

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
May 28, 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. 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) [TSP-Public Comment Guidelines.pdf](#)

IV. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

V. APPROVAL OF AGENDA

VI. CONSENT AGENDA

- a. Financials - April
 - 1) [May - Commission Meeting - April 2024 Financials.pdf](#)
 - 2) [Financials - April.pdf](#)
- b. Building Report - April
 - 1) [April 2024 staff report.pdf](#)
- c. Minutes - May 14, 2024, Regular Meeting
 - 1) [05 14 24 Regular Meeting Minutes.pdf](#)

VII. PUBLIC HEARING - ORDINANCE - SECOND READING

VIII. PUBLIC HEARING - ORDINANCE - FIRST READING

- a. Ordinance No. 459 - Referendum Authorizing Residency Requirement for Qualifying as a Town Commissioner in Town Charter
 - 1) [TM Memo - Ordinance 459 authorizing referendum adding one year residency for commissioner.pdf](#)
 - 2) [Ordinance No. 459 - Referendum Authorizing Forfeiture of Office - One Year Residency](#)

[Requirement.pdf](#)

PUBLIC COMMENT

b. Ordinance No. 460 - Forfeiture of Office Provision

- 1) [TM Memo - Ordinance No. 460 - Authorizing forfeiture of office provisions.pdf](#)
- 2) [Ordinance No. 460 - Charter Amendment Referendum. Forfeiture of Office.pdf](#)

PUBLIC COMMENT

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

- 1) [TM Memo - Ordinance No. 461 - drays and wheelchairs from regulation.pdf](#)
- 2) [Ordinance No. 461 - Charter Amendment Referendum.Regulation of Transportation.pdf](#)

PUBLIC COMMENT

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

- 1) [TM Memo Ordinance No. 462 - removing requirement for planning board.pdf](#)
- 2) [Ordinance No. 462 - Charter Amendment Referendum.Town Planning Board.pdf](#)

PUBLIC COMMENT

e. Ordinance No. 463 - Impermeable Area

- 1) [TM Memo Ordinance No. 463 - removing wood decks and paver exemptions.pdf](#)
- 2) [Ordinance No. 463 - Amending Sec. 82-1 Revised 05.21.24.clean2.doc Impermeable.pdf](#)

PUBLIC COMMENT

f. Ordinance No. 464 - Lot Coverage Calculation

- 1) [TM Memo Ordinance No. 464 -Adding pools to lot coverage.pdf](#)
- 2) [Ordinance No. 464 Amending Sec. 82-423 05.17.24.pdf Lots.pdf](#)

PUBLIC COMMENT

IX. RESOLUTIONS

a. Resolution No. 971 - Adopting Capital Improvement Plan

- 1) [Resolution No. 971 - CIP.pdf](#)

PUBLIC COMMENT

X. OLD BUSINESS

XI. NEW BUSINESS

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.



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 of Sewall's Point Commission
FROM: Maria Pierce, Finance Director
SUBJECT: April 2024 Financial Statements
DATE: Regular Commission Meeting – May 28, 2024

Attached are the monthly financial statements for April 2024. The Town is currently at 58% of the fiscal year completed. The monthly financials are broken out by funds. Although the first column on the Revenue and Expenditure report is titled 2023-24 Amended Budget, this column only reflects a few budget adjustments in the Capital Project Fund. The original budget amount has not been increased nor decreased in the fund.

Balance Sheet

The two columns shown on the Balance Sheet contains the ending balances for the fiscal year 2023 (first column) and the ending balances as of April 2024. The consolidated cash balance through April 2024 is \$2,815,898.03. The investment account balance as of April 2024 is \$3,917,897.14. The net revenue by fund for the current fiscal year through April is:

Fund	Net Revenue
General Fund	\$1,132,109.25
Building Fund	22,208.05
Capital Projects	250,131.26
Total	\$1,404,448.56

Revenue and Expenditure Report

The columns on the Revenue and Expenditure Statements are the 2024 Adopted Budget, the YTD revenue and expenditures, the variance of actual to budget and the percent of budget used through April 2024.

General Fund

Total revenue collected in the General Fund through April 2024 was \$3,202,219.52. This amount reflects \$2,782,073.78 million or 98.7% of the budgeted Ad Valorem Taxes. Looking at the total revenues received excluding the Ad Valorem Taxes, revenues came in at 64% of the budgeted amount for the fiscal year.

The amount of the budgeted funds used in the General Fund through April 2024 is \$2,070,110.27. This amount reflects the transfer of property taxes to the Capital Fund of \$344,764 as well as the first, second, & third quarter payments for the fire services contract with the City of Stuart of \$423,923.25. When

removing those two figures for a more accurate representation of day-to-day operational costs and budget status, the Town has used \$1,301,423.02 or 50% of the budgeted expenditures for the fiscal year.

Building Fund

Total revenue collected in the Building Fund through April 2024 was \$269,067.25, which is 59.6% of the budgeted revenue.

Total expenditures for this fund through April 2024 are at \$246,859.20, 54.7% of the budgeted expenditures, which is similar to funds spent through the same time-period last year.

Capital Fund

As of April 2024, revenue received was \$930,852.47, of which \$232,020.48 is 70% of budgeted revenues excluding projected grant revenues. Other revenues received in the Capital Fund include a transfer of \$344,764.00 from the General Fund which are restricted for the storm water projects that are projected to start this year and a grant reimbursement from FDEP LPA0217 of \$185,000 for the Commercial Septic to Sewer project that has recently been completed. The Town has also received its first reimbursement of \$166,023 from Martin County for the water main replacement project.

Expenditures as of April 2024 are \$680,721.21 which is 3.8% currently, but will continue to increase as septic to sewer and water main construction bills are paid in the upcoming months.

Recommendation:

Staff recommends approval.

BALANCE SHEET FOR TOWN OF SEWALL'S POINT
 Period Ending 04/30/2024

Fund 001 GENERAL FUND

GL Number	Description	Current Year Beg. Balance	Balance
*** Assets ***			
CASH			
001-000-101.501	SEACOAST OPERATING 6501	283,938.49	1,420,821.24
001-000-101.771	SEACOAST SWEEP 6771	529,451.64	529,451.64
CASH		813,390.13	1,950,272.88
INVESTMENTS			
001-000-104.000	FL STATE 272201 LGIP	1,987,528.63	2,077,303.95
001-000-104.001	FL STATE 272202 LGIP	10,416.30	10,661.19
INVESTMENTS		1,997,944.93	2,087,965.14
ACCOUNTS RECEIVABLE			
001-000-115.000	ACCOUNTS RECEIVABLE	13,050.00	13,050.00
001-000-115.006	ACCRUED RECEIVABLE - FPL	51,132.87	0.00
ACCOUNTS RECEIVABLE		64,182.87	13,050.00
DUE FROM OTHER GOVT			
001-000-133.000	INTERGOVERNMENT REVENUE REC	107,117.91	41,116.40
DUE FROM OTHER GOVT		107,117.91	41,116.40
PREPAID ITEMS			
001-000-155.000	PREPAID EXPENSES	2,493.30	720.62
PREPAID ITEMS		2,493.30	720.62
FIXED ASSETS			
FIXED ASSETS		0.00	0.00
Total Assets		2,985,129.14	4,093,125.04
*** Liabilities ***			
ACCOUNTS PAYABLE			
001-000-202.000	ACCOUNTS PAYABLE	52,662.58	135.32
001-000-208.001	STATE FEES PAYABLE	17,879.91	23,194.60
001-000-217.000	PAYROLL LIABILITIES	40,726.06	40,828.55
001-000-217.001	FEDERAL W/H TAX	0.00	3,373.85
001-000-217.210	FICA W/H TAX	0.00	(45.24)
001-000-217.211	MEDICARE W/H TAX	0.00	(979.52)
001-000-217.220	457 DEDUCTION	0.00	2,450.64
001-000-217.221	ACCRUED RETIREMENT PLAN EXPS	0.00	15,967.68
001-000-217.223	RETIREMENT PLAN LOAN REPAYMENTS	0.00	3,008.29
001-000-217.230	BLUE CROSS BLUE SHIELD	0.00	(821.85)
001-000-217.231	DENTAL AND VISION	0.00	258.15
001-000-217.232	AFLAC	0.00	140.64
001-000-217.233	LIFE INSURANCE	0.00	(355.91)
001-000-223.000	DEFERRED REVENUE	4,201.11	4,201.11
ACCOUNTS PAYABLE		115,469.66	91,356.31
ACCRUED LIABILITIES			
ACCRUED LIABILITIES		0.00	0.00
Unclassified			
Unclassified		0.00	0.00

BALANCE SHEET FOR TOWN OF SEWALL'S POINT
 Period Ending 04/30/2024

Fund 001 GENERAL FUND

GL Number	Description	Current Year Beg. Balance	Balance
*** Liabilities ***			
	Total Liabilities	115,469.66	91,356.31
*** Fund Balance ***			
Unclassified			
001-000-283.000	DISASTER RESERVE	1,000,000.00	1,000,000.00
001-000-283.001	OPERATING RESERVE	500,000.00	500,000.00
001-000-283.002	RESTRICTED - FIRE SERVICES	200,000.00	200,000.00
001-000-284.000	OPERATING FUND UNRESTRICTED	1,169,659.48	1,169,659.48
	Unclassified	2,869,659.48	2,869,659.48
	Total Fund Balance	2,869,659.48	2,869,659.48
	Beginning Fund Balance		2,869,659.48
	Net of Revenues VS Expenditures		1,132,109.25
	Ending Fund Balance		4,001,768.73
	Total Liabilities And Fund Balance		4,093,125.04

