

Town of Ponce Inlet

Mayor's State of the Town Address

January 17, 2019

With the start of a fresh New Year, many of us take time to reflect on the prior year. The Town does this as well and we provide this information to you each January through an annual Address.

As always, we'll start with the financial health of our Town. The Town received an excellent audit for the prior fiscal year. We have a general fund reserve of approximately \$2.1 million dollars, which equates to approximately 5 months of our current operating expenses. The Town's established goal is to keep the general fund reserve at a level between 3 and 9 months of operating expenses. The Town's total millage rate is the 5th lowest out of the 24 separate taxing districts in Volusia County, nearly a half-mill lower than our neighboring unincorporated area Wilbur-by-the-Sea and over one mill lower than our nearest incorporated neighbor. We continue to meet our stated mission to provide you with excellence in service delivery while ensuring citizens obtain the greatest value for their tax dollar.

As an update to the lawsuits brought against the Town by Pacetta, LLC beginning in 2008, there have been several rulings issued in favor of the Town. You may recall that the Fifth District Court of Appeals (5th DCA) directed the case back to the Circuit Court for a trial on Pacetta's partial takings claim. The first step in that process required the trial judge to determine if Pacetta's partial takings claim was ripe. On summary judgment, Judge France determined that the required *ripeness test* was not met by Pacetta, because Pacetta never applied for a legally permissible development on its 16-acre parcel. At a subsequent trial the judge also determined that the Town had not "effectively determined that any other development of Pacetta's property would be impermissible." In addition to this favorable ruling for the Town, the United States Supreme Court denied Pacetta's request to review the 5th DCA's ruling which overturned the initial liability order and \$30 million-dollar judgment against the Town. This finalized the 5th DCA's ruling in favor of the Town on the initial liability claim and eliminated the \$30 million-dollar judgment. With these matters behind us, there are two remaining cases from Pacetta that are currently being defended by the Town. Pacetta has made a federal claim of due process, equal protection and first amendment violations, which the Town has opposed and moved to dismiss. The federal court has received the briefs of both parties and we await a decision on that issue. Pacetta is also appealing the Circuit Court's 2018 ruling that Pacetta did not pass the *ripeness test* for consideration of the partial takings claim. The 5th DCA has received Pacetta's appeal and the Town's response, and a final reply brief will be due from Pacetta in the coming weeks. Both parties will then await a ruling from the 5th DCA on this matter. In the meantime, the Town has filed a placeholder so that we can pursue reimbursement of the eligible legal fees and costs associated with these lawsuits. I must state again this year that this has been a long and difficult road for all of us, and I applaud the fortitude of our citizenry to stay the course with a long-term view for our Town.

You'll recall the 2017 tragic beating death of a Labrador retriever puppy named Ponce here in our community. The reaction to this terrible event spread far beyond the boundaries of our community and ultimately led to the creation of a bill aptly named "Ponce's Law". This bill was enacted by the State Legislature in 2018 to allow judges to issue sentences with increased penalties for acts of animal cruelty and enables judges to prevent an individual found guilty of animal abuse from owning another animal. A statue dedicated to Ponce and all animals who suffer abuse is located in the Happy Tails Dog Park in remembrance of this puppy, the tragic event that befell him, and the international community response to it.

In follow-up to the expenditure report I gave in last year's Address on the 2016 and 2017 hurricanes, the FEMA and State reimbursement of approximately \$260,000 based upon expenses associated with the 2016 Hurricane Matthew was received in 2018. We have applied for reimbursement in the amount of \$95,000 to cover the majority of our costs for the 2017 Hurricane Irma as well. Our Town staff works very hard to obtain these reimbursements, well after completion of the clean-up work for which we all see, and we are appreciative of their efforts and tenacity in this pursuit.

The economy and local housing market continued to prosper in 2018, as demonstrated by the number of permits issued this year compared to 2017. Over the course of the year, 966 permits were issued, including 20 permits for new single-family homes. This represents a significant increase from the 11 single-family permits that were issued in 2017. This is consistent with the numbers from 2016, and an increase of 32% compared to three years ago in 2015. In response to these permit requests, we conducted 2,359 inspections with a 97% pass rate; this continues to demonstrate the determined efforts of our building inspectors to assist our residents and their contractors.

The Town initiated an effort to upgrade our only active park in 2015 when we began to receive requests from citizens for uses that the park was not originally designed for. The process began with a citizen survey, which resulted in the Town preparing a conceptual plan and applying for a Volusia ECHO grant. Volusia ECHO provides grant funds to finance acquisition, restoration, construction or improvement of facilities to be used for environmental, cultural, historical and outdoor recreational purposes. The Town received the approval of the ECHO Grant in 2018 in the amount of \$394,047 towards a \$788,095 capital improvement project in Timothy Pollard Memorial Park, located at 4680 South Peninsula Drive. The matching grant is for a complete renovation and improvement project for the park to include: the present tennis court, a new basketball court; four pickleball courts; a racquetball court; two new playground areas: one for ages 2-5 and one for ages 5-12; a public walking trail; a pavilion; a restroom facility; lighting throughout the park; and 7 additional parking spaces. The Town Council approved the final site development plan for the park this past December. This project is expected to begin construction in the spring and should take about six months to complete.

