

MINUTES VILLAGE OF TEQUESTA

WORKSHOP

October 2, 2017



CALL TO ORDER AND ROLL CALL

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

1. Discussion on Banyan Tree Removal Permit, Revocation and Applicant's Request for Compensation.

Village Attorney Davis updated Council on the issue of the banyan tree located on Village property near the intersection of River Drive and Golfview Drive. The homeowner, located at 40 River Drive, erroneously believed the tree was on his property and as a result pulled a permit and hired a contractor to remove it. The Village determined that the tree was actually on Village of Tequesta property, and the permit was consequently revoked. Attorney Davis revealed he had discussed the matter with the resident's attorney and was now looking for direction from Council.

Vice-Mayor D'Ambra made an inquiry regarding the specifics on the \$5,000 cost to prepare the tree for removal and questioned why it took the Building Department six weeks to determine the error in ownership. Attorney Davis did not have answers to Vice-Mayor D'Ambra's questions. It was revealed that a survey was not currently required when applying for a permit.

Council Member Arena believed that a survey requirement should be part of the code going forward, and Council should learn from this experience. Council Member D'Ambra believed that there was culpability on both the resident and the Village. He also believed a contractor had a higher level of responsibility in validating the right of way on the sketch. Vice Mayor D'Ambra reminded Council that they had not received any validation of the supposed incurred costs.

The contractor, Walter Acree owner of Green Integrity's, addressed Council and confirmed that he had paid about \$40 for the permit. He drew the location of the tree exactly the way he observed it, and was familiar with working with municipalities. Mr. Acree opined that it was a "standard practice" for the municipality to check the location of the tree. He further stated that the banyan tree was categorized as an "invasive exotic" under the Village Code. He was willing to replace the banyan tree with three, large, live oak trees. The costs he incurred were from pruning the tree and preparing the roots, all of which had taken a full crew many days to complete. He relied on the Village to let him know if it was within the right-of-way.

Mr. Gary Szorosy, of 40 River Drive, addressed Council and introduced himself as the resident involved in the sale of the banyan tree. He revealed that he had maintained the tree for years at the direction of the Village.

Council Member D'Ambra suggested the agreement be honored with the banyan tree removed and the live oak trees added. He asked Attorney Davis to work out the arrangement and final settlement between the three parties involved in the transaction; The Szorosy's would retain the \$2,000 payment initially made by Green Integrity, and the Village would receive the additional \$3,000 payment. It was Council's recommendation to re-activate the permit. According to Mr. Acree, there was still a four to six week time-frame needed to properly remove the tree.

2. Discussion on Proposed Fence Installation in the Village Right of Way by Tequesta Pines Homeowners Association.

Community Development Director, Ms. Nilsa Zacarias, presented the information pertaining to the proposed fence installation. Ms. Sandra Wallace, Secretary of the Tequesta Pines Homeowners Association, informed Council of the proposed replacement fence, which was to be comprised of aluminum and buffered with a hedge. Council voiced support of the fence replacement. Attorney Davis was directed by Council to investigate on whether the application had to go through Planning and Zoning or if it could be approved by Council without the extra step.

3. Council Discussion on Proposed Community Center as a Pet Friendly Shelter.

Council Member Okun explained the idea of using the proposed Village Community Center as a pet-friendly hurricane shelter. Council discussed the topic at length and determined more information was needed regarding sheltering within an evacuation zone. It was a Consensus of Council to have Fire Chief Joel Medina research the topic further.

4. Discussion on Strategy for Sidewalk Repairs

Deputy Director of Public Works, Mr. Doug Chambers updated Council on the status of the sidewalk project. He informed Council that the project was put out to bid again, as the first contractor had not been responsive to the needs of the Village. He acknowledged the sidewalks were in very poor shape throughout the Village and informed Council that "trip and fall" hazards were becoming more frequent. He read a recently received letter from an attorney, representing an elderly lady who had fallen (on Willow Drive) due to a large crack in the sidewalk. As a result of her fall, she had sustained a broken wrist and head injuries. Mr. Chambers stated this was not the only notification of injury due to sidewalk hazards that he had received. He recommended repairing all the faulty areas before any large sidewalk projects were started.

Vice Mayor D'Ambra preferred to embark on a comprehensive program to complete the Tequesta Drive and Country Club Drive areas, instead of the "piece-meal" approach.

Mayor Brennan reminded Council that they had been asking for a comprehensive plan for a long time. She stated that once a plan was in hand, she could then go to the MPO (Metropolitan Planning Organization) to request funds. However, if the sidewalk project had already started without going before the MPO, the Village would not be eligible for financial assistance.

Mayor Brennan expressed concern for the acceleration of the “trip and fall” events. She urged Council to act upon the information they had just received from Mr. Chambers.

