

TOWN OF SEWALL'S POINT

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVID KURZMAN
Commissioner

KAJIA MAYFIELD
Commissioner



ROBERT DANIELS, ICMA-CM
Town Manager

APRIL STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Town Commission Regular Meeting October 08, 2024 6:00 PM

- I. **CALL TO ORDER**
 - a. **Pledge of Allegiance to the Flag**
 - b. **Roll Call**
- II. **PROCLAMATIONS AND PRESENTATIONS**
 - a. **Premier Realty - 35th Annual Halloween Event - Casey Hack, VP Marketing**
[Halloween 2024.pdf](#)
- 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. No extension of time permissible. 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.**
 - a. **TOSP Public Comment Guidelines**
[1\) TOSP Public Comment Guidelines.pdf](#)
- IV. **ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA**
- V. **APPROVAL OF AGENDA**
- VI. **CONSENT AGENDA**
 - a. **Minutes - September 23, 2024, Regular Meeting & Final Budget Hearing**
[09 23 24 Regular Meeting & Final Budget Hearing Minutes.pdf](#)
 - b. **Retirement Vesting Amendment**
[Memo - Retirement Vesting Amendment.pdf](#)
[Amendment Resolution.pdf](#)
[Amendment Attachment - Eff 10.08.2024.pdf](#)
 - c. **TC Running - Halloween Half Marathon - October 27, 2024**
[Race Application.pdf](#)
[Race Backup Maps.pdf](#)
- VII. **PUBLIC HEARING - ORDINANCE - SECOND READING**
- VIII. **PUBLIC HEARING - ORDINANCE - FIRST READING**
 - a. **Ordinance No. 468 - Marijuana Dispensary Definitions**

[Ordinance No. 468 Amending Sec. 82-398 medical marijuana 1st Reading.pdf](#)

b. Ordinance No. 469 - Marijuana Use in Public Places

[Memo for Ordinance 469 - Prohibiting use of Marijuana in Public Places.pdf](#)

[Ordinance No. 469 - prohibiting marijuana use in public places.pdf](#)

IX. RESOLUTIONS

a. Resolution No. 982 - 60-day Moratorium - Dock Structures

[Memo for Resolution 982 - Moratorium of 60 days granting dock structure permits.pdf](#)

[Resolution No. 982 - Adopt Moratorium re permits for Dock Accessory Structures.](#)

[09.30.2024.pdf](#)

X. OLD BUSINESS

a. Approval of Revised Drainage Project - South River Road at Marguerita Road - Town Engineer

[Town Manager - Memo for South River Road Drainage Interim Project.pdf](#)

[2024-0917 River Rd-Marguerita drainage ltr.pdf](#)

[South River Road - Sunshine Land Design Proposal.pdf](#)

[023.127.3 RIVER MARGUERITA-Phase 3 RIVER ROAD.pdf](#)

XI. NEW BUSINESS

a. Alternate Use - Stringers Tavern & Oyster Bar

[Alt Use Stringers STAFF REPORT.pdf](#)

XII. DISCUSSION

XIII. COMMISSION AND STAFF CLOSING COMMENTS

a. Staff

b. Commissioners

XIV. ADJOURN

CIVILITY CLAUSE: It is the policy of the Sewall's Point Town Commission that all persons addressing a town board or attending a Town board meeting shall conduct themselves in a manner that does not disrupt the orderly and efficient conduct of the meeting. Boisterous or unruly behavior; threatening or inciting an immediate breach of the peace; or use of profane, slanderous or obscene speech will not be tolerated and could result in ejection from the meeting after warning from the presiding officer. In accordance with the provisions of the Americans with Disabilities Act (ADA) this document may be requested in an alternate format. Persons in need of a special accommodation to participate in this proceeding shall, within 3 working days prior to any proceeding, contact the Town Clerk's office, One South Sewall's Point Road, Sewall's Point, Florida 34996 (772) 287-2455. If any person decides to appeal any decision made by the Town Commission with regard to any matter considered at such meeting or hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

THANK YOU TO LAST YEAR'S SPONSORS



CONGRATS LAST YEAR'S WINNERS!



GALLAGHER HOME



COCO BELLA

PREMIER'S
35TH ANNUAL
SEWALL'S POINT
HALLOWEEN
MONTH OF EVENTS

OPEN ME NOW!

FESTIVITIES STARTING OCTOBER 1ST!

Premier Realty Group

THE SEWALL'S POINT POLICE DEPARTMENT

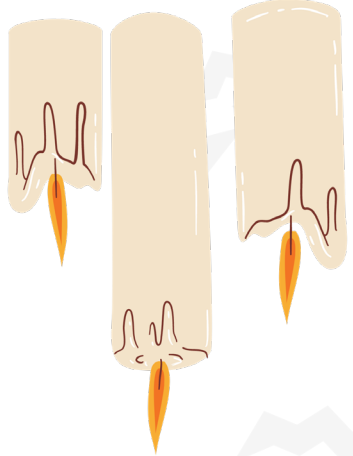
Requests your cooperation in following these guidelines to ensure the safety of your children when Trick or Treating this year.

1. Trick or Treating hours will be from 5:30 pm to 8:00 pm- Thursday, October 31st.
2. Flag down any Sewall's Point police officer on Halloween for your free "glow jewelry".
3. Golf Carts without license plates are prohibited.
4. Please turn off your sprinkler systems for the day.
5. Attach the enclosed orange ribbon to your mailbox if you welcome Trick or Treaters.
6. An adult should accompany young children.
7. Children should carry flashlights or have glow sticks if out after dark.

Premier Realty Group

CONTEST RULES &
SAFETY
INFORMATION
ENCLOSED

OPEN ME



Presorted Standard
U.S. Postage Paid
Stuart, Florida
Permit #130

Official Halloween Headquarters
2 North Sewall's Point Road
Stuart, Florida 34996

35th ANNUAL
PREMIER'S
SEWALL'S POINT
HALLOWEEN
MONTH OF EVENTS

Premier's ENCHANTED MOONLIGHT BASH

35TH ANNUAL SEWALL'S POINT HALLOWEEN EXTRAVAGANZA



BOO'ING ADVENTURES

Stay alert for a mysterious 'boo' surprise left at your doorstep. Once discovered, keep the fun alive by 'booing' two of your neighbors with treats, spreading the Halloween spirit! Booing will begin October 1st and continue throughout the entire month of October.

PET COSTUME CONTEST

Participate in our "Best Pet Costume" contest by submitting an adorable picture of your costumed pet! The winner will be announced on October 28th on the Sewall's Point Facebook Page and will receive a Gift Basket from Wagnolias.



SPOOKTACULAR HOUSE DÉCOR CONTEST



Submit an image showcasing your Halloween-decorated home or nominate a neighbor's festively adorned house for a chance to win a Tequila Basket from Sip Tequila. Submissions may encompass both interior and exterior decorations and should exclusively feature homes in Sewall's Point. The winner will be announced October 28th on the Sewall's Point Facebook Page and will receive a yard sign to display, signifying their accomplishment!

PET COSTUME & HOUSE DÉCOR CONTEST



WIN A *Wagnolia's*
GIFT BASKET

SCAN TO
SUBMIT
YOUR
ENTRIES



WIN A SIP TEQUILA
GIFT BASKET

TRUNK OR TREAT

TUESDAY, OCT. 29TH 5:30 PM – 7:00 PM

Premier Realty Group – 2 N Sewall's Pt Rd

Mark your calendars for a spooktacular evening on Tuesday, October 29th, from 5:30 pm to 7:00 pm, as we invite you to our Enchanted Trunk-or-Treat in the Premier parking lot! In addition to all the Halloween fun, we'll have a 360-degree camera to capture all the ghoulish costumes and a food truck available for you to grab some dinner!





