

TOWN OF SEWALL'S POINT

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVID KURZMAN
Commissioner

KAJJA 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 22, 2024
6:00 PM**

I. CALL TO ORDER

- a. Pledge of Allegiance to the Flag
- b. Roll Call

II. PROCLAMATIONS AND PRESENTATIONS

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. Time extensions are not 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. Building Report - September 2024
[Building Report.pdf](#)
- b. Minutes - October 8, 2024, Regular Meeting
[10 08 24 Regular Minutes.pdf](#)

VII. PUBLIC HEARING - ORDINANCE - SECOND READING

- a. Ordinance No. 468 - Marijuana Dispensary Definitions
[Memo for Ordinance 468 - Second Reading - Prohibiting Marijuana Dispensaries.pdf](#)
[Ordinance No. 468 - Marijuana Dispensary Definitions - 2nd Reading 10 22 24.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 - Marijuana Use in Public - 2nd Reading 10 22 24.pdf](#)

VIII. PUBLIC HEARING - ORDINANCE - FIRST READING

- a. Ordinance No. 470 - Dock Structures
[TM Memo ref Ordinance 470 - Dock Structures.pdf](#)

IX. RESOLUTIONS

X. OLD BUSINESS

a. Communications Plan - Snyder Marketing Solutions & Events

[TM Memo ref Communications Plan.pdf](#)

[TOSP_CommunicationsPlan.pdf](#)

XI. NEW BUSINESS

a. Alternate Use - Stringers - Town Planner

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

b. Town Manager Evaluation - Human Resources Director

[Memo - Town Manager's Annual Evaluation - Oct 22 2024 meeting.pdf](#)

[Town Manager Performance Evaluation Summary.pdf](#)

XII. DISCUSSION

XIII. COMMISSION AND STAFF CLOSING COMMENTS

**a. Town Manager - Premier Realty Halloween Event; TC Halloween Half Marathon
October 27, 2024**

[Halloween 2024.pdf](#)

b. Town Clerk - General Election - Early Voting

[Early Voting.pdf](#)

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.



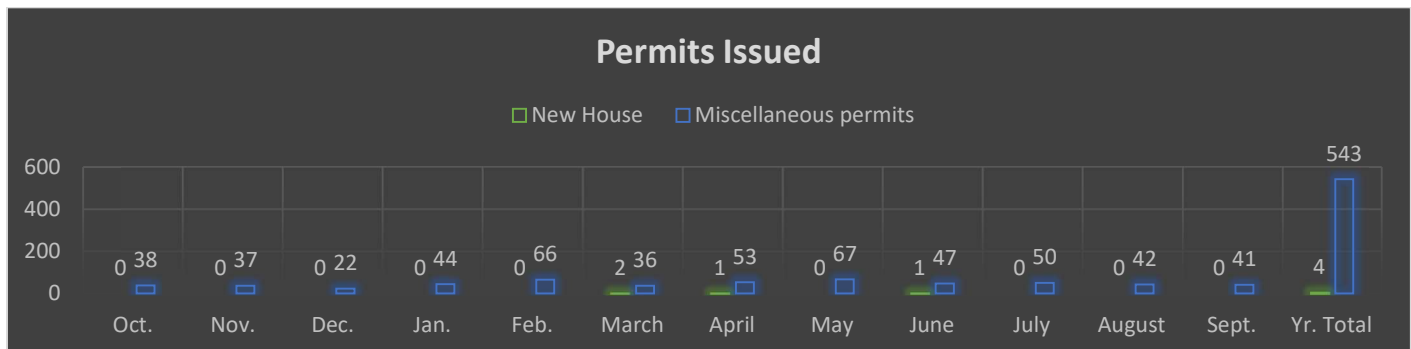
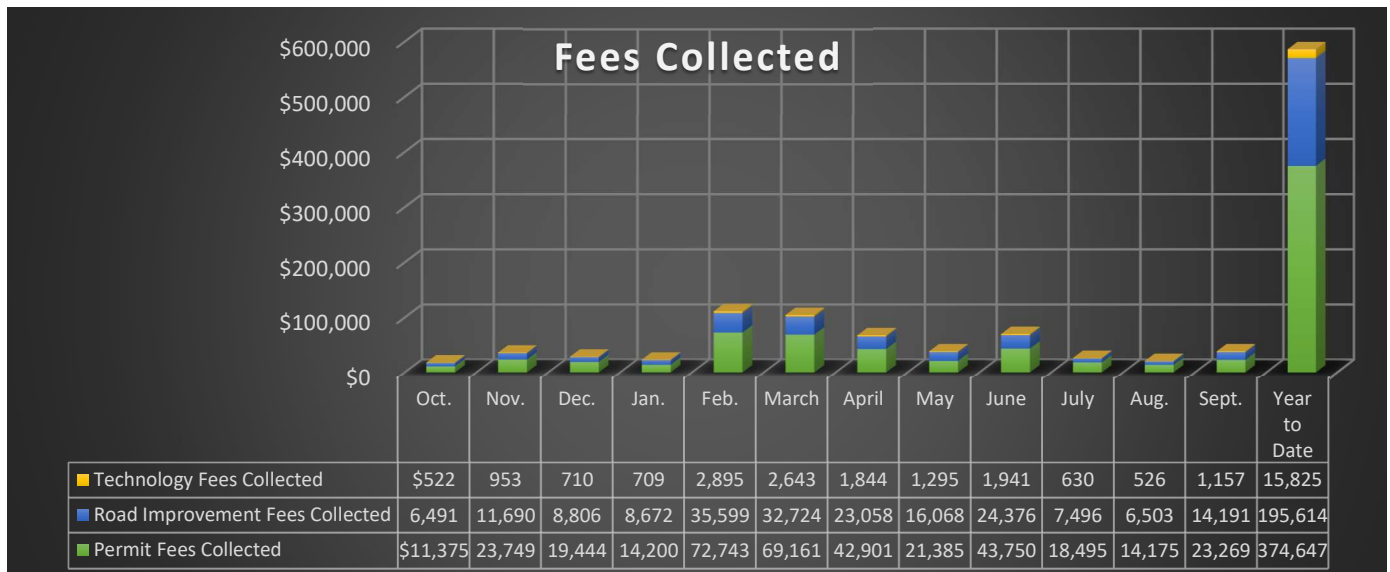
Guidelines for Public Comments

- 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

TOWN OF SEWALL'S POINT



TO: Town Commission
FROM: Jack Reisinger, Building Official through Robert Daniels, Town Manager
SUBJECT: 2023-2024 Building Permitting Report
Regular Commission Meeting of October 22, 2024



Building Department Budget for 2023-2024

- Building Permit Fees: \$400,000 of which \$374,647 has been collected for the fiscal year to date.
- Road Improvement Fees: \$162,500 of which \$195,614 has been collected for the fiscal year to date.