Vice Mayor D’Ambra pointed out that Council needed cost estimates on repairs vs. full replacement. Mayor Brennan reiterated the need for a five-year plan on capital budget planning.

Mayor Brennan asked Mr. Chambers if he had been given instructions on interfacing with the DOT (Department of Transportation) on the US Highway One project. Mr. Sam Heady, Deputy Director of the Water Department, stated that he was the point-of- contact, and that there were specific Public Works portions that he reported back to Mr. Chambers. Mr. Heady attended the last meeting and reported that the project was scheduled to begin on November 4, 2017. Mayor Brennan emphasized the need for the Village to be involved and be pro-active with any resident questions or project changes/concerns that may come forth as the start date approached. She asked Mr. Heady and Mr. Chambers to keep Council up to date with any new developments.

Village Clerk McWilliams, asked Council for direction on whether or not she, as the PIO (Public Information Officer) should be informing residents of US Highway One project updates, or should she should rely on the FDOT (Florida Department of Transportation) to release the information. Mayor Brennan explained that direction would come in the future.

Council revisited the topic of sidewalks and asked Mr. Chambers to provide repair estimates for both non-Tequesta Drive and non -Country Club Drive areas. In addition, they requested an estimate that included Tequesta Drive and Country Club Drive repairs, without the re-builds, by the next Council Meeting. Mr. Chambers stated that the cost estimate for the sidewalk from Seabrook to the El Portal Drive entrance was \$215,000. It included widening the sidewalk, changing to concrete, cutting out roots, replacing sod and irrigation.

It was a Consensus of Council that a sidewalk presentation be prepared for Council’s review at the next scheduled Workshop Meeting.

5. Discussion on Tequesta Country Club Bridge Rehabilitation (added since initial agenda distribution)

Deputy Utility Director, Mr. Sam Heady informed Council of a 1979 Agreement between

The Village of Tequesta and Tequesta Country Club, which indicated the Village was responsible for a portion of the drainage system and bridge upkeep. Vice Mayor D'Ambra suggested the Village agree to this only under the condition that the entire responsibility of drainage and bridge maintenance revert back to the Tequesta Country Club going forward. Attorney Davis understood there were drainage conditions within the agreement, which ultimately benefited the Village. It was a Consensus of Council to pay for the current repair of the bridge, estimated at \$50,000; however, going forward the Village would only be accountable for their portion of the drainage outfall maintenance costs. Attorney Davis was directed to bring an agreement back to Council for action regarding this matter.

6. Continued Discussion Regarding the Village Manager (added since initial agenda distribution)

The Mayor informed Council that the expected FMLA paperwork from Manager Couzzo had not arrived as of today, but was expected soon. She added that the paperwork was not relevant anymore and that the appointment of an "Acting Manager" was needed immediately.

Council Member Paterno asked that a provision be added to reflect that the new Acting Manager not be permitted to extend the Manager's FMLA term without Council's approval. Attorney Davis advised that it was possible to add a provision into the agreement. Council Member Paterno asked that the agreement length match the FMLA timeframe, so that Council could make a decision going forward.

A Special Workshop Meeting was scheduled for Friday, October 6, 2017 at 7:30 AM to discuss the approval of the contract for the Acting Manager.

Council Member Arena asked that a category of "Any Other Matters" be added to the Workshop Meeting agendas going forward. Attorney Davis advised that the public needed notice of the topic that was going to be discussed and recommended against this addition.

Council Member Arena voiced concern over the "unresolved water bill forgiveness policy". Council consequently asked that tasks given to the Manager, be placed in "list form" within the minutes, and be emailed to Council and the appropriate Department Head.

ADJOURNMENT: *Council Member Paterno moved to adjourn the meeting; seconded by Council Member Arena. The motion to adjourn carried unanimously 5-0; therefore, the meeting was adjourned at 7:32 p.m.*

PENDING TASKS:

• Ordinance allowing homeowner to trim trees in ROW	Keith to send
• Banyan Tree agreement	Keith
• Banyan Tree 10/12 agenda	Lori
• Sidewalk Plan on 10/30 workshop	Doug (Doug –please have information uploaded in Legistar by 10/23) / Lori
• Should CM Paterno declare voting conflict in regards to TCC Bridge	Keith
• TCC bridge agreement	Keith / Sam
• TCC bridge agreement on 10/12 agenda	Lori
• Does Tequesta Pines fence issue have to go through P&Z since council agreed with moving forward	Keith to research
• Pet friendly shelter – Research to see if this is allowed and can be done	Chief Medina
• FMLA policy amended to include in case of manager, council will determine extension	Merlene
• Special Council Meeting 10/6 at 7:30 a.m. – Interim Manager Contract	Keith / Lori
• To do list to manager, staff and council and in minutes	Lori

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.