ORDINANCE No. 357 INTO THE RECORD. CMSR. BAUSCH MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO ACCEPT ORDINANCE No. 357 AS READ. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

E. **ORDINANCE No. 358, PAIN CLINIC, FIRST READING** - ATTORNEY TORCIVIA READ ORDINANCE No. 358 INTO THE RECORD. CMSR. SCHOPPE MADE A MOTION, SECONDED BY CMSR. BAUSCH TO ACCEPT ORDINANCE No. 358 FOR A FIRST READING. RESIDENT ELLA FORD SAID SHE DID NOT THINK WE (THE TOWN) NEEDED THESE ORDINANCES AND QUESTIONED HOW THEY ACTUALLY BECAME ORDINANCES? CMSR. SCHOPPE EXPLAINED THIS WAS DISCUSSED PREVIOUSLY AND A MAJORITY OF THE COMMISSIONERS SUPPORTED THIS ORDINANCE. A VOTE WAS TAKEN, ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

F. **ORDINANCE No. 359, FERTILIZER, FIRST READING** - ATTORNEY TORCIVIA READ ORDINANCE No. 359 INTO THE RECORD. THERE WAS DISCUSSION CONCERNING THIS ORDINANCE IN WHICH CMSR. SCHOPPE SAID THEY DID NOT EXPECT THE CHIEF [OF POLICE] TO GO OUT LOOKING FOR FERTILIZER ENCROACHMENTS, BUT RATHER LET RESIDENTS KNOW THIS WOULD BE A PRIORITY FOR THE TOWN, ALONG WITH EDUCATING PEOPLE OF THE CRITICAL NATURE OF OUR WATERWAYS. A QUESTION WAS RAISED BY CMSR. BAUSCH AS TO SEC. 22-

2150 "A VOLUNTARY SIX (6) FOOT LOW MAINTENANCE ZONE IS STRONGLY RECOMMENDED ... " AND INDICATED THAT TEN FEET WAS PREVIOUSLY DISCUSSED. TOWN MANAGER KELLOGG ALSO NOTED THAT FERTILIZER INFORMATION WAS INCLUDED IN THE JUST-MAILED *NEWSLETTER* REGARDING FERTILIZING DURING THE RAINY SEASON, ETC. THE COMMISSION DIRECTED TOWN MANAGER KELLOGG TO SEND OUT A COPY OF THIS ORDINANCE TO LANDSCAPE COMPANIES SERVICING THE RESIDENTS OF SEWALL'S POINT. A MOTION WAS MADE BY CMSR. SCHOPPE, SECONDED BY CMSR. BAUSCH TO APPROVE ORDINANCE No. 359, FERTILIZER, FOR A FIRST READING AND TO CHANGE SEC. 22-2150 TO REFLECT "TEN (10) FEET." ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

4. **CONSENT AGENDA** - A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY CMSR. SCHOPPE TO APPROVE THE CONSENT AGENDA AS AMENDED. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

5. **NEW BUSINESS:**

- A. **RESOLUTION No. 708, SUSTAINABLE COMMUNITIES - ATTORNEY TORCIVIA** READ RESOLUTION No. 708 INTO THE RECORD. SEVERAL RESIDENTS EXPRESSED CONCERN OVER THE CONTENT AND WHAT THE OUTCOME OF SUCH A RESOLUTION WOULD BE. SUGGESTIONS WERE MADE BY RESIDENTS TO BRING IN SPEAKERS TO ADDRESS THIS ISSUE, PRO AND CON, REVIEW CHAPTER 21, AND THE POSSIBLE RESTRICTIONS THIS RESOLUTION COULD CAUSE. CMSR. BAUSCH MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO TABLE THIS RESOLUTION. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

- B. **RESOLUTION No. 709, REGIONAL TRANSIT PLANNING ORGANIZATION (TPO)** - BETH BELTRAM, ADMINISTRATOR FOR THE MARTIN COUNTY METROPOLITAN PLANNING ORGANIZATION, SPOKE AT THE MEETING OF JUNE 8<sup>TH</sup> AND WAS AGAIN PRESENT TO REITERATE THE PROCESS AND REASONING BEHIND ESTABLISHING A REGIONAL TRANSIT DEVELOPMENT PLAN WHICH INCLUDED FORMING A REGIONAL TRANSIT ORGANIZATION. SHE INDICATED THE PURPOSE OF THE RTO WAS TO ADDRESS PUBLIC TRANSIT ISSUES IN MARTIN COUNTY (AND ST. LUCIE), AND NOTED THE TOWN WOULD HAVE AN ELECTED OFFICIAL SIT ON THE BOARD, APPOINTED BY THE COMMISSION. RESIDENTS ARTICULATED THEIR TREPIDATION OVER THE ESTABLISHMENT OF AN RTO AND ASKED THE COMMISSION TO LOOK INTO THIS FURTHER, AND POSSIBLY HAVE A WORKSHOP TO HELP UNDERSTAND WHAT AN RTO WOULD MEAN TO THE TOWN/COMMUNITY. CMSR. SCHOPPE EXPLAINED, "WE HAVE A 'UNIVERSAL NEED', HAVE AN ELDERLY POPULATION AND IF WE FIND THIS ISN'T RIGHT, WE HAVE 90 DAYS TO PULL OUT." CMSR. BAUSCH STATED HE WAS "... IN SUPPORT OF THIS RESOLUTION AND IT WOULD ALLOW US [TOWN] AN EQUAL VOTE TO EXPRESS CONCERN ABOUT A NEW TAXING AUTHORITY." AFTER CONTINUED DISCUSSION, CMSR. SCHOPPE MADE A MOTION, SECONDED BY CMSR. BAUSCH TO TABLE THIS RESOLUTION UNTIL THE NEXT APPROPRIATE MEETING. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

