

# **MINUTES**

## **VILLAGE OF TEQUESTA**

**REGULAR MEETING**



**JUNE 11, 2015**

### **CALL TO ORDER AND ROLL CALL**

The meeting was called to order by Mayor Abby Brennan at 6:00 p.m. A roll call was taken by Clerk Lori McWilliams. Present were: Mayor Abby Brennan, Vice Mayor Vince Arena, Council Member Steve Okun, Council Member Tom Paterno and Council Member Frank D'Ambra.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Paul Beresford led the meeting with the invocation followed by the pledge of allegiance.

### **APPROVAL OF AGENDA**

**MOTION:** Council Member Okun moved approval of the agenda; seconded by Council Member D'Ambra; motion carried unanimously 5-0.

### **PRESENTATION**

#### **1. Presentation of the FY 2013/2014 Comprehensive Annual Financial Report (CAFR)**

Ms. JoAnn Forsythe, Finance Director, noted the year had been most challenging, and offered examples affecting the finance department along with updates regarding the budget.

#### **2. Presentation on the Andrew "Red" Harris Foundation**

Dale Sugarman, CEO and Scott Harris, President of "Red" Harris Foundation presented their vision and request for funding to Council. Mayor Brennan stated that she had heard upbeat comment regarding the foundation, but Council could not commit at the present point in the budget cycle.

### **CONSENT AGENDA**

Items six, seven and eight were removed for discussion.

**MOTION:** Council Member Okun moved approval of the following Consent Agenda as amended; seconded by Council Member D'Ambra; motion carried unanimously 5-0.

#### **3. MINUTES: March 2, 2015 Workshop, March 30, 2015 Workshop and April 27, 2015 Workshop**

#### **4. Approval of Contracts Signed by Manager under \$25,000**

- |    |   |            |
|----|---|------------|
| a. | Arcadis Work Authorization - Tequesta Park Lift Station | \$8,400.00 |
|----|---|------------|

- |    |   |             |
|----|---|-------------|
|    | Improvements  |             |
| b. | Arcadis Work Authorization - South Cypress Drive Alley Way, Budget Alley Way & Bayview Road Drainage Improvements | \$16,000.00 |
| c. | FDG Flagler Station II LLC, Real Estate Lease, File 281-1-2b  | \$10,132.00 |

**5. Approval of Budget Amendments for FY 2014/2015**

- 9. RESOLUTION 19-15, ADOPTING A REVISED PERMIT FEE SCHEDULE AS PROVIDED BY SEC. 14-152 OF THE VILLAGE CODE OF ORDINANCES; PROVIDING THAT THIS SCHEDULE OF FEES AND CHARGES SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES AT THE VILLAGE HALL DURING REGULAR BUSINESS HOURS; PROVIDING FOR PUBLICATION OF THIS SCHEDULE OF FEES AND CHARGES IN APPENDIX C. OF THE VILLAGE'S CODE OF ORDINANCES**

**END OF CONSENT AGENDA**

- 6. Approve Interlocal Agreement between Jupiter Inlet Colony, the Loxahatchee River Environmental Control District (LRECD) and the Village of Tequesta for Joint Participation and Project Funding of the Jupiter Inlet Colony Neighborhood Rehabilitation**

Council Member Paterno suggested extending the Interlocal agreement with Jupiter Inlet Colony (JIC) from 15 years to 30 years to accommodate the time necessary for upgrades in the future. Attorney Davis noted conversations he had with the JIC attorney and that the option would need to be approved by their Council.

**MOTION:** Council Member Okun moved approval of the Interlocal Agreement with the contingency of extending the 15 year contract to 30 years; seconded by Council Member Paterno; motion carried 4-1 with Council Member D'Ambra opposed.

- 7. Council Approval to Sponsor the 5th Annual Chili Cook-Off Scheduled for November 7, 2015 from 2:00 p.m. to 5:00 p.m. at Paradise Park**

Vice Mayor Arena asked Dave McGovern to comment on the amount raised to date for the event. Dave McGovern, Firefighter, Paramedic, noted several charitable organizations which benefited from the Chili Cook Off proceeds and asked for the Villages continued support. Chief Weinand stated approximately \$40,000 was raised last year.

**MOTION:** Council Member Okun moved approval of the sponsorship; seconded by Council Member D'Ambra; motion carried 5-0.

**8. RESOLUTION 48-15, AWARDING A CONTRACT TO ASI PAVING INCORPORATED IN THE AMOUNT OF \$29,470.00 TO COMPLETE THE ASPHALT OVERLAY OF POINT DRIVE ROAD**

Attorney Davis read Resolution 48-15 title into the record.