BALANCE SHEET FOR TOWN OF SEWALL'S POINT
 Period Ending 04/30/2024

Fund 101 BUILDING PERMIT FUND

GL Number	Description	Current Year Beg. Balance	Balance
*** Assets ***			
CASH			
101-000-101.501	SEACOAST OPERATING 6501	128,760.27	149,755.83
101-000-101.771	SEACOAST SWEEP 6771	436,651.53	436,651.53
	CASH	<u>565,411.80</u>	<u>586,407.36</u>
	Total Assets	<u>565,411.80</u>	<u>586,407.36</u>
*** Liabilities ***			
ACCOUNTS PAYABLE			
101-000-202.000	ACCOUNTS PAYABLE	1,567.50	0.00
101-000-217.000	PAYROLL LIABILITIES	11,978.61	11,978.61
101-000-217.001	FEDERAL W/H TAX	0.00	(921.59)
101-000-217.210	FICA W/H TAX	0.00	(1,137.76)
101-000-217.211	MEDICARE W/H TAX	0.00	(289.74)
101-000-217.220	457 DEDUCTION	0.00	957.58
101-000-217.221	ACCRUED RETIREMENT PLAN EXPS	0.00	3,082.01
101-000-217.223	RETIREMENT PLAN LOAN REPAYMENTS	0.00	471.01
101-000-217.230	BLUE CROSS BLUE SHIELD	0.00	(1,596.82)
101-000-217.231	DENTAL AND VISION	0.00	(86.19)
101-000-217.232	AFLAC	0.00	(38.53)
101-000-217.233	LIFE INSURANCE	0.00	(84.96)
	ACCOUNTS PAYABLE	<u>13,546.11</u>	<u>12,333.62</u>
	ACCRUED LIABILITIES		
	ACCRUED LIABILITIES	<u>0.00</u>	<u>0.00</u>
	Total Liabilities	<u>13,546.11</u>	<u>12,333.62</u>
*** Fund Balance ***			
Unclassified			
101-000-281.000	FUND BALANCE - RESTRICTED	551,865.69	551,865.69
	Unclassified	<u>551,865.69</u>	<u>551,865.69</u>
	Total Fund Balance	<u>551,865.69</u>	<u>551,865.69</u>
	Beginning Fund Balance		551,865.69
	Net of Revenues VS Expenditures		22,208.05
	Ending Fund Balance		574,073.74
	Total Liabilities And Fund Balance		586,407.36

BALANCE SHEET FOR TOWN OF SEWALL'S POINT
 Period Ending 04/30/2024

Fund 301 CAPITAL PROJECTS

GL Number	Description	Current Year Beg. Balance	Balance
*** Assets ***			
CASH			
301-000-101.501	SEACOAST OPERATING 6501	181,430.97	279,217.79
	CASH	<u>181,430.97</u>	<u>279,217.79</u>
INVESTMENTS			
301-000-104.000	FL STATE 272201 LGIP	1,829,932.00	1,829,932.00
	INVESTMENTS	<u>1,829,932.00</u>	<u>1,829,932.00</u>
DUE FROM OTHER GOVT			
301-000-133.000	INTERGOVERNMENT REVENUE REC	288,032.05	266,006.32
	DUE FROM OTHER GOVT	<u>288,032.05</u>	<u>266,006.32</u>
	Total Assets	<u>2,299,395.02</u>	<u>2,375,156.11</u>
*** Liabilities ***			
ACCOUNTS PAYABLE			
301-000-202.000	ACCOUNTS PAYABLE	174,370.17	0.00
	ACCOUNTS PAYABLE	<u>174,370.17</u>	<u>0.00</u>
	Unclassified		
	Unclassified	<u>0.00</u>	<u>0.00</u>
	Total Liabilities	<u>174,370.17</u>	<u>0.00</u>
*** Fund Balance ***			
Unclassified			
301-000-281.000	FUND BALANCE - RESTRICTED	2,125,024.85	2,125,024.85
	Unclassified	<u>2,125,024.85</u>	<u>2,125,024.85</u>
	Total Fund Balance	<u>2,125,024.85</u>	<u>2,125,024.85</u>
	Beginning Fund Balance		2,125,024.85
	Net of Revenues VS Expenditures		250,131.26
	Ending Fund Balance		2,375,156.11
	Total Liabilities And Fund Balance		2,375,156.11

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDG	YTD BALANCE 04/30/2024 NORMAL (ABNOR	AVAILABLE BALANCE NORMAL (ABNOR	% BDGT USED
Fund 001 - GENERAL FUND					
Revenues					
Dept 000 - RESERVES					
TAXES					
001-000-311.000	AD VALOREM TAXES	2,818,445.00	2,782,073.78	36,371.22	98.71
001-000-315.000	COMMUNICATIONS SERVICES TAX	52,000.00	21,945.39	30,054.61	42.20
001-000-316.000	LOCAL BUSINESS TAX	3,000.00	1,093.42	1,906.58	36.45
	TAXES	2,873,445.00	2,805,112.59	68,332.41	97.62
FRANCHISE FEE					
001-000-323.100	ELECTRIC FRANCHISE FEES	200,000.00	88,882.38	111,117.62	44.44
	FRANCHISE FEE	200,000.00	88,882.38	111,117.62	44.44
BUILDING PERMITS AND FEES					
001-000-329.001	PLANNING & ZONING FEES	5,000.00	3,495.00	1,505.00	69.90
	BUILDING PERMITS AND FEES	5,000.00	3,495.00	1,505.00	69.90
INTERGOVERNMENTAL					
001-000-335.120	STATE REVENUE SHARING	70,000.00	34,506.75	35,493.25	49.30
001-000-335.180	SALES TAX	250,000.00	118,023.79	131,976.21	47.21
	INTERGOVERNMENTAL	320,000.00	152,530.54	167,469.46	47.67
FINES					
001-000-351.300	CIVIL FINES	0.00	100.00	(100.00)	100.00
001-000-351.500	TRAFFIC FINES	12,000.00	4,601.26	7,398.74	38.34
001-000-351.501	POLICE EDUCATION - TRAFFIC FINES	1,200.00	459.91	740.09	38.33
001-000-351.901	CODE ENFORCEMENT VIOLATIONS	2,500.00	8,672.50	(6,172.50)	346.90
001-000-354.000	FINES-LOCAL ORDINANCE VIOLATIONS TREE MI	1,000.00	18,500.00	(17,500.00)	1,850.00
	FINES	16,700.00	32,333.67	(15,633.67)	193.61
MISCELLANEOUS					
001-000-361.100	INTEREST	50,000.00	107,890.70	(57,890.70)	215.78
001-000-366.003	CONTRIBUTIONS - TOWN EVENTS	0.00	500.00	(500.00)	100.00
001-000-367.000	TOWN LICENSES	5,000.00	5,612.54	(612.54)	112.25
001-000-369.900	MISCELLANEOUS REVENUE	2,000.00	5,162.10	(3,162.10)	258.11
001-000-369.902	MISC REVENUE - PARK	1,200.00	700.00	500.00	58.33
	MISCELLANEOUS	58,200.00	119,865.34	(61,665.34)	205.95
Total Dept 000 - RESERVES		3,473,345.00	3,202,219.52	271,125.48	92.19
TOTAL REVENUES		3,473,345.00	3,202,219.52	271,125.48	92.19
Expenditures					
Dept 512 - EXECUTIVE					
PAYROLL					
001-512-512.000	SALARIES & WAGES	81,250.00	51,064.60	30,185.40	62.85
001-512-521.000	FICA	6,250.00	3,588.80	2,661.20	57.42
001-512-522.000	RETIREMENT	12,200.00	7,659.70	4,540.30	62.78
001-512-523.000	HEALTH INSURANCE	21,910.00	12,494.91	9,415.09	57.03
001-512-523.003	LIFE & DISABILITY INSURANCE	600.00	353.79	246.21	58.97
	PAYROLL	122,210.00	75,161.80	47,048.20	61.50
OPERATING					
001-512-531.000	PROFESSIONAL SERVICES	93,000.00	65,608.15	27,391.85	70.55
001-512-531.003.001	GRANT SERVICES	0.00	1,200.00	(1,200.00)	100.00
001-512-531.004	PLANNING SERVICES	20,000.00	1,846.07	18,153.93	9.23
001-512-531.100	COMPREHENSIVE PLANNING SERVICES	0.00	4,361.00	(4,361.00)	100.00
001-512-532.000	AUDIT SERVICES	30,000.00	5,400.00	24,600.00	18.00
001-512-541.000	COMMUNICATION NETWORK	2,520.00	1,023.89	1,496.11	40.63
001-512-548.000	TOWN EVENTS	10,000.00	10,280.35	(280.35)	102.80
001-512-549.001	OTHER GENERAL GOVERNMENT	25,000.00	0.00	25,000.00	100

