

# TOWN OF SEWALL'S POINT

JOHN TOMPECK  
Mayor

FRANK FENDER  
Vice Mayor

DAVID KURZMAN  
Commissioner

KAIJA MAYFIELD  
Commissioner

VINNY BARILE  
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  
April 23, 2024  
6:00 PM**

## I. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call

## II. PROCLAMATIONS AND PRESENTATIONS

- a. **Historical Preservation Month Proclamation**
  - 1) [2024 Historic Preservation Month Proclamation - Sandra Thurlow.pdf](#)
- b. **National Volunteer Month Proclamation**
  - 1) [2024 National Volunteer Month Proclamation.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 extensions of time are 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 - March**
  - 1) [Building Report - March.pdf](#)
- b. **Minutes - April 9, 2024, Regular Meeting**
  - 1) [04 09 24 Regular Meeting Minutes.pdf](#)

## VII. PUBLIC HEARING - ORDINANCE - SECOND READING

## VIII. PUBLIC HEARING - ORDINANCE - FIRST READING

## IX. RESOLUTIONS

## X. OLD BUSINESS

- a. **Referendum Ballot Language - Town Attorney**

1) Sewall's Point 2024 Ballot Questions DRAFT.pdf

**XI. NEW BUSINESS**

**a. Stormwater Management & Stormwater Utility - Town Manager**

1) Town Manager Memo - Stormwater Discussion.pdf

**b. Code Enforcement Board Member Appointment - Commissioner Barile**

1) Ordinance No. 453 - CEB Alternate Members.pdf

2) 2024 Boards & Committees Members Terms - CEB.pdf.pdf

**XII. DISCUSSION**

**XIII.**

**COMMISSION AND STAFF CLOSING COMMENTS**

**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.

Before the Mayor of the Town of Sewall's Point

Martin County, Florida

# A Proclamation

Declaring Historic Preservation Month in Sewall's Point, Florida  
Recognizing Local Historian & Author, Sandra Thurlow

**Whereas**, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride and maintaining community character; and

**Whereas**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

**Whereas**, historic preservation plays an important role in our lives, and we should celebrate the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**Whereas**, the Martin County Historic Preservation Board has planned events throughout Martin County during the month of May to increase awareness and the need for public participation in historic preservation in order to save our local treasures, and

**Whereas**, this year's Historic Preservation Month recognizes local historian and author, Sandra Thurlow, who is well-known for her historic preservation work.

**Now, therefore, the Town Commission of the Town of Sewall's Point** recognizes the month of May as Historic Preservation Month in Sewall's Point and recognizes local historian and author, Sandra Thurlow, for her immeasurable contribution to preserving the Town's history.

Presented this 23rd day of April, 2024

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John Tompeck  
MAYOR





Before the Mayor of the Town of Sewall's Point

Martin County, Florida

# A Proclamation

National Volunteer Month

April 2024

**Whereas**, April is National Volunteer Month – a month dedicated to recognizing the importance of volunteering and honoring the significant contributions volunteers make by generously donating their time and talents to worthy causes; and

**Whereas**, volunteer month is also an opportunity to recognize and thank volunteers who lend their time, talent, voice, and resources to meet the critical needs of our community; and

**Whereas**, volunteering brings people together, uniting us around our common belief in the dignity and equality of every person and giving us a chance to learn from others we might otherwise never meet; and

**Whereas**, the Town of Sewall's Point has an outstanding group of resident volunteers, who give willingly of their time to meet the needs of our citizens; and

**Whereas**, the Town of Sewall's Point recognizes those who serve our community, as volunteering and civic engagement is the cornerstone of a strong Town; and

**NOW, THEREFORE, the Town Commission of the Town of Sewall's Point**, hereby proclaims the month of April as National Volunteer Month in Sewall's Point and thanks every resident for their service to the Town.

