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Town of Ponce Inlet
Town Council
Regular Meeting Minutes
January 21, 2021

6 **1. CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order
7 at 6:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

8
9 **2. PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.

10
11 **3. ROLL CALL:**

12 **Town Council:**

13 Mayor Smith, Seat #1

14 Councilmember Milano, Seat #2

15 Councilmember Hoss, Seat #3 (attended via Zoom due to extraordinary circumstances)

16 Councilmember Israel, Seat #4

17 Vice-Mayor Paritsky, Seat #5

18
19 **Staff Members Present:**

20 Mr. Baker, Chief Building Official/Floodplain Manager

21 Ms. Cherbano, Human Resource Director/Deputy Clerk

22 Mr. Disher, Assistant Director of Planning & Development

23 Chief Glazier, Police Chief

24 Mr. Hooker, Code Compliance Manager

25 Ms. Hugler, Office Manager

26 Ms. Hunt, Assistant Deputy Clerk

27 Mr. Irwin, IT Manager

28 Mr. Joulani, Director, Planning & Development

29 Mr. Miller, Public Works Manager

30 Chief Scales, Fire Chief

31 Attorney Shepard, Town Attorney

32 Ms. Witt, Town Manager

33
34 Mayor Smith passed the gavel to Vice-Mayor Paritsky under section 3.03.B of the Town Charter,
35 due to a temporary medical issue that impacts his reading.

36
37 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Vice-Mayor
38 Paritsky asked if there were any changes requested to the agenda. Councilmember Israel indicated
39 he had something to be added to the minutes. Vice-Mayor Paritsky stated that they were approving
40 the agenda under this item.

41
42 Vice-Mayor Paritsky moved to adopt the agenda as presented; seconded by Councilmember
43 Milano. The motion PASSED 5-0, consensus.

44

45 **5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

46
47 **A. Mayor’s State of the Town Address.** Vice-Mayor Paritsky read the State of the
48 Town Address on behalf of Mayor Smith (Attachment #1).

49
50 **B. Recognition of Town Employee of the Year.** Ms. Witt read a bio of David
51 Hooker, noting his experience, training, years of service, and dedication to the Town which led to
52 his selection for this award by his peers. Vice-Mayor Paritsky read the inscription on the plaque,
53 congratulated Mr. Hooker for being selected as the 2021 Employee of the Year and presented him
54 with the award.

55
56 **C. Response from Fire Chief Dan Scales regarding a statement made at the**
57 **December 10, 2020 Regular Town Council meeting.** Chief Scales read his statement into the
58 record (Attachment #2).

59
60 **6. CONSENT AGENDA:** Vice-Mayor Paritsky asked if there was any item Council would
61 like to remove from the consent agenda or to discuss; hearing none, she closed Council comments.
62 Vice-Mayor Paritsky opened public comments; hearing none, she closed public comments.

63
64 ~~**A. Approval of the Town Council regular meeting minutes—December 10, 2020.**~~

65
66 **B. Award of bid for Ponce Preserve boardwalk top rail replacement project to**
67 **Saboungi Construction, Inc., in the amount of \$39,900; this bid is below the amount provided**
68 **for in the FY 20/21 budget.**

69
70 *Vice-Mayor Paritsky moved to approve the Consent Agenda as presented; seconded by*
71 *Councilmember Milano. The motion PASSED 5-0, consensus.*

72
73 Councilmember Israel stated he wanted to make a change to the December 10, 2020 meeting
74 minutes. It was noted that this required removing the minutes from the Consent Agenda and placing
75 them as under item 13.

76
77 *Vice-Mayor Paritsky moved to reconsider the approval of the Consent Agenda; seconded by*
78 *Councilmember Milano. The motion PASSED 5-0, consensus.*

79
80 Vice-Mayor Paritsky noted that agenda item 6-A would be moved to Agenda Item 13-B.

