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TOWN OF SEWALL'S POINT

MINUTES OF PUBLIC HEARING
FEBRUARY 23, 2010

PRESENT: MAYOR OSTEEN, VICE MAYOR KLINGENSMITH, CMSRS. SCHOPPE, SUBIN AND THURLOW-LIPPISCH, AND TOWN MANAGER KELLOGG, ATTORNEY TORCIVIA, CHIEF CERNIGLIA AND BUILDING OFFICIAL ADAMS

1. **CALL TO ORDER** - MAYOR OSTEEN CALLED THE PUBLIC HEARING TO ORDER AT 7:00 P.M. AND ASKED IF THERE WERE ANY CHANGES TO THE AGENDA. HEARING NONE, A MOTION WAS MADE BY CMSR. SCHOPPE, SECONDED BY VICE MAYOR KLINGENSMITH TO APPROVE THE AGENDA AS PRESENTED. ALL IN FAVOR. (5-0)

IN FAVOR: SCHOPPE, SUBIN, THURLOW-LIPPISCH, KLINGENSMITH AND OSTEEN

OPPOSED: NONE

2. **SPECIAL EXCEPTION REQUEST - 66 SOUTH SEWALL'S POINT ROAD, SEWALL'S POINT, FL, OWNER REQUESTS USE OF A SMALL PORTION OF HOME FOR THE PRODUCTION AND PRINTING OF PHOTOGRAPHS ON A SMALL-SCALE BASIS.**

REPRESENTING OWNER JOHN LONGMAID, ATTORNEY TIMOTHY HANLON SAID THEY "REQUESTED THIS SPECIAL EXCEPTION TO ALLOW MR. LONGMAID TO USE A SMALL PORTION OF HIS HOUSE/GARAGE FOR THE PRODUCTION AND PRINTING OF PHOTOGRAPHS ON A SMALL-SCALE BASIS BOTH AS A HOBBY AND AS A SMALL BUSINESS." HE WENT ON TO SAY "... THIS EXCEPTION WOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH, INTEREST, COMFORT, MORALS OR THE GENERAL WELFARE OF THE TOWN AND ITS RESIDENTS; AND IT COMPLIES WITH ALL OF THE CRITERIA FOR GRANTING A SPECIAL EXCEPTION." ATTORNEY HANLON DESCRIBED THIS REQUEST TO BE A "LABOR OF LOVE." CMSR. SCHOPPE ASKED WHAT BROUGHT ON THIS REQUEST TO WHICH THE ATTORNEY RESPONDED, MR. LONGMAID WAS MAKING A SMALL RENOVATION TO HIS GARAGE AND EQUIPMENT WAS SHOWN IN THE PLANS THAT ILLUSTRATED POTENTIAL BUSINESS. THEY WERE THEN CONTACTED BY BUILDING OFFICIAL ADAMS. ADDITIONAL QUESTIONS BY COMMISSIONERS WERE ASKED REGARDING THE POSSIBILITY OF CHEMICALS BEING RELEASED INTO THE AIR/WATER, AND WOULD THERE BE MORE TRAFFIC, WITH A RESPONSE TO BOTH QUERIES OF "NO."

A MOTION WAS MADE BY CMSR. THURLOW-LIPPISCH, SECONDED BY CMSR. SUBIN TO APPROVE THE REQUEST FOR A SPECIAL EXCEPTION AS PRESENTED. ALL IN FAVOR. (5-0)

IN FAVOR: SCHOPPE, SUBIN, THURLOW-LIPPISCH, KLINGENSMITH AND OSTEEN

OPPOSED: NONE

3. **ADJOURN:** PUBLIC HEARING WAS ADJOURNED AND THE COMMISSION MOVED TO GO DIRECTLY INTO THE REGULAR MEETING. ALL IN FAVOR. (5-0)
MEETING ADJOURNED AT 7:08 P.M.

