

**TOWN OF SEWALL'S POINT
MINUTES OF REGULAR MEETING
MAY 25, 2010**

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

1. **CALL TO ORDER** – MAYOR KLINGENSMITH CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ASKED IF THERE WERE ANY CHANGES TO THE AGENDA. CMSR. SCHOPPE ASKED TO MAKE A NEW ITEM 5A. *OVERVIEW OF SIDEWALKS*; CMSR. BAUSCH ASKED TO CHANGE ITEM 3C. *MARTHA BENNETT TO KATIE MCGIVERON*. HEARING NO OTHER CHANGES, A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY CMSR. SCHOPPE TO APPROVE THE AGENDA WITH THE CHANGES INDICATED. ALL IN FAVOR. (5-0)

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

2. **COMMENTS FROM THE PUBLIC ON TOPICS NOT ON THE AGENDA** –

RESIDENT ESCUE INDICATED HE MISSED THE LAST MEETING AND WANTED CLARIFICATION ON WATERING. MAYOR KLINGENSMITH EXPLAINED THAT DUE TO SFWMD EXEMPTIONS, YOU CAN WATER 3 DAYS PER WEEK, WE ONLY RECOMMEND 2 DAY PER WEEK.

3. **PUBLIC HEARINGS & PRESENTATIONS:**

- A. **“OFFICER OF THE YEAR”** - CHIEF CERNIGLIA ANNOUNCED OFFICER BONNIE RAE BARE HAD RECEIVED THE “OFFICER OF THE YEAR” AWARD DUE TO HER COMMITMENT TO THE TOWN ALONG WITH HER WILLINGNESS TO TAKE ON ADDED RESPONSIBILITY THAT SHOWED HER ABILITY. HE ALSO SAID IN 1962 LEGISLATION WAS PASSED MARKING MAY 15TH AS LAW ENFORCEMENT MEMORIAL DAY AND SAID IT WAS FITTING TO RECOGNIZE OFCR. BARE FOR HER CONTRIBUTION AT THIS TIME. THE CHIEF AWARDED OFCR. BARE WITH A PLAQUE AND THANKED HER, AS DID THE COMMISSION. HE ALSO RECOGNIZED LT. TINA CIECHANOWSKI WHO HAD COMPLETED 20 YEARS OF SERVICE TO THE TOWN.

PRESENTATIONS REGARDING AMENDMENT NO. 4

- B. **TOBY OVERDORF, ECONOMIC COUNCIL OF MARTIN COUNTY – AMENDMENT NO. 4** – REPRESENTING THE ECONOMIC COUNCIL OF MARTIN COUNTY, MR. OVERDORF SAID AMENDMENT NO. 4 “TAKES AWAY THE ABILITY OF THE TOWN TO PLAN.” HE WENT ON TO SAY THIS AMENDMENT WILL CAUSE DELAYS, BE EXPENSIVE AND MAY AFFECT THE ELECTION PROCESS (HAVING AN ELECTION EVERY YEAR), AND ULTIMATELY IT WAS NOT GOOD FOR FL OR FOR JOBS.
- C. **KATIE MCGIVERON**, LOCAL ADVOCATE, SPOKE IN SUPPORT OF AMENDMENT NO. 4 SAYING SHE GOT INVOLVED BECAUSE OF CHANGES SEEN IN HER OWN COMMUNITY THAT AFFECTED THEIR QUALITY OF LIFE. SHE SAID THIS AMENDMENT GIVES PEOPLE A VOTE [BEFORE YOU HAVE TO PAY FOR IT.] MS. MCGIVERON SAID ELECTIONS WILL BE THE SAME AS THEY ARE NOW EXCEPT THAT PEOPLE WILL VOTE FIRST, AND THEN IT WILL GO BEFORE THE COMMISSION ON THE NEXT SCHEDULED ELECTION. SHE CONCLUDED BY SAYING “LAND USE DECISIONS ARE “FOREVER” AND WE DESERVE A VOTE.”

A BRIEF REBUTTAL PERIOD WAS GIVEN AND AT THE CONCLUSION, THE COMMISSION THANKED BOTH MR. OVERDORF AND MS. MCGIVERON FOR THEIR COMMENTS.

- D. **JIM EGAN, EXECUTIVE DIRECTOR, MARINE RESOURCES COUNCIL – FERTILIZING ALONG SHORELINE** - MR. EGAN EXPLAINED THE REPERCUSSIONS OF FERTILIZING ALONG THE SHORELINE. HE WENT ON TO SAY THE MODEL ORDINANCE CALLS FOR 1.) ELIMINATING PHOSPHOROUS FROM FERTILIZER FOR LAWN CARE USE; 2.) HAVING A SLOW-RELEASE NITROGEN; AND 3.) NO FERTILIZING DURING RAINY SEASON. IT SHOULD BE NOTED THAT AGRICULTURE IS EXEMPT. MAYOR KLINGENSMITH SAID, “COMMUNITY EDUCATION IS THE MOST IMPORTANT TOOL.”