Dated this 23rd day of April, 2024

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**John Tompeck**  
MAYOR





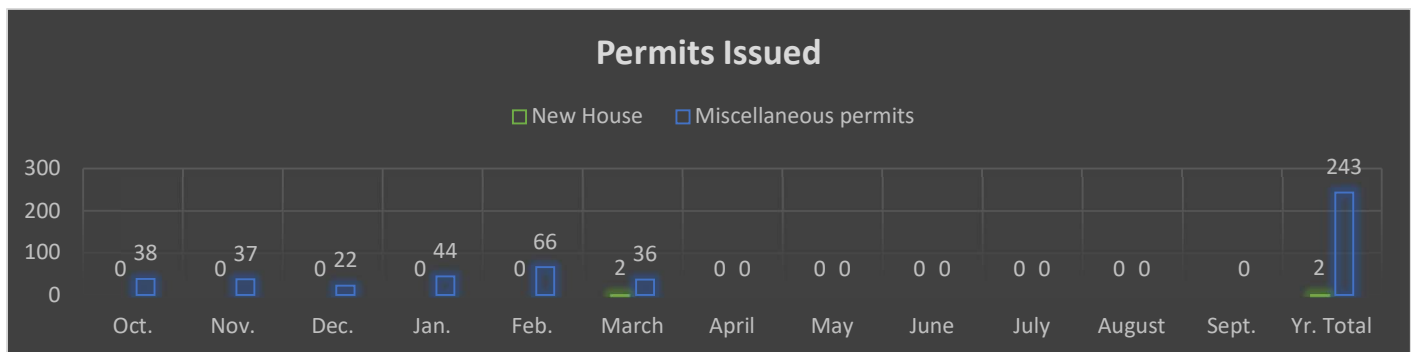
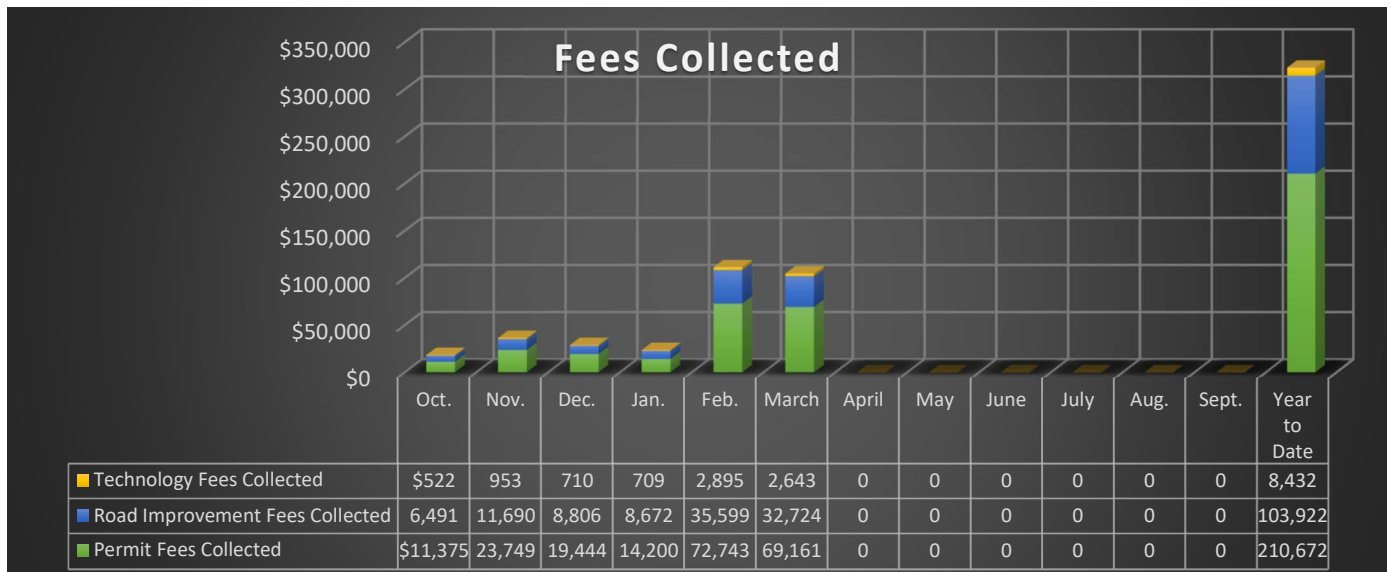
## Guidelines for Public Comments

- 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 April 23, 2024



**Building Department Budget for 2023-2024**

- Building Permit Fees: \$400,000 of which \$210,672 has been collected for the fiscal year to date.
- Road Improvement Fees: \$162,500 of which \$103,922 has been collected for the fiscal year to date.

\*\*\* 140 N SPR (fees collected in February and issued in March)

118 N SPR, is ready to issue any day with 2 others getting ready to submit

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

JOHN TOMPECK  
Mayor

FRANK FENDER  
Vice Mayor

DAVID KURZMAN  
Commissioner

KAIJA MAYFIELD  
Commissioner

VINNY BARILE  
Commissioner

# TOWN OF SEWALL'S POINT



ROBERT DANIELS-ICMA-CM  
Town Manager

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Chief of Police

JACK REISINGER, CBO  
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MARIA PIERCE  
Finance/HR Director

**Regular Town Commission Meeting Minutes**  
**April 9, 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. Ceremonial Swearing In – Commissioner Vinny Barile

The Town Clerk administered the Oath of Office to Commissioner Barile.

### c. Roll Call

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

## II. Recess (10- minutes) - Refreshment Break

Mayor Tompeck called a 10-minute recess at this time, and the meeting resumed at 6:15 p.m.

## III. PROCLAMATIONS AND PRESENTATIONS

There was nothing scheduled under this item.

**IV. 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.*

Bonnie Flint, 6 Palmetto Drive, requested to turn over her time to Frank Tidikis in lieu of her comments.

Frank Tidikis, 12 Cranes Nest, stated that an email was sent to the residents by Forever

Sewall's Point, which was a citizen's group dedicated to good government that monitored elected officials. He explained that the purpose of the group was to inform the citizens in the community of major decisions that effected everyone in the town. Mr. Tidikis stated that the website address was [www.sewallspoint.info](http://www.sewallspoint.info) that contained factual information from the Town, DEP, and Martin County. (See Attached)

## V. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

There were no changes made to the Agenda.

## VI. APPROVAL OF AGENDA

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

## VII. CONSENT AGENDA

- a. Financials – February and March
- b. Minutes – March 26, 2024, Regular Meeting
- c. Wright National Flood Insurance – Renewal

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

## VIII. PUBLIC HEARING - ORDINANCE - SECOND READING

There was nothing scheduled under this item.

## IX. PUBLIC HEARING - ORDINANCE - FIRST READING

There was nothing scheduled under this item.

## X. RESOLUTIONS

There was nothing scheduled under this item.

## XI. OLD BUSINESS

### a. Supervisor of Elections – Cost of Charter Referendum

The Town Manager stated that the cost received from the Supervisor of Elections for a precinct-based election would be \$1,930; the cost for advertising would be \$500, and the Town Attorney's fee would be \$2,000.