Recommendation: Staff recommends approval of the monthly Building Reports as presented.

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

VINNY BARILE
Commissioner

DAVE KURZMAN
Commissioner

KAIJA MAYFIELD
Commissioner

TOWN OF SEWALL'S POINT



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Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

**Regular Town Commission Meeting Minutes
October 8, 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 roll was called with the following Commissioners present: Mayor Tompeck, Vice Mayor Fender, Commissioner Barile, Commissioner Kurzman, and Commissioner Mayfield.

II. PROCLAMATIONS AND PRESENTATIONS

a. Premier Realty – 35th Annual Halloween Event

The Town Manager stated that the Trunk or Treat event would be held on Tuesday, October 29, 2024, from 5:30 p.m. to 7:00 p.m. at Premier Realty Group located at 2 North Sewall's Point Road.

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 under this item.

IV. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

Mayor Tompeck stated that Item 11 a), Stringers Alternate Use, would be rescheduled to the October 22, 2024, Regular meeting; Resolution No. 983, State of Emergency Declaration, Hurricane Milton, was being added as Item 9 b); and Sunshine Land Design Contract, Amendment No. 2 was being added to the Consent Agenda as Item 6 d).

V. APPROVAL OF AGENDA

There being no further discussion, Vice Mayor Fender **moved** to approve the Agenda with Item 11 a), Stringers Alternate Use, rescheduled to October 22, 2024, Regular meeting; Resolution No. 983, State of Emergency Declaration, Hurricane Milton added as Item 9 b); and Sunshine Land Design Contract, Amendment No. 2 added to the Consent Agenda as Item 6 d). Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

VI. CONSENT AGENDA

- a. Minutes – September 23, 2024, Regular Meeting & Final Budget Hearing**
- b. Retirement Vesting Amendment**
- c. TC Running – Halloween Half Marathon - October 27, 2024**

ADDENDUM

- d. Sunshine Land Design, Inc. - Emergency Debris Clearance and Removal – Amendment No. 2.**

There being no discussion, Commissioner Kurzman **moved** to approve the Consent Agenda, including Addendum Item 6 d), Sunshine Land Design, Amendment No. 2. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote. Commissioner Mayfield requested that the former town manager’s name be removed from the Item b), Retirement Vesting Amendment, document.

VII. PUBLIC HEARING - ORDINANCE - SECOND READING

There was nothing scheduled under this item.

VIII. PUBLIC HEARING - ORDINANCE - FIRST READING

- a. Ordinance No. 468 – Marijuana Dispensary Definitions**

The Town Attorney read the title into the record. Mayor Tompeck called for any public comments, to which there were none. There being no further discussion, Vice Mayor Fender **moved** to approve Ordinance No. 468, with the term ‘medical’ stricken. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

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

The Town Attorney read the title into the record. Mayor Tompeck called for any public comments, to which there were none. There being no discussion, Commissioner Kurzman **moved** to approve Ordinance No. 469. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

IX. RESOLUTIONS

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

The title was read into the record. The Town Manager stated that the ordinance relating to dock structures was being amended to include language that was removed inadvertently previously.

Mayor Tompeck called for any public comments.

Frank Tidikis, 12 Crane's Nest, stated that the Board of Zoning Adjustment had provided recommendations to the Commission regarding resolving the issue of docks on the east side versus docks on the west side and the building height requirements. He was against gazebos being placed on docks, as it would obstruct the view.

There being no further discussion, Vice Mayor Fender **moved** to approve Resolution No. 982. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

ADDENDUM

b. Resolution No. 983 – State of Emergency Declaration – Hurricane Milton

The resolution was read 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. 983. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

X. OLD BUSINESS

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

The Town Engineer requested approval to move forward with the PVC pipe system for under \$30,000.

After a lengthy discussion, Vice Mayor Fender **moved** to approve rescinding the June 18, 2024 votes for the \$40,000 expenditure for the design and CEI expenses, and the \$250,000 expenditure for the funding of the special project. Commissioner Barile **seconded** the motion, which **passed unanimously** by roll call vote.

Vice Mayor Fender **moved** approve the interim project utilizing yard drains at a cost not to exceed \$30,000, and to authorize the Town Manager to execute any proposals within his financial limitations. Commissioner Mayfield **seconded** the motion, which **passed unanimously** by roll call vote.

XI. NEW BUSINESS

a. Alternate Use – Stringers - Bonnie Landry

(Clerk’s Note: Item 11 a) was rescheduled to the October 22, 2024, Regular Meeting.)

XII. DISCUSSION

There was nothing scheduled under this item.

XIII. COMMISSION AND STAFF CLOSING COMMENTS

a. STAFF

The Town Manager thanked staff for their hurricane relief efforts. He stated that the next meetings would be held as follows: October 22, 2024, Regular meeting; November 6, 2024, Special Election meeting; November 12, 2024, Regular meeting; and December 10, 2024, Regular meeting.

The Town Manager stated that in reference to 19 E. High Point, a summary judgment had been awarded to the Town on the matter, and that the next step would be a foreclosure auction on the property.

The Town Attorney requested an Attorney/Client Session to be held on Tuesday, October 22, 2024, at 5:00 p.m., prior to the 6:00 p.m. Regular Commission meeting, in reference to the Anthony Lagana vs the Town of Sewall’s Point litigation case.

b. COMMISSIONERS

Commissioner Barile requested a plan be implemented regarding debris waste being picked up prior to any storms in the future, once a watch or warning had been announced.