81
82 *Vice-Mayor Paritsky moved to approve the Consent Agenda as amended to remove item 6-A;*
83 *seconded by Councilmember Milano. The motion PASSED 5-0, consensus.*

84
85 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
86 **MEETING:**

87
88 **A. Consideration of the extension of Mead & Hunt’s Engineering Services**
89 **Contract.** Ms. Witt noted that Brad Blais and Andrew Giannini of Mead & Hunt are present. The
90 current three-year contract is due to expire on February 21, 2021; this request is to extend the

91 current contract for an additional three years. She noted that Mead & Hunt is the engineering firm
92 working on the Ponce deLeon Septic-to-Sewer program in addition to other town projects, as
93 outlined in the scope of services. She provided a Municipal Billing Rate Schedule Comparison
94 that clarified the positions/classifications they commonly use, and the billing rates associated with
95 those. Councilmember Israel asked if they should be going out for bid for this. Ms. Witt explained
96 that was Council's option and they had previously gone out for bid for the current contract which
97 was now available to them for renewal. The town has a perpetual contract with the firm but may
98 go out for bid if they choose; this contract locks-in rates for the specified three years. Mayor Smith
99 noted that it is common for municipalities to contract out for certain services when it is not feasible
100 to have in-house staff. Vice-Mayor Paritsky referenced the Ponce deLeon Septic-to-Sewer project
101 and asked Mr. Blais if this contract extension reflects the revised costs. Mr. Blais stated that the
102 new rates are reflected in the proposal; any part of the contract that has been pre-authorized and
103 executed will remain under the old rates. Vice-Mayor Paritsky opened public comments - hearing
104 none, she closed public comment.

105

106 Councilmember Milano moved to approve the three year extension of Mead & Hunt's Engineering
107 Services Contract; seconded by Mayor Smith. The motion PASSED 5-0, with the following vote:
108 Councilmember Milano - yes; Mayor Smith - yes; Vice-Mayor Paritsky - yes; Councilmember
109 Hoss - yes; Councilmember Israel - yes.

110

111 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.

112

113 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None.

114

115 **10. CITIZENS' PARTICIPATION:** Vice-Mayor Paritsky opened citizen's participation.
116 Derek George, Ponce Inlet Professional Firefighter President stated Councilmember Milano asked
117 Councilmember Milano to make a motion to stop the pursuit of contracting out fire and EMS
118 services. He submitted a petition containing 606 signatures, stating that approximately 343 were
119 verified. Mr. George stated that this issue has caused undue and unnecessary hardship on the fire
120 department staff who he stated love the Town and its residents. He encouraged Council to put this
121 matter to bed because the County's proposal does not save taxpayers any money and he believes
122 the proposed service area would double their calls. If Council cannot make a motion tonight, then
123 he asks that Council create an ordinance to place this matter on the ballot for the residents to vote
124 and decide, since they are also the ones who will decide to keep or remove Councilmembers at the
125 next election. Mr. George referenced social media posts indicating that taxpayer money has been
126 wasted on this matter; in addition, Mr. Mandel, town labor attorney informed Council at the special
127 meeting last week, that you will be required to impact bargain with the union even if you do choose
128 to go with a County contract. Mayor Smith asked Mr. George what it means to "keep the fire
129 department". Mr. George read the statement from the petition "*We, the undersigned, petition the*
130 *Ponce Inlet town council to keep the Ponce Inlet Fire Department as a working department with*
131 *the Town of Ponce Inlet budget and to place any decision to get rid of, or contract out our fire*
132 *department services on the 2021 voter referendum. We wish to keep the Ponce Inlet Fire*
133 *Department in Town and under the control of the Town of Ponce Inlet and its' citizens. We do not*
134 *wish to contract out our fire department."* Mayor Smith stated there are two options: 1 - no
135 transport at all; or 2 - continue to transport by participating in the municipal transport program. He
136 asked Mr. George what the firefighters want. Mr. George expressed support to maintain the current

137 program, option 2, where the Town maintains its transport services and participates in the
138 municipal transport agreement. Barbara Spetland, 55 Seawinds Circle commended the police and
139 fire departments and expressed support for the Town maintaining its own fire department; she
140 requested have her name be added to the petition. Vice-Mayor Paritsky closed citizen's
141 participation.