- E. **ORDINANCE NO. 356, FENCE, AMENDING CHAPTER 82, ARTICLE IV, §82-276 - FIRST READING** – ORDINANCE NO. 356 WAS READ INTO THE RECORD BY ATTORNEY TORCIVIA. THERE WAS A BRIEF DISCUSSION AND A MOTION WAS MADE BY CMSR. SCHOPPE, SECONDED BY VICE MAYOR THURLOW-LIPPISCH TO APPROVE ORDINANCE NO. 356, FENCE, AMENDING CHAPTER 82, ARTICLE IV, §82-276 FOR A FIRST READING. ALL IN FAVOR. (5-0)

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

- F. **ORDINANCE NO. 357, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE VI “FINANCE,” §2-261, 262 – FIRST READING** - ORDINANCE NO. 357 WAS READ INTO THE RECORD BY ATTORNEY TORCIVIA. THERE WAS A BRIEF DISCUSSION IN WHICH VICE MAYOR THURLOW-LIPPISCH ASKED ATTORNEY TORCIVIA TO EXPLAIN THE ORDINANCE. ATTY. TORCIVIA SAID IT WAS MERELY ‘PIGGYBACKING’ ON STATE CONTRACTS FOR BULK PURCHASES AT THEIR RATE. A MOTION WAS MADE BY CMSR. SCHOPPE, SECONDED BY CMSR. BUSH TO APPROVE ORDINANCE NO. 357, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE VI “FINANCE,” §2-261, 262 FOR A FIRST READING. ALL IN FAVOR. (5-0)

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

4. **CONSENT AGENDA – A MOTION WAS MADE BY VICE MAYOR THURLOW-LIPPISCH, SECONDED BY CMSR. BAUSCH TO APPROVE THE CONSENT AGENDA AS NOTED. ALL IN FAVOR. (5-0)**

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

5. NEW BUSINESS:

- A. **SIDEWALKS - CMSR. SCHOPPE GAVE AN OVERVIEW OF THE SIDEWALK PROJECT AND INDICATED HE HAD CALLED RESIDENTS WHO HAD EXPRESSED A CONCERN TO HIM AND WHO WERE IN SUPPORT OF SIDEWALKS. HE TALKED ABOUT THE MATERIALS USED ON S. SEWALL’S POINT ROAD IN TERMS OF DRAINAGE AND HOW PEOPLE ARE NOT HAPPY WITH THE PRODUCT; TOWN HALL TO MIRAMAR WAS DISCUSSED IN TERMS OF SAFETY FOR THE CHILDREN ALSO SAYING IT WOULD BE GOOD FOR THE CHILDREN ON NORTH SEWALL’S POINT ROAD TO GET DOWN THIS END OF TOWN. HE TALKED ABOUT THE ECONOMY AND MAYBE THIS WASN’T THE BEST TIME TO BE DOING THIS, AND SAID THE TOWN MANAGER NEEDS DIRECTION FROM THE COMMISSION AT THIS TIME. THERE WERE SEVERAL RESIDENTS WHO SPOKE IN FAVOR OF SIDEWALKS AND THE SAFETY OF THEIR CHILDREN, HOW THERE ARE YOUNG DRIVERS IN TOWN WHO ARE INEXPERIENCED, AND SOME WHO SAID, “FIX IT NOW.”**

- B. **APPOINTMENT OF FRANK TIDIKUS TO THE BOARD OF ZONING & ADJUSTMENT (FROM ALTERNATE MEMBER) – A MOTION WAS MADE BY CMSR. BAUSCH TO APPOINT RICHARD BARON TO THE OPEN POSITION ON THE BZA. VICE MAYOR THURLOW-LIPPISCH ASKED THE COMMISSION TO RECONSIDER DOUETTE PRYCE, SAYING MR. BARON HAS HAD THE OPPORTUNITY TO SERVE AND THERE IS A RESPONSIBILITY TO BRING NEW PEOPLE TO THE TOWN. CMSR. SCHOPPE SAID AS WAS DISCUSSED PREVIOUSLY, MR. PRYCE WAS THE FIRST TO OFFER HIS SERVICE AND THAT SHOULD BE RESPECTED. THE MOTION FAILED. (2-3) CMSR. SCHOPPE, VICE MAYOR THURLOW-LIPPISCH AND MAYOR KLINGENSMITH VOTED NO. VICE MAYOR THURLOW-LIPPISCH MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO APPOINT FRANK TIDIKUS TO THE BZA. ALL IN FAVOR. (5-0)**