Vice Mayor Fender inquired as to if there was any way to settle the Lagana matter amicably, to which the Town Manager responded that the strategy would be reviewed at the October 22, 2024, Attorney/Client Session.

Commissioner Kurzman was concerned about the items left by property owners’ on their lawns, as flying debris could damage a home. He requested that the police department notify those residents that had items remaining in their yards when an impending storm was approaching.

Commissioner Kurzman was in support of resolving the Lagana case, and was not in favor of a foreclosure on the property.

Mayor Tompeck stated that the property was in violation for over 4 years, wherein the neighbors were subjected to the eyesore. He pointed out that every opportunity was given to the property owner to resolve the issue, but that he failed to remove a fence and a trailer.

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 22, 2024

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. 468 – Replacing definition of Marijuana Dispensary/Facilities

DATE: Commission Meeting – October 22, 2024
Second Reading and Adoption

EXECUTIVE SUMMARY:

The Town of Sewall's Point currently has an ordinance prohibiting Medical Marijuana Dispensaries and Facilities within the Town. With a State of Florida Referendum scheduled for voters to approve the use of recreational marijuana, this ordinance will prohibit all marijuana dispensaries and facilities.

Ordinance No. 468 was approved at first reading on October 8, 2024.

RECOMMENDATION:

Staff recommends adopting Ordinance No. 468.



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townhall@sewallspoint.org
www.sewallspoint.org





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.

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

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

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 22, 2024
Second Reading - Adoption

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.

Ordinance No. 469 was approved at first reading on October 8, 2024.

RECOMMENDATION:

Staff recommends adopting Ordinance No. 469.



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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.

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

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

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)

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TOWN OF SEWALL'S POINT



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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. 470 – Regulates Dock Structures

DATE: Commission Meeting – October 22, 2024
First Reading

EXECUTIVE SUMMARY:

The Town of Sewall's Point currently has an ordinance, No. 444, which was established to permit property owners on the east side of town, where the land has lower elevation, to protect their boats by covering their boat lifts. However, during the process of amending the existing ordinance on docks, the term "covered docks" was inadvertently replaced with "covered boat lifts." As a result, covered docks are currently not addressed in the town's ordinances.

Ordinance No. 470 corrects that oversight by allowing both covered boat lifts and covered docks, along with specific restrictions based on the upland grade requirement and reinstates the regulations concerning dock structures to protect sea grass and the quality of life in our community.

RECOMMENDATION:

Staff recommends approving the First Reading of the Ordinance No. 470.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765
townhall@sewallspoint.org
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ORDINANCE NO. 470

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 62 MARINE ACTIVITIES, FACILITIES AND STRUCTURES, ARTICLE III MARINE STRUCTURES, DIVISION 2 MARINE STRUCTURE REGULATIONS, SUBDIVISION I IN GENERAL, SECTION 62-132 DEFINITIONS, TO ADD A DEFINITION FOR "DOCK GAZEBO"; AMENDING SECTION 62-151 TO PROVIDE FOR NONCONFORMITIES: AMENDING SUBDIVISION III, TECHNICAL REQUIREMENTS AND STANDARDS, SECTION 62-175, BOAT LIFT COVERS, TO ADD REGULATIONS FOR DOCK GAZEBOS; AND AMENDING SECTION 62-176 TO PROVIDE FOR ALTERNATIVE COMPLIANCE; 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 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 of Sewall's Point, located on a peninsula surrounded by water to the east, south, and west, is known for its many waterfront homes and often called a boaters' paradise; and

WHEREAS, for many Sewall's Point residents, the availability of dock facilities, plays an important role in the use, enjoyment, protection and value of their property; and

WHEREAS, the Town has established regulations regarding the construction of docks in Chapter 62 "Marine Activities, Facilities and Structures,"

Ordinance No. 470

1 of 11

including necessary minimum construction regulations to better protect the environment, abutting riparian property owners' rights, and the Town; and

WHEREAS, unless properly regulated, dock structures, including boat lift covers and dock gazebos, may have negative impacts on the marine environment, including critical seagrass beds; and

WHEREAS, unless properly regulated, dock gazebos may also detract from neighboring property owners' use and enjoyment of their property by obstructing and/or cluttering the view; and

WHEREAS, the reasonable regulation of the size, location and appearance of dock gazebos serves to protect against harmful environmental and aesthetic impacts while allowing the reasonable use and enjoyment of property; and

WHEREAS, on September 27, 2022, the Town Commission of the Town of Sewall's Point approved Ordinance No. 444 regulating the construction of boat lift covers; and

WHEREAS, Ordinance No. 444 does not regulate the construction of other types of dock structure, such as gazebos; and

WHEREAS, the Town Commission desires to amend Chapter 62 to provide for the reasonable regulation of the size, location and appearance of dock gazebos; and

WHEREAS, the Town Commission finds that the proposed amendments further 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 62, Marine Activities, Facilities and Structures, Article III, Marine Structures, Division 2, Marine Structure Regulations, Subdivision I, In General, Section 62-132, Definitions, is hereby amended by adding definitions for the term "dock gazebo" as follows (deletions are shown by overstrike; additions are underlined):

Dock gazebo means an open-sided structure constructed on a private dock in conformity to the requirements of this Chapter for the purpose of providing shade for standing or sitting.

Section 3. The definition of "dock permit" set forth in Chapter 62, Marine Activities, Facilities and Structures, Article III, Marine Structures, Division 2, Marine Structure Regulations, Subdivision I, In General, Section 62-132, Definitions, is hereby amended as follows (deletions are shown by ~~overstrike~~; additions are underlined):

Dock permit means, collectively or individually, the permit required by any of the agencies and the town for a person to construct, add to, or structurally repair or alter a dock, a dock gazebo, or a boat lift cover within the jurisdictional limits of the town.

