

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVE KURZMAN
Commissioner

KAIJA MAYFIELD
Commissioner

TOWN OF SEWALL'S POINT



ROBERT DANIELS-ICMA-CM
Town Manager

APRIL C. STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

**Regular Town Commission Meeting Minutes
May 28, 2024
6:00 p.m.**

I. CALL TO ORDER

Mayor Tompeck called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance to the Flag

Mayor Tompeck lead the assembly in the Pledge of Allegiance.

b. Roll Call

The Town Clerk called the roll with the following Commissioners present: Mayor Tompeck, Vice Mayor Fender, Commissioner Barile, Commissioner Kurzman, and Commissioner Mayfield.

II. PROCLAMATIONS AND PRESENTATIONS

There was nothing scheduled under this item.

III. PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES. *If the thirty (30) minute time period has been exhausted, the Commission will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.*

Cindy Lucas, 1 Mandalay Road, stated that she had previously provided an estimate to fix the flooding two years ago in the amount of \$22,000 and that now the cost would be \$150,000. She was not in favor of spending taxpayer funds for projects that were not needed.

IV. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

There were no changes made the Agenda.

V. APPROVAL OF AGENDA

There being no discussion, Vice Mayor Fender **moved** to approve the Agenda. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call

vote.

VI. CONSENT AGENDA

- a. Financials – April
- b. Building – April
- c. Minutes – May 14, 2024 Regular Meeting

There being no discussion, Commissioner Kurzman **moved** to approve the Consent Agenda. Commissioner Mayfield **seconded** the motion, which **passed unanimously** by roll call vote.

VII. PUBLIC HEARING - ORDINANCE - SECOND READING

There was nothing scheduled under this item.

VIII. PUBLIC HEARING - ORDINANCE - FIRST READING

- a. Ordinance No. 459 – Referendum Authorizing Residency Requirement for Qualifying as a Town Commissioner in Town Charter

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments, to which there were none.

The Assistant Town Attorney advised that she had amended the language on the ballot question in reference to Town Commissioner Eligibility for clarity in Section 6, as follows: 'The Town Commission has proposed to add that a person must have been a registered qualified voter in the Town for at least one year to be eligible for election as Commissioner and must maintain that status to remain in office.'

There being no further discussion, Commissioner Kurzman **moved** to approve Ordinance No. 459 and to rectify the noted scrivener's error. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

- b. Ordinance No. 460 - Forfeiture of Office Provision

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments, to which there were none.

Mayor Tompeck suggested that Section 7, Forfeiture of Office, be enhanced with more guidelines for a commissioner to be relieved from office. Vice Mayor Fender was not in favor of adding more language to the section. Commissioner Mayfield concurred with Vice Mayor Fender and requested clarification on the absent process. Mayor Tompeck explained that an excused absence could be addressed under the consent agenda. The Town Manager stated that it could also be approved under roll call.

There being no further discussion, Commissioner Mayfield **moved** to approve Ordinance No. 460 and to rectify the noted scrivener's error. Vice Mayor Fender **seconded** the motion, which **passed** by roll call vote with Vice Mayor Fender, Commissioner Barile, Commissioner Mayfield, and Commissioner Kurzman voting in favor, and Mayor Tompeck voting against.

c. Ordinance No. 461 - Charter Amendment - Regulation of Transportation

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments, to which there were none.

There being no discussion, Commissioner Mayfield **moved** to approve Ordinance No. 461 and to rectify the noted scrivener's error. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

d. Ordinance No. 462 - Charter Amendment - Town Planning Board

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments.

Frank Tidikis, 12 Crane's Nest, was not in favor of the ordinance, as it discouraged citizen input. He stated that removing the Town Planning Board was not the recommendation of the Charter Review Committee and requested that it be corrected. Mr. Tidikis was concerned that the Code Enforcement Board was not being utilized, and that the three-minute public comment portion of the meeting was restricted. He said that by not allowing citizens' comments to be read into the record when they could not attend hindered their voice. (See Attached)

Commissioner Mayfield stated that Section 7 referred to strikethroughs, which she did not see and requested that they be added, as well as to remove the reference to Ordinance No. 461.