142

143 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

144

145 **A. First reading of Ordinance 2021-01, creating an Essential Services Advisory**
146 **Board. Attorney Shepard read the ordinance by title only.** AN ORDINANCE OF THE TOWN
147 COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA AMENDING CHAPTER 2,
148 ARTICLE IV OF THE TOWN'S CODE OF ORDINANCES TO CREATE DIVISION 3 WHICH
149 ESTABLISHES A ESSENTIAL SERVICES ADVISORY BOARD AND PROVIDES FOR
150 MEMBERSHIP, TERMS OF OFFICE, QUALIFICATIONS, RULES OF PROCEDURE, AND
151 THE POWERS AND DUTIES OF THIS BOARD; PROVIDING FOR CONFLICTS,
152 SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Ms. Witt stated at the
153 September 17, 2020 Council meeting, Vice-Mayor Paritsky brought forth this idea of creating a
154 public safety advisory board to assist the Council it its decisions relating to public safety issues.
155 During that meeting, she suggested that adding public works to this board as well due to the number
156 of strategic planning projects that fall under that department title and for which there is currently
157 no board to provide recommendations related to these. She noted that membership requirements
158 would be established for specific backgrounds that would be helpful in the types of work that
159 would be assigned to this board. Council expressed support for this concept and authorized Vice-
160 Mayor Paritsky to work with the town manager and town attorney to create a board that would
161 combine these functions. The public safety advisory board is now proposed under the title of
162 Essential Services Advisory Board as outlined in Ordinance 2021-01. Councilmember Israel asked
163 why the name of the board was changed, noting that it was originally proposed to include the
164 building, code, police, and fire departments. Vice-Mayor Paritsky stated the name matches more
165 to what we are looking for and from whom. Councilmember Israel noted the board would be
166 responsible for making recommendations on purchases over \$50,000. He asked how one member
167 would be able to convince four other members that there is a need for a firetruck, for example. He
168 expressed concern regarding the varying expertise of these members and their capabilities
169 regarding the work that would be assigned to them. He referenced knowledge of meetings that
170 Vice-Mayor Paritsky had with Mr. Loh and Mr. Roxenberg regarding this subject which seemed
171 to be where the idea started from. Vice-Mayor Paritsky stated that she met with those residents out
172 of respect for their expertise and the idea grew from there, adding that there are residents of special
173 disciplines who could be valuable when advising the Council. She referred to the other boards that
174 advise and help Council make decisions; emphasizing that this board would also be advisory and
175 not make decisions. She added that this ensures early communication and all the advisory boards
176 work hard and we would expect no less from this board. Councilmember Israel noted that we have
177 department heads who are competent in assessing their equipment and staffing needs and when
178 brought to the Town Manager and Council, we budget for it. He did not feel there is a need for
179 more individuals in this process. Ms. Witt mentioned that some of the decisions they area called
180 upon to make that are both out of her expertise and that of Councils and that she believed a vetting
181 process of a board would be beneficial, particularly as it related to strategic planning areas that

182 tend to fall more under the public works category. She noted that she has eight departments and
183 no assistant manager/operations manager, and she does much of the hands-on work herself.
184 Councilmember Israel suggested that Ms. Witt submit a request for an assistant in the budget. Ms.
185 Witt stated that she expects the town to have some big projects to consider in the next five years,
186 to include possibly building a new fire department facility and addressing the needs at the public
187 works facility and it would be very helpful to have the assistance of a citizen board in this process
188 as well, unlike when the town built these current facilities. Councilmember Milano expressed
189 support for the important role of advisory boards and added that the more information we get, the
190 better decisions Council can make. Vice-Mayor Paritsky opened public comment. Derek George,
191 PIPFF, noted that the reason the ambulance purchase changed was because the Union provided
192 input and the Manager was able to purchase the correct equipment. He stated it is important to
193 have qualified personnel on this board. Vice-Mayor Paritsky closed public comment. Ms. Witt
194 noted that having this board will provide the atmosphere for participation like Mr. George just
195 mentioned. Councilmember Israel asked if this board would make recommendations on what
196 employees stay and what employees go? Ms. Witt stated, “absolutely not”; this board would make
197 recommendations on staffing levels based upon department head requests, not specific employees.
198 Councilmember Milano requested that the qualifications for seat #2 be changed to *Fire Rescue*
199 *and EMS background*, instead of firefighter background.