The Town has now submitted an ECHO Grant application in the amount of \$175,000 towards a \$350,000 capital improvement project in the Kay and Ayres Davies Lighthouse Park, located at 4931 South Peninsula Drive. The grant was written for improvements to specific aspects of the park including a renovation and upgrade of the playground, the addition of bench swings in various locations for adults to enjoy, expansion of the public walking trail along the perimeter of the park to eight feet, and lighting in the playground area and along the walking trail. The grant awardees will be announced in April 2019. If the Town is awarded this ECHO grant, this project is planned for construction in 2020.

In 2018, the Town combined the talents of those volunteers on our Historic and Archaeological Preservation Advisory Board with those on our Parks, Recreation and Tree Advisory Board to create a Cultural Services, Historic Preservation, and Tree Advisory Board. This board has been very active since its creation with recreational, historical, and tree advisory responsibilities. This was a move toward greater efficiency and the Town will benefit from the broader range of experience and expertise that the members of the combined board bring to the issues that come before it.

In addressing the infrastructure needs of our community, the Town updated its Sanitary Sewer System Master Plan and amended its sewer connection requirements in order to become more competitive for grant funding. The Town also conducted a Bicycle/Pedestrian Feasibility Study to consider widening the sidewalk along South Peninsula Drive. The majority of this study was funded by the River-to-Sea Transportation Planning Organization, following the recommendations of the Town's Bicycle/Pedestrian Master Plan. In addition, Florida Power & Light converted our previous high-pressure sodium street lighting to LEDs, which is designed to provide clearer and more directed lighting in the area at a lower long-term cost.

You may also have noticed the perimeter fencing that was replaced at the historic Pacetti Cemetery, located at 4930 Sailfish Drive. This new powder-coated aluminum fence gives the appearance of black wrought iron, which is more historically appropriate in appearance than the former chain link fence. The Pacetti Cemetery is the final resting place for some of Ponce Inlet's first settlers, including Bartolo Pacetti, who sold 10 acres of his land for \$400 dollars to the United States government for construction of a new light house station. This is where the Ponce Inlet Lighthouse station stands today.

One of the service delivery functions for which we are very proud is the patient transport service we provide. While Ponce Inlet was one of the first municipalities to do so, we are now one of five, soon to be six, municipalities in Volusia County to provide this additional service to its residents. We have been doing this for over six years, transporting approximately 1,230 patients in that timeframe. The Town maintains two ambulances for this program and in 2018 we purchased a self-lifting and loading patient stretcher system. The new stretcher system adds significant assistance when lifting and loading/unloading patients. This dramatically enhances our crews lifting capability and adds to the safety and comfort of the patients we transport. Providing our own patient transport

from our barrier island community ensures the patient arrives at the hospital in the shortest time possible and provides an added benefit in continuity of care.

The Town purchased 4 License Plate Readers (LPRs) in 2018. These LPRs are in operation 24 hours a day, 7 days a week and notify the Town's on-duty police officers when any vehicle enters the Town that is connected to a criminal offense. This new technology has enhanced our police department's capability of both preventing and solving crime via the data that is now sent to them. Within the first six (6) months of operation, this technology has allowed the police department to conduct 333 traffic stops, issue 207 citations and make 53 arrests. This camera system is also currently utilized by the Volusia County Sheriff's Department, the Florida Highway Patrol, and the police departments of Daytona Beach, Port Orange, South Daytona, DeLand, New Smyrna Beach, and Orange City, along with more than 50 other law enforcement agencies throughout Florida.

We have also continued to upgrade the VOTRAN bus stops throughout the Town for both ADA compliance and aesthetics, improving about three per year. In the coming year, you will see additional benches placed along South Peninsula Drive to replace those we've removed due to deterioration over the past several years. These new benches are highly durable, and the locations will offer our residents resting spots in this invitingly walkable community.

Ponce Inlet offers many opportunities for interesting and fun things to do! With the invaluable assistance of community volunteers, the Town was pleased to sponsor or co-sponsor 19 events during 2018. The Ponce Inlet Historical Museum, located at 143 Beach Street, which proudly boasts being listed on the National Register of Historic Places, welcomed 979 visitors in 2018. The Cultural Services Department hosted 10 special programs related to history and 15 special programs related to parks and recreation in 2018. In addition to all of these, there were many events held by the Marine Science Center, the Ponce Inlet Lighthouse Association and by your various Town clubs at the Community Center.

In reviewing 2018, we can see that we were not the only ones who have been hard at work for our Town. Our citizenry continues to volunteer at an amazing rate! We have about 65 volunteers whose work is directly related to Town government purposes, and there are many other volunteers who give of their time to other various community clubs. In total, there are at least 22 different boards, clubs, or other organizations for a census population of just over 3,000. This is quite commendable! These many volunteers make our Town the special place we all enjoy. On behalf of Council and staff, I want to give our heartfelt thanks to all our volunteers.

With that, I wish you all a very happy, healthy, and prosperous New Year!

Respectfully yours,

Gary L. Smith, Mayor