Commissioner Kurzman requested the mail ballot election option, to which the Town Manager responded that a referendum required 60% of the voters and should be an official



voting process during the November election cycle. Commissioner Kurzman commented that a precinct-based election would be appropriate.

Commissioner Mayfield inquired as to the Planning Board requirement being removed from the Charter, to which the Town Manager responded that a planning committee could be convened as needed on an ad hoc basis and recommended that the provision be removed. He advised that a policy or an ordinance would suffice, which would indicate the need to assemble the planning committee.

Commissioner Barile was in favor of the referendum, as the next review would occur in 10 years. Vice Mayor Fender was in favor of the referendum and requested the draft wording for the ballot. The Town Manager stated that the Town Attorney would provide it at the next meeting wherein the Commission would approve the language prior to placing it on the ballot.

Commissioner Mayfield was in favor of the referendum and the Charter Review Committee's recommendations. Mayor Tompeck was not in favor of a referendum, as the changes were not significant enough, and recommended the ordinance process in lieu of it.

There being no further discussion, Commissioner Barile **moved** to approve the Charter Review Committee's recommendations and to go out for referendum regarding the changes. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

**b. Snyder Marketing Communications Campaign – Funding Accounts**

The Town Manager stated that there would be budget savings in various accounts, which would provide for the funding to cover the management of the marketing campaign. Commissioner Barile inquired as to how those items would be covered if there was a shortage, to which the Town Manager responded that the excess funds would not be used, as there was money already allocated for the rest of the budget year.

It was the **consensus** of the Commission to utilize the funding mechanisms presented.

**XII. NEW BUSINESS**

**a. Restriction of Removal of Trees on Saturday – Commissioner Kurzman**

Commissioner Kurzman stated that most of the trees that were cut down without a permit occurred on Saturdays when Town Hall was closed. He recommended prohibiting tree removals on Saturdays, except if a permit was approved that should be posted on the property. Commissioner Kurzman pointed out that the Town was a Tree City and that the trees should be protected.

Susan Garrett, Assistant Town Attorney, stated that the state law passed in 2022 did not

require a permit for the removal of tree from private property. She advised that F.S. Section 163.045 indicated that local governments may not require a notice, application, approval, permit fee, or mitigation for the pruning, trimming or removal of a tree on residential property if the property owner possessed documentation by an arborist recommending removal.

Yara Bashoor, 25 S. Sewall's Point Road, stated that incentives to preserve trees would be a more positive approach.

Scott Craft, 4 Delano Lane, stated that he was denied a permit to cut down a carrotwood tree.

Steven Polachek, 92 N. Sewall's Point Road, stated that it should begin with the initial design process and managing how the home is situated on a lot.

Commissioner Barile stated that it would be impossible to enforce, and that the state had already passed a law against it. He pointed out that it was an infringement on property owners, as they should have the right to remove certain unprotected trees.

Cynthia Lucas, 1 Mandalay Road, stated that in her neighborhood the residents were encouraged to help each other with gardening and tree trimming. She pointed out that she knew an arborist that helped with the process and was against any ordinance as it was on private residential property.

Mayor Tompeck stated that an email from resident, Susan Krzepisz, was sent to the Commissioners that contained interesting recommendations and requested that they be reviewed by a citizens committee. (See Attached)

Commissioner Mayfield suggested that good-will information be communicated to the residents via the Communications Plan that was being implemented.

**b. Restriction of Parking on Town Streets prior to 8:00 a.m. – Commissioner Kurzman**

Commissioner Kurzman stated that the construction workers' vehicles were arriving between 6:30 a.m. - 7:00 a.m. and were making noise that disturbed the residents. He pointed out that the community just wanted peace and quiet prior to 8:00 a.m., as it was effecting the quality of life.

Mayor Tompeck inquired as to if there were any complaints logged on the matter, to which the Town Manager responded that he had only heard of them through Commissioner Kurzman. Chief Ciechanowski stated that if there was an issue, the residents should contact the Police Department and they would address it.

Frank Tidikis, 12 Cranes Nest, stated that the sewer crew that was working on South Sewall's Point Road often began work prior to 8:00 a.m.

Commissioner Mayfield was not in favor of a change, as it would do more harm than good,

and was a code enforcement issue. Mayor Tompeck requested staff forward any complaints to the Commission for review, as it would be revisited if there were a voluminous amount. Vice Mayor Fender remarked that there were complaints made on social media and that the public should call the Police Department, who would enforce the Town's Code.

The Town Manager stated that other building department jurisdictions had a two-year timeframe in which a home should be built, in order to alleviate these type of issues. He remarked that he would be happy to look into it, should the Commission give him direction to do so. Commissioner Kurzman commented that he would appreciate it if the Town Manager would look into it.

It was the **consensus** of the Commission to remain with the current parking restrictions, and not to amend the Code at this time.

**c. 1 Fieldway Drive Foreclosure Action – Town Manager**

The Town Manager stated that compliance was the issue and that he and the Building Official had met with the property owners recently to review what needed to be done to bring the property up to code. He pointed out that sand from the property was entering into the stormwater system, which was a concern, among other substantial violations. The Town Manager requested the authority to move forward with the foreclosure, in the event the property owners did not move forward as they had indicated.