Guidelines for Public Comments

- Everyone will have 3 minutes
- When recognized step forward to the podium and state your name for the record
- All remarks should be addressed to the Commission as a body
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input
- Any person addressing the Commission who disrupts the orderly and efficient conduct of the meeting, uses profane or obscene language may be removed from the meeting

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVE KURZMAN
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KAIJA MAYFIELD
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TOWN OF SEWALL'S POINT



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JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Regular Town Commission Meeting & Final Budget Hearing Minutes September 23, 2024 6:00 p.m.

I. CALL TO ORDER

Mayor Tompeck called the meeting to order at 6:10 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.*

There were no public comments heard.

IV. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

There were no changes made to the Agenda.

V. APPROVAL OF AGENDA

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

VI. CONSENT AGENDA

- a. Financials – August
- b. Building Report – August
- c. Minutes – September 9, 2024 Regular & Tentative Budget Hearing
- d. Sewall's Point Building Official Inspections – Martin County Interlocal Agreement
- e. Preferred Governmental Insurance Trust Annual Renewal – Workers' Compensation
- f. Preferred Governmental Insurance Trust Annual Renewal – Property/Liability/Auto Insurance
- g. MCSO – Service Level Agreement - IT

Mayor Tompeck requested to pull Item 6 e) and Item 6 g) for separate discussion. Commissioner Kurzman **moved** to approve the Consent Agenda, with Items 6 e) and 6) g pulled for separate discussion. Commissioner Mayfield **seconded** the motion, which **passed unanimously** by roll call vote.

- e. Preferred Governmental Insurance Trust Annual Renewal – WC
- g. MCSO – Service Level Agreement - IT

Mayor Tompeck inquired as to how many WC claims had been filed, to which the Town Manager responded one big claim had been filed. Mayor Tompeck asked if the Preferred Governmental Insurance Trust was equivalent to the Florida Municipal Insurance Trust, to which the Town Manager replied that they were different. Mayor Tompeck recommended that the Florida Municipal Insurance Trust be considered next year, as their rates were reasonable.

Mayor Tompeck inquired as to the amount of the IT Agreement last year, in order to make a comparison, to which Chief Ciechanowski responded that it had increased significantly because of the separation that was taking place from the MCSO system.

There being no further discussion, Commissioner Mayfield **moved** to approve Item 6 e) and Item 6 g). Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

VII. PUBLIC HEARING – TRIM & BUDGET

a. Roll Back Rate Announcement

The Town Manager announced the rolled-back rate as follows: the proposed millage rate of 3.27 mills is greater than the rolled-back rate of 3.0320 mills by 7.85%.

b. Resolution No. 979 – Adopt Final Millage Rate for FY 2024-2025

The Town Clerk read the resolution title into the record. Mayor Tompeck called for any public comments, to which there none.

There being no further discussion, Commissioner Kurzman **moved** to approve Resolution

No. 979. Commissioner Mayfield **seconded** the motion, which **passed unanimously** by roll call vote.

c. Resolution No. 980 – Adopt Final Operating Budget for FY 2024-2025

The Town Clerk read the resolution title into the record. Mayor Tompeck called for any public comments.

Frank Tidikis, 12 Crane's Nest, stated that a letter was sent to the Commission from himself and Alan DeRosa regarding the budget and reducing costs. He said that the response from the Town Manager did not address the issue of elongating the Police Department's vehicles and how many miles per year they were driven. He stated that the match for the four grants in the amount of \$14 million was not addressed in the budget. Mr. Tidikis stated that \$160,000 was allocated for infrastructure, but that the Town Engineer had previously indicated that it would exceed that amount.

The Town Manager stated that there were three patrol cars that were in dire need of replacement, as one of them was a 2014, with 145,000 miles. He pointed out that the grant funds that were applied for could not be counted until they were received. The Town Manager stated that the \$160,000 for bridge repairs would cover basic needs, and that if there were any major issues during a storm event, FEMA grants would be needed to cover the damage and repairs.

There being no further discussion, Commissioner Mayfield **moved** to approve Resolution No. 980. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

VIII. PUBLIC HEARING - ORDINANCE - SECOND READING

a. Ordinance No. 466 - Regulating Use of Synthetic Turf

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

Commissioner Barile inquired as to Section 82-482, Design standards, and what the fading process recourse was, to which the Town Attorney advised that it would be a Code violation and they would be cited if it was not up to par.

There being no further discussion, Commissioner Kurzman **moved** to approve Ordinance No. 466. Commissioner Mayfield **seconded** the motion, which **passed unanimously** by roll call vote.

IX. PUBLIC HEARING - ORDINANCE - FIRST READING

There was nothing scheduled under this item.

X. RESOLUTIONS

a. Resolution No. 981 – Florida City Government Week - October 21-25, 2024

The Town Clerk read the resolution 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 Resolution No. 981. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

XI. OLD BUSINESS

There was nothing scheduled under this item.

XII. NEW BUSINESS

There was nothing scheduled under this item.

XIII. DISCUSSION

a. Revised Drainage Project - South River Road at Marguerita Road – Town Engineer

The Town Engineer stated that plastic yard drains would be installed, in order to drain the water by gravity to Marguerita Road, by Sunshine Land Design in the amount of \$27,000.

Commissioner Mayfield was in favor of the proposal. Commissioner Kurzman was concerned about the water backing up, to which the Town Engineer responded that he would look into it.

Mayor Tompeck advised that \$250,000 had been previously approved and was to be rescinded. The Town Manager stated that he would bring back the item at the next meeting, in order to have the proper motion approved for the project and the funds.

XIV. COMMISSION AND STAFF CLOSING COMMENTS

a. STAFF

1) Town Manager

The Town Manager stated that there were technical difficulties at the beginning of the meeting and that he would be working on the issue, in order to be able to stream live at the October 8, 2024, Regular Commission meeting.

2) Town Attorney – Sunshine in a Minute

The Town Attorney advised that in reference to the Form 6 litigation, he had received

an order from the judge outlining the pre-trial deadline schedule. He stated that there was a temporary injunction currently regarding the requirement to file a Form 6 and that the parties' motion for summary judgement was due on November 8, 2024. The Town Attorney pointed out that there may be a decision at the beginning of the year in reference to the matter.

b. COMMISSIONERS

Mayor Tompeck stated that he had received comments from the public regarding adding more street lights along South Sewall's Point Road. He requested that staff conduct a survey to determine where the need was, and recommended that the item be placed on a future agenda. Mayor Tompeck said that in reference to sidewalks, Phase 3 may provide an opportunity to speak to the residents in that area to obtain an easement.

Commissioner Mayfield inquired as to if there were trees at the end of Heritage Way and Copaire Drive that belonged to the Town, to which the Town Manager responded that he would check into the matter.

XV. ADJOURN

There being no further business, the meeting adjourned at 7:00 p.m.

APPROVED:

Mayor John Tompeck, Presiding Officer

ATTEST:

April C. Stoncius, Town Clerk

Minutes approved at the meeting of: October 8, 2024

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

MARIA PIERCE
Finance/H.R. Director

TO: Mayor and Town Commissioners
FROM: Robert Daniels; Town Manager
SUBJECT: Retirement Vesting Schedule Amendment
DATE: October 8, 2024

BACKGROUND:

During the FY2025 budget meetings, Town Staff proposed a change to the retirement vesting schedule to assist with employee retention. The current average employee turnover has been approximately 3 years. The Town Commission approved the budget for FY2025 on October 22, 2024 with the proposed amendment recommendation. There is no fiscal impact to the Town. The below information provides the current vesting schedule and the proposed amendment to the schedule:

	Current Vesting	Proposed Vesting
Year 1	0%	0%
Year 2	20%	25%
Year 3	40%	50%
Year 4	60%	75%
Year 5	80%	100%
Year 6	100%	100%

Town Staff has been working on improving employee retention and recommends this amendment to help with retaining employees longer than the Town's average of 3 years.

RECOMMENDATION:

Authorize the Town Manager to sign the amendment to the Town's current qualified retirement plan.