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 2/8
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDG	YTD BALANCE 04/30/2024 NORMAL (ABNOR	AVAILABLE BALANCE NORMAL (ABNOR	% BDGT USED
Fund 001 - GENERAL FUND					
Expenditures					
001-512-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	2,150.00	2,432.87	(282.87)	113.16
OPERATING		182,670.00	92,152.33	90,517.67	50.45
TRANSFERS					
001-512-591.301	TRANSFER TO CAPITAL PROJECTS	344,764.00	344,764.00	0.00	100.00
TRANSFERS		344,764.00	344,764.00	0.00	100.00
Total Dept 512 - EXECUTIVE					
		649,644.00	512,078.13	137,565.87	78.82
Dept 513 - FINANCE					
PAYROLL					
001-513-512.000	SALARIES & WAGES	61,152.00	34,819.64	26,332.36	56.94
001-513-521.000	FICA	4,700.00	2,590.12	2,109.88	55.11
001-513-522.000	RETIREMENT	9,200.00	5,007.97	4,192.03	54.43
001-513-523.000	HEALTH INSURANCE	13,500.00	169.63	13,330.37	1.26
001-513-523.003	LIFE & DISABILITY INSURANCE	650.00	319.77	330.23	49.20
PAYROLL		89,202.00	42,907.13	46,294.87	48.10
OPERATING					
001-513-531.000	PROFESSIONAL SERVICES	24,000.00	3,690.00	20,310.00	15.38
001-513-549.000	BANK FEES	480.00	0.00	480.00	0.00
001-513-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	240.00	0.00	240.00	0.00
001-513-555.000	TRAINING/EDUCATION	2,000.00	883.00	1,117.00	44.15
OPERATING		26,720.00	4,573.00	22,147.00	17.11
Total Dept 513 - FINANCE					
		115,922.00	47,480.13	68,441.87	40.96
Dept 514 - LEGAL					
OPERATING					
001-514-531.301	LEGAL COUNSEL - GENERAL	80,000.00	39,251.50	40,748.50	49.06
001-514-531.302	LEGAL COUNSEL - BZA	3,000.00	354.38	2,645.62	11.81
001-514-531.303	LEGAL COUNSEL - CEB	12,000.00	2,363.21	9,636.79	19.69
001-514-531.304	LEGAL COUNSEL - LITIGATION	10,000.00	4,679.10	5,320.90	46.79
001-514-531.306	LEGAL SERVICES - POLICE UNION MATTERS	10,000.00	2,121.00	7,879.00	21.21
OPERATING		115,000.00	48,769.19	66,230.81	42.41
Total Dept 514 - LEGAL					
		115,000.00	48,769.19	66,230.81	42.41
Dept 517 - DEBT SERVICE					
OPERATING					
001-517-571.000	DEBT SERVICE - PRINCIPAL	65,654.00	32,473.13	33,180.87	49.46
001-517-572.000	DEBT SERVICE - INTEREST	85,126.00	42,909.24	42,216.76	50.41
OPERATING		150,780.00	75,382.37	75,397.63	49.99
Total Dept 517 - DEBT SERVICE					
		150,780.00	75,382.37	75,397.63	49.99
Dept 519 - GOVERNMENTAL SERVICES					
PAYROLL					
001-519-512.000	SALARIES & WAGES	67,506.00	41,623.48	25,882.52	61.66
001-519-514.002	OVERTIME - STORM	1,200.00	0.00	1,200.00	0.00
001-519-517.000	SICK LEAVE INCENTIVE	1,000.00	0.00	1,000.00	0.00
001-519-521.000	FICA	5,200.00	3,019.12	2,180.88	58.06
001-519-522.000	RETIREMENT	10,130.00	6,187.54	3,942.46	61.08
001-519-523.000	HEALTH INSURANCE	25,600.00	15,530.16	10,069.84	60.66
001-519-523.003	LIFE & DISABILITY INSURANCE	600.00	330.84	269.16	44.86

PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	YTD BALANCE		AVAILABLE	% BDGT USED
		2023-24 AMENDED BUDG	04/30/2024 NORMAL (ABNOR)	BALANCE NORMAL (ABNOR)	
Fund 001 - GENERAL FUND					
Expenditures					
001-519-524.000	WORKERS' COMPENSATION INSURANCE	18,000.00	17,079.44	920.56	94.89
PAYROLL		129,236.00	83,770.58	45,465.42	64.82
OPERATING					
001-519-541.000	COMMUNICATION NETWORK	7,740.00	6,061.43	1,678.57	78.31
001-519-541.002	COMMUNICATIONS WEB HOSTING	9,337.00	5,166.42	4,170.58	55.33
001-519-541.003	IT SERVICE LEVEL AGREEMENTS MC	28,580.00	0.00	28,580.00	0.00
001-519-542.000	POSTAGE	3,000.00	1,784.53	1,215.47	59.48
001-519-543.000	UTILITIES	60,000.00	28,013.08	31,986.92	46.69
001-519-545.000	INSURANCE - PROPERTY & LIABILITY	90,000.00	99,932.70	(9,932.70)	111.04
001-519-546.000	STREETLIGHT & SIGN MAINTENANCE	0.00	59.99	(59.99)	100.00
001-519-546.003	LANDSCAPING MAINTENANCE	48,000.00	57,979.99	(9,979.99)	120.79
001-519-546.004	VEHICLE MAINTENANCE	2,500.00	1,707.87	792.13	68.31
001-519-546.005	BUILDING & FACILITIES MAINTENANCE	24,100.00	18,515.71	5,584.29	76.83
001-519-546.006	PARKS MAINTENANCE	20,400.00	9,591.24	10,808.76	47.02
001-519-546.007	TREE MAINTENANCE	24,000.00	0.00	24,000.00	0.00
001-519-546.008	STREET MAINTENANCE	24,000.00	8,223.50	15,776.50	34.26
001-519-547.000	PRINTING	10,000.00	5,039.72	4,960.28	50.40
001-519-549.001	OTHER GENERAL GOVERNMENT	0.00	3,714.88	(3,714.88)	100.00
001-519-551.000	OFFICE SUPPLIES	17,200.00	8,887.58	8,312.42	51.67
001-519-552.000	FUEL AND OIL	960.00	527.54	432.46	54.95
001-519-552.001	ARCHIVES AND STORAGE	8,400.00	8,566.05	(166.05)	101.98
001-519-552.003	ORDINANCE CODIFICATION	3,000.00	2,887.46	112.54	96.25
001-519-552.004	SOFTWARE/LICENSING	9,815.00	16,326.66	(6,511.66)	166.34
001-519-552.005	OPERATING SUPPLIES	1,400.00	382.45	1,017.55	27.32
001-519-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	350.00	1,468.36	(1,118.36)	419.53
001-519-555.000	TRAINING/EDUCATION	5,000.00	435.00	4,565.00	8.70
OPERATING		397,782.00	285,272.16	112,509.84	71.72
Total Dept 519 - GOVERNMENTAL SERVICES		527,018.00	369,042.74	157,975.26	70.02
Dept 521 - POLICE					
PAYROLL					
001-521-512.000	SALARIES & WAGES	740,000.00	362,585.90	377,414.10	49.00
001-521-514.000	OVERTIME	15,000.00	6,965.60	8,034.40	46.44
001-521-514.001	OVERTIME - COURT TIME	2,000.00	1,025.20	974.80	51.26
001-521-514.002	OVERTIME - STORM	6,000.00	0.00	6,000.00	0.00
001-521-514.014	OVERTIME - SSPR PHASE 3 TRAFFIC CONTROL	10,000.00	0.00	10,000.00	0.00
001-521-515.001	SPECIAL PAY - FTO/BOOTS	2,500.00	2,750.00	(250.00)	110.00
001-521-515.003	PD STATUTORY INCENTIVE	10,000.00	2,845.00	7,155.00	28.45
001-521-517.000	SICK LEAVE INCENTIVE	5,000.00	2,452.33	2,547.67	49.05
001-521-521.000	FICA	59,000.00	28,906.01	30,093.99	48.99
001-521-522.000	RETIREMENT	117,200.00	52,412.89	64,787.11	44.72
001-521-523.000	HEALTH INSURANCE	195,000.00	50,652.36	144,347.64	25.98
001-521-523.003	LIFE & DISABILITY INSURANCE	4,500.00	2,702.63	1,797.37	60.06
PAYROLL		1,166,200.00	513,297.92	652,902.08	44.01
OPERATING					
001-521-515.002	PD MILEAGE	12,000.00	10,037.08	1,962.92	83.64
001-521-531.000	PROFESSIONAL SERVICES	13,241.00	4,704.75	8,536.25	35.53
001-521-534.002	CONTRACTED SERVICES	54,223.00	16,825.03	37,397.97	31.03
001-521-541.000	COMMUNICATION NETWORK	8,440.00	1,642.09	6,797.91	19.46
001-521-542.000	POSTAGE	0.00	18.40	(18.40)	100.00
001-521-545.000	INSURANCE - PROPERTY & LIABILITY	1,000.00	694.00	306.00	69.40
001-521-546.002	EQUIPMENT MAINTENANCE	4,991.00	548.13	4,442.87	10.98
001-521-546.004	VEHICLE MAINTENANCE	22,000.00	6,472.72	15,527.28	29.42
001-521-547.000	PRINTING	1,827.00	794.86	1,032.14	43.51
001-521-551.000	OFFICE SUPPLIES	1,000.00	805.41	194.59	80.54
001-521-552.000	FUEL AND OIL	32,000.00	13,448.13	18,551.87	42.03
001-521-552.005	OPERATING SUPPLIES	10,000.00	0.00	10,000.00	0.00
001-521-552.006	ENFORCEMENT SUPPLIES	12,643.00	4,688.72	7,954.28	12.9

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 4/8
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	AVAILABLE	% BDGT USED
		AMENDED BUDG	04/30/2024 NORMAL (ABNOR	BALANCE NORMAL (ABNOR	
Fund 001 - GENERAL FUND					
Expenditures					
001-521-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	2,260.00	1,608.05	651.95	71.15
001-521-555.000	TRAINING/EDUCATION	7,925.00	1,971.28	5,953.72	24.87
OPERATING		<u>183,550.00</u>	<u>64,258.65</u>	<u>119,291.35</u>	<u>35.01</u>
CAPITAL					
001-521-564.000	MACHINERY & EQUIPMENT	0.00	15,877.89	(15,877.89)	100.00
CAPITAL		<u>0.00</u>	<u>15,877.89</u>	<u>(15,877.89)</u>	<u>100.00</u>
Total Dept 521 - POLICE					
		<u>1,349,750.00</u>	<u>593,434.46</u>	<u>756,315.54</u>	<u>43.97</u>
Dept 522 - FIRE					
OPERATING					
001-522-534.001	FIRE RESCUE CONTRACTED	565,231.00	423,923.25	141,307.75	75.00
OPERATING		<u>565,231.00</u>	<u>423,923.25</u>	<u>141,307.75</u>	<u>75.00</u>
Total Dept 522 - FIRE					
		<u>565,231.00</u>	<u>423,923.25</u>	<u>141,307.75</u>	<u>75.00</u>
TOTAL EXPENDITURES					
		<u>3,473,345.00</u>	<u>2,070,110.27</u>	<u>1,403,234.73</u>	<u>59.60</u>
Fund 001 - GENERAL FUND:					
TOTAL REVENUES		3,473,345.00	3,202,219.52	271,125.48	92.19
TOTAL EXPENDITURES		3,473,345.00	2,070,110.27	1,403,234.73	59.60
NET OF REVENUES & EXPENDITURES		<u>0.00</u>	<u>1,132,109.25</u>	<u>(1,132,109.25)</u>	<u>100.00</u>