Council Member Paterno questioned the expenditure of \$29,000 and felt it would drain the budget cost savings account. Manager Couzzo responded yes, the savings would be drained, and the Public Works superintendent salary would come from budget cost savings - village wide. Council Member Paterno suggested moving the items to the upcoming budget. Manager Couzzo noted that Council had agreed to utilize budget cost savings for items which would return to Council for approval, and that, yes, the items could also be placed in next year's budget if Council so desired. He noted that corrective actions would then need to happen before paving.

**MOTION:** *Council Member D'Ambra moved approval of Resolution 48-15; seconded by Vice Mayor Arena; motion carried 5-0.*

**COMMUNICATIONS FROM CITIZENS**

There were none.

**COMMUNICATIONS FROM COUNCIL**

Council Member D'Ambra endorsed the Chili Cook Off.

Council Member Paterno stated he would speak under Any Other Matters regarding community upgrades and improvements.

Vice Mayor Arena voiced his support regarding the recent volunteer recognition and the numerous businesses placed in the Village Smoke Signals publication by Clerk McWilliams. He voiced his gratitude for events occurring in the Village and the Village residents.

Mayor Brennan offered updates on the FDOT (Florida Department of Transportation) grant application, noted that Jupiter Island was content with their mutual aid agreement with the Village, and that they saw no need for a fire substation at Coral Cove Park area.

Council discussed taking responsibilities for Old Dixie Highway from the County along with the following regarding the gas tank leak relocation issue with Amerigas (30k gallon LP gas tank leak on Old Dixie – July 12, 2014):

- Suitable tank re-location attempt ongoing for 12 months
- Most areas now have ordinances precluding gas tank installation
- Private owners not interested
- Great cooperation from AmeriGas
- Tank situated in VOT for decades – no previous problems
- Valve and safeguards failed (Inspected earlier in 2014)

The following were requested (by Tequesta) and accepted (by Amerigas):

- Crash posts system separating tank from street (Amerigas to pay for independent landscape architect analysis and removal of debris at the site)
- Enhanced fencing around tank - as needed with natural screening/landscape barrier (AmeriGas purchase – Village of Tequesta will maintain)
- Tank inspection - a minimum of twice a year

Consensus of Council was for Manager Couzzo to research the venture of taking over Old Dixie Highway from the County.

### **STANDING REPORTS**

#### **Village Attorney**

Legal had no report.

#### **Village Manager**

Manager Couzzo offer a detailed report on the current status of many items in the Village regime. He also thanked Pastor Paul and Carol Beresford for all they contribute to the Village. He then suggested a Council liaison to work with Martin County regarding Tequesta Drive Bridge restrictions, Council Member Paterno volunteered, Vice Mayor Arena was noted as an alternate.

### **REGULAR AGENDA**

#### **OLD BUSINESS**

##### **10. All Aboard Florida Update**

Council discussed joining municipalities to support funding obtained from non-government entities.

***MOTION:*** Council Member Okun moved to join other municipalities in support of asking All Aboard Florida to obtain financial support through private backing and not government funding; seconded by Vice Mayor Arena; motion carried 5-0.

##### **11. ORDINANCE 6-15, SECOND READING, AMENDING THE VILLAGE CHARTER AT ARTICLE II. SECTIONS 2.01 AND 2.02 TO MOVE THE DATE OF THE 2016 MUNICIPAL ELECTION TO THE THIRD TUESDAY IN MARCH TO COINCIDE WITH THE 2016 FEDERAL PRESIDENTIAL PRIMARY ELECTION; FURTHER AMENDING THESE SECTIONS TO ADJUST THE DATES FOR QUALIFYING AND FOR ANY NECESSARY RUN-OFF ELECTION ACCORDINGLY**

Attorney Davis read Ordinance 6-15 title into the record.

Mayor Brennan opened the public hearing to Council for comments; there being none she opened the hearing to the public. There being no public comment the public hearing was

closed.

**MOTION:** Council Member D'Ambra moved approval of Ordinance 6-15 as amended; seconded by Council Member Okun; motion carried unanimously 5-0.

## 12. DISSOLVING THE BOARD OF ADJUSTMENT

Attorney Davis read the titles of Ordinances 7-15, 8-15 and 9-15 into the record and briefly explained the procedures associated.