Section 4. Chapter 62 Marine Activities, Facilities and Structures, Article III, Marine Structures, Division 2, Marine Structure Regulations, Subdivision Subdivision II, Permit, Section 62-151, Permit Requirements: Subsection (c)(1), Nonconforming Use, Generally, is hereby amended as follows (deletions are shown by ~~overstrike~~; additions are underlined):

(c) *Nonconforming use.*

(1) *Generally.* Subject to all permit requirements, notwithstanding any contrary provision of this Code, a nonconforming dock, dock gazebo, or boat lift cover or other nonconforming marine structure may be rebuilt or repaired to its previously permitted size and configuration, notwithstanding any deterioration or damage from any cause, including fire, hurricane, flood or collision.

Section 5. Chapter 62 Marine Activities, Facilities and Structures, Article III, Marine Structures, Division 2, Marine Structure Regulations, Subdivision Subdivision III, Technical Requirements and Standards, section 62-175, Boat lift covers, is hereby amended as follows (deletions are shown by ~~overstrike~~; additions are underlined):

Sec. 62-175. Boat lift covers. Dock Structures.

The only allowable dock structures are boat lift covers and dock gazebos, as defined in this chapter. No other type of structure may be constructed or placed on a dock. The applicant must submit plans for a proposed boat lift cover or dock gazebo to be constructed as part of an existing or proposed dock to the building department for approval. The following conditions must be met:

(a) *Boat lift covers.*

- (1) The plans shall indicate that the height of the boat lift cover shall not exceed the finished grade of the upland riparian property to which the dock is appurtenant; however, in no event shall the height of the boat lift cover exceed 15 feet measured from the terminal platform of the dock to which the boat lift cover is appurtenant.
- (2) The plans shall be engineered so that the boat lift cover will be constructed of materials and in a manner that will, in all probability, withstand winds of 170 miles per hour as specified by the Florida Building Code.
- (3) All boat lift covers shall be a pitched, hip or gable design except those approved for alternative compliance under section 62-176.

(b) Dock gazebos. A private residential dock may have not more than a one-sided dock gazebo as provided in this section.

- (1) The area covered by a dock gazebo shall not exceed 150 square feet.
- (2) The dock gazebo may not be placed within a side setback.
- (3) The dock gazebo roof shall have a pitched, hip or gable design. The roof may not extend beyond the width of the dock.
- (4) With the exception of chickee huts as defined by section 58-39(6) of this Code, dock gazebos shall be designed and constructed in an architectural style complimentary to the existing residence. Chickee

huts used as dock gazebos must conform to all other dock gazebo requirements.

- (5) The height of the dock gazebo shall not exceed the finished grade of the upland riparian property to which the dock is appurtenant; however, in no event shall the height of the dock gazebo exceed 15 feet measured from the terminal platform of the dock to which the dock gazebo is appurtenant.

Section 6. Chapter 62 Marine Activities, Facilities And Structures, Article III, Marine Structures, Division 2, Marine Structure Regulations, Subdivision III, Technical Requirements and Standards, Section 62-176(a), Variances, Alternative compliance, is hereby amended as follows (deletions are shown by overstrike; additions are underlined):

Sec. 62-176. - Variances; Alternative compliance.

- (a) The town commission may vary any of the technical requirements and construction standards for marine structures set forth in Section 62-171 and Section 62-172 by the granting of a variance pursuant to the procedures set forth in Sections 82-111 through 82-116 of this Code. If the Florida Department of Environmental Protection or other governmental entity has jurisdiction over the subject matter of the variance, the variance shall be contingent upon the approval of all such entities.
- (b) An applicant may request alternative compliance for a building permit to add a boat lift cover to an existing or proposed dock which exceeds

the maximum height as set forth in Section 62-175(a)(1), when meeting the maximum height requirement is not reasonably possible due to constraints caused by a differential between riparian grade and mean high water level for the affected property. The board of zoning adjustment shall be authorized to consider the request at a quasi-judicial hearing, following procedures substantially similar to those applicable to requests for conditional use permits as provided in Sections 82-126 and 82-128. A request for alternative compliance for a boat lift cover may only be approved when the board of zoning adjustment has determined that:

- (1) Constraints exist as a result of a differential between the riparian grade and mean high water level which effectively prohibit the construction of a boat lift cover under Section 62-175 of this article, and
- (2) The proposed boat lift cover meets all of the following design criteria established in order to minimize visual intrusiveness:
 - a. The boat lift cover and frame will not significantly obstruct the water views of surrounding properties.
 - b. Boat lift cover materials (other than the frame) must be canvas or vinyl.
 - c. Boat lift covers must be of one, solid subtle color with an emphasis on earth tones, or pale blue or gray hues.

d. Boat lift covers shall be a dome shape and shall not include side curtains.

(3) As an additional condition of any such approval, the applicant shall be required to remove and store the canopy portion of the boat lift cover within 24 hours of the National Weather Service or National Oceanic and Atmospheric Administration, or other comparable governmental agency issuing a tropical storm or hurricane warning for all or any portion of the Town or Martin County. The boat lift cover frame may remain. Failure to remove the boat lift cover canopy within such time period shall result in the loss of authorization for alternative compliance, requiring the permanent removal of the boat lift cover and frame.

(c) An applicant may request alternative compliance for a building permit to add a dock gazebo to an existing or proposed dock which exceeds the maximum height as set forth in Section 62-175(b)(5), when meeting the maximum height requirement is not reasonably possible due to constraints caused by a differential between riparian grade and mean high water level for the affected property. The Board of Zoning Adjustment shall be authorized to consider the request at a quasi-judicial hearing, following procedures substantially similar to those applicable to requests for conditional use permits as provided in Sections 82-126 and 82-128. A request for alternative compliance for

a boat lift cover may only be approved when the board of zoning adjustment has determined that:

- (1) Constraints exist as a result of a differential between the riparian grade and mean high water level which effectively prohibit the construction of a dock gazebo under section 62-175 of this article, and
- (2) The proposed dock gazebo will meet all other requirements of Section 62-175(b) and will be constructed in a manner designed to minimize visual intrusiveness; and
- (3) The proposed dock gazebo will not significantly obstruct the water views of surrounding properties.