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 5/8
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDG	YTD BALANCE 04/30/2024 NORMAL (ABNOR	AVAILABLE BALANCE NORMAL (ABNOR	% BDGT USED
Fund 101 - BUILDING PERMIT FUND					
Revenues					
Dept 000 - RESERVES					
BUILDING PERMITS AND FEES					
101-000-322.000	BUILDING PERMIT FEES	430,000.00	256,525.60	173,474.40	59.66
101-000-322.001	TECHNOLOGY FEE	21,000.00	10,496.65	10,503.35	49.98
	BUILDING PERMITS AND FEES	451,000.00	267,022.25	183,977.75	59.21
Unclassified					
101-000-322.003	SITE PLAN REVIEWS	0.00	2,045.00	(2,045.00)	100.00
	Unclassified	0.00	2,045.00	(2,045.00)	100.00
Total Dept 000 - RESERVES		451,000.00	269,067.25	181,932.75	59.66
TOTAL REVENUES		451,000.00	269,067.25	181,932.75	59.66
Expenditures					
Dept 000 - RESERVES					
RESERVES					
101-000-582.000	RESERVE ADDITION	21,946.00	0.00	21,946.00	0.00
	RESERVES	21,946.00	0.00	21,946.00	0.00
Total Dept 000 - RESERVES		21,946.00	0.00	21,946.00	0.00
Dept 524 - BUILDING					
PAYROLL					
101-524-512.000	SALARIES & WAGES	273,434.00	153,838.25	119,595.75	56.26
101-524-517.000	SICK LEAVE INCENTIVE	1,000.00	0.00	1,000.00	0.00
101-524-521.000	FICA	20,920.00	11,368.86	9,551.14	54.34
101-524-522.000	RETIREMENT	41,100.00	22,725.17	18,374.83	55.29
101-524-523.000	HEALTH INSURANCE	40,000.00	18,872.30	21,127.70	47.18
101-524-523.003	LIFE & DISABILITY INSURANCE	2,000.00	1,189.56	810.44	59.48
101-524-524.000	WORKERS' COMPENSATION INSURANCE	0.00	2,380.06	(2,380.06)	100.00
	PAYROLL	378,454.00	210,374.20	168,079.80	55.59
OPERATING					
101-524-531.002	BUILDING INSPECTOR SERVICES	7,000.00	2,701.25	4,298.75	38.59
101-524-531.500	ENGINEERING SERVICES	0.00	7,342.50	(7,342.50)	100.00
101-524-541.000	COMMUNICATION NETWORK	1,400.00	225.06	1,174.94	16.08
101-524-541.004	TECHNOLOGY EXPENSE	6,000.00	977.52	5,022.48	16.29
101-524-542.000	POSTAGE	500.00	0.00	500.00	0.00
101-524-545.000	INSURANCE - PROPERTY & LIABILITY	10,000.00	9,618.30	381.70	96.18
101-524-546.004	VEHICLE MAINTENANCE	1,000.00	0.00	1,000.00	0.00
101-524-551.000	OFFICE SUPPLIES	10,000.00	6,288.50	3,711.50	62.89
101-524-552.000	FUEL AND OIL	1,200.00	296.79	903.21	24.73
101-524-552.001	ARCHIVES AND STORAGE	0.00	1,621.41	(1,621.41)	100.00
101-524-552.004	SOFTWARE/LICENSING	7,500.00	6,085.89	1,414.11	81.15
101-524-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	3,000.00	807.28	2,192.72	26.91
101-524-555.000	TRAINING/EDUCATION	3,000.00	520.50	2,479.50	17.35
	OPERATING	50,600.00	36,485.00	14,115.00	72.10
Total Dept 524 - BUILDING		429,054.00	246,859.20	182,194.80	57.54
TOTAL EXPENDITURES		451,000.00	246,859.20	204,140.80	54.74
Fund 101 - BUILDING PERMIT FUND:					
TOTAL REVENUES		451,000.00	269,067.25	181,932.75	14.6

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 6/8
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	AVAILABLE	% BDGT USED
		AMENDED BUDG	04/30/2024	BALANCE	
		NORMAL (ABNOR	NORMAL (ABNOR	NORMAL (ABNOR	
Fund 101 - BUILDING PERMIT FUND					
	TOTAL EXPENDITURES	451,000.00	246,859.20	204,140.80	54.74
	NET OF REVENUES & EXPENDITURES	0.00	22,208.05	(22,208.05)	100.00

REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 7/8
 PERIOD ENDING 04/30/2024
 % Fiscal Year Completed: 58.20

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDG	YTD BALANCE 04/30/2024 NORMAL (ABNOR	AVAILABLE BALANCE NORMAL (ABNOR	% BDGT USED
Fund 301 - CAPITAL PROJECTS					
Revenues					
Dept 000 - RESERVES					
TAXES					
301-000-312.410	GAS TAX	100,000.00	58,924.67	41,075.33	58.92
301-000-312.420	GAS TAX SECOND LOCAL OPTION	81,000.00	43,349.30	37,650.70	53.52
	TAXES	181,000.00	102,273.97	78,726.03	56.50
BUILDING PERMITS AND FEES					
301-000-325.200	BUILDING DEPT ROAD IMPROVEMENT FEE	150,000.00	129,746.51	20,253.49	86.50
	BUILDING PERMITS AND FEES	150,000.00	129,746.51	20,253.49	86.50
GRANTS					
301-000-331.350	TMDL GRANT NS029	0.00	3,044.99	(3,044.99)	100.00
301-000-331.353	HMPG GRANT	4,914,000.00	0.00	4,914,000.00	0.00
301-000-334.362	RESILIENT FLORIDA GRANT	8,650,000.00	0.00	8,650,000.00	0.00
301-000-334.364	FDEP LPA 0217 - COMM S2S	0.00	185,000.00	(185,000.00)	100.00
301-000-334.364.017	FDEP LPA 0217 - COMM S2S	185,000.00	0.00	185,000.00	0.00
301-000-334.366.020	LEGISLATIVE APPROPRIATIONS	1,000,000.00	0.00	1,000,000.00	0.00
301-000-337.310	MARTIN COUNTY ILA - WATER LINES	1,550,000.00	0.00	1,550,000.00	0.00
301-000-337.310.027	MARTIN COUNTY ILA - WATER LINES	0.00	166,023.00	(166,023.00)	100.00
	GRANTS	16,299,000.00	354,067.99	15,944,932.01	2.17
TRANSFERS					
301-000-381.000	RESERVE UTILIZATION	625,595.00	0.00	625,595.00	0.00
301-000-381.001	TRANSFER FROM GENERAL FUND	344,764.00	344,764.00	0.00	100.00
	TRANSFERS	970,359.00	344,764.00	625,595.00	35.53
Total Dept 000 - RESERVES		17,600,359.00	930,852.47	16,669,506.53	5.29
TOTAL REVENUES		17,600,359.00	930,852.47	16,669,506.53	5.29
Expenditures					
Dept 519 - GOVERNMENTAL SERVICES					
OPERATING					
301-519-531.400	ENGINEERING SERVICES	75,000.00	4,987.50	70,012.50	6.65
301-519-531.401	ENGINEERING SERVICES - GRANT RELATED	0.00	2,145.00	(2,145.00)	100.00
301-519-531.401.005	ENGINEERING SERVICES - GRANT RELATED	0.00	2,465.00	(2,465.00)	100.00
301-519-546.003	LANDSCAPING MAINTENANCE	48,000.00	10,681.60	37,318.40	22.25
301-519-546.003.018	LANDSCAPING MAINTENANCE	0.00	1,938.00	(1,938.00)	100.00
	OPERATING	123,000.00	22,217.10	100,782.90	18.06
Total Dept 519 - GOVERNMENTAL SERVICES		123,000.00	22,217.10	100,782.90	18.06
Dept 538 - STORMWATER					
OPERATING					
301-538-531.000.MS4	PROFESSIONAL SERVICES	0.00	1,020.00	(1,020.00)	100.00
301-538-531.400	ENGINEERING SERVICES	0.00	9,645.00	(9,645.00)	100.00
301-538-531.400.003	ENGINEERING SERVICES	0.00	25,847.50	(25,847.50)	100.00
301-538-531.400.006	ENGINEERING SERVICES	0.00	51,323.65	(51,323.65)	100.00
301-538-531.400.010	ENGINEERING SERVICES	0.00	3,815.00	(3,815.00)	100.00
301-538-531.400.020	ENGINEERING SERVICES	0.00	23,370.00	(23,370.00)	100.00
301-538-531.400.021	ENGINEERING SERVICES	0.00	42,785.00	(42,785.00)	100.00
301-538-531.400.026	ENGINEERING SERVICES	0.00	7,950.00	(7,950.00)	100.00
301-538-531.400.121	ENGINEERING SERVICES	0.00	765.00	(765.00)	100.00
301-538-531.401.020	ENGINEERING SERVICES - GRANT RELATED	0.00	540.00	(540.00)	100.00
301-538-546.001	STORMWATER-INLET-OUTFALL MAINTENANCE	100,000.00	862.50	99,137.50	0.86
301-538-546.001.019	STORMWATER-INLET-OUTFALL MAINTENANCE	0.00	3,975.00	(3,975.00)	100.00
301-538-546.001.121	STORMWATER-INLET-OUTFALL MAINTENANCE	0.00	10,952.63	(10,952.63)	100.00
301-538-554.000	DUES/SUBSCRIPTIONS/MEMBERSHIPS	0.00	719.00	(719.00)	100.00

