

Town of Sewall's Point, Florida
Minutes of Workshop
January 8, 2008

Present: Mayor Pamela M. Busha, Vice Mayor Neil Subin (left 4:50 P.M.), Commissioners Thomas Bausch, E. Daniel Morris, and Don Osteen (arrived 4:15 P.M.), Town Manager Kellogg, Attorney Glen J. Torcivia, Chief Cerniglia, and Building Official Adams

Call to Order – Mayor Busha called the meeting to order at 4:05 P.M. and led the Pledge of Allegiance. The Town Clerk called the roll.

- a. **Approval of Agenda** – Commissioner Bausch asked to include the Elliot Museum, motion made by Commissioner Morris, seconded by Commissioner Subin **TO AMEND THE JANUARY 8, 2008 WORKSHOP MEETING AGENDA AS STATED.**
- In favor:** Bausch, Morris, Subin and Busha.
- Opposed:** None

Noise Ordinance #342 – Town Manager Kellogg gave a brief summary of the history of the code saying the current code was approved in October 2006 (#324) and subsequent to its passage, it was discovered there was a conflict as to where the measurement was to be taken, thus, the establishment of the Noise Task Force. Issues addressed were as follows: 1) Section 22-67 - DBA from 55 to 80 DBA; 2) where noise is measured from; 3) time limit recommendation of five minutes; and 4) change in table where contractors are listed and DBA levels to coincide with recommended changes.

Don Winer responded by saying we should look at Section 22-64 which details unnecessary noise "... unnecessary noise in the town is unlawful and prohibited;" 22-68 Noise Level; 22-64, he said, is the "meat" of the ordinance. He suggested 1) the Commission step back and look at the noise section and see what the Town wants to do, saying, "most noise falls under 22-64;" and 2) consider simplification of the noise ordinance and review table (22-64) defining necessary/unnecessary noise and bring back to another workshop.

Vice Mayor Subin said he would like to go back to the original ordinance and modify the noise level. He went on to say there are two things that need to be done: 1) where noise is measured from, and 2) setting reasonable decibel levels.

Vinnie Barile agreed with Don Winer and said the decibel level should be lowered to 65. He was also concerned about the new ordinance saying it allows for "non-regulated" noise on Sundays.

John Tranter expressed concern that because the draft was so different, he felt it was incumbent upon the commission to go back for a first reading.

Charlie DeGarmo read a definition of *noise* saying, 'noise is noise.' "Three minutes of a dog barking is a noise, no matter the size [of the dog]."

"I voted against this last October," said Cmsr. Morris, "and will continue to vote against it in its present form." Conversation continued with Cmsr. Bausch suggesting the Committee look into measurement-taking tests during the day/night, as noise is different during those times; lowering the decibel level at night; Mr. Winer indicated that he would like to work with the Town Manager on the ordinance; and, Mayor Busha indicated there was consensus to go back and work with the original ordinance. The Commission decided to send the Chief out to take noise measurements and have Mr. Winer work with Town Manager Kellogg.

Review of FEMA Community Rating System and Discussion on How to Improve the Town's Rating – Building Official Adams presented an outline of what needs to be done to improve the town's rating with the Insurance Services Office, as follows: the Building Department should be re-evaluated which would involve a questionnaire and research; strengthen flood plan construction ordinances to include identifying and defining the Coastal "A" Zone, zone certification, raise elevation levels, and the final step would be to eliminate the town's National Flood Insurance Program [repetitive losses]. In order to achieve this, Mr. Adams said the town could offer options such

as how to improve property through elimination of permit fees, grants, and low interest loans, to name a few examples. A lengthy conversation ensued.

Carole Chontos and Jonathan Chontos – Expressed concern why Mrs. Chontos was not informed that her name was on the list [repetitive losses] saying she should have been told, and asked what the city was doing about the flooding on S. Sewall’s Point Road.

Mayor Busha said she would be having a telephone appointment with ISO on Tuesday (January 15th), and staff should be included in the conversation.

Town Website – A draft of the front page of the new web design was shared with the Commission by Town Manager Kellogg. He asked if anyone had suggestions for a picture on the front page with commissioners responding that the Town Hall looked great, as did the Town Park across the street. The Mayor requested a draft for the January 22nd meeting.

Discussion of Town Maintaining various islands in Town – Commissioner Morris stated the Town should take an inventory of the property it owns and at the next meeting address maintenance of such property or turn it over to property associations. He said that some areas in town are already maintained by the HOA. Cmsr. Osteen said he would like to see a list of the lots and how they are being maintained, etc., and take photos. This suggestion was supported by Cmsr. Bausch who reiterated that we “should find out what we own and decide how much to invest in the maintenance of it.”

Elliott Museum – The Elliot Museum is currently in a major fundraising effort, said Cmsr. Bausch. They are asking for a contribution and he suggested that the Town make a contribution to their building fund. He went on to say “they have been terrific, never have charged the Town anything, and it would be a show of appreciation for their generosity to the Town.” It was suggested by Town Manager Kellogg that there be consensus and bring back to the next meeting [on the Consent Agenda].

There being no further discussion, the meeting adjourned at 5:52 P.M.

Respectfully submitted,

Ann-Marie S. Basler
Town Clerk