Mayor Tompeck requested that the Town Manager address the comments in reference to the Charter Review Committee recommendation. The Town Manager stated that it was determined that a Town Planning Board was not needed and would be used on an ad hoc basis. Mayor Tompeck stated that he was not opposed to leaving the Planning Board in the Charter. Vice Mayor Fender concurred with Mayor Tompeck. Commissioner Barile stated that the Planning Board was a way for the citizens to engage in the community and was in favor of leaving it in the Charter. Commissioner Kurzman agreed with leaving the language in the Charter. Commissioner Mayfield also stated that it should remain in the Charter.

There being no further discussion, Vice Mayor Fender **moved** to deny Ordinance No. 462. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

e. Ordinance No. 463 - Impermeable Area

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments.

Frank Tidikis, 12 Crane's Nest, stated that he was not in favor of eliminating wooden decks, as they were permeable, and requested that the pavers be left in the ordinance.

Mayor Tompeck requested that the Building Official clarify why the term was in the ordinance, to which the Building Official stated that the intent was to eliminate any items that would be an issue. Commissioner Barile was in favor of leaving the wooden deck language in the ordinance. Commissioner Kurzman concurred with Commissioner Barile.

Commissioner Fender stated that the intent of the ordinance was to detour from going around the ordinances that were in place in reference to setbacks, green space, and trees. He explained that it would alleviate construction in the setbacks and maintain the aesthetics of the peninsula.

Vice Mayor Fender **moved** to approve Ordinance No. 463. Commissioner Kurzman **seconded** the motion, and recommended a separate ordinance be brought forward to address wooden decks.

Vice Mayor Fender amended the motion as follows: **moved** to approve Ordinance No. 463 as written and to come back with an ordinance regarding wooden decks. Commissioner Kurzman **seconded** the motion. Commissioner Mayfield stated that she would be in favor if the language was as follows: 'this definition shall not pertain to wood decks.'

Vice Mayor Fender amended the motion as follows: **moved** to approve Ordinance No. 463 as written and to unstrike 'this definition shall not pertain to wood decks.' Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

f. Ordinance No. 464 – Lot Coverage Calculation

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record. Mayor Tompeck called for any public comments, to which there were none.

The Building Official stated that the intent was to include swimming pools and tennis courts, etc. into the total coverage of the lot calculations. Commissioner Mayfield inquired as to the yard sizes, to which the Assistant Town Attorney advised that it would be removed as it did not apply to the lot coverage. She stated that it would read as follows: 'shall not be considered as part of the building, but shall be included in the calculation of the lot.'

There being no further discussion, Vice Mayor Fender **moved** to approve Ordinance No. 464 with the strikethrough. Commissioner Barile **seconded** the motion. Commissioner Mayfield was not in favor of including pools and pool structures in the ordinance. The motion **passed** with Mayor Tompeck, Vice Mayor Fender, Commissioner Barile, and Commissioner Kurzman voting in favor, and Commissioner Mayfield voting against.

IX. RESOLUTIONS

a. Resolution No. 971 – Adopting Capital Improvement Plan

The Town Clerk read the resolution title into the record.

Alan Derosa, 16 N. Sewall's Point Road, stated that he was not in favor of the CIP as it indicated \$80 million in expenditures would be required over the next five years. He said that out of the \$16.3 million in state and federal grants applied for, only \$354,000 had been received through the month of April.

Frank Tidikis, 12 Crane's Nest, stated that at the last meeting, Vice Mayor Fender had requested the predicted cash flow that would cover the expenditures, as well as a comparison from previous years, which had not been provided. He requested explanations for the increases and decreases in costs from the 2023 plan. Mr. Tidikis recommended that the item be postponed until the information that Vice Mayor Fender requested was produced and suggested scheduling a workshop to answer questions. (See Attached)

Mayor Tompeck stated that the CIP identified projects by priority and that funding would be in place prior to proceeding with any plans. Vice Mayor Fender added that there were important projects underway to reduce flooding that needed to be completed, if the funds were available.