200

201 Councilmember Milano moved to approve the first reading of Ordinance 2021-01 as amended
202 regarding description of fire rescue representative; seconded by Mayor Smith. The motion
203 PASSED 4-1, with the following vote: Councilmember Milano – yes; Mayor Smith - yes; Vice-
204 Mayor Paritsky - yes; Councilmember Hoss - yes; Councilmember Israel – no.

205

206 **B. First reading of Ordinance 2021-02, amending Chapters 18 and 34 of the Code**
207 **of Ordinances relating to permitting and construction requirements; adopting the Florida**
208 **Building Code, 7th Edition (2020); adopting the most recent edition of the NFPA 70 National**
209 **Electrical Code (NEC); and adopting the Building Officials Association of Florida’s Model**
210 **Administrative Code (2020) with additions from the Town of Ponce Inlet.** Attorney Shepard
211 read the ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET,
212 FLORIDA AMENDING CHAPTERS 18 AND 34 OF THE PONCE INLET CODE OF
213 ORDINANCES RELATING TO PERMITTING AND CONSTRUCTION REQUIREMENTS;
214 ADOPTING THE FLORIDA BUILDING CODE, 7TH EDITION (2020) TOGETHER WITH
215 CERTAIN APPENDICES THERETO; ADOPTING THE MOST RECENT EDITION OF THE
216 NFPA 70 NATIONAL ELECTRICAL CODE (NEC); ADOPTING THE BUILDING
217 OFFICIALS ASSOCIATION OF FLORIDA’S MODEL ADMINISTRATIVE CODE (2020)
218 TOGETHER WITH CERTAIN ADDITIONS THERETO; PROVIDING DIRECTIONS TO THE
219 TOWN MANAGER; PROVIDING FOR CODIFICATION; PROVIDING FOR
220 SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE
221 DATE. Mr. Disher stated that the proposed changes are intended to update various codes that the
222 Town has adopted by reference, including the 2020 edition of the Florida Building Code, the 2020
223 Building Officials Association of Florida Model Administrative Code, and the National Electrical
224 Code. The amendments reorganize, consolidate, and streamline similar regulations throughout
225 both Chapters and delete obsolete regulations. He noted that if approved, the town would be
226 adopting the first significant update to many of these regulations since they were first adopted in

227 1984. He briefly reviewed the proposed changes. Vice-Mayor Paritsky thanked Mr. Disher for
228 streamlining this information. Councilmember Israel asked if a resident installs plywood and
229 continues to live in the house, if it is painted to match the house, can they keep it up? Mr. Disher
230 stated it would have to be done in a way that ensures the resident’s safety and does not negatively
231 affect property values. Vice-Mayor Paritsky asked for public comments – hearing none, she closed
232 public comments.

233
234 Vice-Mayo Paritsky moved to approve Ordinance 2021-02 as presented; seconded by
235 Councilmember Milano. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
236 – yes; Councilmember Milano – yes; Mayor Smith – yes; Councilmember Israel - yes;
237 Councilmember Hoss – yes.