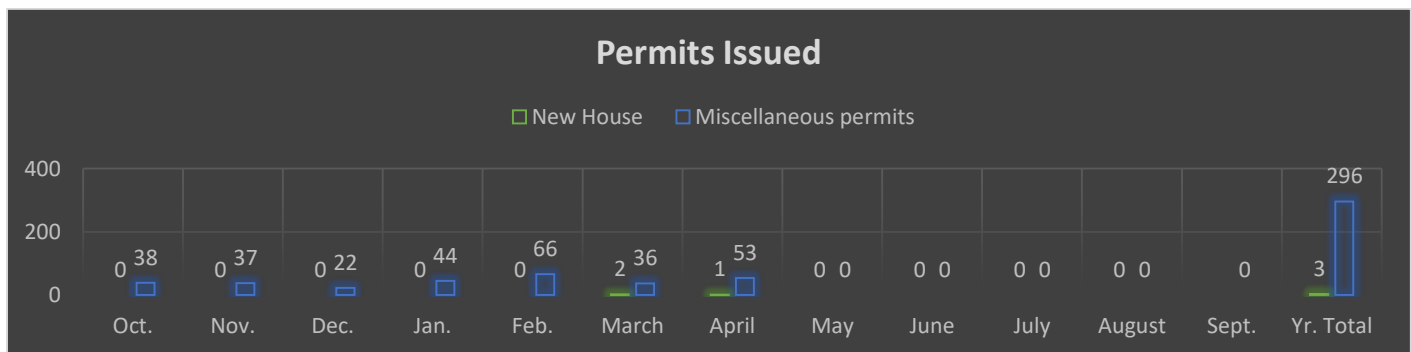
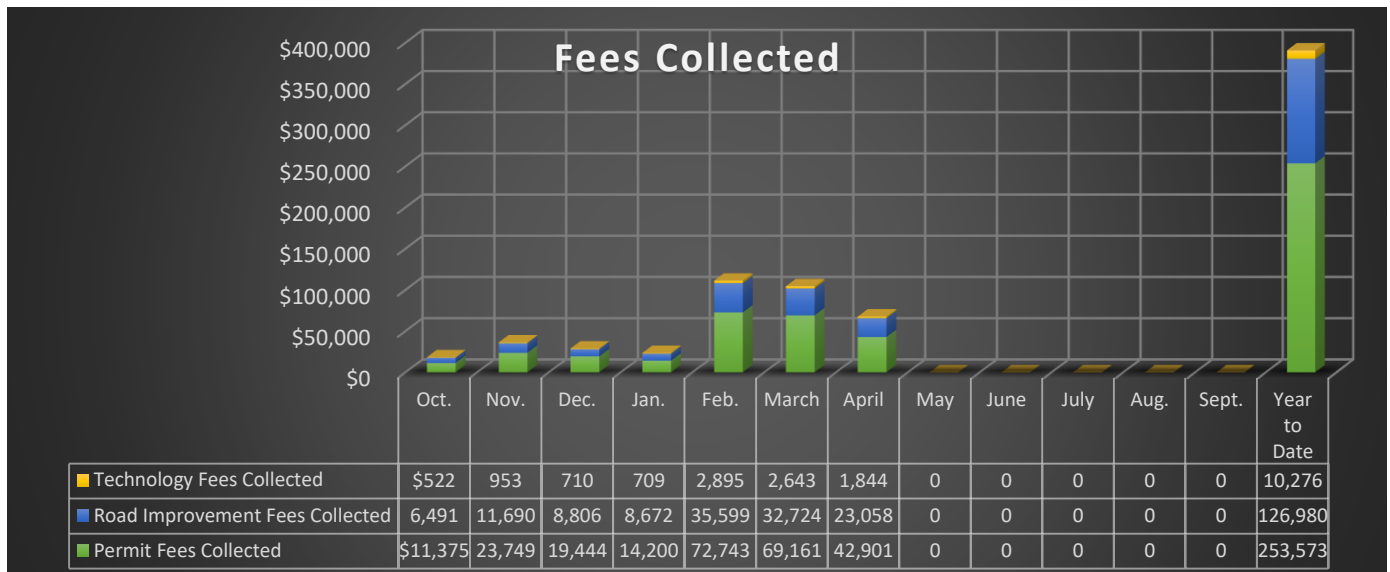
REVENUE AND EXPENDITURE REPORT FOR TOWN OF SEWALL'S POINT Page: 8/8
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GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDG	YTD BALANCE 04/30/2024 NORMAL (ABNOR	AVAILABLE BALANCE NORMAL (ABNOR	% BDGT USED
Fund 301 - CAPITAL PROJECTS					
Expenditures					
OPERATING		100,000.00	183,570.28	(83,570.28)	183.57
CAPITAL					
301-538-562.000.012	BUILDING IMPROVEMENTS	102,359.00	0.00	102,359.00	0.00
301-538-563.002	STORMWATER IMPROVEMENTS	886,240.00	0.00	886,240.00	0.00
301-538-563.002.006	STORMWATER IMPROVEMENTS	1,000,000.00	204,309.00	795,691.00	20.43
301-538-563.002.017	STORMWATER IMPROVEMENTS	272,160.00	54,319.15	217,840.85	19.96
301-538-563.002.026	STORMWATER IMPROVEMENTS	0.00	31,392.50	(31,392.50)	100.00
301-538-563.002.027	STORMWATER IMPROVEMENTS	1,091,600.00	166,023.00	925,577.00	15.21
CAPITAL		3,352,359.00	456,043.65	2,896,315.35	13.60
Total Dept 538 - STORMWATER		3,452,359.00	639,613.93	2,812,745.07	18.53
Dept 541 - STREETS AND BRIDGES					
OPERATING					
301-541-546.000	STREETLIGHT & SIGN MAINTENANCE	15,000.00	10,901.26	4,098.74	72.68
301-541-546.007	TREE MAINTENANCE	10,000.00	3,800.00	6,200.00	38.00
301-541-546.008	STREET MAINTENANCE	50,000.00	4,188.92	45,811.08	8.38
301-541-546.009	BRIDGE MAINTENANCE	50,000.00	0.00	50,000.00	0.00
OPERATING		125,000.00	18,890.18	106,109.82	15.11
CAPITAL					
301-541-563.030	ROAD & BRIDGE CAPITAL PROJECTS	13,900,000.00	0.00	13,900,000.00	0.00
CAPITAL		13,900,000.00	0.00	13,900,000.00	0.00
Total Dept 541 - STREETS AND BRIDGES		14,025,000.00	18,890.18	14,006,109.82	0.13
TOTAL EXPENDITURES		17,600,359.00	680,721.21	16,919,637.79	3.87
Fund 301 - CAPITAL PROJECTS:					
TOTAL REVENUES		17,600,359.00	930,852.47	16,669,506.53	5.29
TOTAL EXPENDITURES		17,600,359.00	680,721.21	16,919,637.79	3.87
NET OF REVENUES & EXPENDITURES		0.00	250,131.26	(250,131.26)	100.00
TOTAL REVENUES - ALL FUNDS		21,524,704.00	4,402,139.24	17,122,564.76	20.45
TOTAL EXPENDITURES - ALL FUNDS		21,524,704.00	2,997,690.68	18,527,013.32	13.93
NET OF REVENUES & EXPENDITURES		0.00	1,404,448.56	(1,404,448.56)	100.00

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 May 28, 2024



Building Department Budget for 2023-2024

- Building Permit Fees: \$400,000 of which \$253,573 has been collected for the fiscal year to date.
- Road Improvement Fees: \$162,500 of which \$126,980 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

DAVID KURZMAN
Commissioner

KAIJA MAYFIELD
Commissioner

VINNY BARILE
Commissioner

TOWN OF SEWALL'S POINT



ROBERT DANIELS-ICMA-CM
Town Manager

APRIL C. STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Regular Town Commission Meeting Minutes
May 14, 2024
6:00 p.m.

I. CALL TO ORDER

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

a. Pledge of Allegiance to the Flag

Mayor Tompeck lead the assembly in the Pledge of Allegiance.

b. Roll Call

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

II. PROCLAMATIONS AND PRESENTATIONS

a. Ceremonial Swearing In – Police Officer Jose Rodriguez

Chief Ciechanowski administered the Oath of Office to Officer Rodriguez, who thanked the Commission for the opportunity.

b. 55th Annual Professional Municipal Clerks Week Proclamation

The Town Manager read the proclamation into the record. Mayor Tompeck presented the proclamation to April C. Stoncius, MMC, Town Clerk, who thanked the Town Commission and the Town Manager for the recognition, as it was such an honor.

c. National Police Week Proclamation

The Town Clerk read the proclamation into the record. Mayor Tompeck presented the proclamation to Chief Ciechanowski, who thanked the Commission for the acknowledgment and the residents for their year-round support. She invited everyone to the Police Officers' Reembrace Ceremony on May 15, 2024 at Town Hall. Lieutenant Wade thanked the community for their continued support and expressed gratitude to the Commission for the proclamation. The Town Manager stated that he appreciated the proclamation, as it was appropriate to recognize those officers that gave the ultimate sacrifice.

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

There were no public comments heard.

IV. **ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA**

Commissioner Barile requested to add Item 12 b), Foundation Fill – New Construction

V. **APPROVAL OF AGENDA**

There being no discussion, Vice Mayor Fender **moved** to approve the Agenda with the addition of 12 b), Foundation Fill – New Construction. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

VI. **CONSENT AGENDA**

a. **Minutes – April 23, 2024 Regular Meeting**

b. **Police Department Quarterly Report – January 2024 – March 2024**

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

VII. **PUBLIC HEARING - ORDINANCE - SECOND READING**

There was nothing scheduled under this item.