Section 7. 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 8. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. 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 10. 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 22nd 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 12th day of November, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 12th day of November, 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: Communications Plan

DATE: Commission Meeting – October 22, 2024
Old Business

EXECUTIVE SUMMARY:

The Town Commission directed the Town Manager to have a professional firm develop a Communications Plan for the Town. Snyder Marketing Solutions and Events (Snyder) was chosen to complete the Communications Plan, authorizing the Town Manager to move forward at the March 26, 2024, Regular Town Commission Meeting.

The Communications Plan has been completed and will be presented by Rachel Snyder.

RECOMMENDATION:

Staff recommends approving the Communications Plan.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
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TOWN OF SEWALL'S POINT

COMMUNICATIONS PLAN



TOWN OF SEWALL'S POINT

1 S. Sewall's Point Road, Sewall's Point, FL
772-287-2455 | www.sewallspoint.org

Adopted xx/xx/2024

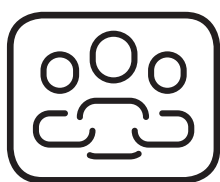
INTRODUCTION

Welcome to the Strategic Communications Plan for the Town of Sewall's Point, designed to empower the community with communication strategies to effectively inform, engage, and connect with residents, stakeholders, and the public at large, fostering trust, transparency, civic participation, and achieve set goals. In today's rapidly evolving world, effective communication plays a pivotal role in shaping public perception, mobilizing support, and driving meaningful change.

OUR GUIDING PRINCIPLES

The Town of Sewall's Point will strive to maintain its small town character, and continue to provide effective and efficient services designed to protect the health, safety and welfare of its residents; to provide these services in a friendly, efficient, and cost-effective manner; to actively encourage the civility, integrity and responsiveness by all town employees and ancillary staff in a peaceful, family-oriented, and safe community; and to preserve property values and the quality of its neighborhoods by encouraging attractive landscaping, maintaining public right-of-ways, and ensuring compliance with local ordinances.

GOALS AND OBJECTIVES



COMMUNITY
ENGAGEMENT



INCREASING
TRANSPARENCY



COMMUNICATION
EFFECTIVENESS



MEASURABLE
OBJECTIVES

TARGET AUDIENCE; KEY STAKEHOLDERS AND SEGMENTS WITHIN THE COMMUNITY

- Residents
- Businesses
- Local organizations
- Government officials
- Media outlets

MESSAGING STRATEGY

- To create a standard and modern brand look, feel and style in communications and digital footprint
- Develop key messaging tailored to resonate with each target audience
- Ensure consistency and alignment with the town's values and objectives

COMMUNICATION CHANNELS

Utilization of appropriate communication channels for reaching the target audience, such as:

- Social media platforms (as they apply)
- Town website
- Email newsletters
- Printed newsletters
- Local newspapers
- Community events
- Public meetings

CONTENT CREATION AND DISTRIBUTION

Outline a content calendar with planned communication activities, including:

- Regular updates on town news and events
- Educational content on town initiatives and services
- Engaging and managing multimedia content (photography and videography)
- Detail the process for creating, approving, and distributing content across various channels

COMMUNITY ENGAGEMENT STRATEGIES

Foster two-way communication and engagement with the community, utilizing tools such as:

- Online surveys and polls
- Town hall meetings and public forums
- Feedback mechanisms (comment sections, suggestion boxes)
- Emphasize the importance of listening to community feedback and responding promptly.

CRISIS COMMUNICATION PLAN

The establishment of emergency communication protocol is paramount to the safety and security of The Town of Sewall's Point. The goal is to close the gap in communication deficiencies that affect the ability to manage routine incidents and/or large scale events. The ability to communicate in real time is critical to establishing command and control at the scene of an emergency, to maintaining event situational awareness, to operating overall within a broad range of incidents.

Emergency communications consists of three primary elements:

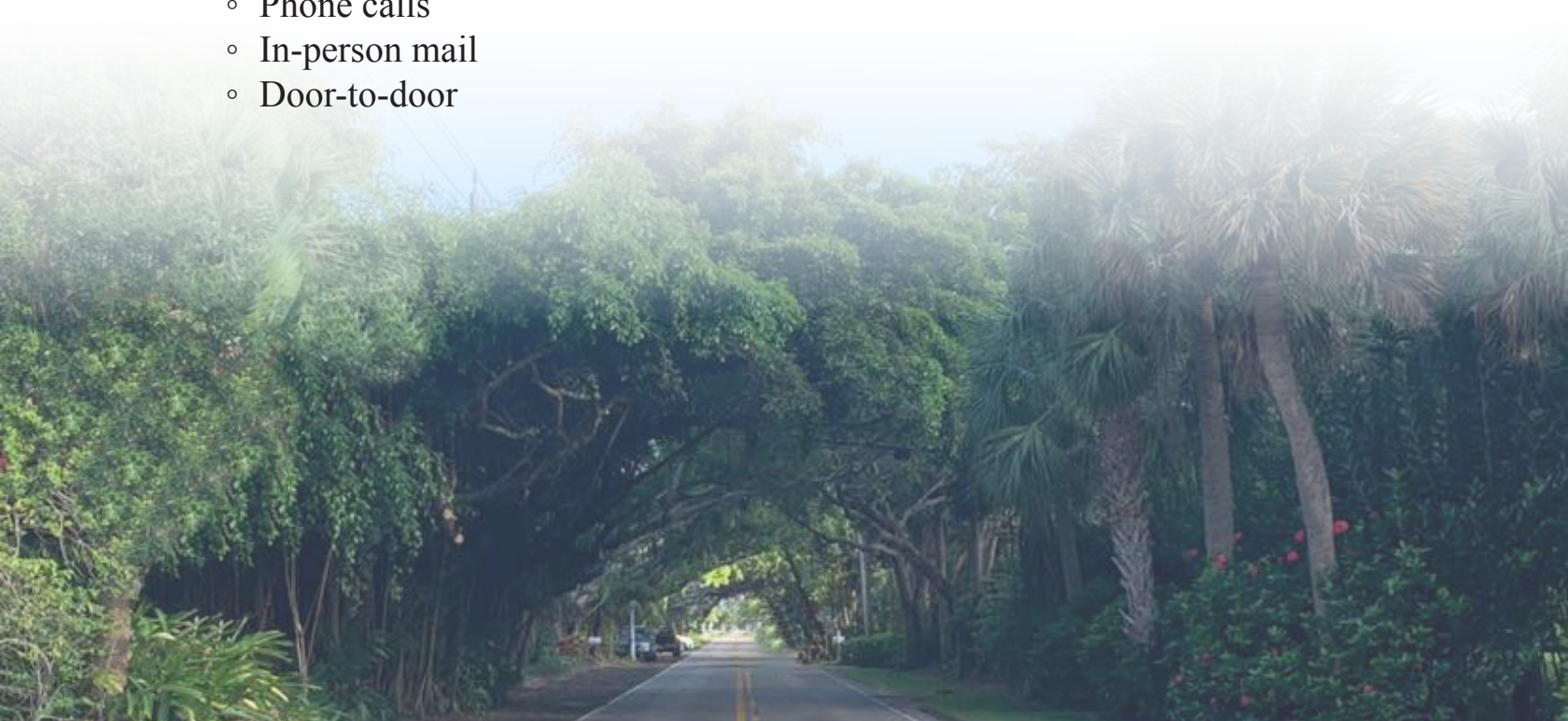
- 1. Operability** - The ability of emergency responders to establish and sustain communications in support of mission operations.
- 2. Interoperability** - The ability of emergency responders to communicate among jurisdictions, disciplines, and levels of government, using a variety of frequency bands, as needed and as authorized. System operability is required for system interoperability.
- 3. Continuity of Communications** - The ability of emergency response agencies to maintain communications in the event of damage to or destruction of the primary infrastructure.