238
239 **C. First reading of Ordinance 2021-03, amending section 4.4 of the Land Use and**
240 **Development Code to create a waiver procedure for additional fence height and materials**
241 **on public/institutional properties with special security needs.** Attorney Shepard read the
242 ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA,
243 AMENDING SECTION 4.4 OF THE LAND USE AND DEVELOPMENT CODE REGARDING
244 FENCES AND WALLS; AMENDING SECTION 6.6.5 OF THE LAND USE AND
245 DEVELOPMENT CODE REGARDING ADMINISTRATIVE VARIANCES; PROVIDING
246 FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR CONFLICTS, AND AN
247 EFFECTIVE DATE. Councilmember Israel noted for the record that he attended several Planning
248 Board meetings where discussion on this item occurred. Mr. Disher explained the history behind
249 this request and noted it was fully vetted by the Planning Board. He stated this item initially began
250 as a request from Battelle who submitted a permit application to replace fencing on its South
251 Atlantic Avenue property. The existing fence is eight feet in height with barbed wire on top for
252 security. Due to changes to the Code in 2017, staff was unable to approve the application which
253 has resulted in this request for a Code amendment. During its research, staff identified several
254 properties of particular nature, with existing non-conforming fences. At the Planning Board’s
255 request, a waiver process, establishing detailed criteria, has been created to ensure no applicant
256 could “double-dip” and limiting the height and materials to certain Public/Institutional (P/I) uses,
257 to allow a waiver to request increased fence height and the use of barbed wire, where currently
258 existing, and based of security needs of each facility. Vice-Mayor Paritsky thanked the Planning
259 Board and Planning Department for their work on this. Mr. Disher clarified that this applies to P/I
260 properties and there are very specific criteria, including the justification of security, to be eligible
261 for this amendment. Vice-Mayor Paritsky asked for public comments – hearing none, she closed
262 public comments.

263
264 Vice-Mayor Paritsky moved to approve Ordinance 2021-03 as presented; seconded by
265 Councilmember Israel. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky –
266 yes; Councilmember Milano – yes; Councilmember Israel - yes; Councilmember Hoss - yes;
267 Mayor Smith - yes.

268
269 **D. First reading of Ordinance 2021-04, increasing fines for parking violations**
270 **from \$15 to \$45.** Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE
271 TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER

272 74, ARTICLE II AND APPENDIX B OF THE TOWN'S CODE OF ORDINANCES TO
273 INCREASE FINES FOR PARKING VIOLATIONS; PROVIDING FOR CONFLICTS,
274 SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Councilmember Israel noted
275 that there has been an increase in traffic and illegal parking, especially during the spring and
276 summer. He noted that cars are parked on sidewalks, across driveways, on the right-of-way, and
277 park wherever they can fit, and that there are problems at the boat ramp. He noted that several
278 municipalities have raised their rates and the town should raise its as well from the current \$15
279 because that amount is no longer a deterrent. Mayor Smith agreed and suggested that the signage
280 be updated to include the new fine amount. Councilmember Milano agreed and noted that the City
281 of Port Orange placed an article in the newspaper to advise the public when they raised theirs. Ms.
282 Witt stated notification could be made through the town's website, email subscribers, social media
283 platforms, advertisement in the newspaper, and by updating the signage. She noted the following
284 correction to Section 6 of the Ordinance: replace "immediately upon its adoption" with: "30 days
285 after the date of adoption" to allow for public notification. Vice-Mayor Paritsky opened public
286 comments; hearing none, she closed public comments.

287
288 Vice-Mayor Paritsky moved to approve Ordinance 2021-04 as amended for 30-day delay in
289 adoption date; seconded by Councilmember Milano. The motion PASSED 5-0, with the following
290 vote: Vice-Mayor Paritsky - yes; Councilmember Milano - yes; Councilmember Israel - yes;
291 Councilmember Hoss – yes; Mayor Smith – yes.