**ACTION BY UNANIMOUS CONSENT OF GOVERNMENT ENTITY
AMENDMENT OF QUALIFIED RETIREMENT PLAN**

The undersigned as the persons entitled to make decisions on behalf of Town of Sewall's Point ("Employer") hereby consent to the following resolutions:

WHEREAS, the Employer maintains the Town of Sewall's Point Money Purchase Plan ("Plan"), a qualified retirement plan, for the benefit of its eligible employees;

WHEREAS, the Employer has decided to amend the Town of Sewall's Point Money Purchase Plan Adoption Agreement;

WHEREAS, Section 14.01(b) of the Plan authorizes the Employer to amend the selections under the Adoption Agreement; and

WHEREAS, the Employer has reviewed and evaluated the proposed amendments to the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby approves the Amendment to the Town of Sewall's Point Money Purchase Plan, to be effective on 10-8-2024. A true copy of the amendment, as approved by the Employer, is attached hereto;

RESOLVED FURTHER, that the undersigned authorize the execution of the Plan amendment and authorize the performance of any other actions necessary to implement the Plan amendment; and

RESOLVED FURTHER, if the Plan amendment modified the provisions of the Summary Plan Description, Plan participants will receive a Summary of Material Modifications summarizing the changes under the amendment.

[Name]

[Signature]

[Date]

AMENDMENT TO THE TOWN OF SEWALL'S POINT MONEY PURCHASE PLAN (“the Plan”)

WHEREAS, Town of Sewall's Point (the “Employer”) maintains the Town of Sewall's Point Money Purchase Plan (the “Plan”) for its employees;

WHEREAS, Town of Sewall's Point has decided that it is in its best interest to amend the Plan;

WHEREAS, Section 14.01(b) of the Plan authorizes the Employer to amend the selections under the Town of Sewall's Point Money Purchase Plan Adoption Agreement.

NOW THEREFORE BE IT RESOLVED, that the Town of Sewall's Point Money Purchase Plan Adoption Agreement is amended as follows. The amendment of the Plan is effective as of 10-8-2024.

1. The Adoption Agreement is amended to read:

8-2 **VESTING SCHEDULE.** The vesting schedule under the Plan is as follows. See Section 6.02 of the Plan for a description of the various vesting schedules under this AA §8-2.

☒ (a) **Vesting schedule:**

☐ (1) Full and immediate vesting.

☐ (2) Three-year cliff vesting schedule

☐ (3) Six-year graded vesting schedule

☒ (4) Modified vesting schedule

0 % after 1 Year of Service

25 % after 2 Years of Service

50 % after 3 Years of Service

75 % after 4 Years of Service

100 % after 5 Years of Service

100 % after 6 Years of Service

100 % after 7 Years of Service

100 % after 8 Years of Service

100 % after 9 Years of Service

100% after 10 Years of Service

☐ (5) Other vesting schedule: _____

☐ (b) **Special provisions applicable to vesting schedule:** _____

[Note: This subsection (b) may be used to apply a different vesting schedule for different contribution formulas or different Employee groups under the Plan.]

2. The Adoption Agreement is amended to read:

☒ A-7 **Vesting and forfeiture rules.** The rules regarding vesting and forfeitures under AA §8 are effective as follows:

October 8, 2024

3. The Trustee Declaration Page has been modified. The modified Trustee Declaration Page is attached to this Amendment.

TRUSTEE DECLARATION

This Trustee Declaration may be used to identify the Trustees under the Plan. A separate Trustee Declaration may be used to identify different Trustees with different Trustee investment powers.

Effective date of Trustee Declaration: 10-8-2024

The Trustee's investment powers are:

- ☒ (a) **Discretionary.** The Trustee has discretion to invest Plan assets, unless specifically directed otherwise by the Plan Administrator, the Employer, an Investment Manager or other Named Fiduciary or, to the extent authorized under the Plan, a Plan Participant.
- ☐ (b) **Nondiscretionary.** The Trustee may only invest Plan assets as directed by the Plan Administrator, the Employer, an Investment Manager or other Named Fiduciary or, to the extent authorized under the Plan, a Plan Participant.
- ☐ (c) **Fully funded.** There is no Trustee under the Plan because the Plan is funded exclusively with custodial accounts, annuity contracts and/or insurance contracts. (See Section 12.15 of the Plan.)
- ☐ (d) **Determined under a separate trust agreement.** The Trustee's investment powers are determined under a separate trust document which replaces (or is adopted in conjunction with) the trust provisions under the Plan.

Name of Trustee: _____

Title of Trust Agreement: _____

[Note: To qualify as a Volume Submitter Plan, any separate trust document used in conjunction with this Plan must be approved by the Internal Revenue Service. Any such approved trust agreement is incorporated as part of this Plan and must be attached hereto. The responsibilities, rights and powers of the Trustee are those specified in the separate trust agreement.]

Description of Trustee powers. This section can be used to describe any special trustee powers or any limitations on such powers. This section also may be used to impose any specific rules regarding the decision-making authority of individual trustees. In addition, this section can be used to limit the application of a trustee's responsibilities, e.g., by limiting trustee authority to only specific assets or investments.

☐ **Describe Trustee powers:** _____

[The addition of special trustee powers under this section will not cause the Plan to lose Volume Submitter status provided such language merely modifies the administrative provisions applicable to the Trustee (such as provisions relating to investments and the duties of the Trustee). Any language added under this section may not conflict with any other provision of the Plan and may not result in a failure to qualify under Code §401(a).]

Trustee Signature. By executing this Adoption Agreement, the designated Trustee(s) accept the responsibilities and obligations set forth under the Plan and Adoption Agreement. By signing this Trustee Declaration Page, the individual(s) below represent that they have the authority to sign on behalf of the Trustee. If a separate trust agreement is being used, list the name of the Trustee. No signature is required if a separate trust agreement is being used under the Plan or if there is no named Trustee under the Plan.

Pamela Mac'Kie Walker
(Print name of Trustee)

(Signature of Trustee or authorized representative)

(Date)

EMPLOYER SIGNATURE PAGE

PURPOSE OF EXECUTION. This Signature Page is being executed to effect:

- ☐ (a) The adoption of a **new plan**, effective [insert Effective Date of Plan]. [**Note:** Date can be no earlier than the first day of the Plan Year in which the Plan is adopted.]
- ☐ (b) The **restatement** of an existing plan, in order to comply with the requirements of PPA, pursuant to Rev. Proc. 2011-49.
- (1) Effective date of restatement: _____. [**Note:** Date can be no earlier than January 1, 2007. Section 14.01(d)(2) of Plan provides for retroactive effective dates for all PPA provisions. Thus, a current effective date may be used under this subsection (1) without jeopardizing reliance.]
- (2) Name of plan(s) being restated: _____
- (3) The original effective date of the plan(s) being restated: _____
- ☒ (c) An **amendment or restatement** of the Plan (other than to comply with PPA). If this Plan is being amended, a snap-on amendment may be used to designate the modifications to the Plan or the updated pages of the Adoption Agreement may be substituted for the original pages in the Adoption Agreement. All prior Employer Signature Pages should be retained as part of this Adoption Agreement.
- (1) Effective Date(s) of amendment/restatement: 10-8-2024
- (2) Name of plan being amended/restated: Town of Sewall's Point Money Purchase Plan
- (3) The original effective date of the plan being amended/restated: 1-1-2007
- (4) If Plan is being amended, identify the Adoption Agreement section(s) being amended: 8-2a(3)

VOLUME SUBMITTER SPONSOR INFORMATION. The Volume Submitter Sponsor (or authorized representative) will inform the Employer of any amendments made to the Plan and will notify the Employer if it discontinues or abandons the Plan. To be eligible to receive such notification, the Employer agrees to notify the Volume Submitter Sponsor (or authorized representative) of any change in address. The Employer may direct inquiries regarding the Plan or the effect of the Favorable IRS Letter to the Volume Submitter Sponsor (or authorized representative) at the following location:

Name of Volume Submitter Sponsor (or authorized representative): _____

Address: _____

Telephone number: _____

IMPORTANT INFORMATION ABOUT THIS VOLUME SUBMITTER PLAN. A failure to properly complete the elections in this Adoption Agreement or to operate the Plan in accordance with applicable law may result in disqualification of the Plan. The Employer may rely on the Favorable IRS Letter issued by the National Office of the Internal Revenue Service to the Volume Submitter Sponsor as evidence that the Plan is qualified under Code §401(a), to the extent provided in Rev. Proc. 2011-49. The Employer may not rely on the Favorable IRS Letter in certain circumstances or with respect to certain qualification requirements, which are specified in the Favorable IRS Letter issued with respect to the Plan and in Rev. Proc. 2011-49. In order to obtain reliance in such circumstances or with respect to such qualification requirements, the Employer must apply to the office of Employee Plans Determinations of the Internal Revenue Service for a determination letter. See Section 1.50 of the Plan.