- a. **ORDINANCE 7-15, SECOND READING,** AMENDING CHAPTER 22. COMMUNITY DEVELOPMENT. ARTICLE II, DIVISIONS 2 AND 3, BY PLACING FINAL AUTHORITY TO HEAR REQUESTS FOR CERTAIN ZONING VARIANCES AND CERTAIN ADMINISTRATIVE APPEALS WITH THE PLANNING AND ZONING ADVISORY BOARD, AND CLARIFYING OTHER DUTIES OF THE BOARD; AND RENAMING THE BOARD TO BE REFERRED TO AS THE "PLANNING AND ZONING BOARD"; PROVIDING THAT EACH AND EVERY OTHER PROVISION OF CHAPTER 22. COMMUNITY DEVELOPMENT

Mayor Brennan opened the public hearing to Council for comments; there being none she opened the hearing to the public. There being no public comment the public hearing was closed.

**MOTION:** Council Member D'Ambra moved approval of Ordinance 7-15; seconded by Council Member Okun; motion carried unanimously 5-0.

- b. **ORDINANCE 8-15, SECOND READING,** AMENDING CHAPTER 76. WATERWAY CONTROL. BY AMENDING SECTION 76-7. VARIANCES. BY REMOVING ALL REFERENCE TO THE BOARD OF ADJUSTMENT AND SUBSTITUTING IN ITS PLACE THE PLANNING AND ZONING BOARD; PROVIDING THAT EACH AND EVERY OTHER PROVISION OF CHAPTER 76. WATERWAY CONTROL

Mayor Brennan opened the public hearing to Council for comments; there being none she opened the hearing to the public. There being no public comment the public hearing was closed.

**MOTION:** Council Member D'Ambra moved approval of Ordinance 8-15; seconded by Council Member Okun; motion carried unanimously 5-0.

- c. **ORDINANCE 9-15, SECOND READING,** AMENDING CHAPTER 78.

ZONING. BY REMOVING ALL REFERENCE TO THE BOARD OF ADJUSTMENT AND SUBSTITUTING IN ITS PLACE THE PLANNING AND ZONING BOARD; FURTHER CLARIFYING THAT THE BUILDING BOARD OF ADJUSTMENT HANDLES REQUESTS FOR VARIANCES FROM THE VILLAGE'S FLOODPLAIN ORDINANCE; PROVIDING THAT EACH AND EVERY OTHER PROVISION OF CHAPTER 78. ZONING

Mayor Brennan opened the public hearing to Council for comments; there being none she opened the hearing to the public. There being no public comment the public hearing was closed.

**MOTION:** Council Member Okun moved approval of Ordinance 9-15; seconded by Council Member Paterno; motion carried unanimously 5-0.

**13. Approve Utilization of FY 2014/2015 Budget Cost Savings Request To Hire Public Works Superintendent**

Manager Couzzo explained the item. Council Member D'Ambra felt the position of the budget must be better clarified before this item was addressed. Funds for the position were discussed in depth.

**MOTION:** Council Member Paterno moved that the item be placed on the next workshop; seconded by Council Member D'Ambra; motion carried unanimously 5-0.

**NEW BUSINESS**

- 14. SPECIAL EVENT SE 5-15:** Application for a Special Event Permit for a Health & Wellness Event at Seacoast Bank Located at 710 US Hwy 1 in Tequesta, Florida. The Event is Planned to take Place on Saturday, June 20, 2015 Between 9 a.m. and 5 p.m. The Projected Number of Attendees is 100-200 People. The Event will have a Live Band, Food Vendors, and Mobile Medical Services such as the Big Red Blood Bus and Jupiter Medical Center's Wellness in Motion Bus. No Alcohol will be Served.

Nilsa C. Zacarias, Director of Community Development noted the applicant and event planned.

**MOTION:** Council Member Paterno moved approval of SE 5-15; seconded by Vice Mayor Arena; motion carried unanimously 5-0.

- 15. SITE PLAN MODIFICATION SPM 4-15,** Application from Pet Supermarket, Inc. for a Minor Site Plan Modification to an Existing Shopping Center to Raise the Building Front Elevation Parapet Wall from 17 ft. to 23 ft. and to Modify Entrance Doors and Windows, for this Tenant Site. The Plaza Owner is Tequesta Investors, LP. The Address of the Proposed Application is 229 North US Highway 1, Tequesta, Florida, 33469.

Attorney Davis stated items 15, 16 and 17 were quasi judicial and swore in seven persons present for all three matters. He then asked Council for ex-parte communications for Pet Supermarket and/or Bella Villaggio. Mayor Brennan stated that she had spoken briefly to the principal of Bella Villaggio months ago.