292
293 **E. First reading of Ordinance 2021-05, amending the Land Use and Development**
294 **Code to create regulations regarding nuisance lighting.** Attorney Shepard read the ordinance
295 by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING
296 ARTICLE IV OF CHAPTER 34 OF THE CODE OF ORDINANCES BY RENAMING THE
297 ARTICLE AND CREATING SECTION 34-99 ENTITLED "NUISANCE LIGHTING"
298 PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR
299 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Councilmember Israel noted that
300 he attended the Planning Board meetings where this topic was discussed, and he commended Mr.
301 Joulani and the members of the Planning Board for their work on this item. Mr. Joulani reviewed
302 the history behind this item, noting that there were no regulations to prohibit or restrict nuisance
303 lighting. Upon researching the matter, he learned that several municipalities have regulations
304 regarding nuisance or trespass lighting, but those regulations were somewhat confusing. This
305 ordinance has been written to not require professional interpretation rather, it provides for a means
306 to report, document, verify, and resolve lighting complaints. He explained that the resident would
307 make the complaint with Code Enforcement, who would investigate and determine if a violation
308 exists, then act as appropriate. Mr. Joulani noted that there is no definition of the term "intensity"
309 (line 62) so that will be added to the ordinance for second reading; in addition, on line 84, replace
310 the words "loss in visual performance or visibility" with "blinding". He assured that condominium
311 complexes lighting would not be affected by this ordinance; and these regulations would be
312 investigated and enforced through complaints. Councilmember Israel asked if the police
313 department would investigate a complaint during the nighttime hours. Mr. Joulani stated they
314 would document the complaint and report it to Code Enforcement the next day. Councilmember
315 Israel suggested adding wording to the ordinance with instructions on how to file a complaint and
316 that the police officer(s) could verify and confirm if the light is in violation, and then forward it to

317 Code Enforcement for resolution. Mayor Smith explained the uniqueness of enforcing ordinances
318 like these and noted that it would be complaint-driven and requires investigation, not necessarily
319 an immediate response. Ms. Witt added that our police officers have served as our after-hours
320 Code Enforcement for certain types of calls for narrowly defined issues, and that direction could
321 be provided to them regarding this as well. Councilmember Milano thanked Mr. Joulani for his
322 work on this ordinance and noted that he appreciates having security lighting. Vice-Mayor Paritsky
323 commended Mr. Joulani, the department, and the Planning Board. Vice-Mayor Paritsky opened
324 public comments; hearing none, she closed public comments.

325
326 Vice-Mayor Paritsky moved to approve Ordinance 2021-05 as amended; seconded by
327 Councilmember Milano. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
328 – yes; Councilmember Milano – yes; Councilmember Israel - yes; Councilmember Hoss – yes;
329 Mayor Smith – yes.

330
331 **F. Resolution 2021-01, adopting the 2020 Volusia Multi-Jurisdictional Program**
332 **for a Public Information Plan to coordinate flood hazard outreach to build community**
333 **resilience to flooding.** A RESOLUTION OF THE TOWN COUNCIL, ADOPTING THE
334 VOLUSIA MULTI-JURISDICTIONAL PROGRAM FOR A PUBLIC INFORMATION PLAN
335 TO COORDINATE FLOOD HAZARD OUTREACH TO BUILD COMMUNITY RESILIENCE
336 TO FLOODING; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR
337 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Mr. Baker stated that this
338 is the required 5-year update to the PPI & LMS programs the Town currently participate in and
339 allows the town to earn points towards its CRS rating. Councilmember Milano asked if it is true
340 that only 37% of residents in flood zones actually have flood insurance. Vice-Mayor Paritsky noted
341 her appreciation for the amount of work put into this item and expressed her pleasure that there
342 are numerous platforms which provide information to the public. Mr. Disher stated the 37%
343 represents the entire County. Vice-Mayor Paritsky opened public comments; hearing none, she
344 closed public comments.

345
346 Councilmember Paritsky moved to approve Resolution 2021-01 as presented; seconded by
347 Councilmember Milano. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
348 – yes; Councilmember Milano – yes; Mayor Smith – yes; Councilmember Hoss - yes;
349 Councilmember Israel – yes.

350
351 **12. OLD BUSINESS:** None.