MINUTES OF REGULAR MEETING
FEBRUARY 23, 2010

1. **COMMENTS FROM THE PUBLIC ON TOPICS NOT ON THE AGENDA**
RESIDENT JILL FLANNERY ASKED IF CONSIDERATION COULD BE GIVEN TO A FOUR-WAY STOP SIGN AT RIO VISTA/SOUTH RIVER ROAD DUE TO SPEED; AND COULD SOMETHING BE DONE ABOUT THE PAPER FLASHES (PEOPLE DON'T WANT IT AND THE COMPANY CONTINUES TO LEAVE IT ON THEIR PROPERTY.)
RESIDENT CAROLE CHONTOS BROUGHT UP THE ISSUE OF SIDEWALKS AND THE NEED FOR CURBING, SAYING SHE WAS AGAINST THE PARTICULAR MATERIAL THE TOWN IS SUGGESTING AND WANTS SOMETHING THAT LOOKS LIKE A CONVENTIONAL SIDEWALK.

2. PUBLIC HEARINGS & PRESENTATIONS:

A. JAYNE BERGSTROM, SFWMD, MARTIN/ST. LUCIE SERVICE CENTER DIRECTOR - MS. BERGSTROM GAVE A POWER POINT PRESENTATION ALONG WITH A LENGTHY UPDATE ON A NUMBER OF PROJECTS OCCURRING IN THE DISTRICT.

B. ORDINANCE NO. 354 "CONSTRUCTION AND CONTRACTORS' HOURS," SECOND READING & ADOPTION - ATTORNEY TORCIVIA READ ORDINANCE NO. 354 INTO THE RECORD. HEARING NO COMMENT, CMSR. SUBIN MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO APPROVE ORDINANCE NO. 354. ALL IN FAVOR. (5-0)

IN FAVOR: SCHOPPE, SUBIN, THURLOW-LIPPISCH, KLINGENSMITH AND OSTEEN

OPPOSED: NONE

- C. ORDINANCE NO. 355 "NOISE," SECOND READING & ADOPTION - ATTORNEY TORCIVIA READ ORDINANCE NO. 355 INTO THE RECORD. HEARING NO COMMENT, CMSR. THURLOW-LIPPISCH MADE A MOTION, SECONDED BY CMSR. SUBIN TO APPROVE ORDINANCE NO. 355. ALL IN FAVOR. (5-0)
IN FAVOR: SCHOPPE, SUBIN, THURLOW-LIPPISCH, KLINGENSMITH AND OSTEN
OPPOSED: NONE

3. CONSENT AGENDA:

A MOTION WAS MADE BY CMSR. SUBIN, SECONDED BY CMSR. THURLOW-LIPPISCH TO APPROVE THE CONSENT AGENDA AS PRESENTED. ALL IN FAVOR. (5-0)
IN FAVOR: SCHOPPE, SUBIN, THURLOW-LIPPISCH, KLINGENSMITH AND OSTEN
OPPOSED: NONE

