

JOHN TOMPECK  
Chair

DAVID KURZMAN  
Vice Chair

JAMES W. CAMPO, CFP  
Board Member

FRANK FENDER  
Board Member

KAIJA MAYFIELD  
Board Member

# TOWN OF SEWALL'S POINT



ROBERT DANIELS  
Town Manager

APRIL C. STONCIUS, CMC  
Town Clerk

TINA CIECHANOWSKI  
Chief of Police

JACK REISINGER, CBO  
Building Official/PW Director

MARIA PIERCE  
Finance/HR Director

**Local Planning Agency Meeting Minutes  
July 18, 2023  
5:00 p.m.**

## I. CALL TO ORDER

Chair Tompeck called the meeting to order at 5:00 p.m.

### a. Pledge of Allegiance to the Flag

Chair Tompeck lead the assembly in the Pledge of Allegiance.

### b. Roll Call

The Town Clerk called the roll with the following Board Members present: Chair Tompeck, Vice Chair Kurzman, Board Member Campo, Board Member Fender, and Board Member Mayfield.

## II. 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 LPA Board will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.*

Chair Tompeck called for any public comments, to which there were none.

## III. APPROVAL OF AGENDA

There being no discussion, Board Member Fender **moved** to approve the Agenda as written. Vice Chair Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

## IV. CONSENT AGENDA

### a. Minutes – September 13, 2022, November 29, 2022 and December 13, 2022

There being no discussion, Vice Chair Kurzman **moved** to approve the Consent Agenda. Board Member Fender **seconded** the motion, which **passed unanimously** by roll call vote.

## V. PUBLIC HEARING - SECOND READING OF ORDINANCE

There was nothing scheduled under this item.

**VI. PUBLIC HEARING - FIRST READING OF ORDINANCE**

**a. Ordinance No. 449 - Tree Ordinance**

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

The Town Manager introduced the item and pointed out that the ordinance was under the Land Development Regulations, which was required to be heard by the LPA prior to first reading at the upcoming Commission meeting.

Chair Tompeck called for any public comments, to which there were none.

Board Member Fender stated that the ordinance was brought forward to amend in order to rectify a gap in the procedure, as there was not a tree mitigation plan requirement when modifications to a lot were done. He pointed out that it was an important part of the permitting process when building a project. Board Member Fender commented that there were a couple of typos that needed to be corrected as follows: Page 2 of the ordinance, mitigation plan: 'tree removal' should not be plural and Page 5 of the ordinance, Section 70-23 - Permit Not Required for Tree Removal, Section 2 needed a space between obviously and dead. Board Member Fender stated that Section 70-23 was unnecessary, as there was always a requirement to obtain a tree removal permit, whether it was with a fee or without a fee, which was approved by the Town Manager. He recommended residents check with Town Hall prior to cutting down any trees. The Assistant Town Attorney commented that 2-inch caliber needed to be corrected in the Section 70-22 to 2-inch caliper.

The Assistant Town Attorney advised that language was in place as a foundation for the tree ordinance and that it was important to include Section 70-23. She pointed out that the state statute did not require a permit to remove a tree. Board Member Fender explained that the intent was to have residents check with Town Hall prior to cutting down any tree.

Board Member Mayfield referenced Section 70-21, Minimum Tree Requirements for Residential Properties, and stated that the article addressed existing single-family lots and the trees that were required. She recommended that the language be referenced in the section regarding new or substantial improvements for clarity instead. Board Member Mayfield said that under Section 70-42, Permit Required for Tree Removal, 'a tree removal and mitigation plan' should be included. She stated that in reference to Section 70-81, Permit Location and Expiration, the three-month expiration period should remain and not be changed to 30 days if work had not commenced. Board Member Mayfield referenced Section 70-83, Emergencies, and stated that instead of the Town Manager waiving regulations in an emergency, it should include the Mayor, the Town Manager, or other designee. She recommended that the mitigation plan be added to Section 70-85, Permit Application Procedures for Single-Family Lots, as it laid out the procedures to abide by when applying for a permit. The Assistant Town Attorney remarked that it would be added to subsection f.

Board Member Fender stated that the mitigation plan terminology should also be referenced

in Section 70-85 (a) (1), which referenced a scaled sketch, site plan, or survey. Board Member Mayfield continued that in Section 70-87, Permit Issuance or Denial, (3) a. should be amended to indicate that an existing home did not have to be reconfigured. She pointed out that Section 70-139, No Signs or other Attachments to Trees, was to be removed previously that referenced signs or other attachments prohibited being affixed to trees. Board Member Mayfield stated that in Section 70-155, Mitigation, inch-for-inch was agreed upon previously regarding the replacement of trees or protected vegetation.