Mayor Tompeck stated that the foreclosure cases were to be handled consistently, and that the fines that were being accrued because of non-compliance were not being addressed by the property owner. Commissioner Mayfield concurred with Mayor Tompeck and stated that if the issue of non-compliance was not addressed, then a foreclosure action would be in order.

There being no further discussion, Commissioner Mayfield **moved** to approve the authorization of a foreclosure action through the Town Attorney's Office. Vice Mayor Fender **seconded** the motion. The motion **passed** by roll call vote with Commissioner Mayfield, Mayor Tompeck, and Vice Mayor Fender voting in favor, and Commissioner Kurzman and Commissioner Barile voting against. The Town Manager clarified that if compliance was not met, he would return to the Commission for their approval prior to proceeding with the foreclosure action.

**XIII. DISCUSSION**

**a. Capital Improvement Projects Update – Town Engineer**

The Town Engineer, Joe Capra, provided an update on the CIP's (See Attached) and stated that there were outstanding grant funds for Phase 1. He stated that information was being gathered in order to design Phase 2 of the road project and that easements were in the process of being obtained from residents. The Town Engineer stated that the next portion of the project would be the Phase 3 construction. Commissioner Barile inquired as

to how it was decided how to assess certain areas, to which the Town Manager responded that there were no required assessments in place. The Town Engineer said that there would be a meeting held on April 11, 2024 at 5:00 p.m., in order to discuss the tree canopy preference with the residents.

Vice Mayor Fender inquired as to a cash flow management plan regarding Phase 3, as he was concerned about the funding being in place at the appropriate time. The Town Manager responded that the information would be provided at the next meeting under the Capital Improvement Projects.

**b. Heritage Lot Update – Yara Bashoor**

Ms. Bashoor stated that she had not received any offers to-date, but was still working on marketing the lot and would report back to the Commission in a month.

**XIV. COMMISSION AND STAFF CLOSING COMMENTS**

**a. STAFF**

The Town Manager stated that a discussion in reference to the Tree Canopy with Mike Flaugh, Landscape Architect, was taking place on Thursday at 5:00 p.m. in the Chambers for the residents, which would be televised on YouTube. He stated that if residents could not attend the meeting, their emails would be welcomed with any suggestions on the kind of tree that would be planted for the canopy.

The Town Manager stated that an Arbor Day Celebration would be held on April 27, 2024, at Lantana Park, and that it would become an annual event. He clarified that this year there would be a Tree Giveaway for the residents funded by the tree fund.

The Town Manager stated that the Town Clerk had worked to obtain the new seal from the Arbor Day Foundation, designating the Town as a Tree City for the 32nd year.

The Town Manager stated that the Eggstravaganza Event on March 29<sup>th</sup> brought the whole community together, and thanked staff for coordinating it.

**b. COMMISSIONERS**

Vice Mayor Fender thanked staff for the Spring Fling event and stated that bringing the community together was important. He pointed out that there was a proper process for public comments and recommended that it be followed moving forward. Vice Mayor Fender stated that Ms. Krzepisz had provided recommendations in an email in reference to saving trees and that Mayor Tompeck's suggestion of a citizens committee should be implemented.

Vice Mayor Fender was concerned with the non-permeable driveway that was installed at 10 Oakwood Drive, as well as the tree issues on the property. The Town Manager stated



that he would be reviewing the ordinance for clarity and would recommend any amendments after consulting with the Assistant Town Attorney.

**XV. ADJOURN**

There being no further business, the meeting adjourned at 8:10 p.m.

**APPROVED:**

\_\_\_\_\_  
Mayor John Tompeck, Presiding Officer

**ATTEST:**

\_\_\_\_\_  
April C. Stoncius, Town Clerk

Minutes approved at the meeting of: April 23, 2024

Mayor Tompeck, Vice Major Kurzman, Commissioner Barile, Commissioner Fender and Commissioner Mayfield:

An email was sent out by the town to the residents making several assertions:

1. **Person (s) unknown are utilizing public information.**
  - a. Let me clarify this statement. The email was sent out by Forever Sewall's Point which is a citizen group dedicated to "Good government depends on a well-informed citizenry that monitors the actions of individuals holding office. Our purpose is to inform members of the Sewall's Point community about what is going on at town hall. Not everyone has time to attend town meetings where major decisions are made that affect us all." I am the registered agent for the organization which is a Florida Not-for-Profit and a 501(c) (4).
  - b. Yes, we are using public information from the Town, DEP and Martin County.
  - c. Everything on our website ( <http://www.sewallspoint.info> ) is factual.
  
2. **The assertion was made that this was to "mislead our community with nonfactual information".** Which of these statements is not grounded in fact?
  - a. When your septic system fails you will be **required** to hook up to the sewer line and have a grinder system installed on your property. Florida Statute 381.00655 (<https://m.flsenate.gov/Statutes/381.00655>) requires you to connect to a sewer line if it is available.
  - b. Martin County Utilities will own the sewer system and you will be billed by them when you connect.
  - c. The connection charge has not been determined but it has been estimated in the Captec Report to run between \$8-12,000/household. The septic tanks will be crushed and abandoned.
  - d. According to the rates published by Martin County Utilities, the Minimum Monthly Bill effective 1 June 2023 was \$19.73, a Consumption Charge of \$4.82/ 0-10,000 gallons of water usage, and a Service Availability Charge (SAC) of 15.63 for a total of \$40.18 per month. Rates were increased by 2.5% in June of 2023
  - e. The Phase 1 grant application stated, "This initial installation will provide the first 148 homes with access to sewer. A combination of a conventional vacuum sewer, gravity and grinder system will be implemented to achieve hook up into the Martin County owned and maintained utility." The application was approved by the Commission and the application was signed by the Town Manager.
  - f. In order to provide sewer to the entire south Sewall's Point area of 706 homes, it will require the town to spend an estimated \$29,548,900 and will **"Require a Mandatory Special Assessment** on all residents of South Sewall's Point to cover the difference in costs needed to reach the required 50/50 match unless other means of making up the difference is found. "(page 33 Captec Study