- C. **APPROVAL OF DiBARTOLOMEO, McBEE, HARTLEY & BARNES AUDIT OF TOWN RECORDS FOR FISCAL YEAR 2008-2009** - TOWN MANAGER KELLOGG INDICATED HE HAD REVIEWED THE ENGAGEMENT LETTER WITH THE FIRM AND WOULD RECOMMEND APPROVAL. CMSR. SCHOPPE MADE A MOTION, SECONDED BY CMSR. BAUSCH TO APPROVE THE AUDITING FIRM OF DiBARTOLOMEO, McBEE, HARTLEY & BARNES TO PERFORM AN AUDIT OF TOWN RECORDS FOR FISCAL YEAR 2009-2009. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

6. **TOWN MANAGER'S COMMENTS** - TOWN MANAGER KELLOGG INDICATED THE NEXT REGULAR MEETING OF THE COMMISSION WOULD BE ON JULY 27<sup>TH</sup> AND PLANNED ON NOT HAVING ANY MEETINGS IN AUGUST, IF THIS MET WITH THE COMMISSION'S APPROVAL. HE ANTICIPATES THE FIRST TRIM HEARING WOULD BE SEPTEMBER 14, 15, 16 OR 17<sup>TH</sup>, WITH THE FINAL BUDGET HEARING ON SEPTEMBER 28. NOTING THE CONCERN OVER THE OIL SPILL, MR. KELLOGG SAID HE WAS RECEIVING REPORTS FROM THE COUNTY AND MEETING ON A REGULAR BASIS WITH DEP. THEY ARE FORMULATING PLANS SHOULD TAR BALLS APPEAR IN THIS AREA ALONG WITH ASKING FOR VOLUNTEERS TO UNDERTAKE A CLEAN-UP AND WILL UPDATE THE COMMISSION AS PLANS PROGRESS. THE PLAYGROUND STRUCTURE IS UNDERWAY, HE SAID, AND SOME ITEMS WILL HAVE TO BE PURCHASED BY THE TOWN. PHIL WINTERCORN HAD BEEN CALLED IN TO PRODUCE 18 NEW SWING STEPS AT A COST OF \$200. HE ALSO ASSURED THE COMMISSION THE PLAYGROUND WOULD BE READY BY JULY 1<sup>ST</sup>. FOUR TREES ON A1A FELL DOWN ALTHOUGH THEY HAD BEEN BRACED; ONE OF THE FOUR WON'T MAKE IT AND WILL NEED TO BE REPLACED. CMSR. BAUSCH MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO AUTHORIZE THE TOWN MANAGER TO SPEND UP TO \$3,000.00, IF NECESSARY. ALL IN FAVOR. (3-0)

**IN FAVOR:** BAUSCH, SCHOPPE, AND THURLOW-LIPPISCH

**OPPOSED:** NONE

**7. COMMENTS FROM COMMISSIONERS ON TOPICS NOT ON THE AGENDA**

- **CMSR. BAUSCH** TALKED ABOUT THE ANNOUNCEMENT FROM **MCCOLLUM** TO PUT A CAP ON MUNICIPAL COUNTY MILLAGE.
- **VICE MAYOR THURLOW-LIPPISCH** TOLD **CHIEF CERNIGLIA** THE NEW **POLICE CARS** LOOKED GREAT AND GAVE A SENSE OF SECURITY TO RESIDENTS. SHE ALSO HANDED OUT A COPY OF THE MINUTES FROM THE RECENT **TCRLC** MEETING.

**8. ADJURN:** THERE BEING NO FURTHER DISCUSSION, **CMSR. BAUSCH** MADE A MOTION TO ADJOURN THE REGULAR MEETING, SECONDED BY **CMSR. SCHOPPE** , ALL IN FAVOR. MEETING ADJOURNED AT 9:05 P.M.

RESPECTFULLY SUBMITTED,  
**ANN-MARIE S. BASLER**  
TOWN CLERK

DRAFT