VIII. **PUBLIC HEARING - ORDINANCE - FIRST READING**

There was nothing scheduled under this item.

IX. **RESOLUTIONS**

a. **Resolution No. 970 - Celebrating Arbor Day & 32nd Anniversary as a Tree City**

The Town Clerk read the title into the record. Mayor Tompeck called for any public comments, to which there were none. There being no discussion, Vice Mayor **moved** to approve Resolution No. 970. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

X. **OLD BUSINESS**

a. **Confirmation of Ballot Language Recommended by the Charter Review**

Committee – Town Commission Eligibility

The Town Manager stated that the item was brought forward, in order to clarify the eligibility term requirement of one year prior to qualifying to run for commissioner. The Assistant Town Attorney, Susan Garrett, advised that the next step would be to approve the ordinances at first reading that referenced the amendments. She pointed out that after researching the qualification period of a one-year residency, the court opinion held that a one year was reasonable and that there was no evidence that justified two years or more. The Assistant Town Attorney recommended the one-year requirement be enacted.

Commissioner Mayfield was in favor of the one-year requirement. It was the **consensus** of the Commission to move forward with the recommended requirement of a one-year residency to qualify to run for the Town Commission.

XI. NEW BUSINESS

a. 5-Year Capital Improvement Plan

The Town Manager stated that the CIP included roadway resiliency projects, and that Phase 1 had been completed. He explained that Phase 3 would be put out to bid next month, and that South River Road was on the list for the last two years, as there were drainage issues. The Town Manager pointed out that grants were being pursued in order to cover the estimated cost of \$2.5 million.

The Town Engineer, Joe Capra, stated that the plan included installing a stormwater exfiltration system and underground storage, in order to intercept the overflow of water, as well as the re-sloping of the road. Commissioner Kurzman expressed concern regarding the flow of water onto property owners' homes, as it was not being captured, and alluded to the new construction sites being the culprit that contained massive amounts of fill dirt. He recommended that grates be installed in the easements to contain the excess water.

Mayor Tompeck stated that the CIP did not contain the projects that were previously reviewed with Dr. Kim Delaney and that additional projects were listed that had not been discussed. The Town Manager explained that some of the projects that were listed previously had 10 to 20-year timeframes, and that the five-year projects were prioritized by importance.

Vice Mayor Fender requested the business plan that supported the funding for the multi-million dollar project. The Town Manager advised that the information would be provided during the budget review process.

There being no further discussion, Commissioner Mayfield **moved** to approve the preliminary Capital Improvement Plan. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

XII. DISCUSSION

a. 160 S. River Road Flooding – Commissioner Barile

Commissioner Barile stated that he should have been advised that South River Road was included in the CIP, as he had spoken to the Town Engineer regarding the drainage issue. Mayor Tompeck suggested that the funds collected from the CIP millage increase could be used to cover the emergency repairs that were needed. Commissioner Kurzman recommended that the money collected from the permit fees be utilized for the road project.

Commissioner Barile said that there was a catch basin near the property that could be connected to an exfiltration pipe that would extend to a grate, and asked what the cost would be. The Town Engineer responded that it would be less than \$200,000.

There was a **consensus** of the Commission for the Town Manager to work with the Town Engineer to obtain a detailed estimate of the cost and duration to repair the drainage issue, as well as to provide funding sources.

b. Fill Dirt Foundations – New Homes

Commissioner Barile stated that the two new homes that were being built had a high elevation and that water would run off of them directly onto North Sewall's Point Road. He requested confirmation of the water retention requirements and recommended amending the ordinance. The Building Official stated that the property had a retention area in the front of the property and that a sand berm with rock was installed that worked to stop the water.

XIII. COMMISSION AND STAFF CLOSING COMMENTS

a. STAFF

The Town Manager stated that he had provided an email to the Commission in reference to the status of the installation of gas lines, as Florida City Gas had sold the company to Chesapeake Utilities and approval was being sought.

b. COMMISSIONERS

Vice Mayor Fender requested an update in reference to the 10 Oakwood Drive property. The Town Manager responded that upon presenting the fine issue to the Special Magistrate, it was determined that the case needed to go through the proper notice of violation process first.

Vice Mayor Fender inquired as to the status of the ordinance regarding permeable paver bricks, to which the Town Manager responded that the Assistant Town Attorney was working on it and it would be presented for review at the next commission meeting.

Mayor Tompeck queried as to the current situation of the grant writer, to which the Town Manager responded that an RFP was published for a new grant writer.

XV. ADJOURN

There being no further business, the meeting adjourned at 7:30 p.m.

APPROVED:

Mayor John Tompeck, Presiding Officer

ATTEST:

April C. Stoncius, Town Clerk

Minutes approved at the meeting of: May 28, 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. 459 – Referendum Authorizing Residency Requirement for Qualifying as a Town Commissioner in Town Charter

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

At the April 23, 2024, Regular Town Commission meeting there was a unanimous vote approving the referendum ballot language for the eligibility of Town Commissioners requiring residency of at least one year, and reaffirmed this decision at the May 14, 2024 Town Commission Meeting. Ordinance Number 459 declares that a referendum be held on November 5, 2024 to determine if the electors of the Town of Sewall's Point support this change to the Town Charter.

RECOMMENDATION:

Approve Ordinance No. 459 at the first reading with any requested modifications the Town Commission might determine.



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ORDINANCE NO. 459

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF SEWALL'S POINT TO BE HELD ON NOVEMBER 5, 2024, AS TO WHETHER THE TOWN OF SEWALL'S POINT CHARTER SHALL BE AMENDED TO PROVIDE FOR COMMISSIONER FORFEITURE OF OFFICE; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to Section 166.021(4), Florida Statutes, the Town Charter may be amended through the Town's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, Article I, Section 6 of the the Charter provides for filling of vacancies on the Town Commission and for qualifications to be eligible for election as Commissioner or to remain in office; and

WHEREAS, the Town Commission desires to amend Article I, Section 6 to provide 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 to remain in office; and

WHEREAS, the Town Commission hereby finds that it such amendment is in the best interests of the Town and serves the public health, welfare and safety; and

WHEREAS, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the Charter should be so amended (the "Referendum").

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

Section 1. Findings adopted. The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this Ordinance.

Section 2. Referendum declared. A Referendum is hereby called for and shall be held in the Town on the 5th day of November , 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the Town Charter, as set forth in this Ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as **“Town Commissioner Eligibility.”**

Section 4. Conduct of Referendum. The Town shall determine the polling locations or places in coordination with the Martin County Supervisor of Elections, and all qualified electors of the Town of Sewall’s Point, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Sewall’s Point, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Sewall’s Point, Florida shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter Amendment by

causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 6. Ballot summary. The ballot summary of the proposed Charter amendment shall be:

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 and must maintain that status to remain in office.

Shall the above described amendment be adopted?

Yes []

No []

Shall the above described amendment be adopted?

Yes []

No []

Section 7. Charter amendment. In the event that the majority of electors of the Town voting in the Referendum vote affirmatively to adopt the amendments to Article I, Section 6 of the Town Charter, then said Section shall be amended to read as follows (deletions are shown by overstrike; additions are underlined):

Section 6. - [~~Same—~~Filling of vacancies; qualifications.]

In the event a vacancy occurs on the Commission and the unexpired term of the Commissioner is equal to or exceeds six (6) months, the vacancy shall be filled by duly electing a new Commissioner at the next regularly scheduled general election, if such election is scheduled to be held within three (3) months of the time of the vacancy. If the unexpired term is equal to or exceeds six (6) months and no regular election is scheduled within three (3) months, a special election shall be held within ninety (90) days of the occurrence of the vacancy. If the unexpired term is for less than six (6) months, the vacancy shall not be filled. Any officer elected to fill a vacancy shall serve for the unexpired term. No person shall be eligible for election as Commissioner who is not a registered, qualified voter in the Town of Sewall's Point for at least one year

immediately prior to qualifying for election; nor shall any Commissioner who ceases to be a registered, qualified voter of the Town continue to hold office.

Section 9. 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 10. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Codification. Section 7 of the Ordinance may be made a part of the Town Charter 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 12. 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 18th day of June, 2024.

TOWN OF SEWALL’S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, Town Clerk

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

(TOWN SEAL)

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

KAIJA MAYFIELD
Commissioner

DAVID KURZMAN
Commissioner

VINNY BARILE
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. 460 – Referendum Authorizing Forfeiture of Office Provisions for
Town Commissioners

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

At the April 23, 2024, Regular Town Commission meeting there was a unanimous vote approving the referendum ballot language for the forfeiture of office provisions of Town Commissioners who fail to meet the qualifications of their office, convicted of a felony offense, or having three unexcused absences from three consecutive Town Commission Meetings. Ordinance Number 460 declares that a referendum be held on November 5, 2024 to determine if the electors of the Town of Sewall's Point support this change to the Town Charter.

RECOMMENDATION:

Approve Ordinance No. 460 at the first reading with any requested modifications the Town Commission might determine.



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ORDINANCE NO. 460

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF SEWALL'S POINT TO BE HELD ON NOVEMBER 5, 2024, AS TO WHETHER ARTICLE I OF THE TOWN OF SEWALL'S POINT CHARTER SHALL BE AMENDED TO ADD A PROVISION FOR COMMISSIONER FORFEITURE OF OFFICE; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to Section 166.021(4), Florida Statutes, the Town Charter may be amended through the Town's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, Article I, Section 3 of the Charter provides for the Town Commission generally, and Article I, section 6 provides for qualifications for election as Commissioner and filling of vacancies, but the Charter does not address Commissioner forfeiture of office; and

WHEREAS, the Town Commission desires to amend Article I to add a new Section 7 to provide that the office of Commissioner shall be forfeited for failure to meet qualifications, conviction of a felony, or unexcused absences from three consecutive regular meetings; and

WHEREAS, the Town Commission hereby finds that it such amendment is in the best interests of the Town and serves the public health, welfare and safety; and

WHEREAS, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the Charter should be so amended (the "Referendum").