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

- C. **APPOINTMENT OF ALTERNATE TO THE BOARD OF ZONING & ADJUSTMENT - VICE MAYOR THURLOW-LIPPISCH MADE A MOTION, SECONDED BY CMSR. SCHOPPE TO APPOINT DOUETTE PRYCE AS AN ALTERNATE TO THE BZA. VOTE TAKEN. (4-1)**

IN FAVOR: BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: BAUSCH

- D. **APPROVAL OF AUDIT FIRM OF DiBARTOLOMEO, MCBEE, HARTLEY & BARNES TO CONDUCT AUDIT OF TOWN RECORDS FOR THE 2008-2009 FISCAL YEAR – CMSR. BAUSCH STATED HE DID NOT SUPPORT THIS FIRM. HE ELABORATED FURTHER BY SAYING WE HAVE A SMALL STAFF AND IN HIS PAST EXPERIENCE, THIS FIRM PLACED A HEAVY BURDEN ON THE STAFF, AND THE LOWEST BIDDER IS NOT ALWAYS BEST FOR THE TOWN. MAYOR KLINGENSMITH SAID THERE WERE SOME ISSUES IN THE ENGAGEMENT LETTER THAT NEEDED CLARIFICATION AND ASKED TOWN MANAGER KELLOGG TO BRING BACK AT THE NEXT MEETING. A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY CMSR. BUSH TO TABLE THE APPROVAL OF THIS AUDIT FIRM TO CONDUCT AN AUDIT. ALL IN FAVOR. (5-0)**

IN FAVOR: BAUSCH, BUSH, SCHOPPE, THURLOW-LIPPISCH AND KLINGENSMITH

OPPOSED: NONE

- E. **APPROVAL OF RESOLUTION No. 706, EX PARTE COMMUNICATION – ATTORNEY TORCIVIA READ RESOLUTION No. 706 INTO THE RECORD. HE THEN EXPLAINED THIS GENERALLY IS A LAND USE/ZONING ISSUE SAYING COURTS ARE MAKING DECISIONS BASED ON WHAT IS HEARD; THAT STATE LAW SAYS IF ANYONE HAS DISCUSSED A MATTER WITH A COMMISSIONER PRIOR TO THE MEETING, THEY HAVE TO DISCLOSE IT. A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY VICE MAYOR THURLOW-LIPPISCH TO APPROVE RESOLUTION No. 706. ALL IN FAVOR. (5-0)**

- F. **APPROVAL OF RESOLUTION No. 707, BUDGET TRANSFER - TOWN MANAGER KELLOGG EXPLAINED THAT THERE WERE ADDITIONAL EXPENSES FOR THE PLANNING AND DESIGN OF THE SIDEWALKS AND WAS REQUESTING A BUDGET TRANSFER OF \$15,000. THERE WAS A LENGTHY DISCUSSION AND A MOTION WAS MADE BY CMSR. BAUSCH, SECONDED BY CMSR. BUSH TO APPROVE RESOLUTION No. 707. VOTE TAKEN (4-1)**

IN FAVOR: BAUSCH, BUSH, SCHOPPE, AND KLINGENSMITH

OPPOSED: THURLOW-LIPPISCH

6. **TOWN MANAGER’S COMMENTS - TOWN MANAGER KELLOGG ASKED FOR DIRECTION FROM THE COMMISSION ON WHETHER THE GRANT FROM DEP INDIAN RIVER LAGOON WAS GOING TO BE ACCEPTED BY THEM OR WOULD THE TOWN PAY WITH AN ESTIMATED COST OF \$190,000. DISCUSSION FOLLOWED WITH QUESTIONS BEING ASKED AND RESPONDED TO WITH A MOTION BEING MADE BY CMSR. BAUSCH, SECONDED BY VICE MAYOR THURLOW-LIPPISCH TO SEND A LETTER TO MANAGEMENT SAYING WE THANK THEM, BUT DUE TO ECONOMIC ISSUES AT THE TIME IN THE STATE, WE ARE GOING TO PASS. VOTE TAKEN. (4-1)**

IN FAVOR: BAUSCH, BUSH, THURLOW-LIPPISCH AND KLINGENSMITH
OPPOSED: SCHOPPE

7. COMMENTS FROM COMMISSIONERS ON TOPICS NOT ON THE AGENDA - NONE

8. ADJOURN: 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 9:25 P.M.

RESPECTFULLY SUBMITTED,

ANN-MARIE S. BASLER
TOWN CLERK