Board Member Campo requested that the Assistant Town Attorney advise the LPA Board accordingly should there be a discussion that violated the state law during the meeting. He requested clarification on Section 70-44, Prohibited Species Removal, which allowed for prohibited species to be cut with a permit and no fee. Board Member Campo objected to the addition of the following language: 'the minimum tree requirements must be met.' The Town Manager asked for guidance on the Ficus trees that were exotic and on the state's prohibited species list.

Board Member Campo concurred that Section 70-81, Permit Location and Expiration, should remain with three months as opposed to 30 days, and that in Section 70-83, the Town Manager would declare a state of emergency. He stated that in Section 70-84, the Code Enforcement Board should be considered when a permit was appealed, and in Section 70-87, 3 a), the last line was not necessary and did not make sense. He requested that the sentence end at the word 'size.' Board Member Campo said that he agreed with Section 70-139, as residents should be able to display their preference of flags, and concurred with Commissioner Mayfield that Section 70-155 should indicate inch-for-inch.

Chair Tompeck stated that Section 70-44, Prohibited Species Removal, end in the redline at approved, to read 'but a tree removal permit application must be approved.' Vice Chair Kurzman said that a banyan tree could be considered an exotic species, but that they were well-established in the Town. He pointed out that there was a difference between invasive exotics such as Australian pines and pepper trees, and that the strangler figs were distinct which added character to the Town. Vice Chair recommended adding the prohibited species list to the ordinance, to which Board Member Campo concurred. The Assistant Town Attorney recommended that copies of the Florida Exotic Pest Plan Council's 2017 list of Invasive Plant Species be available at Town Hall through the Town Clerk.

Board Member Fender requested that Section 70-23, Permit Not Required for Tree Removal, be removed, as it convoluted the ordinance. Board Member Mayfield disagreed. Board Member Campo reiterated that if the Assistant Town Attorney heard board member discussion that violated the state law that she clarify it. The Assistant Town Attorney advised that the Town was required to allow residents to remove trees and that they were not required to go through the permitting process for the removal of a tree on a residential property.

There being no further discussion, Board Member Fender **moved** to recommend approval of Ordinance No. 449, with the amendments, to the Town Commission for further review at the Regular Commission meeting on July 18, 2023. Board Member Mayfield **seconded** the

motion, which **passed unanimously** by roll call vote.

**b. Ordinance No. 450 - Building Elevations**

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Planner, Bonnie Landry, provided an overview of the next three items and stated that the ordinances were being updated for clarity regarding compliance and enforcement.

Chair Tompeck called for any public comments, to which there were none.

Board Member Campo inquired as to how often building applications were amended because of the height restriction. The Building Official responded that 70% of the applications were rejected because of height and had to be resubmitted. Board Member Campo recommended that the height requirement be adjusted to 32 feet.

Board Member Mayfield stated that Section 50-176 (c) Building Height Limits, 'may' should be replaced with 'shall' be measured from the base flood elevation. She was not in favor of the 32-foot height restriction and recommended that it remain at 30 feet.

There being no further discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 450, with the maximum height of 32 feet, to the Town Commission. Vice Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, and Board Member Campo voting in favor, and Board Member Mayfield and Board Member Fender voting against.

**c. Ordinance No. 451 - Amending Chapter 58-96 - Definitions**

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Chair Tompeck called for any public comments, to which there were none.

There being no discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 451, with the maximum height of 32 feet, to the Town Commission. Vice Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, Board Member Campo, and Board Member Fender voting in favor, and Board Member Mayfield voting against. Chair Tompeck stated that he received a letter of support from H.B. Barrett regarding the amendments.

**e. Ordinance No. 452 - Update Zoning Regulations**

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Chair Tompeck called for any public comments, to which there were none.

There being no discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 452, with the maximum height of 32 feet, to the Town Commission. Vice

Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, and Board Member Campo voting in favor, and Board Member Mayfield and Board Member Fender voting against.

**VII. BOARD MEMBER AND STAFF CLOSING COMMENTS**

**a. STAFF**

There was nothing heard under this item.

**b. BOARD MEMBERS**

There was nothing heard under this item.

**VIII. ADJOURN**

There being no further business, the meeting adjourned at 6:25 p.m.

**APPROVED:**

  
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Chair John Tompeck, Presiding Officer

**ATTEST:**

  
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April C. Stoncius, MMC, Town Clerk

Minutes approved at the meeting of: March 12, 2024