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

Section 1. Findings adopted. The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this Ordinance.

Section 2. Referendum declared. A Referendum is hereby called for and shall be held in the Town on the 5th day of November, 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the Town Charter, as set forth in this Ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as **“Forfeiture of Office.”**

Section 4. Conduct of Referendum. The Town shall determine the polling locations or places in coordination with the Martin County Supervisor of Elections, and all qualified electors of the Town of Sewall’s Point, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Highland Beach, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Highland Beach, Florida shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of

Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 6. Ballot summary. The ballot summary of the proposed Charter amendment shall be:

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 []

Section 7. Charter amendment. In the event that the majority of electors of the Town voting in the Referendum vote affirmatively to adopt the amendments described in Section 6 hereinabove, the Article I of the Town Charter, then shall be amended by adding a new Section 7 to read as follows (deletions are shown by overstrike; additions are underlined):

Section 7. – Forfeiture of Office.

The office of Commissioner shall be forfeited and the seat vacated upon any of the following occurrences: (1) failure to meet qualifications to hold office, as provided in section 6 of this Article; (2) conviction of a felony, or (3) unexcused absences from three consecutive regular meetings of the Town Commission. An absence shall be deemed unexcused unless it is excused by the Commission setting forth the fact of the excuse and duly entered in the minutes of the Commission meeting.

Section 9. 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 10. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Codification. Section 7 of the Ordinance may be made a part of the Town Charter 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 12. 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 18th day of June, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, Town Clerk

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

(TOWN SEAL)

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

KAIJA MAYFIELD
Commissioner

DAVID KURZMAN
Commissioner

VINNY BARILE
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. 461 - Regulation of Transportation – Elimination of drays and wheelchairs

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

At the April 23, 2024, Regular Town Commission meeting there was a unanimous vote approving the referendum ballot language for the removal of drays and wheelchairs from the methods of transportation the Town Commissioners can regulate. Ordinance Number 461 declares that a referendum be held on November 5, 2024 to determine if the electors of the Town of Sewall's Point support this change to the Town Charter.

RECOMMENDATION:

Approve Ordinance No. 461 at the first reading with any requested modifications the Town Commission might determine.



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ORDINANCE NO. 461

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF SEWALL'S POINT TO BE HELD ON NOVEMBER 5, 2024, AS TO WHETHER ARTICLE II, SECTION 1 OF THE TOWN OF SEWALL'S POINT CHARTER SHALL BE AMENDED TO MODIFY THE TOWN COMMISSION POWER TO REGULATE TRANSPORTATION BY DELETING REFERENCES TO "WHEEL CHAIRS" AND "DRAYS"; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to Section 166.021(4), Florida Statutes, the Town Charter may be amended through the Town's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, Article II, Section 1 of the Charter provides that the Commission shall have certain powers to act by ordinance; and

WHEREAS, the 15th power enumerated by Article II, Section 1 sets forth the power to license, tax and regulate certain modes of transportation listed therein: and

WHEREAS, the Town Commission desires to amend the 15th power listed in Article II, Section 1, to delete references to wheel chairs and drays; and

WHEREAS, the Town Commission hereby finds that it such amendment is in the best interests of the Town and serves the public health, welfare and safety; and

WHEREAS, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the Charter should be so amended (the "Referendum").

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

Section 1. Findings adopted. The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this Ordinance.

Section 2. Referendum declared. A Referendum is hereby called for and shall be held in the Town on the 5th day of November, 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the Town Charter, as set forth in this Ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as “**Regulation of Transportation.**”

Section 4. Conduct of Referendum. The Town shall determine the polling locations or places in coordination with the Martin County Supervisor of Elections, and all qualified electors of the Town of Sewall’s Point, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Highland Beach, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Sewall’s Point, Florida shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of

Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 6. Ballot summary. The ballot summary of the proposed Charter amendment shall be:

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 []

Section 7. Charter amendment. In the event that the majority of electors of the Town voting in the Referendum vote affirmatively to adopt the amendments described in Section 6 hereinabove, then Article II, Section 1 of the

Town Charter shall be amended to read as follows(deletions are shown by overstrike; additions are underlined) :

Section 1. - [Ordinance powers.]

The Commission within the limitations of this Act shall have the power by ordinance:

9th. To provide the town with a supply of water for public purposes and to sell the same to private individuals for profit, by waterworks to be within or beyond the boundaries of the Town, and for that purpose to acquire, build, construct or lease or permit others to acquire, build, construct or lease waterworks and a water system, and to dig artesian wells. The Town Commission may contract with other municipalities or private individuals for the supply of water to be furnished the inhabitants and citizens of the Town of Sewall's Point whose water plants, or facilities, for furnishing water may be outside the Town limits. The Town Commission may also grant a license and privilege to any person, firm, corporation or municipality to use its streets, alleys and ways for water mains, fire hydrants, and such other water distribution system as is necessary for the serving of the inhabitants and citizens of the Town with water and fire protection. Nothing herein contained shall compel the Town to provide water beyond existing facilities.

10th. To provide for the prevention and extinguishment of fires and to organize and establish fire departments. The Town Commission

may contract with other Fire Departments, located beyond its limits, for its services in providing the inhabitants and citizens of the Town of Sewall's Point with fire protection, and is authorized to pay a reasonable sum for the services of said Fire Department or Departments.

11th. To provide for the lighting of the Town by electricity, gas or other illuminating material and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.

15th. To license, tax and regulate carriages, ~~wheel chairs~~, cars, vehicles, motors, omnibuses, and wagons ~~and drays~~, and to fix the rate to be charged for the carriage of persons and property within the Town limits and to the public works and property without the Town limits.

36th. To provide by ordinance for the appointment of a Town Manager, to prescribe his duties and fix his compensation. The Town Manager need not be a resident or property holder in the Town, County or State and may be dismissed at the pleasure of the Commission. The salary of the Town Manager shall be fixed by the Town Council [Commission].

37th. To provide by ordinance for the adoption of a Town plan, creation of a Town Planning Board and the appointment of the members thereof. The Commission shall, by ordinance, prescribe

the duties of the Town Planning Board, enact ordinances for the enforcement of the Board and prescribe penalties for their violation. 41st. To prohibit the dumping of filth, dirt, garbage, shells, trash, refuse or other things in the waters of any body of water within the Town limits, or any body of water adjacent to or adjoining the Town limits.

Section 9. 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 10. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Codification. Section 7 of the Ordinance may be made a part of the Town Charter 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 12. 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 18th day of June, 2024.

TOWN OF SEWALL’S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, CMC, 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. 462 - Elimination of Planning Board requirement

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

At the April 23, 2024, Regular Town Commission meeting there was a unanimous vote approving the referendum ballot language for the removal of the requirement to have a Planning Board. The need for this Board is minimal and the Town Commission could form an ad hoc committee if needed. Ordinance Number 462 declares that a referendum be held on November 5, 2024 to determine if the electors of the Town of Sewall's Point support this change to the Town Charter.

RECOMMENDATION:

Approve Ordinance No. 462 at the first reading with any requested modifications the Town Commission might determine.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765
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ORDINANCE NO. 462

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF SEWALL'S POINT TO BE HELD ON NOVEMBER 5, 2024, AS TO WHETHER ARTICLE II, SECTION 1 OF THE TOWN OF SEWALL'S POINT CHARTER SHALL BE AMENDED TO DELETE THE TOWN COMMISSION POWER TO CREATE AND APPOINT MEMBERS TO A TOWN PLANNING BOARD; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, a Charter for the Town of Sewall's Point, Florida (the "Town") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to Section 166.021(4), Florida Statutes, the Town Charter may be amended through the Town's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, Article II, Section 1 of the Charter provides that the Commission shall have certain powers to act by ordinance; and

WHEREAS, the 37^h power enumerated by Article II, Section 1 sets forth the power to license, tax and regulate certain modes of transportation listed therein: and

WHEREAS, the Town Commission desires to amend Article II, Section 1 of the Town Charter by deleting the 37th power in its entirety; and

WHEREAS, the Town Commission hereby finds that it such amendment is in the best interests of the Town and serves the public health, welfare and safety; and

WHEREAS, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the Charter should be so amended (the "Referendum").

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

Section 1. Findings adopted. The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this Ordinance.

Section 2. Referendum declared. A Referendum is hereby called for and shall be held in the Town on the 5th day of November, 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the Town Charter, as set forth in this Ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as **“Town Planning Board.”**

Section 4. Conduct of Referendum. The Town shall determine the polling locations or places in coordination with the Martin County Supervisor of Elections, and all qualified electors of the Town of Sewall’s Point, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Highland Beach, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Highland Beach, Florida shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of

Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 6. Ballot summary. The ballot summary of the proposed Charter amendment shall be:

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 []

Section 7. Charter amendment. In the event that the majority of electors of the Town voting in the Referendum vote affirmatively to adopt the amendments described in Section 6 hereinabove, then Article II, Section 1 of the Town Charter shall be amended to read as follows:

Section 1. - [Ordinance powers.]

The Commission within the limitations of this Act shall have the power by ordinance:

9th. To provide the town with a supply of water for public purposes and to sell the same to private individuals for profit, by waterworks to be within or beyond the boundaries of the Town, and for that purpose to acquire, build, construct or lease or permit others to acquire, build, construct or lease waterworks and a water system, and to dig artesian wells. The Town Commission may contract with other municipalities or private individuals for the supply of water to be furnished the inhabitants and citizens of the Town of Sewall's Point whose water plants, or facilities, for furnishing water may be outside the Town limits. The Town Commission may also grant a license and privilege to any person, firm, corporation or municipality to use its streets, alleys and ways for water mains, fire hydrants, and such other water distribution system as is necessary for the serving of the inhabitants and citizens of the Town with water and fire protection. Nothing herein contained shall compel the Town to provide water beyond existing facilities.