There being no further discussion, Commissioner Mayfield **moved** to approve Resolution No. 971, Adopting the 2025 Capital Improvement Plan. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

X. OLD BUSINESS

There was nothing scheduled under this item.

XI. NEW BUSINESS

There was nothing scheduled under this item.

XII. DISCUSSION

There was nothing scheduled under this item.

XIII. COMMISSION AND STAFF CLOSING COMMENTS

a. STAFF

The Town Manager stated that there were two items that did not make the agenda deadline, and recommended that they be heard at a special meeting or the next regular meeting on June 18, 2024. He said that one of them was regarding drainage repair on South River

Road and the other one involved the tree canopy improvements.

b. COMMISSIONERS

Vice Mayor Fender thanked the Police Department for their support at the 33rd Annual Pineapple 5K. He stated that he attended the Tree Talk event where Mike Flaugh Landscape Architect provided a presentation with all of the proposed trees, and was pleased that the final selection included Live Oaks. Vice Mayor Fender inquired as to the status of 10 Oakwood, to which the Town Manager responded that a notice of violation will be sent to the property owner and that they would be required to appear in front of the Special Magistrate. He asked the Town Manager to respond to the resident in reference to the dock house on South Sewall's Point Road, to which the Town Manager replied in the affirmative.

Mayor Tompeck stated that the next meeting should include the stormwater utility fee and maintenance cost information from the Town Manager.

XV. ADJOURN

There being no further business, the meeting adjourned at 7:35 p.m.

APPROVED:



Mayor John Tompeck, Presiding Officer

ATTEST:



April C. Stoncius, Town Clerk

Minutes approved at the meeting of: June 18, 2024

COMMENTS RE: ORDINANCE 462 AT TSP COMMISSION MEETING: 28 MAY 2024

Mayor Tompeck, Commissioners Barile, Fender, Kurzman and Mayfield, Good Evening.

Regarding Ordinance 462, vote against this ordinance. Why? To encourage citizen input not discourage it.

Moving to remove the Town Planning Committee from the Charter was not the recommendation of the Charter Review Committee. I called this to Mr. Daniels' attention in an email on 28 March and cc'd you, the commissioners. Mr. Daniels responded on 29 March that he was to blame and that he would correct it at the next meeting.

Instead, it has not been corrected; it is not what the Citizen Review Committee recommended; but is what Mr. Daniels suggested to the Citizen Review Committee and what was rejected by the committee.

The Committee's recommendation was to not alter the Charter and to not remove the Town Planning Committee but rather, to quote Stephanie Nehme, "it would only be utilized on an as need basis (such as when the town needs to prepare the planning documents every 7? years)"

Do the right thing, vote against this ordinance.

Voting for this ordinance does not encourage citizen input but stifles and suppresses citizen input.

Let's review the history of your actions encouraging citizen input:

1. Moving the Code Enforcement Board to the purview of a "special master" who sits as judge and jury while not utilizing the citizens on the board. When was the last time they heard an enforcement issue?
2. Restricting the ceding of time by a citizen when three minutes is not enough to address complex issues.
3. Refusing to read, citizen's comments into the record when they cannot physically attend a meeting.

And now, we are going to remove the Town Planning Committee from the Charter and then spend our tax dollars on a non-resident planner to do what our citizens are willing to volunteer their time doing!

How will this be spinned in the "Town Times"?

The email stream is attached.