Essential Elements of a Crisis Plan (to be determined internally):

- **Identify Crisis Team**
 - Designated representative authorized to approve all communications and messaging
 - Spokesperson (and back-up)
 - Key town staff members
 - Town commission members
 - IT expert
 - Legal
 - Public safety officers
 - Communications staff
 - Media monitor
 - Traditional, digital and social media
 - Monitor coverage
 - Collect information from news reports
 - Note issues being focused on
 - Highlight errors and misinformation that need to be corrected
 - Create a timeline of activities
- **Pinpoint a command center location (Town Hall)**
 - Equip with necessary technology to monitor news coverage
 - Wifi
 - TV
 - Generator
 - Satellite phone
 - Stay in contact with staff and the public
- **Draft Key Messaging**
 - Establish flow of information
 - Provide factual information
 - Reassure the public
 - Commit to finding out the facts

CRISIS COMMUNICATION PLAN (CON'T)

- **Policy for frontline employees**
 - How to handle outside inquiries
 - How/who handle media
- **Establish Media Lists**
 - Names/publications/titles/email addresses/work and cell numbers
- **List of Key Stakeholders**
 - Internal
 - External
- **Communication Channels**
 - Social Media
 - Monitor and report
 - Town website
 - Local media
 - Public meetings
 - Email
 - Text messaging
 - Phone calls
 - In-person mail
 - Door-to-door



CLOSING

The communication plan for the Town of Sewall's Point is a dynamic framework designed to meet the evolving needs of the community. While many of the goals and tactics outlined in the plan will be implemented on an ongoing basis, timelines for special communication initiatives will require further discussion, considering budget constraints and infrastructure needs. This document is a living entity, subject to modifications in accordance with the vision of the Town. Each goal is accompanied by subsequent strategies and initiatives, with ongoing evaluation to gauge effectiveness.





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>	<ul style="list-style-type: none"> • Location – This Future Land Use Category is in the established commercial corridor along State Road A1A. • Radius of Trade Area – Three (3) miles or less 	<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>Yes, 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>Yes, this use could provide a service to town residents, and it is located in the commercial corridor.</p>

10/1/2024

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

10/1/2024

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.

TOWN OF SEWALL'S POINT



TO: Town of Sewall's Point Commission
FROM: Maria Pierce, Finance/Human Resources Director
SUBJECT: Town Manager Annual Performance Appraisal
DATE: Regular Commission Meeting – October 22, 2024

History:

The Town's agreement for the Town Manager's employment calls for an annual evaluation. In the agreement, upon receiving a satisfactory or higher annual performance evaluation, the Town Manager will receive the same percentage increase provided to the other Town employees (FY25 4% increase). The agreement also states that at the discretion of the Town Commission, an additional increase of up to 5% may be awarded for outstanding performance.

The Town Commission was asked to complete the Town Manager's annual review in preparation for the FY25 preliminary budget. Upon receiving the last few evaluations, I have summarized the scores and comments on the attached performance evaluation form. The overall rating the Town Manager received for his 2nd year of service was an average of 4.7 out of 5 for his performance.

Recommendation:

Provide direction regarding the Town Manager's salary adjustment effective October 1, 2024.

**Town of Sewall's Point
Town Manager Performance Appraisal**

Town Manager: Robert Daniels

Evaluation period: August 7, 2023 to August 8, 2024

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the Town Manager performance.