10th. To provide for the prevention and extinguishment of fires and to organize and establish fire departments. The Town Commission may contract with other Fire Departments, located beyond its limits, for its services in providing the inhabitants and citizens of the Town of Sewall's Point with fire protection, and is authorized to pay a reasonable sum for the services of said Fire Department or Departments.

11th. To provide for the lighting of the Town by electricity, gas or other illuminating material and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.

15th. To license, tax and regulate carriages, ~~wheel chairs~~, cars, vehicles, motors, omnibuses, and wagons ~~and drays~~, and to fix the rate to be charged for the carriage of persons and property within the Town limits and to the public works and property without the Town limits.

36th. To provide by ordinance for the appointment of a Town Manager, to prescribe his duties and fix his compensation. The Town Manager need not be a resident or property holder in the Town, County or State and may be dismissed at the pleasure of the Commission. The salary of the Town Manager shall be fixed by the Town Council [Commission].

~~37th. To provide by ordinance for the adoption of a Town plan, creation of a Town Planning Board and the appointment of the~~

~~members thereof. The Commission shall, by ordinance, prescribe the duties of the Town Planning Board, enact ordinances for the enforcement of the Board and prescribe penalties for their violation.~~

41st. To prohibit the dumping of filth, dirt, garbage, shells, trash, refuse or other things in the waters of any body of water within the Town limits, or any body of water adjacent to or adjoining the Town limits.

Section 9. 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 10. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Codification. Section 7 of the Ordinance may be made a part of the Town Charter 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 12. 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 18th day of June, 2024.

TOWN OF SEWALL’S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, 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. 463 - Amendment to Definition of Impermeable Area

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

The Town Commission requested modifications to the ordinance defining impermeable area to eliminate the exemption for wood decks and pavers. The purpose of this change is to increase the area of drainage around a property.

RECOMMENDATION:

Approve Ordinance No. 463 at the first reading with any requested modifications the Town Commission might determine.



Town of Hall One South Sewall's Point Road Sewall's Point, FL 34996
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ORDINANCE NO. 463

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 82, ZONING, ARTICLE V, SUPPLEMENTARY REGULATIONS, SECTION 82-1, DEFINITIONS, TO MODIFY THE DEFINITION OF "IMPERMEABLE AREA" AND ADD A DEFINITION FOR "SEMI-PERVIOUS SURFACE" 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 reasonable regulation of impermeable area helps preserve the environment by reducing the risk of flooding and assisting with the management of stormwater runoff; and

WHEREAS, the definition of "Impermeable area" in Section 82-1 of the Sewall's Point Code of Ordinances currently excludes wood decks and pavers set in sand;

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, desires to amend the definition of "Impermeable area" in Section 82-1 to eliminate the exemption for wood decks and pavers set in sand; and

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida,

also desires to add to Section 82-1 a definition of the term “Semi-pervious surface”.

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. The definition of “Impermeable area” in Chapter 82, Zoning, Article I, In General, Section 82-1, Definitions, is hereby amended as follows (deletions are shown by overstrike; additions are underlined):

Impermeable area means the sum total of the ground surface area of a lot not permitting the percolation of water through the pores, interstices, etc., including but not limited to the ground floor area of buildings, structures, pools, patios, porches, driveways, walkways, and other concrete, asphalt or permanent surfacing. ~~This definition shall not pertain to wood decks or pavers set in sand.~~

Section 2. Chapter 82, Zoning, Article I, In General, Section 82-1, Definitions, is hereby amended by adding a definition of the term “Semi-pervious surface” as follows (deletions are shown by overstrike; additions are underlined):

Semi-pervious surface: A land surface covered with paving products that partially allow the percolation of water at a rate of at least fifty (50) percent based upon manufacturer specifications

when correctly installed. Semi-pervious surface shall count toward the calculation of impervious surface at a reduced rate in proportion to the percolation rate of the materials used.

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

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

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

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

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

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

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this _____ day of _____, 2024.

TOWN OF SEWALL’S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, 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. 464 - Modification to Lot Coverage

Date: Regular Meeting – May 28, 2024– First Reading

EXECUTIVE SUMMARY:

The Town Commission requested modifications to the ordinance governing the allowable coverage to a residential lot. Ordinance No. 464 adds tennis courts or other athletic facilities, swimming pools, pool structures, poolside aprons, and terraces to the calculation of lot coverage.

The purpose of this action is to increase the green space on a property.

RECOMMENDATION:

Approve Ordinance No. 464 at the first reading with any requested modifications the Town Commission might determine.



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ORDINANCE NO. 464

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 82, ZONING, ARTICLE V, SUPPLEMENTARY REGULATIONS, SECTION 82-423, APPLICABILITY OF YARD AND LOT COVERAGE REQUIREMENTS; TENNIS COURTS, SWIMMING POOLS AND OTHER ATHLETIC FACILITIES, TO REMOVE THE EXCLUSION OF ATHLETIC FACILITIES FROM THE CALCULATION OF LOT COVERAGE, 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 reasonable regulation of lot coverage helps preserve the environment by maintaining a balance between open and built spaces, reducing the risk of flooding and supporting the management of stormwater runoff; and

WHEREAS, Section 82-423(a) of the Sewall's Point Code of Ordinances currently provides that tennis courts and other athletic facilities shall not be considered a part of the building in the determination of percentage of lot coverage;

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, desires to amend Section 82-423(a) to eliminate this exemption such that tennis

courts and other athletic facilities will be included in the calculation of lot coverage..

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 V, Supplementary Regulations, Section 82-423(a), *Applicability of yard and lot coverage requirements; tennis courts, swimming pools and other athletic facilities*, is hereby amended as follows (deletions are shown by overstrike; additions are underlined):

(a) *Applicability of requirements to athletic facilities.* Tennis courts or other athletic facilities, such as but not limited to swimming pools, pool structures, poolside aprons, and terraces, shall not be considered a part of the building in the determination of yard sizes ~~or percentage of lot coverage~~, but, shall be included in the calculation of lot coverage and shall be subject to building setback line regulations.

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

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

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

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

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

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

Passed first reading at the Regular Meeting of the Town Commission held on the 28th day of May, 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	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____
VINNY BARILE, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the 18th day of June, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 18th day of June, 2024.

TOWN OF SEWALL’S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, Town Clerk

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

(TOWN SEAL)



RESOLUTION NO. 971

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2025; AND PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

WHEREAS, the Town of Sewall's Point, Florida, (the "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, Article IV, section 2(2) of the Town's Charter, requires the Town Manager in conjunction with the budget process, submit a five-year capital improvement plan to the Commission for approval and adoption.

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

Section 1. The Town Commission of the Town of Sewall's Point does hereby adopt the Five Year Capital Improvement Plan for Fiscal Year 2025 which is attached hereto and incorporated herein as "Exhibit A."

Section 2. This Resolution shall take effect upon approval by the Town Commission.

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

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

The Mayor thereupon declared this Resolution No. 971 approved and adopted by the Town Commission of the Town of Sewall's Point on this 28th day of May, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

JOHN TOMPECK, MAYOR

ATTEST:

April Stoncius, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

Draft 5 Year Capital Improvement Plan

**TOWN OF SEWALL'S POINT
CAPITAL IMPROVEMENT PLAN 2024 - 2028**



PROJECT COSTS

CAPITAL PROJECTS

	FY25	FY26	FY27	FY28	FY29	5-YR TOTAL
South Sewall's Point Road Phase 1 Part 4	\$ -	\$ -	\$ 2,500,000	\$ -	\$ -	\$ 2,500,000
South Sewall's Point Road Phase 2	\$ 6,170,000	\$ 4,226,000	\$ 150,000	\$ -	\$ -	\$ 10,546,000
South Sewall's Point Road Phase 3	\$ 10,538,046	\$ 150,780	\$ 1,798,988	\$ -	\$ -	\$ 12,487,814
South Sewall's Point Road Phase 4	\$ -	\$ -	\$ 7,500,000	\$ 6,900,000	\$ -	\$ 14,400,000
North Sewall's Point Road	\$ 387,000	\$ 26,948,000	\$ -	\$ -	\$ -	\$ 27,335,000
Stormwater/Vulnerability Master Plan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
South Sewall's Point Septic to Sewer	\$ 5,062,000	\$ -	\$ -	\$ -	\$ -	\$ 5,062,000
Police Department Remodel	\$ 109,500	\$ -	\$ -	\$ -	\$ -	\$ 109,500
Police Patrol Cars	\$ 55,000	\$ 55,000	\$ 58,000	\$ 58,000	\$ 60,000	\$ 286,000
Computer Replacements	\$ 20,000	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ 40,000
Town Hall Resiliency Project	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000	\$ 5,000,000
TOTAL	\$ 22,341,546	\$ 31,389,780	\$ 12,016,988	\$ 9,458,000	\$ 2,560,000	\$ 77,766,314

CAPITAL MAINTENANCE

Engineering	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 375,000
Streetlights & Signs	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 75,000
Streets & Bridges/Seawalls	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Storm Water System Maintenance	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 625,000
Parks & Landscaping						
Streetscaping	\$ 25,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 165,000
Tree Maintenance	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 100,000
Town Hall	\$ 20,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 120,000
TOTAL	\$ 380,000	\$ 395,000	\$ 395,000	\$ 395,000	\$ 395,000	\$ 1,960,000

COST GRAND TOTAL	\$ 22,721,546	\$ 31,784,780	\$ 12,411,988	\$ 9,853,000	\$ 2,955,000	\$ 79,726,314
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