By executing this Adoption Agreement, the Employer intends to adopt the provisions as set forth in this Adoption Agreement and the related Plan document. By signing this Adoption Agreement, the individual below represents that he/she has the authority to execute this Plan document on behalf of the Employer. This Adoption Agreement may only be used in conjunction with Basic Plan Document #05. The Employer understands that the Volume Submitter Sponsor has no responsibility or liability regarding the suitability of the Plan for the Employer's needs or the options elected under this Adoption Agreement. It is recommended that the Employer consult with legal counsel before executing this Adoption Agreement.

Town of Sewall's Point
(Name of Employer)

Pamela Mac'Kie Walker
(Name of authorized representative)

Town Manager
(Title)

(Signature)

(Date)

Town of Sewall's Point 5K Run Information

Race Application

The application must be submitted to the Town no less than 45 days prior to the requested date of the race. Application submission does NOT guarantee acceptance. The Town may choose to deny application without cause or for any reason. Please allow at least 2 weeks for consideration.

Date Submitted: Sept. 23/24

Date Requested for Race: Oct. 27/24 Start Time: 6:30

Name of Host Organization: TC Running

Organization's Representative: Brenda Wilson / Mike Melton

Address: 4189 Bayshore Ter Stuart

Phone Number: 772-324-1370 772-349-1704

Email Address: thebbmfic@comcast.net mcmelton57@gmail.com

Is this a "fun run" or timed race? Timed Note: Timed races require the services of a licensed timing company.

MCM TIMING
Anticipated number of participants? 400

I have the authority to enter into binding agreements for the organization listed above. I agree, as a representative of the organization listed above, we will comply with all of the rules outlined by the Town. I further understand that failure to do so may result in cancellation of the race, as well as the future denial of race permits for me, as well as this organization.

Brenda Wilson Race Director
Signature of Organization's Representative and Title

Date Received by the Town: 9/24/24 By: Wade



WESTIN
HOTELS & RESORTS

Club Insurance
will be emailed
to Christopher Wade



Green circles
are Mile Marks
Water Stop
marked as
Yellow Circle

Runners will be
directed to use
west side of S
Sewall's Pt Rd
going northbound,
facing traffic

South Side coming to SP
North Side going out of SP

Halloween Half Marathon Route Sewall's Point Section

The route crosses the Evans Crary Bridge into the Sewall's Point jurisdiction by using the sidewalk on the south side of the bridge. The route turns south onto S River Dr, then through the gate into the neighborhood and south to Heritage Way. The route turns east to S Sewall's Point Rd, then south one block to Miramar Rd, then south on S River Rd all the way to High Point. The route turns west on High Point, follows High Point around until it joins S Sewall's Point Rd, then the route proceeds north all the way to Heritage Way. The route turns west on Heritage Way, north on S River Rd, through the gate, and back west onto the sidewalk on the north side of the Evans Crary Bridge, and out of the Sewall's Point jurisdiction.





ORDINANCE NO. 468

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 82, ZONING, ARTICLE I, IN GENERAL, SECTION 82-1, DEFINITIONS, TO AMEND THE DEFINITIONS FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA DISPENSARY, AND AMENDING ARTICLE V, SUPPLEMENTARY REGULATIONS, SECTION 82-398, MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES, TO REMOVE THE TERM "MEDICAL," AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to sec. 381.986(11)(b)(1), Florida Statutes, the Town of Sewall's Point Code of Ordinances currently prohibits medical marijuana treatment center facilities from being located anywhere within the boundaries of the Town of Sewall's Point; and

WHEREAS, on November 5, 2024, Florida voters will consider a proposed Constitutional Amendment ("Amendment 3") allowing adults 21 years or older to possess, purchase or use marijuana products for non-medical personal consumption; and

WHEREAS, the federal Controlled Substances Act of 1970 classifies marijuana as a schedule I controlled substance, the possession, use, manufacturing or distribution of which is prohibited; and

WHEREAS, Amendment 3, if approved, will apply to Florida law only and will not change, or immunize violations of federal law, such that the possession, purchase, or consumption of marijuana will remain illegal under federal law.

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, desires to amend Chapter 82, Zoning, Article I, In General, Section 82-1, Definitions, by removing the term "Medical" from the definitions for Medical Marijuana and Medical Marijuana Dispensary, and further desires to amend Article V, Supplementary Regulation, Division 1, Generally, Section 82-398, Medical Marijuana Treatment Center Dispensing Facilities, by removing the term "Medical" to make the prohibition applicable to all marijuana dispensaries, both medical and non-medical; and

WHEREAS, the Town Commission has reviewed the amendment and finds that such amendment to the Town Code furthers the public health, safety and general welfare of the residents and citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA THAT:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the Town Commission of the Town of Sewall's Point.

Section 2. Chapter 82, Zoning, Article I, section 82-1, Definitions, is hereby amended by amending the definitions of *Medical marijuana* and *Medical marijuana dispensary*, as follows (deletions are shown by overstrike; additions are underlined):

~~*Medical m*~~*Marijuana* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, ~~which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.~~

~~*Medical m*~~*Marijuana dispensary* means a facility that is operated by an organization or business holding all necessary state licenses and permits, from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed, whether for medical or non-medical purposes, ~~and operated in accordance with all local state and federal laws.~~

Section 3. Chapter 82, Zoning, Article V, Supplementary regulations, section 82-398, *Medical marijuana treatment center dispensing facilities*, is hereby amended as follows (deletions are shown by overstrike; additions are underlined):

**Sec. 82-398. - ~~Medical mMarijuana treatment~~
~~center dispensing facilities.~~**

~~Pursuant to F.S. § 381.986(11)(b)1, medical~~
~~mMarijuana treatment center dispensary facilities, whether~~
~~medical or non-medical,~~ are prohibited from being located
anywhere within the boundaries of the Town of Sewall's
Point.

Section 4. Severability. If any section, subsection, sentence, clause,
phrase or portion of this Ordinance is for any reason held invalid or
unconstitutional by any court of competent jurisdiction, such portion shall be
deemed a separate, distinct and independent provision and such holding shall
not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of
ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. The sections of the ordinance may be made a
part of the Town Code of Laws and ordinances and may be re-numbered or re-
lettered to accomplish such, and the word "ordinance" may be changed to
"section," "division," or any other appropriate word.

Section 7. Effective Date. This ordinance shall take effect immediately
upon adoption.

_____ offered the Ordinance for its first, reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER, VICE MAYOR	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 8th day of October, 2024.

_____ offered the Ordinance for its second reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER, VICE MAYOR	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 22nd day of October, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 22nd day of October, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, MMC, Town Clerk

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374

(TOWN SEAL)

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVID 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

TO: Mayor and Commissioners

FROM: Robert Daniels; Town Manager

SUBJECT: Ordinance No. 469 – Prohibits the use of Marijuana in Public Places

DATE: Commission Meeting – October 8, 2024
First Reading

EXECUTIVE SUMMARY:

The Town of Sewall's Point currently has an ordinance prohibiting smoking in Town parks. With a State of Florida Referendum scheduled for voters to approve the use of recreational marijuana, this ordinance will prohibit all marijuana usage in public places.