Evaluation Rating Chart				
5. Consistently Exceeds Performance Expectations	4. Frequently Exceeds Performance Expectations	3. Performance Expectations Fulfilled	2. Inconsistently Fulfills Performance Expectations	1. Fails to Meet Performance Expectations
<ul style="list-style-type: none"> • Consistently exceeds performance expectations • Demonstrates exceptional quality of work in all essential areas of responsibility • Always makes an exceptional or unique contribution in achievement of unit, department, and Town objectives 	<ul style="list-style-type: none"> • Always achieves performance expectations and frequently exceeds them • Demonstrates performance of a very high level of quality • Significantly contributes to the success of the services and projects they support 	<ul style="list-style-type: none"> • Consistently fulfills performance expectations and <i>periodically</i> may exceed them • Work is of high quality in all significant areas of responsibility • Any performance concerns are resolved through coaching, feedback, and self-initiative 	<ul style="list-style-type: none"> • The Town Manager's work does not consistently meet the most basic job requirements of the position. While the employee may have performed acceptably in some areas, overall job performance needs to be improved • A performance improvement plan is to be discussed and agreed to by the employee and the supervisor • Failure to demonstrate improvement may result in additional action 	<ul style="list-style-type: none"> • The Town Manager's work is below the basic requirements and immediate and continued improvement is required • A performance improvement plan is to be discussed and agreed to by the employee and the supervisor • Continued failure to show improvement may result in additional action

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS (Rating "1" Poor/Low – "5" Excellent)

- 4.8 • Diligent and thorough in the discharge of duties, "self-starter"
- 5 • Exercises good judgment
- 5 • Displays enthusiasm, cooperation, and will to adapt
- 5 • Exhibits composure, appearance and attitude appropriate for the position

The overall average for this category is 4.95.

Rating Explanation - *Individual Characteristics*

- We are fortunate to have Bob administering the duties of our Town. He shows good judgement in often difficult circumstances. His demeanor is open and approachable, a characteristic that serves him and the town well. Personally, I enjoy working with Bob and feel like he is responsive to my requests as a Commissioner.
- Bob continues to be an excellent representative for Sewall's Point. He is always enthusiastic and has shown good cooperation with the residents. He makes time to meet with the residents.
- Really understands and embraces the role of Town Manager, and exhibits all of the characteristics above that are essential to an excellent leader.
- Bob is a great leader who does his own research and has always conducted himself professionally.

**TOWN MANAGER’S PERFORMANCE APPRAISAL
PERFORMANCE CATEGORY SCORING**

2. PROFESSIONAL SKILLS AND STATUS (Rating “1” Poor/Low – “5” Excellent)

- 4.8 • Maintains knowledge of current developments affecting municipal operations
- 4.6 • Demonstrates a capacity for innovation and creativity
- 5 • Anticipates and analyzes problems to develop effective approaches for solving them
- 4.6 • Willing to try new ideas proposed by governing body members and/or staff

The overall average for this category is 4.75 .

Rating Explanation - *Professional Skills & Status*

- Bob is engaged with the duties of a dedicated town manager and demonstrates the experience of having administered several municipalities in the past. His experience in law enforcement also serve him well in navigating the legal and judicial aspects of Sewall’s Point municipal management.
- Bob is familiar with neighboring community’s issues and has worked well with other local leaders. He has shown a willingness to work with new ideas identified by the Commission.
- Stays up to date on issues pertinent to local government and works well with others to address and try to solve town problems.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

3. PRODUCTIVITY AND ACCOUNTABILITY (Rating "1" Poor/Low – "5" Excellent)

- 4.8 • Consistently performs work accurately and completely
- 4.6 • Assumes personal responsibility for completion of assigned tasks on or before deadlines without being reminded
- 4.8 • Holds all employees accountable for their actions and conduct and administers discipline in accordance with Department and Town Employee policies and procedures
- 4.4 • Provides regular information and reports to the governing body concerning matters of importance

The overall average for this category is 4.65.

Rating Explanation – *Productivity and Accountability*

- I have found Bob's management style to be an appropriate level of forthright "the buck stops here" accountability. In this role there are dynamics often out of the control of any town manager. These often relate to personnel issues and the limitations of the personalities available to work with at any given time. We seem to have been challenged over time with issues related to building permit management and issues with builders negatively impacting residents. The 10 Oakwood Drive issue is an example.
- I think there is room for improvement in the agenda packages. We've discovered errors during our meetings and there are too many last minute additions to the packages.
- Does good, solid work and never makes excuses for himself or others if an issue arises.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

4. POLICY EXECUTION (Rating "1" Poor/Low – "5" Excellent)

- 4.8 • Consults with the Town Commission, as appropriate, in formulating policies and regulations governing the activities of the Town
- 4.8 • Understands local government's laws, policies, and ordinances
- 4.8 • Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- 4.6 • Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

The overall average for this category is 4.75.

Rating Explanation – *Policy Execution*

- Bob is consistently updating the Commission on activities that impact the town and affect the voting management of town affairs. On occasion I have been surprised by changes that have impacted the town without prior notification. Most recently these have been related to building projects, trees, and impact to the canopy.
- Bob has been proactive interacting with Town Commissioners. He is open to resident suggestions for modifications to existing ordinances and polices.
- Maintains objectivity well, but still able to offer suggestions or solutions for consideration. Great understanding of local governments.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

5. CITIZEN RELATIONS (Rating "1" Poor/Low – "5" Excellent)

- 4.4 • Responsive to requests from citizens
- 5 • Demonstrates a dedication to service to the community and its citizens
- 4.6 • Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- 4.6 • Gives an appropriate effort to maintain citizen satisfaction with the Town

The overall average for this category is 4.65.

Rating Explanation – *Citizen Relations*

- Citizen relations is always a difficult process to manage given the wide variety of personalities in our resident community. Bob does an admirable job at balancing that dynamic. I am appreciative of his effort and diplomacy this activity requires.
- Received favorable feedback from residents on availability of Town Manager to meet with residents. Has done excellent job with Town events.
- Aware and considerate to residents and their concerns. Always ready to listen and help.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

6. STAFFING (Rating "1" Poor/Low – "5" Excellent)

- 4.75 • Applies an appropriate level of supervision to improve any areas of substandard performance
- 4.75 • Stays accurately informed and appropriately concerned about employee relations
- 4.75 • Promotes training and development opportunities for employees at all levels of the organization
- 5 • Sustains or improves staff performance by evaluating the performance of department staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback

The overall average for this category is 4.8 .