352
353 **13. NEW BUSINESS:**

354
355 **A. Discussion of food truck regulations.** Councilmember Israel stated he was
356 approached by Matt Dvorak who requested the Code be updated to allow food trucks in the B-1
357 and B-2 zoning districts. He stated that Mr. Dvorak has spoken with local business owners in those
358 zoning districts who have expressed support for the idea. Mr. Disher stated that staff has provided
359 information regarding recent changes to state law preempting local government regulation of food
360 trucks. He stated this change allows food trucks to be regulated the same as other restaurants and
361 the local government cannot prohibit them but can limit where they can operate; otherwise they
362 can operate anywhere. He stated the Town would need to amend the “permitted uses” table, which

363 requires an ordinance to be brought before the Planning Board and then the Town Council.
364 Councilmember Israel stated he reviewed the parking in the businesses located in B-1 and B-2
365 districts and there is plenty of parking. Councilmember Milano expressed concerns that this could
366 negatively affect local clubs during fundraising events and requested that food trucks not be
367 permitted during those events. Vice-Mayor Paritsky asked if food trucks would negatively impact
368 the local businesses. Councilmember Israel stated that businesses wouldn't have to allow them if
369 they didn't want them. Mr. Disher stated the food truck vendor would have to be invited and there
370 would have to be ample parking. Vice-Mayor Paritsky referenced the Planning Division's Projects
371 & Tasks list. Councilmember Israel asked if we could target this for completion by early Spring?
372 Vice-Mayor Paritsky noted that we need to establish a priority and in reviewing the current list,
373 there are concerns with shifting the priorities. Vice-Mayor Paritsky opened public comments. Matt
374 Dvorak, 4958 S. Peninsula Drive stated that since they are allowed, we should update the Code
375 and expressed his support for these being allowed in certain zoning districts. He stated that he has
376 utilized vendors on a couple of occasions, and it was extremely successful. Mr. Dvorak explained
377 the concept and that he is not in support of them being allowed in the parks. Vice-Mayor Paritsky
378 closed public comments. Vice-Mayor Paritsky asked if in an emergency, would a food truck be
379 allowed to function as the kitchen for a restaurant. Mr. Disher stated yes. Vice-Mayor Paritsky
380 suggested that this item be placed after the micro-mobility amendment. Councilmember Israel
381 asked if it would be done by late Spring, noting concerns for restaurants during the COVID
382 pandemic. Mr. Disher stated "late spring" means we start on it tomorrow and it becomes our top
383 priority. Mayor Smith noted that since they are currently allowed, we cannot stop them from
384 coming, so there is no hurry. Mr. Disher stated that Mayor Smith is correct, they are currently
385 allowed, so we can create regulations for *where* they are allowed at a later time.

386
387 Council requested this item be added to the Planning Division's Projects and Tasks lists with no
388 specific priority assigned to it.

389
390 B. Approval of the Town Council regular meeting minutes – December 10, 2020.
391 Councilmember Israel stated that he wanted to amend the meeting minutes to add the Town
392 Attorney's memorandum regarding the Firefighter's Bill of Rights issue raised at that meeting.
393 Attorney Shepard stated the minutes are the record of what happened at the meeting so if you wish
394 to add a supplement to the minutes, then you can move to add the supplement to the minutes as an
395 attachment (Attachment #3). Councilmember Israel asked who initiated the investigation against
396 him on this matter. Ms. Witt stated she received a complaint from Chief Scales that his rights had
397 been violated and she forwarded it to the Town Attorney and Labor Attorney to inquire and
398 determine any corrective action, which she also provided to Council. Vice-Mayor Paritsky opened
399 public comments; hearing none, she closed public comments.

400
401 Vice-Mayor Paritsky moved to approve the December 10, 2020 regular meeting minutes with the
402 with the town attorney's memorandum attached as a supplement; seconded by Councilmember
403 Israel. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky - yes;
404 Councilmember Israel - yes; Councilmember Hoss - yes; Councilmember Milano - yes; Mayor
405 Smith - yes.