RECOMMENDATION:

Staff recommends approving Ordinance No. 469.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765
townhall@sewallspoint.org
www.sewallspoint.org





ORDINANCE NO. 469

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 38, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III, PUBLIC PLACES, BY ADDING SECTION 38-62, MARIJUANA SMOKING ON PUBLIC STREETS AND SIDEWALKS PROHIBITED, AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the federal Controlled Substances Act of 1970 classifies marijuana as a Schedule I controlled substance, the possession, use, manufacturing or distribution of which is prohibited; and

WHEREAS, on November 5, 2024, Florida voters will consider a proposed Constitutional Amendment ("Amendment 3") allowing adults 21 years or older to possess, purchase or use marijuana products for non-medical personal consumption; and

WHEREAS, Amendment 3, if approved, will apply to Florida law only and will not change, or immunize violations of federal law, such that the possession, purchase, or consumption of marijuana will remain illegal under federal law; and

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, finds that the consumption of marijuana in public places is dangerous to the public health, safety and welfare; and

WHEREAS, Chapter 22, Environment, Article II, Nuisances, Section 22-37 of the Sewall's Point Code of Ordinances defines "smoking" or "smoke" as follows:

"Smoking" or "smoke" means and includes, inhaling, exhaling, burning, carrying, or possessing any lit smoking equipment, including but not limited to, cigarettes, pipes, cigars, vaping devices, or other like equipment used for the smoking of tobacco, marijuana, or any other weed, plant, or substance that is capable of emitting smoke; and

WHEREAS, Section 22-38 of the Sewall's Point Code of Ordinances prohibits smoking in town parks and public recreation areas; and

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida desires to prohibit the smoking of marijuana on public streets and sidewalks by amending Chapter 38, Streets, Sidewalks and Other Public Places, Article III, Public Places, by adding a new Section 38-62, *Marijuana smoking on public streets and sidewalks prohibited*; and

WHEREAS, the Town Commission has reviewed the amendment and finds that such amendment to the Town Code furthers the public health, safety and general welfare of the residents and citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF SEWALL'S POINT, FLORIDA THAT:**

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the Town Commission of the Town of Sewall's Point.

Section 2. Chapter 38, Streets, Sidewalks and Other Public Places, Article III, Public Places, is hereby amended by adding a new Section 38-62, *Marijuana smoking on public streets and sidewalks prohibited*, as follows (deletions are shown by overstrike; additions are underlined):

Section 38-62. Marijuana smoking on public streets and sidewalks prohibited. The smoking of marijuana on public streets and sidewalks within the corporate limits of the Town of Sewall's Point is prohibited.

- (a) As used in this section, "marijuana" shall mean all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis.
- (b) As used in this section, "smoking" shall mean inhaling, exhaling, burning, carrying, or possessing any lighted smoking equipment, including, but not limited to, cigarettes, pipes, cigars, vaping equipment, or other like equipment used for the smoking of marijuana.

(c) Violations of this section shall be a Class A violation, punishable as set forth chapter 18 of this Code.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption.

_____ offered the Ordinance for its first, reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER, VICE MAYOR	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 8th day of October, 2024.

_____ offered the Ordinance for its second reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER, VICE MAYOR	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 22nd day of October, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 22nd day of October, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, MMC, Town Clerk

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374

(TOWN SEAL)

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVID 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

TO: Mayor and Commissioners

FROM: Robert Daniels; Town Manager

SUBJECT: Resolution No. 982 – 60 day Moratorium on Dock Structure Permits

DATE: Commission Meeting – October 8, 2024
Resolutions

EXECUTIVE SUMMARY:

The Town of Sewall's Point Commission is currently reviewing ordinance changes regulating dock structures and the Building Department had other regulations governing dock structures. To facilitate this review and provide enough time to study the changes, a moratorium should be enacted for Dock Structure Permit applications.

RECOMMENDATION:

Staff recommends approving Resolution No. 982, granting a 60-day moratorium on dock structure permits.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765
townhall@sewallspoint.org
www.sewallspoint.org





RESOLUTION NO 982

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, DECLARING ZONING IN PROGRESS TO ALLOW FOR THE AMENDMENT OF REGULATIONS CONCERNING DOCK ACCESSORY STRUCTURES; PROVIDING FOR A SIXTY (60) DAY TEMPORARY MORATORIUM ON ACCEPTING AND PROCESSING NEW APPLICATIONS FOR DOCK ACCESSORY STRUCTURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town's ordinance requirements and guidelines applicable to accessory structures attached to docks, including any roofed or covered structure other than a boat lift cover (hereinafter, "dock accessory structures") are in need of updating to make them fully consistent with the Town's planning goals, aesthetic standards, and safety regulations: and

WHEREAS, staff has conducted a review of these provisions and developed proposed code amendments for consideration by the Town Commission; and

WHEREAS, the Town Commission finds that zoning in progress is necessary in order to identify and develop the appropriate amendments; and

WHEREAS, a temporary moratorium on the acceptance and approval of building permits for dock accessory structures is necessary and desirable to prevent the approval of additional structures that are inconsistent with the updated ordinance provisions; and

WHEREAS, a moratorium will also provide sufficient time for the Town Commission to thoroughly review and finalize the new ordinance; and

WHEREAS, staff has therefore recommended that a temporary moratorium on the acceptance and approval of building permit applications for dock accessory structures

be imposed for a period of sixty (60) days or until the amended ordinance goes into effect, whichever first occurs.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitations and findings are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town Commission hereby imposes zoning in progress and adopts a temporary moratorium on the acceptance of new applications and the issuance of building permits for dock accessory structures, as defined hereinabove, to allow for the Commission's review and consideration of amendments updating the code requirements pertaining to dock accessory structures.

Section 3. The temporary moratorium shall remain in effect for a period of sixty (60) days from the effective date of this Resolution, or until the code amendments pertaining to dock accessory structures take effect, which first occurs.

Section 4. While the temporary moratorium remains in effect, no new applications for buildings permits for dock accessory structures will be accepted or processed, nor will permits be issued thereon.

Section 5. The temporary moratorium shall not apply to those applications that have already been submitted, with the applicable fees paid, and are in process as of the effective date of this Resolution.

Section 6. This Resolution shall take effect immediately upon its passage.

_____ offered the Resolution and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER, VICE MAYOR	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____

KAIJA MAYFIELD, COMMISSIONER

The Town Manager thereupon declared this Resolution No. 982 approved and adopted by the Town Commission of the Town of Sewall's Point on this 8th day of October, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

JOHN TOMPECK, MAYOR

ATTEST:

April Stoncius, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374

(TOWN SEAL)

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVID KURZMAN
Commissioner

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TOWN OF SEWALL'S POINT



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TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

TO: Mayor and Commissioners

FROM: Robert Daniels; Town Manager

SUBJECT: Replacement Drainage Project – S. River Road/Marguerita Road

DATE: Commission Meeting – October 8, 2024
Old Business

EXECUTIVE SUMMARY:

The Town of Sewall's Point has had South River Road drainage issues on the Capital Improvement Plan and grant funding has been sought but no funding has been received as of yet. An interim plan was discussed to relieve the flooding but the quote for constructing the drainage necessary to conform to the overall plan for South River Road was too costly.

A new plan was then developed utilizing yard drains funneling stormwater to an inlet on Marguerita Road. This plan will cost \$23,127 under a quote supplied by our continuing services contractor, Sunshine Land Design. Additionally, engineering costs are estimated at \$5,000.

Staff recommends this new plan because it will have less of an impact on Town funds and can still be reconfigured when the larger drainage plan for South River Road obtains grant funding. To facilitate accepting staff's recommendation, the Commission will need to take two separate votes. The first is to rescind the vote of June 18, 2024 which authorized an expenditure for design and CEI expenses of \$40,000 and the second is to rescind the vote of June 18, 2024 which authorized the expenditure of \$250,000 of special project funding for the proposed project.

The Town Commission can then approve this proposal and expenditure.