- g. The TSP Plan for Resiliency, Sustainability & Clean Water, Budget Year 2021-2022 estimated that \$7.8 million would be needed from 708 property owners, which equates to \$11,000/household; this is in addition to the connection charge of \$8-12,000.
- h. There are less costly options which will avoid any assessment

Let's review disinformation put out by the town;

- 1. When it was pointed out to the Commissioners in a meeting, that there were errors in a grant request, the comment was to pull the application back and correct the errors would look bad.
- 2. Last month, I pointed out other errors in grant requests.
- 3. The claim that 75% of residents approve of sewers is not t factual. The town have no documents to support this assertion.
- 4. The basis of the Captec Report was a more thorough study done by Giffels Webster. Captec was reimbursed for paying Giffels Webste for the work product yet the town denies the report exists when a FOIA request was made.
- 5. A grant application claiming that SP was named the area in MC most vulnerable to flooding is not factual.
- 6. Claiming that the Indian River Lagoon adjacent to Sewall's Point is "impaired" is not based on fact. Interactive FDEP maps show waterbodies that are:
  - a) impaired;
  - b) in a BMAP: or
  - c) have high FDEP total maximum daily loads of nutrients -which require mandated remediation.

Clearly, the lagoon here falls into none of these categories. only West High Point and some homes W of River Road are in a BMAP.

**These false claims have been pointed out to The Commissioners, Town Management and Captec. Yet they persist and we, the citizens, are accused of "misleading the community with nonfactual information".**

This email blast was sent out by the staff of TSP. A retraction is due. Otherwise, these statements are libel which is defined as: **the publication of false statements that damage someone's reputation**. Libel refers to specific facts that can be proved untrue and that is the case here. The Town has put out libelous statements. **A retraction is in order.**

Thank you,  
Frank Tidikis  
A member of Forever Sewall's Point

**From:** [Susan Krzepisz](#)  
**To:** [John Tompeck](#); [Frank Fender](#); [Kaija Mayfield](#); [Dave Kurzman](#); [Robert Daniels](#); [April Stoncius](#)  
**Subject:** Saving Our Trees – Concerns, Comments, and Suggestions  
**Date:** Monday, April 8, 2024 8:58:11 AM

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Honored ladies and gentlemen of the Sewall's Point Town Commission and management team,

My name is Susan Krzepisz, and I have resided at 10 Rio Vista Drive since 1979. Much has changed over the past 44 years, but one constant has always been the majestic presence of our trees, especially the mature live oak trees. I am blessed with two of these giants on my property and two (formerly three) more on neighboring lots. Every morning, I step outside to spend time in their soothing presence and ground myself before tackling the challenges of my day.

However, more than being important to me personally, our trees are an integral part of our community. In fact, as a nationally recognized Tree City, we can say that Sewall's Point is defined by its trees. These are living treasures which we (as per our numerous ordinances) are clearly determined to protect.

Given all this, I was shocked to discover on Thursday, March 21st, that my neighbor's live oak at 8 Rio Vista Dr. was being cut down completely. When I called city hall, this news seemed to catch everyone there by surprise as well, and I watched another portion of the tree disappear before anyone could confirm that the operation was properly permitted. Later, the owner informed me she was having the tree removed because it was "encroaching on her lanai," with no mention made of the tree being sick, rotting, or a threat to the house itself. As far as I am aware, no consideration was given to possible alternative actions.

What really struck me, however, was a comment made by another individual in the owner's company: "They should have been more careful where they planted these trees." This person was sadly unaware that mature live oaks, such as this one was, have been here centuries before anyone "planted" houses around them—or, in this case, expanded an existing house (a different owner, years ago) without apparent regard for how the structure might "encroach" on the tree.



As a software engineer, I'm familiar with AI tools, which I used to analyze pictures I took of the tree's cross-section (see attached). Here is a portion of the resulting report by Claude 3.0 Opus AI:

"The cross-section analysis of this live oak tree reveals that it was approximately **250-280 years old** at the time it was cut down. As a long-standing fixture in its local ecosystem, this tree would have provided habitat, shade, and sustenance for countless species of flora and fauna over the centuries. The loss of such a significant tree is a poignant reminder of the importance of preserving and protecting our mature tree populations for the myriad ecological benefits they provide."

Other ecological benefits provided by mature live oaks that are of particular interest to us during these times of climate extremes include:

- Stabilizing the soil and preventing erosion.
- Mitigating storm surges and—thanks to their very strong wood—storm winds.
- Cooling streets and homes with their shade, helping to reduce energy usage.
- Absorbing significant amounts of carbon dioxide, cleaning the air we breathe.

On a more practical note, mature trees have been shown to enhance property values considerably. (<https://news.unl.edu/newsrooms/today/article/study-trees-have-315-billion-impact-on-home-values-each-year/>)

While there are certainly instances where tree removal is necessary for the safety and well-being of our residents, I believe such decisions need to be approached with great care. There always has to be a recognition that losing a single mature live oak can have serious consequences for our environment, quality of life, and property values.