Nilsa C. Zacarias, Director of Community Development noted the applicant and offered a brief synopsis of the modification plans. She reported that the Planning and Zoning Committee had recommended approval. Council Members and Village Attorney discussed previous code violations of the plaza, procedures and remedies.

**MOTION:** *Council Member Okun moved approval of SPM 4-15; seconded by Council Member D'Ambra; motion carried unanimously 5-0.*

- 16. SITE PLAN REVIEW 1-15,** Application from MGA Tequesta, LLC for a Site Plan Review for the Bella Villaggio Multi-family Development Project to Build 16 Dwelling Units in Three (3) Two-story Multifamily Buildings in the R-2 Zoning District. The Application Includes a Proposed Landscape Plan, Directional and Building Identification Signs, and Two (2) Entry Monument Signs. The Address of the Proposed Application is 3754, 3764 & 3774 County Line Road, Tequesta, Florida.

Troy Holloway, Gentile, Glas, Holloway, O'Mahoney & Associates, Inc. representative explained the project and answered Council's questions. Council voiced support for the project, voiced their concerns and offered their gratitude.

**MOTION:** *Council Member Okun moved approval of Site Plan Review 1-15; seconded by Council Member Paterno; motion carried unanimously 5-0.*

Nilsa C. Zacarias, Director of Community Development clarified that staff recommended a condition of approval that the condominium documents would be reviewed and approved by the Village Attorney, and that the amended plans showed the entrance driveway center island removed. Attorney Davis noted his preference for the conditions to be attached to the site plan review motion.

**MOTION:** *Council Member Okun amended his motion to include the condominium documents be reviewed and approved by the Village Attorney prior to issuance of permit, and amended plans showing the removal of the center island from the entrance driveway to the original motion; seconded by Council Member Paterno; motion carried unanimously 5-0.*

- 17. Plat Application for the Bella Villaggio Multi-family Condominium Development Project.** Application from MGA Tequesta, LLC for Final Plat Approval for the Bella Villaggio Multi-family Condominium Development Project. The Final Plat Provides Legal Unity of Title by Creating a Single Tract of Land from Three Individual Parcels.

Nilsa C. Zacarias, Director of Community Development offered a brief history and conditions associated with the item.

**MOTION:** *Council Member Paterno moved approval of item 17; seconded by Council Member D'Ambra; motion carried unanimously 5-0.*

*Council Member Okun left the room at 8:00 p.m.*

18. **ORDINANCE 13-15, FIRST READING**, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 78. ZONING. SECTION 78-784. DESIGNATION. REVISING THE TERMINOLOGY OF "DIRECTOR OF COMMUNITY DEVELOPMENT" AND REPLACING IT WITH "BUILDING OFFICIAL"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. ZONING

Attorney Davis read Ordinance 13-15 title into the record and explained the dynamics associated with the flood plain.

Mayor Brennan opened the public hearing to Council for comments; there being none she opened the hearing to the public. There being no public comment the public hearing was closed.

**MOTION:** *Council Member D'Ambra moved approval of Ordinances 3-15; seconded by Council Member Paterno; motion carried unanimously 4-0.*

*Council Member Okun returned to the room at 8:06 p.m.*

19. **Council Approval of Voting Delegate for the Florida League of Cities**

Mayor Brennan volunteered to remain the delegate.

**MOTION:** *Council Member Paterno moved approval of Mayor Brennan as the voting delegate; seconded by Vice Mayor Arena; motion carried unanimously 5-0.*

**ANY OTHER MATTERS**

Council Member Paterno asked for ideas and support regarding community upgrades and improvements and voiced his concerns with the amount of time allowed in regards to code infractions being corrected. He suggested items such as building materials, driveways and the elimination of blacktop be discussed.

Manager Couzzo explained that the Village attorney had been directed to work with staff regarding the concern, and he felt confident that clarity was obtained regarding forward movement to address Council Member Paterno's concerns.

Mayor Brennan confirmed that Council Member Paterno supported waiting until the item was



brought back.

**ADJOURNMENT:** *Council Member Okun moved to adjourn the meeting; seconded by Vice Mayor Arena. The motion to adjourn carried unanimously 5-0; therefore, the meeting was adjourned at 8:08 p.m.*

Respectfully submitted,

Lori McWilliams, MMC  
Village Clerk

Note: These summary minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of the meeting. A verbatim audio record is available from the Office of the Village Clerk. All referenced attachments are on file in the Village Clerk's office.