RECOMMENDATION:

Staff recommends approval of the interim project utilizing yard drains at a cost not to exceed \$30,000 and authorize the Town Manager to sign any proposals within the financial limitations of this motion.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765
townhall@sewallspoint.org
www.sewallspoint.org





September 17, 2024

023.127.3

Town Commissioners

TOWN OF SEWALL'S POINT

1 S. Sewall's Point Road

Sewall's Point, FL 34996

(772) 287-2455

RE: S. RIVER ROAD / MARGUERITA ROAD DRAINAGE ISSUE

Dear Town Commissioners:

On Thursday, 9/12/24, Bob Daniels, Jack Reisinger and I met at the intersection of Marguerita Road and S. River Road to discuss an interim plan to alleviate the ponding of water on the east side of S. River Rd. While this area may retain rainwater, it appears that berms installed by adjacent property owners are causing water to remain on the road for longer periods.

After review, we propose installing a system of five (5) PVC yard drains along the road, which will be piped from River Rd. northward to Marguerita Rd, then east along Marguerita Rd. where the slope will drain the water to an existing inlet leading to the Indian River Lagoon outfalls. A flume will be installed near the road at this existing inlet. Additionally, the sidewalk leading to 160 S. River Rd. will be re-graded to allow water to flow into the grass area. The berms created by the property owners will be relocated onto their private property and re-sodded, ensuring the grass area retains stormwater and directs it to the yard drains.

We will provide Sunshine Land Design with a sketch of the proposed improvements and request a quote under their Continuing Services Contract. Once we receive this, we'll forward it to you for approval.

Sincerely,

Joseph W. Capra, P.E.

Town Engineer Consultant

JWC/gc

P:\000\023\023.127.3 - SSPR Phase 3\Bid Doc\2024 Bid Coordination\2024-0917 River Rd resolution memo.docx



**SUNSHINE
LAND DESIGN**
COMPLETE PROPERTY MAINTENANCE
RESTORATION & CONSTRUCTION SERVICES

3291 SE Lionel Terrace, Stuart, FL 34994
Phone: 772 283 2648 / Fax: 772 283 8944
www.SunshineLandDesign.com

PROPOSAL

TO: CAPTEC ENGINEERING
Gary Jones

Gary Jones <gjones@gocaptec.com>

PROPOSAL DATE: 9/23/2024

SUBMITTED BY: Brett Panaro
Ttaylor@sunshinelanddesign.com

ENGINEER: n/a
PLAN DATE: n/a
PROPERTY OWNER: _____

Town of Sewall's Point

River Road Drainage

<u>JOB AS OUTLINED BELOW</u>	<u>QTY</u>	<u>UNITS</u>	<u>ITEM \$</u>	<u>ITEM COST</u>
1 Pot Hole, Striping, Grubbing, Removal	1	ea.	\$ 1,600.00 \$	1,600.00
2 Remove and replace sidewalk, signs, and mailbox	1	ea.	\$ 1,800.00 \$	1,800.00
3 Yard drains	5	ea.	\$ 1,500.00 \$	7,500.00
4 12" ADS	160	LF	\$ 32.00 \$	5,120.00
5 Irrigation Modification	1	LS	\$ 1,281.50 \$	1,281.50
6 Excavation and Embankment	1	LS	\$ 2,500.00 \$	2,500.00
7 Floratam Sod, Fine Grade	475	SY	\$ 7.00 \$	3,325.00

Per Purchase Order

TOTAL:	\$	23,126.50
---------------	-----------	------------------

QUALIFICATIONS:

Sunshine Land Design shall white line all areas, contact all facility owners or required locaters and use due care. Under ground utilities not located or identified may not be covered in the above costs.

This Proposal is good for thirty days.

Payments not made per the above will be subject to all conditions of the Florida lien Law

In the event it is necessary for either party to file any legal action to enforce the terms of this contract the parties agree that venue of such action shall only be in State Court in Martin County Florida.

In the event it is necessary for either party to file legal action to enforce the terms of this contract then the prevailing party shall be entitled to recover reasonable attorney's fees and costs of such action including any appellate or bankruptcy proceedings associated therewith.

OWNER OR OWNER'S REP. ONLY:

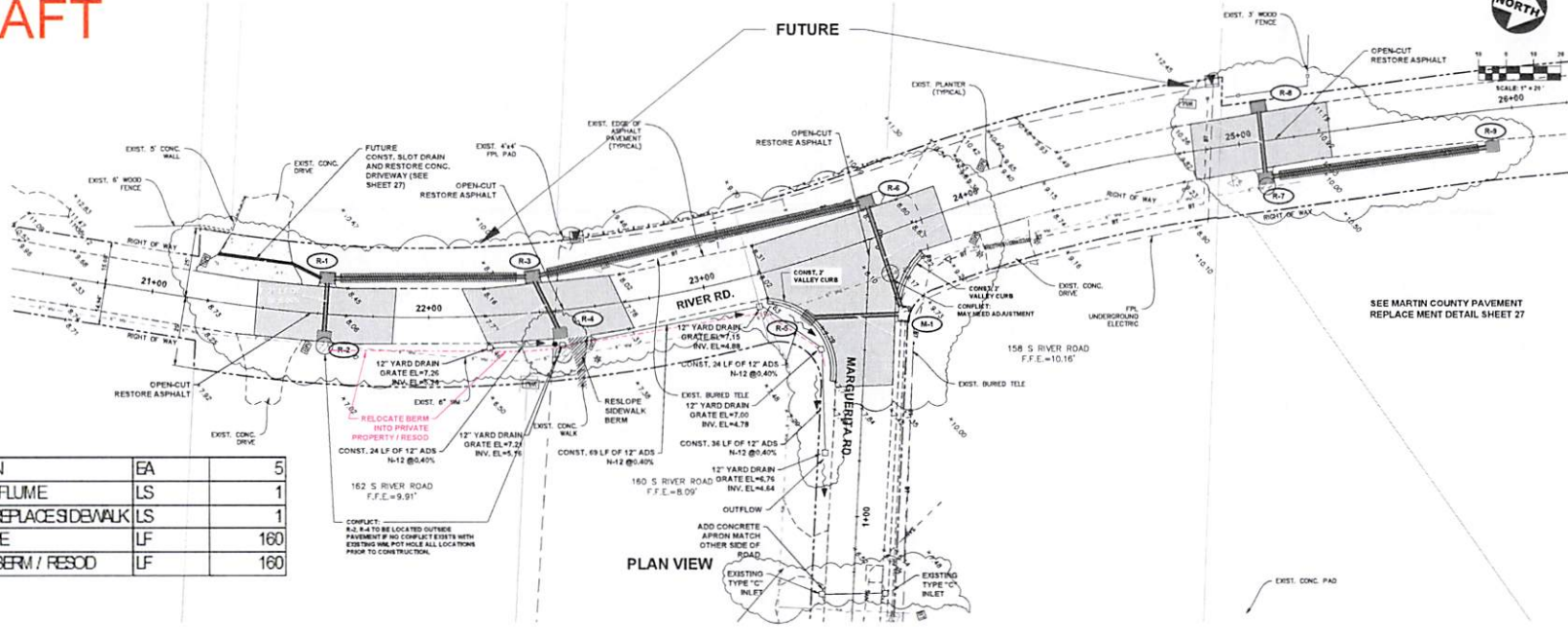
ACCEPTANCE SIGNATURE: _____ DATE: _____

PRINT NAME: _____

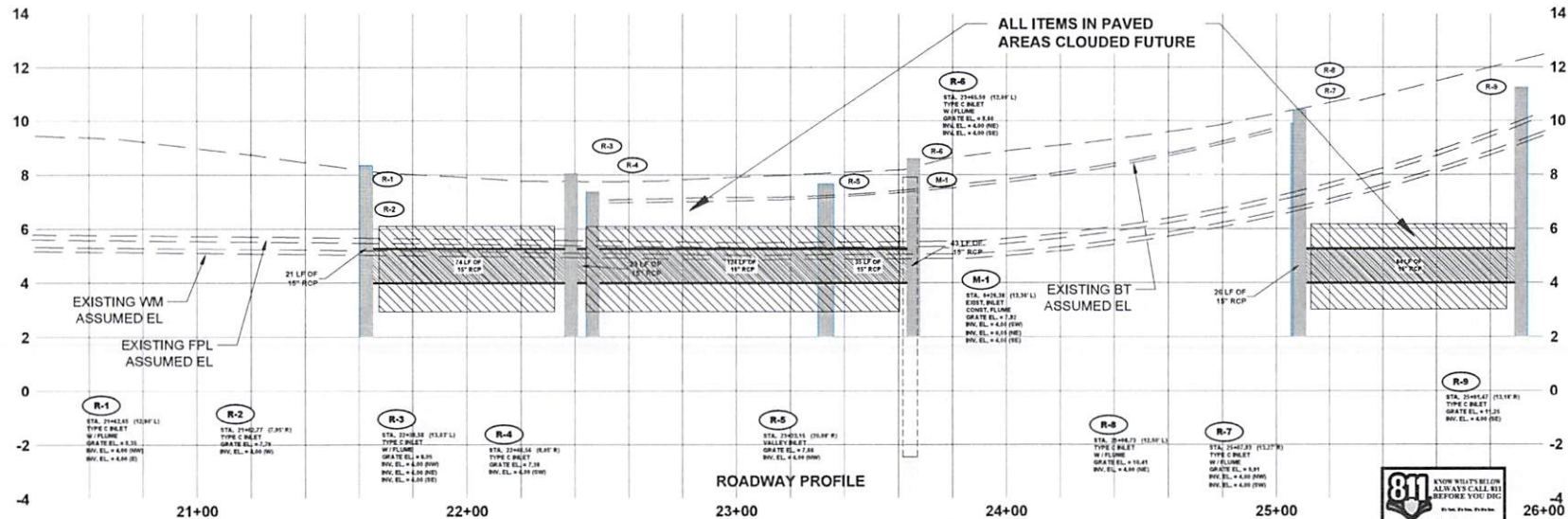
SUNSHINE LAND DESIGN INC: *Brett Panaro* / Project Manager / Estimator

Date: 9/23/2024

DRAFT



YARD DRAIN	EA	5
CONCRETE FLUME	LS	1
REMOVE / REPLACE SIDEWALK	LS	1
12" PVC PIPE	LF	160
RELOCATE BERM / RESOD	LF	160



301 NW Flagler Ave.
Shore, Florida 33444
Phone: (772) 952-2444
Fax: (772) 952-2444

DATE: 08/11/2011
DRAWN BY: JWC
CHECKED BY: JWC
PROJECT NO.: 023-127.3
SHEET NO.: 14 OF 29

SCALE: 1" = 20'
HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 20'

REVISIONS

NO.	DATE	BY	REVISIONS
1	08/11/2011	JWC	ISSUED FOR BIDDING

SCALE VERIFICATION
1" = 20'
HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 20'

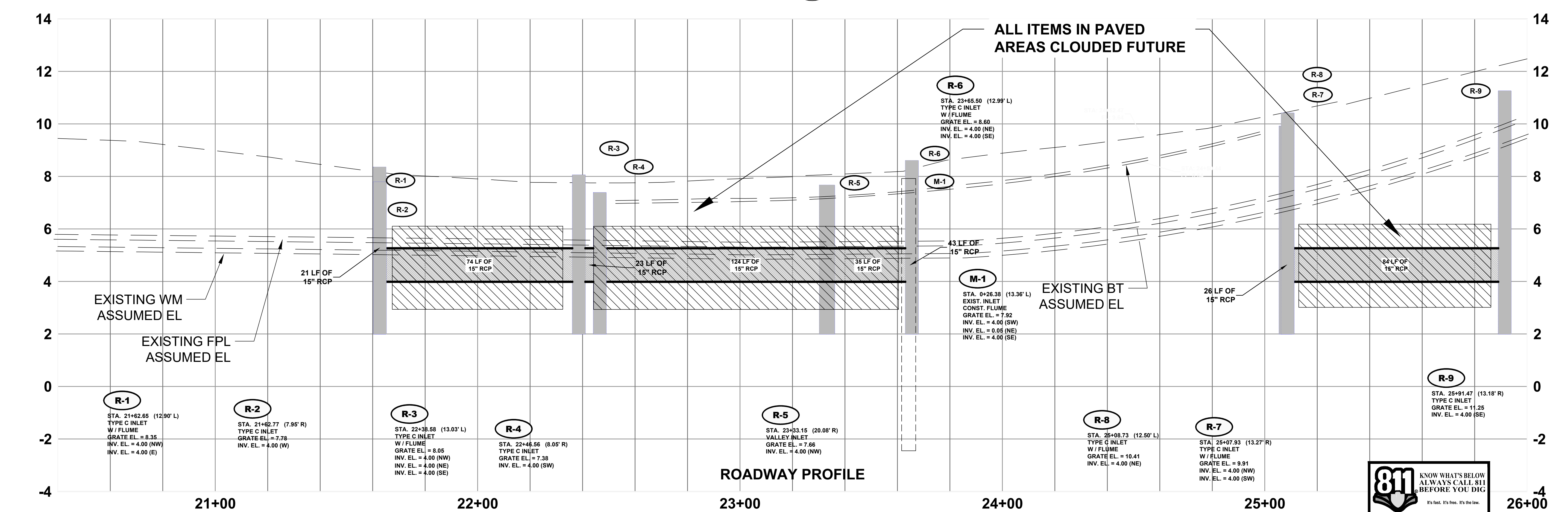
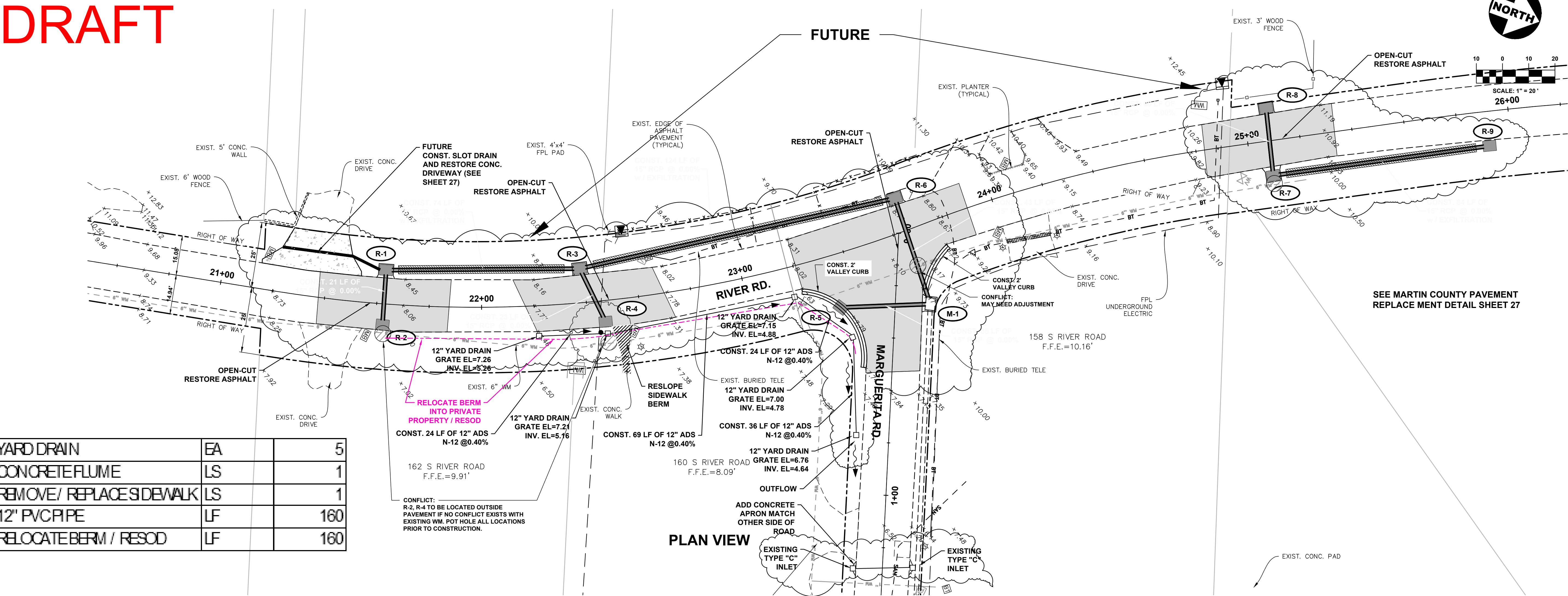
HOMEWOOD'S SEWALL'S POINT RD. PHASE 3 IMPROVEMENTS
PROJECT: ROADWAY & STORMWATER IMPROVEMENTS
TOWN OF SEWALL'S POINT - FLORIDA
RIVER RD. AND MARGUERITA RD.
INTERSECTION DRAINAGE
IMPROVEMENTS