To that end, I would like to offer the following measures for your consideration to further strengthen our town's commitment to protecting our trees:

## **1. Create a Significant Tree designation**

Designate any tree of a caliper greater than a specified amount (perhaps 36 inches) as a “Significant Tree.” This would recognize their exceptional age and ecological value and trigger greater scrutiny during the permitting process.

## **2. Enhanced Documentation Requirements for Significant Trees**

For the removal of a Significant Tree, require documentation by a qualified professional at the owner’s expense. Preferably, this professional would be a qualified arborist, not a landscape architect, as is currently allowed in the definitions section of the code. This would ensure that all alternatives are exhausted before removal is permitted. The town might further consider limiting arborists who can sign off on these documents to a select few known for their experience and quality work.

## **3. Update Permit Fees for Significant Trees**

Implement a tiered permit fee structure based on the tree’s caliper, with higher fees for older, larger trees to discourage unnecessary removal.

## **4. Strengthen Mitigation Plan Requirements**

Establish strict deadlines and enforcement mechanisms for the completion of agreed-upon mitigation plans.

## **5. Introduce Notification Procedures**

### **a. Significant Trees**

Notify neighboring property owners when a non-emergency removal permit is sought. Since Significant Trees affect property values and quality of life, sufficient time should be allowed for owners to raise concerns and/or examine mitigation plans.

### **b. Cutting projects expected to exceed two days in duration**

Notify neighboring property owners/residents before extended cutting operations begin.

In my case, I work from home, and several days of chainsaws and chippers right in front of my office window adversely affected my productivity. By the last day of non-stop chainsaws and grinders running, I could not remain in my home at all. This not only lost me a day's income and jeopardized an important client deadline, it also forced me to take my 94-year-old mother (who has limited mobility and is easily stressed) out of her familiar environment for an extended period. I would have appreciated being able to prepare for this considerable inconvenience.

## **6. Establish/Increase Penalties**

Review and increase penalties and tighten enforcement procedures for non-compliance with mitigation plans and permit requirements for any cutting projects, but especially when these include Significant Trees.

## **7. Update Appeals Process for Significant Trees**

Include a review by a dedicated tree board and/or the town commission for appeals of denied permits involving the removal of Significant Trees.

## **8. Increase Resident Awareness**

Enhance resident awareness of tree protection policies and the Heritage Tree program. Initiatives might include:

- Featuring professionally photographed heritage trees in the email newsletter, Stroll magazine, and the town's social media accounts. Include notable features and details about the tree's history.
- Maintain an online map of heritage trees, including key data about each.
- Encourage heritage tree nominations through special recognition and/or gift certificates to area restaurants or other businesses that might be interested in sponsoring such efforts.

Implementing these measures would strengthen protections for our oldest, most important trees while balancing the needs of our growing, ever-changing community.

In closing, I would urge you to always keep in mind that in these times of volatile weather, skyrocketing real estate markets, and countless outside influences, we must be more vigilant than ever to preserve our mature live oaks. These magnificent giants are more than trees; they are the irreplaceable natural treasures that define our community and make Sewall's Point such a special place to call home.

Thank you for your time and consideration,

Susan Krzepisz

10 Rio Vista Dr.



**TOWN COMMISSIONER ELIGIBILITY**

The present Charter requires a Town Commissioner to be a registered qualified voter in the Town. The Town Commission has proposed to add that a person must have been a registered qualified voter in the Town for at least one year to be eligible for election as Commissioner or remain in office.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

**FORFEITURE OF OFFICE**

The present Charter does not address commissioner forfeiture of office. The Town Commission has proposed to add a provision that the office shall be forfeited for failure to meet qualifications, conviction of a felony, or unexcused absences from three consecutive regular meetings.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

**REGULATION OF TRANSPORTATION**

The present Charter provides for the power to license, regulate and tax carriages, wheelchairs, cars, vehicles, motors, omnibuses, wagons and drays. The Town Commission has proposed that wheelchairs and drays be deleted from this provision.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

**TOWN PLANNING BOARD**

The present Charter provides for the power to create and appoint members to a Town Planning Board, but this has not been implemented and would be redundant as planning functions are performed by other bodies. The Town Commission proposes that the provision for a Town Planning Board be deleted from the Charter.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

DRAFT

# TOWN OF SEWALL'S POINT



**TO: Town of Sewall's Point Commission**  
**FROM: Robert Daniels, Town Manager**  
**SUBJECT: Stormwater Management & Stormwater Utility Discussion**  
**DATE: Regular Commission Meeting – April 23, 2024**

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## **Background:**

Stormwater refers to the precipitation that falls onto surfaces such as roads, parking lots, rooftops, and other impervious surfaces and then flows overland or is channeled through stormwater drainage systems. Unlike water that is absorbed into the ground (known as infiltration), stormwater runs off these surfaces, often picking up pollutants like oil, sediment, and debris along the way. This runoff eventually makes its way into rivers, lakes, streams, and other water bodies, potentially causing pollution and environmental damage if not managed properly.

Stormwater management involves controlling and treating this runoff to minimize its impact on the environment and public health. This can include measures such as building retention ponds, installing permeable pavement, constructing vegetated swales, and implementing erosion control measures to reduce the quantity of runoff and remove pollutants before they reach water bodies. Stormwater management is essential for protecting water quality, preventing flooding, and maintaining the health of aquatic ecosystems.