Rating Explanation – *Staffing*

- Bob seems to have the respect for staff and maintains an appropriate managerial level of authority with his team. Having the skill to manage both the police staff and administrative staff effectively requires a level of experience that Bob has deftly brought to bear in his current role. He deserves appreciation for this difficult task.
- Although I have no firsthand knowledge of the Town Manager's supervision of employees, the staff is working well together and no specific problems have been identified.
- I have somewhat limited knowledge in this area, but based on the fact that the staff seems to be satisfied and working well together, it appears the town manager is doing a great job at managing staff.
- I am not qualified to answer this question. Don't have enough info – However, that being said, I think he does a good job.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

7. SUPERVISION (Rating "1" Poor/Low – "5" Excellent)

- 4.75 • Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their duties
- 5 • Develops and maintains a friendly and informal relationship with the staff and work force in general
- 5 • Set high standards of professional excellence, moral character, and integrity for the Town
- 5 • Delegates responsibility and authority for employees to effectively execute their duties

The overall average for this category is 4.9 .

Rating Explanation – *Supervision*

- As exemplified during the recent hurricane response, Bob's team were all on site the morning after the storm helping to assist residents and clear the roads. The operation and upgrades around town hall are evident and the staff provides the professional appearance of a professionally run organization.
- Staff works well together and displays enthusiasm when interacting with the public. The Town has recognized excellent performance of staff members.
- I have somewhat limited knowledge in this area, but based on the fact that the staff seems to be satisfied and working well together, it appears the Town Manager is doing a great job at managing staff.
- Can't respond to this statement; don't have enough info.

TOWN MANAGER'S PERFORMANCE APPRAISAL PERFORMANCE CATEGORY SCORING

8. MANAGEMENT AND FISCAL RESPONSIBILITY (Rating "1" Poor/Low – "5" Excellent)

- 4.8 • Appropriately monitors and manages fiscal activities of the Town
- 4.8 • Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- 4.6 • Seeks continuous improvement by identifying and trying work methods that will improve service or efficiency of the Town
- 4.6 • Provides leadership, direction and guidance with regard to the Town's strategies and priorities

The overall average for this category is 4.7.

Rating Explanation – *Management and Fiscal Responsibility*

- Understands the crucial role finances play in the efficient and effective running of a municipality. Acts accordingly.
- Town budgets have been effectively prepared and implemented. Appropriate supervision has resulted in effective control.
- We are under constant pressure and scrutiny on fiscal matters related to management of public funds. The optics of this are as important as the physical bookkeeping. Bob, with the assistance of Maria, clearly have a handle on the finances. Personally I would still like to see more in terms of percentage deltas from the previous time periods on all reports. Inflation has made cost control even more difficult that it has been in recent years. We have had some recent success with cost containment, an ongoing battle. After significant success we currently appear to be struggling with grant attainment.

**TOWN MANAGER’S PERFORMANCE APPRAISAL
PERFORMANCE CATEGORY SCORING**

9. COMMUNITY

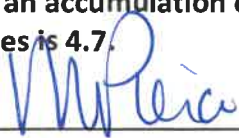
- 4.8 • Shares responsibility for addressing the difficult issues facing the town
- 4.8 • Avoids unnecessary controversy
- 4 • Cooperates with neighboring communities and the county
- 4.4 • Helps the commission address future needs and develop adequate plans to address long term trends

The overall average for this category is 4.5.

Rating Explanation – *Community*

- Represents the Town well and looks to foster and cultivate community relationships both within and beyond town boundaries, both presently and for the future.
 - Bob understands his customer base (staff, commissioners, residents) and has developed a good relationship with all.
 - Citizen and municipal neighbor relations is always a difficult process to manage given the wide variety of personalities in our community and the unique broader election cycle within which we find ourselves. Bob also does an admirable job at balancing these dynamics. Again, I am appreciated of his efforts and diplomacy these activities require.
- In closing, I would like to personally thank Bob for his hard work and dedication. Often this is a difficult job with issues somewhat beyond his control. Well done.

The above scoring and comments are an accumulation of all five Town Commissioners. The overall average all the above categories is 4.7.

Human Resource Director’s Signature:  Date: 10/17/2024

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.

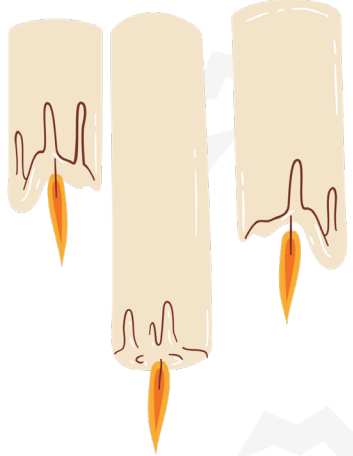
1. Trick or Treating hours will be from 5:30 pm to 8:00 pm- Thursday, October 31st.
2. Flag down any Sewall's Point police officer on Halloween for your free "glow jewelry".
3. Golf Carts without license plates are prohibited.
4. Please turn off your sprinkler systems for the day.
5. Attach the enclosed 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 NOW!



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

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

19th Annual
MAGIC OF SEWALL'S POINT
ENCHANTED NIGHT
BASH

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!





Registered Voters as of 10/03/24 **Total** 115,599 **REP:** 61,603 **DEM:** 25,174 **Other:** 28,822

2024 Early Voting and Secure Ballot Intake Station Locations

General Election

October 21 – November 2
8am to 5pm Daily

- Elections Center**
135 SE Martin Luther King, Jr. Blvd, Stuart
- Elisabeth Lahti Library**
15200 E Thelma Waters Ave, Indiantown
- Hobe Sound Library**
10595 SE Federal Hwy, Hobe Sound
- Hoke Library**
1150 Jack Williams Way, Jensen Beach
- Peter & Julie Cummings Library**
2551 SW Matheson Ave, Palm City
- Robert Morgade Library**
5851 SE Community Dr, Stuart

CONTACT US

135 SE Martin Luther King, Jr. Blvd
Stuart, FL 34994
P.O. Box 1257

Stuart, FL 34995

Phone 772.288.5637

Fax 772.288.5765

TTY 772.692.7320

Spanish - 833.912.1314

elections@MartinVotes.gov

HELPFUL LINKS

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[Update Your Registration](#)

[Sitemap](#)

[Register to Vote](#)

[2024 Election Dates](#)



Martin County Supervisor o...

Followed 1.6K followers



Vote By Mail Ballots



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