Joseph W. Clarks
301 NW Flagler Ave.
Shore, Florida 33444
P.E. No. 37639

Printed Date: 08/11/2011
JOB No. 023-127.3
SHEET 14 OF 29

811
ANYWHERE IN FLORIDA
ALWAYS CALL 811
BEFORE YOU DIG

DRAFT



301 N.W. Flagler Ave.
Stuart, Florida 34994
Phone: (772) 892-4344
Fax: (772) 892-4341

CAPTEC
Engineering, Inc.
Civil Engineering Professionals

DATE: 11/11/2024
DRAWN BY: MJB
DESIGNED BY: HLT
CHECKED BY: JNC
PROJECT NO: 023-127-3
HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 2'
CADD FILE:

NO.	DATE	BY	REVISIONS
1	9-17-24	JTC	ADD DRAINAGE
2	8-1-24	MJB	ID SET

SCALE VERIFICATION

1
0

SOLID BAR IS EQUAL TO ONE INCH ON ORIGINAL DRAWING. ADJUST ALL SCALED ACCORDINGLY

HOMEWOOD'S SEWALL'S POINT RD. PHASE 3 ENHANCEMENT
PROJECT ROADWAY & STORMWATER IMPROVEMENTS
TOWN OF SEWALL'S POINT - FLORIDA
RIVER RD. AND MARGUERITA RD.
INTERSECTION DRAINAGE IMPROVEMENTS

Joseph W. Capra
301 N.W. Flagler Ave.
Stuart, Florida 34994
P.E. No. 37638

Printed Date: 11/11/2024

JOB No. **023-127-3**
SHEET **14** OF **29**



The Town of Sewall's Point Request for Alternative Use Staff Report

Name of Project: Request to add a Package Liquor to existing restaurant currently known as *Stringers* in B-1 Zoning district. The restaurant will be renamed *The Catch*.

Applicant and Tenant	Nick Darley
Property Owner and Landlord	Harbour Bay Holdings LLC
Date Request Submitted	September 18, 2024
Application Type	Alternative Use
Site Address	3766 SE Ocean Blvd.
Parcel Identification Number(s)	35-37-41-002-000-00010-8
Development Review Coordinator	Jack Reisinger, Building Official
Planning and Development	Bonnie Landry, Planning Consultant

Information provided by the Applicant:

The applicant states that this request would not be detrimental to the health, safety, morals or general welfare of the B-1 Zoning District because their "goal will be to run the restaurant and package store in a professional manner that coincides with the Town's standards and best interest."

Project Description:

The zoning is B-1.

The applicant requests that the Town Commission consider a use that is not listed as a permitted use in B-1 Zoning District as provided in Sec. 82-302(a)(7) "Other uses which the town commission decides are of the same general character such as, but not limited to, those listed as permitted uses, and which will not be detrimental to the health, safety, morals and general welfare of the district in which they are located."

The comments of this report are based upon the above information and the application materials received via email September 18, 2024.

Project Review:

The specific review and comments are provided to assist the Town Commission in reviewing the request for alternative use by the applicant.

Determination of Compliance with Code and Comprehensive Plan Requirements

Planning and Development Services Comments

Land Development Regulations (Zoning)			
Requirement	Reference	Analysis	Compliance
The Commission may consider uses for B-1 which are not listed, provided they determine the use is not detrimental to the health, safety, morals and general welfare of the B-1 Zoning district.	Division 3. Business District, B-1 Chapter 82 – Zoning, Sec. 82-302 (a)(7)	This zoning district includes “Stores and shops” for retail. This use is a retail business.	<u>Yes</u> , this use is a retail type business that would not be a detriment to the Town. This could provide access to goods to residents and visitors not available within the Town at this time.

Comprehensive Plan Compliance			
Requirement	Reference	Analysis	Compliance
<p>Policy FLU 3.1.6 Neighborhood Commercial Future Land Use - The purpose of the Neighborhood Commercial Future Land Use is to provide goods and personal services to the surrounding residential areas. This Future Land Use is intended to provide for walkability, when possible. Commercial uses shall include, but not be limited to, convenience goods and services and professional offices that are further defined in the Land Development Regulations. Commercial uses shall complement the surrounding residential neighborhoods and provide a walkable scale, when possible, given the context.</p>	<p>• Location – This Future Land Use Category is in the established commercial corridor along State Road A1A.</p> <p>• Radius of Trade Area – Three (3) miles or less</p>	<p>This is an existing restaurant that is along the commercial corridor and could provide packaged beverages to the surrounding neighborhood. Currently there is no access to packaged beverages within the Town limits.</p>	<p><u>Yes</u>, this use would be consistent with the current land use patterns and would complement the surrounding uses.</p>
<p>Policy FLU 3.1.1 - The Town of Sewall's Point has an established land pattern of quaint, residential neighborhoods with a commercial use corridor that supports these homes.</p>		<p>This is a retail use that could provide goods to the surrounding neighborhood.</p>	<p><u>Yes</u>, this use could provide a service to town residents, and it is located in the commercial corridor.</p>

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Planning and Development Notes:

The applicant has provided to staff with a copy of his existing license currently supporting one of his other restaurants. Packaged Beverages is classified by the North American Industry Classification System (NAICS) as “44320 Beer, Wine, and Liquor Retailers”.

Staff recommends approval of this request as it would provide this good to the surrounding neighborhood so that residents do not need to travel outside the Town to buy packaged beverages.

Staff will notify the applicant that additional compliance with other regulations will be required upon submission of a building permit. Applicant provide evidence that the business complies with any other local, state or federal regulations and licensure including but not limited to parking, signage, Department of Business & Professional Regulation; Florida Department of Health and Florida Building Code prior to the opening of this business.

Compliance with Police and Building Department

The Planning Consultant conferred with the Police Chief and the Building Official. Neither expressed an issue with the proposal.

No further comments.

10/1/2024

Dept/ Division	Name	Phone	Email	Recommendation
Planning and Development	Bonnie C. Landry, AICP	(772) 266-9427	Bonnie@bclandry.com	Approval
Building	Jack Reisinger, C.B.O.	(772) 287-2455 x15	jreisinger@sewallspoint.org	Approval
Police	Tina Ciechanowski, Chief of Police	(772)287-2455, x18	TCiechanowski@sewallspoint.org	Approval

Closing:

Staff recommends approval of this request for Alternative Use to provide zoning compliance to add “packaged beverages” to the existing use of “restaurant” with a condition of approval for the applicant to provide prior to opening store:

- a) Evidence of Required State License (transferred from other restaurant)
- b) Certificate of Occupancy by Town of Sewall’s Point Building Official
- c) Other conditions, if any, requested from the Town Commission.

Additional comments and requirements may be provided upon a formal submission of a building permit to the Town of Sewall’s Point.

The proposed use will require a building permit for any construction needed for this additional use. Applicant also needs to provide all local and state licenses. Finally, the applicant must comply with parking and signage requirements in the Town of Sewall’s Point Land Development Regulations.