Over the past several years, the Town has been working to improve the infrastructure to assist with stormwater runoff. The Town has been successful in obtaining grants to help fund improvements to the infrastructure. With this being said, there is still additional funding being sought to help minimize the financial impact on the Town in regards to the infrastructure improvements. However, with the infrastructure improvements, comes the ongoing maintenance of the systems and monitoring and reporting requirements by the NPDES permit. Unfortunately, there are currently no grants that help pay for the management and reporting portion of the stormwater program.

The Town has spent over \$250,000 over the past two and a half years to cover the cost of stormwater maintenance and repairs to the failing system. As the stormwater systems are put into place or replaced, the Town should take the next steps to put into place a stormwater utility that would help fund the maintenance of the system as well as set aside funds for future emergency repairs as needed.

There are several things that need to be discussed when looking to establish a stormwater utility. Staff has summarized some of the areas that will need to be looked at if the Commission wishes to proceed forward with a stormwater utility. The first being the benefits or reasons the utility is needed. The second thing are the fundamentals behind the rate structure, and then the type of rate structure.

Here are some examples of some reasons why a stormwater management utility is important:

1. **Environmental Protection** – the Town is required to manage stormwater runoff, which helps prevent pollutants such as sediment, chemicals, and debris from entering the water ways on both sides of Sewall’s Point, preserving water quality and supporting aquatic ecosystems.
2. **Compliance with Regulations** – The Town of Sewall’s Point is required to maintain the stormwater system to the standards set by NPDES. These requirements are put in place to ensure water quality standards and protect the public health and safety. By having a stormwater utility, the Town can adequately fund and help ensure compliance with the regulations, reducing the risk of fines or penalties.
3. **Effective Stormwater Management** – A comprehensive management plan helps mitigate flooding, erosion, and water pollution, protecting property, infrastructure, and the surrounding environment.
4. **Long-Term Planning and Investment** - Establishing a stormwater utility allows for long-term planning and investment in stormwater infrastructure and management practices.
5. **Community Engagement** - A stormwater utility provides opportunities for community engagement and education on stormwater issues, encouraging residents and businesses to take action to reduce runoff and pollution. This fosters a sense of shared responsibility for protecting the environment and enhances community resilience.

The rate structure for a stormwater utility determines how fees are assessed and collected from ratepayers to fund the costs of managing stormwater runoff. Below are some of the fundamentals and possible approaches that should be discussed when designing a rate structure:

1. **Cost-Recovery Principal** - The rate structure should be designed to recover the costs of providing stormwater management services, including operation, maintenance, and capital improvements. The rate structure should generate sufficient revenue to cover the costs of operating the stormwater utility and maintaining adequate reserves for future capital investments and emergencies.
2. **Equity & Fairness Principal** - The rate structure should distribute costs fairly among ratepayers based on factors such as property size, impervious surface area, or runoff contribution to ensure that those who benefit from stormwater management services pay their fair share.
3. **Affordability Principal** - The rate structure should be affordable for ratepayers, taking into account factors such as income levels, property values, and socioeconomic disparities within the community.
4. **Transparency & Predictability Principal** - The rate structure should be transparent and predictable, with clear explanations of how fees are calculated and any potential adjustments or changes in rates over time.



There are various types of rate structures that a stormwater utility can utilize. The rate structure would need to be discussed and approved by the Commission. Below are just a few ideas the Commission could consider:

1. **Flat Fee:** Charge all ratepayers a fixed monthly fee regardless of property size or impervious surface area. This approach provides simplicity and predictability but may not accurately reflect the varying levels of stormwater runoff generated by different properties.
2. **Tiered Rates:** Establish different fee tiers based on property characteristics such as size, land use, or impervious surface area. Properties with higher levels of impervious surfaces or larger footprints would be charged higher rates to reflect their greater contribution to stormwater runoff.
3. **Equivalent Residential Unit (ERU):** Define a standard unit of measurement (e.g., based on the average impervious surface area of a typical residential property) and charge all ratepayers a fee based on the number of ERUs associated with their property. Commercial and industrial properties would be charged based on their ERU equivalents.
4. **Variable Rate Structure:** Implement a variable rate structure that considers factors such as property slope, soil type, proximity to water bodies, or stormwater management practices implemented on-site. This approach incentivizes property owners to implement measures to reduce runoff and mitigate the impacts of stormwater.
5. **Combined Approach:** Combine elements of multiple rate structures to balance simplicity, equity, and revenue sufficiency. For example, a rate structure could include a flat fee for residential properties and tiered or variable rates for commercial and industrial properties based on their impervious surface area or runoff characteristics.

### **Recommendation:**

Overall, establishing a stormwater utility fee can be complicated. This memo just briefly touched on the importance of the utility and different ideas around the rate structure. It is in staff's opinion, that a stormwater utility is fiscally responsible and essential in helping ensure an effective stormwater management system, which in turns helps ensure environmental protection and the health and sustainability of the Town of Sewall's Point.

This is not a decision that should be rushed into, however, if the Town Commission would like to proceed, it is recommended that a RFQ be issued to retain a company to perform a rate study along with citizen education and then come back to the Commission with a recommendation.

Ultimately, the choice of rate structure and fee will depend on the specific characteristics and priorities of the community, as well as considerations such as legal requirements, public input, and financial feasibility.