4. TOWN MANAGER'S COMMENTS - TOWN MANAGER KELLOGG NOTED:

- THE AUDITORS RECOMMENDED WE HAVE AN INVESTMENT POLICY, AND SAID THIS COULD BE PUT ON NEXT MONTH'S AGENDA, IF SO DESIRED;
- THE AUDIT REVIEW WILL BE HELD AT THE MARCH 23, 2010 MEETING;
- HE HAD SENT A LETTER TO THE MANUFACTURER OF THE PLAYGROUND EQUIPMENT. THEY HAVE AGREED TO REPLACE SOME OF THE BOLTS [DUE TO CORROSION] AND HAVE ASKED FOR ADDITIONAL PHOTOS. HE REITERATED THE TOWN DOES NOT WANT TO OPEN THE PARK UNTIL ASSURED THE EQUIPMENT IS SAFE.
- THERE WAS DAMAGE TO S. SEWALL'S POINT ROAD DUE TO WHAT APPEARS TO BE A BROKEN DRAINAGE LINE. MCGREGAN PROVIDED AN ESTIMATE OF \$15,700.00 TO REPAIR THE ROAD (A LARGE PART OF THE COST OF REPAIR IS THE REPAIR COULD BE 55' LONG), HOWEVER, TOWN ENGINEER CAPRA DID NOT THINK [THE] REPAIR WOULD BE THAT LONG.
A LENGTHY DISCUSSION FOLLOWED WITH COMMISSIONERS ASKING IF BIDS COULD BE SENT OUT, ALTHOUGH TOWN ENGINEER CAPRA STATED HE FELT IT WAS AN "EMERGENCY REPAIR" AND WOULD LIKE THIS DONE AS QUICKLY AS POSSIBLE. HE WENT ON TO SAY THE TOWN HAS CONTINUING SERVICE WITH MCGREGAN AND THEY WERE THE ONLY COMPANY WHO GAVE AN ESTIMATE. QUESTIONS WERE ASKED I.E., HOW OFTEN THE ROAD WAS CHECKED, WHAT THE DIAGNOSTICS WERE, WITH RESPONSES BY TOWN MANAGER KELLOGG. IT WAS ALSO SUGGESTED THE TOWN MEET WITH MCGREGAN TO DISCUSS THE CONTINUING SERVICE AGREEMENT. CMSR. SCHOPPE SAID SOME CONSIDERATIONS WERE MORE VALID THAN OTHERS AND ALTHOUGH THERE MIGHT BE A \$1,000 SAVING, THIS WAS NOT AN ELECTIVE. AGAIN, TOWN ENGINEER CAPRA STATED "THIS [ROAD] COULD CAVE IN AT ANYTIME" AND EXPRESSED CONCERN ABOUT GOING OUT TO BID (AND/OR GETTING QUOTES), BUT SAID IT COULD BE DONE IN THE NEXT COUPLE OF DAYS. AFTER CONTINUED DISCUSSION, THE COMMISSION DIRECTED AND AUTHORIZED TOWN MANAGER KELLOGG TO SPEND UP TO \$15,000 FOR THE BEST/LOWEST REPAIR. CONCLUDING, MAYOR OSTEN SAID, "THIS IS A PUBLIC SAFETY CONCERN."
- THE NEXT MEETING OF THE COMMISSION IS SET FOR MARCH 23, 2010.
- CMSR. THURLOW-LIPPISCH QUESTIONED TOWN MANAGER KELLOGG ABOUT THE COSTS TO THE TOWN FOR APPLICATIONS SUBMITTED TO FEMA RE. RAISING OF HOMES. HE EXPLAINED IF FEMA APPROVED THOSE APPLICATIONS, THERE WOULD BE A REIMBURSEMENT TO THE TOWN OF A 5% ADMINISTRATIVE FEE AND A 2% BUILDING PERMIT FEE FOR ALL PROJECTS FUNDED, AND CONCLUDED THAT THE INITIAL COST TO THE TOWN "WAS MONEY WELL SPENT."
- CHIEF CERNIGLIA COMMENDED HIS POLICE OFFICERS FOR SEVERAL INSTANCES, CITING SPECIFICS, IN WHICH THEY ASSISTED OR CAPTURED SUSPECTS IN AND AROUND THE SEWALL'S POINT AREA. MAYOR OSTEN ASKED THE CHIEF TO EXTEND THE COMMISSION'S APPRECIATION TO THE OFFICERS FOR THEIR EFFORTS AND HARD WORK.

5. COMMENTS FROM COMMISSIONERS ON TOPICS NOT ON THE AGENDA

CMSR. THURLOW-LIPPISCH -

- ASKED TOWN MANAGER KELLOGG TO POST "NO SOLICITING" SIGNS
- SAID THE COUNTY COMMISSION CHANGED THEIR SPEED LIMIT TO 25 MPH AND ASKED, "WHY CAN'T WE?"
- THANKED MR. KELLOGG FOR SENDING OUT THE INVASIVE PLANT FLYER TO ALL RESIDENTS.
- SAID WE HAD RECEIVED \$4,000 FROM TREASURE COAST LEXUS OWNER SANDY WOODS TO FUND THE FIRST SOCIAL SEASON OF THE SEWALL'S POINT CULTURAL COMMITTEE.

ADJOURN: THERE BEING NO FURTHER DISCUSSION, VICE MAYOR KLINGENSMITH MADE A MOTION TO ADJOURN, SECONDED BY CMSR. SUBIN, ALL IN FAVOR. MEETING ADJOURNED AT 8:30 P.M.

RESPECTFULLY SUBMITTED,

**ANN-MARIE S. BASLER
TOWN CLERK**