406
407 **14. FROM THE TOWN COUNCIL:**

408 A. Vice-Mayor Paritsky, Seat #5 – Reported she attended the American Flood
409 Coalition 4th Quarter Advisory Board meeting; attended the Volusia Delegation in Deland and met
410 with Representative Leek and Senator Wright, to continue advocating for home rule as it relates
411 to short term rental bills, and flooding and resiliency; she attended the Round Table of Elected
412 Officials, where Sheriff Chitwood explained his initiative to have a training academy in Volusia
413 County, which will be decided on February 11 at the Criminal Justice Standards and Training
414 Commission; she met newly elected Tax Collector, Will Roberts, whose office is adding new
415 services including issuing driver's licenses, birth certificates and concealed weapons permits
416 (VCTaxCollector.org) for more information; she noted that Director Joe Pozzo's presentation is
417 available on the C4Pi website; she attended the Advocacy Committee meeting of the Florida
418 League of Cities where she learned of new advocacy tools which are being rolled out (text: *Home*
419 *Rule* to 50457), the system will provide you with a link to legislative alerts.

420
421 B. Councilmember Israel, Seat #4 - Reported that he will be unable to attend this
422 month's TPO meeting due to a family matter; read a statement (Attachment 4).

423
424 C. Councilmember Hoss, Seat #3 - Stated this was an interesting and informative
425 meeting; she hopes to be back in person for the February meeting.

426
427 D. Councilmember Milano, Seat #4 - Reported that out of 62 individuals who entered
428 the shelter since August 28th, 45% of them had drug problems, 36% had alcohol problems 71%
429 were in psychotropic medications and of those, 66% were on medication for medical issues, 29%
430 did not need any prescription medication; the Shelter provided housing, food, clothing and case
431 management services to 155 homeless individuals and were able to assist 65 of those with
432 permanent housing. In addition, the Shelter assisted residents with income, disability income,
433 health insurance, social services, and food stamps.

434
435 E. Mayor Smith, Seat #1 - Stated that a car accident caused his injury, which took four
436 days to manifest. He is getting better every day and hopes to be well enough to facilitate the
437 February meeting.

438
439 **15. FROM THE TOWN MANAGER** – Ms. Witt provided the following report:

440 1. The St Johns River Water Management District Governing Board approved our
441 grant application for the Indian River Lagoon Grant, which now provided us with a grant award
442 of \$807,206 for the septic-to-sewer project on Ponce de Leon Circle. We had previously been
443 approved for a SJRWMD grant in the amount of \$355,174 and the new grant award will replace
444 the original one. I had previously reported to you that this was a 75% grant match, but the estimated
445 cost of this project has gone up somewhat, so it is now estimated as a 71% match. This project is
446 currently anticipated to cost \$1,138,865, so the remaining \$331,659 will be divided according to
447 the previously approved cost-share agreement with the City of Port Orange – where Port Orange
448 pays for those uncovered costs related to sewer and the Town pays for those uncovered costs
449 related to roadway, stormwater improvements, and a small water line improvement that we intend
450 to make while we are in there. We will be getting more information out to residents on this street
451 regarding timelines as that information becomes available.

452 2. Staff has coordinated a date with the East Central Florida Regional Planning
453 Council (ECFRPC) for the first public workshop as part of the Coastal Vulnerability Study, which
454 Council approved via a contractual scope of services in October. This public workshop will be

455 held at the Community Center on Thursday, February 25th at 6:00 p.m. This is not a Council
456 meeting, but all Council members are invited to participate either in-person or virtually, as will the
457 members of all of the Town's other boards and the public as a whole. A public notice to cover any
458 Sunshine Issues will be posted prior to the workshop. More information will be forthcoming as it
459 is prepared by the ECFRPC.

460 3. She provided the calendar of events & meetings.

461
462 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated he had nothing to report.

463
464 **17. ADJOURNMENT** - Vice-Mayor Paritsky adjourned the meeting at 9:26 p.m.

465
466 Respectfully submitted by:

467
468
469 _____
470 Jeaneen Witt, CMC, Town Manager/Town Clerk
471 Peg Hunt, Assistant Deputy Clerk