**ORDINANCE NO. 453**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 18, ENFORCEMENT, ARTICLE I, GENERAL, DIVISION 2, CODE ENFORCEMENT ENTITIES, SECTION 18-116, CREATION, APPOINTMENT AND ORGANIZATION OF CODE ENFORCEMENT BOARD, TO AMEND THE PROCEDURE FOR APPOINTING BOARD MEMBERS AND ALTERNATES, 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**, section 162.05, Florida Statutes, governs the creation and organization of local government code enforcement boards;

**WHEREAS**, section 162.05, Florida Statutes, provides that municipalities having a population of less than 5,000 may appoint a five -member or seven-member code enforcement board up to two alternate members to serve for a term of three years, with members to be selected based upon experience or interest in the subject matter jurisdiction of the code enforcement board; and

**WHEREAS**, section 18-116 of the Town's Code of Ordinances provides for the creation, appointment and organization of the Town's Code Enforcement Board; and

**WHEREAS**, code section 18-116 currently provides for each commissioner to nominate one member and one alternate, whose terms shall run concurrently with that of the nominating commissioner; and

**WHEREAS**, the Town Commission therefore desires to amend Section 18-116 of the Code of Ordinances to make it fully consistent with section 162.05, Florida Statutes.

**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 18, Enforcement, Article I, General, Division 2, Code Enforcement Entities, Section 18-116, Creation, Appointment and Organization of Code Enforcement Board, is hereby amended as follows (deletions are shown by overstrike; additions are underlined):

**Sec. 18-116 - Creation, appointment and organization of code enforcement board.**

(a) There shall be a board known as the Code Enforcement Board of the Town of Sewall's Point, Florida, which shall consist of five full-time members and ~~five~~ two alternate members. Members of the code enforcement board shall be residents of the town. Appointments shall be made in accordance with section 162.05, Florida Statutes.

(b) ~~Each commissioner shall nominate one member and one alternate, whose terms shall run concurrently with the commissioner's term of office unless the member is otherwise removed from the board as set forth herein.~~ The members of the code enforcement board and alternates shall be nominated by members of the town commission and approved by a majority vote of the commissioners present when the vote is taken. Each member of the Town Commission shall be entitled to nominate one member of the code enforcement board. The Commission as a whole will nominate two alternates. Each board member or alternate shall serve for a term of three (3) years from the date of appointment. Any member may be reappointed for successive terms upon the ~~appropriate nomination and the approval of the town commission.~~ Appointments to fill any vacancy on the code enforcement board shall be for the remainder of the ~~appointing commissioner's unexpired term of office.~~ If any member fails to attend two of three successive meetings without cause and without prior approval of the chairman, the code enforcement board may declare the member(s) office vacant, and the town commission shall promptly fill the vacancy. The members shall serve in accordance with the Code and may be suspended or removed with cause as determined by the town commission.

(c) The members of the code enforcement board shall elect a chairperson, who shall be a voting member, from among its members. The presence of three or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for travel, mileage and per diem expenses as authorized by the town commission.

(d) The code enforcement board may be represented by its own legal counsel independent of the town attorney. The town commission shall be responsible for the selection of said attorney in accordance with section 2-34 of the 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 Mayfield offered the Ordinance for its first, reading and moved its adoption. The motion was seconded by Commissioner Fender, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DAVE KURZMAN, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAMES W. CAMPO, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRANK FENDER, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KAIJA MAYFIELD, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Passed first reading at the Regular Meeting of the Town Commission held on the 24th day of October, 2023.

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

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DAVE KURZMAN, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAMES W. CAMPO, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRANK FENDER, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KAIJA MAYFIELD, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Passed second reading at the Regular Meeting of the Town Commission held on the 14th day of November, 2023. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 14th day of November, 2023.



TOWN OF SEWALL'S POINT, FLORIDA

  
\_\_\_\_\_  
John Tompeck, Mayor

ATTEST:

  
\_\_\_\_\_  
April C. Stoncius, Town Clerk

Approved as to form and legal sufficiency:

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

(TOWN SEAL)



<b>Code Enforcement Board Members</b>				
	<b>Position</b>	<b>Terms</b>	<b>Appointed By</b>	<b>Email Address</b>
Michael Raskin		11/2020-11/2024	Mayfield	<a href="mailto:rask1553@bellsouth.net">rask1553@bellsouth.net</a>
Johnny Colson	Chair	11/2022- 11/2026	Kurzman	<a href="mailto:seminolecowboy24@yahoo.com">seminolecowboy24@yahoo.com</a>
Dr. Chuck Farrow		11/2024- 11/2026	Barile	<a href="mailto:CHARLES FARROW &lt;bb34@comcast.net&gt;">CHARLES FARROW &lt;bb34@comcast.net&gt;</a>
Gloretta H. Hall, P.A.	Alternate	11/2022-11/2026		<a href="mailto:ghh@glorettahallpa.com">ghh@glorettahallpa.com</a>
Tedd Dillard		11/2020-11/2024	Tompeck	<a href="mailto:tedd.dillard@gmail.com">tedd.dillard@gmail.com</a>
Kathy Miscoski	Vice Chair	11/2020-11/2024	Fender	<a href="mailto:kjmiscoski@gmail.com">kjmiscoski@gmail.com</a>
Nayomi Omura	Alternate	11/2020-11/2024		<a href="mailto:nayomiomura@hotmail.com">nayomiomura@hotmail.com</a>
		<b>Board Attorney</b>		
Tyson J. Waters, Esquire		3473 SE Willoughby Blvd.		<a href="mailto:twaters@foxmcccluskey.com">twaters@foxmcccluskey.com</a>