On Mar 29, 2024, Frank Tidikis <tidikis@bellsouth.net> wrote:
Stephanie,
Yes, you are correct as the plan only needs updating every 5-7 years.
Thank you for the clarification.
Best regards
Frank

Sent from my iPad

On Mar 29, 2024, at 1:50 PM, Stephanie Nehme <nehmes@bellsouth.net> wrote:

Frank,

I attended the meeting and it was clarified at the meeting that the town planning committee would not be eliminated. The town planning committee would remain a part of the charter; however, it would only be utilized on an as need basis (such as when the town needs to prepare the planning documents every 7? years). If my memory is correct, I believe this is what we had discussed and agreed upon at the final meeting. Please correct me if you have a different recollection.

Stephanie Nehme

On Friday, March 29, 2024 at 01:17:15 PM EDT, Robert Daniels <rdaniels@sewallspoint.org> wrote:

Will do. Two committee members were there as well, but I accept the blame for the error.
Bob

Robert Daniels, Town Manager ICMA-CM
Town of Sewall's Point
1 S. Sewall's Point Road
Sewall's Point, FL 34996
Telephone: 772-287-2455
Email: rdaniels@sewallspoint.org

-----Original Message-----

From: Frank Tidikis <tidikis@bellsouth.net>
Sent: Thursday, March 28, 2024 2:55 PM
To: Robert Daniels <RDaniels@sewallspoint.org>
Cc: John Tompeck <JTompeck@sewallspoint.org>; Frank Fender <FFender@sewallspoint.org>; Dave Kurzman <DKurzman@sewallspoint.org>; Kaija Mayfield <KMayfield@sewallspoint.org>; Vinnie Barille <vinnybarille@protonmail.com>; April Stoncius <ASoncius@sewallspoint.org>; Chuck Farrow <bb34@comcast.net>; Stephanie Nehme <nehmes@bellsouth.net>; HB Barrett <hbarrett@bellsouth.net>
Subject: Charter review committee

Bob,

I was out of town and not able to attend the town meeting last Tuesday; however, it is my understanding that it was reported out to the commission that the charter review committee recommended that the town planning commission be done away with.

That was not the case.

The discussion at the last meeting was that it would be retained due to the errors in the town plan and that a citizen committee was better suited to prioritize the long range goals than a non-resident planner.

Please correct this at the next meeting.

Thank you,

Frank

COMMENTS REGARDING ORDINANCE 971: ADOPTING THE CIP

Mayor Tompeck, Commissioners Barile, Fender, Kurzman and Mayfield, Good Evening again.

At the last meeting, Commissioner Fender asked for projected cash flows to cover the expenditures and a comparison to previous years. This has not been provided. When doing a comparison to the CIP presented 27 June 2023 for the years 2024-2028 to what is before you tonight, several questions arise:

1. **Capital Projects increased by \$3,761,314. Why?**
 - a. Patrol Cars and computers accounted for \$326,000 of the increase.
 - b. What drove the other \$3,453,314?
 - c. The Police Department remodel increased by \$34,500 or 46%. Why?
 - d. North Sewall's Point Road increased by \$11,835,000 or 76%. Why?
 - e. SSP Road Phase 2 and 3 went down in projected costs. Why?

2. **Capital Maintenance is more perplexing as it decreased from prior year by 46% or \$1,675,000.**
 - a. Bridges and Seawalls went down by \$1,000,000. Why?
 - i. What is being deferred?
 - ii. What was dropped?
 - b. Storm Water Maintenance decreased from \$300,000/year to \$125,000/year.
 - i. How many outfalls do we have today?
 - ii. What is our maintenance cost per outfall today?
 - iii. How many will we have after the phases on road resiliency are completed?
 - iv. How will that increase or decrease impact the projected costs?
 - v. What assumptions were used in formulating this budget?
 - vi. Last month, the Town Manager was requesting the creation of a Stormwater Utility Fee to handle the maintenance. This month the projected maintenance costs went down? Why?

3. **Suggestion:**
 - a. Defer approving this CIP until Commissioner Fender is provided what he requested at the last meeting.
 - b. Schedule a workshop so that these questions can be answered as well as any others the public may have.
 - c. Schedule the revised CIP for approval at the next meeting.