



Town of Ponce Inlet

Town Council Regular Meeting Minutes

February 18, 2016

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1. CALL TO ORDER: Pursuant to proper notice, Mayor Smith called the meeting to order at 6:05 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. PLEDGE OF ALLEGIANCE: Mayor Smith led the attendees in the Pledge of Allegiance.

3. ROLL CALL:

Town Council:

- Mayor Smith, Seat #1
- Councilmember Milano, Seat #2
- Vice-Mayor Hoss, Seat #3
- Councilmember Perrone, Seat #4
- Councilmember Paritsky, Seat #5

Staff Members Present:

- Ms. Cherbano, Human Resource Director/Deputy Clerk
- Chief Fabrizio, Police Chief
- Ms. Hunt, Recording Secretary
- Mr. Joulani, Director of Planning & Development
- Chief Scales, Fire Chief
- Attorney Shepard, Town Attorney
- Ms. Witt, Town Manager

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA. Ms. Witt requested to add two items to the agenda: Lions Club Food Drive as item 7A under Old/New Business and Volusia County Mosquito Control Aerial spraying request as 13-B under New Business. She also mentioned that item #11A, Ordinance 2016-01 has been revised and each Council member has received a copy of the revision. Council agreed.

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS: None.

6. CONSENT AGENDA: Mayor Smith asked Council if there was anything they would like to remove from the consent agenda or to discuss. Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor Smith asked for public comments – hearing none – closed public comments.

- A. Approval of the Town Council special meeting minutes – January 8, 2016.
- B. Approval of the Town Council regular meeting minutes – January 21, 2016.
- C. Approval of payment of legal bill in the amount of \$104,026 (\$101,115 of which is related to the Pacetta lawsuit) – dated February 5, 2016.

45 D. Authorization for the Town to co-sponsor the Garden Club of Ponce Inlet's Ice
46 Cream Social on May 1, 2016 and Arts & Crafts Show and Plant Sales on
47 October 7 & 8, 2016

48 E. Authorization to apply for the 2016 Florida State EMS matching grant in order to
49 purchase approximately \$150,000 in EMS equipment for approximately \$37,500.

50 Councilmember Paritsky moved to approve the Consent Agenda as presented, seconded by
51 Vice-Mayor Hoss. The motion was APPROVED by consensus, 5-0.

52 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:**

53
54 **A. Lions Club Food Drive support request.** Ms. Witt explained that the Lions
55 Club is requesting to place collection bins in the Town Hall lobby to collect food for needy
56 families. She stated the request should include co-sponsorship of this drive in order to allow
57 use of the Town's website and social media channels for advertising. Mayor Smith asked for
58 Council comments – hearing none – closed Council comments. Mayor Smith asked for public
59 comments – hearing none – closed public comments. Councilmember Paritsky made the
60 motion to approve the Lion's Club co-sponsorship request to allow placement of collection bins
61 in the lobby and advertising through the Town's social media channels and website, seconded
62 by Vice-Mayor Hoss. This motion was APPROVED by consensus, 5-0.

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64 **8. PUBLIC HEARINGS - Quasi-Judicial:** None.

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66 **9. PUBLIC HEARINGS – Non-Quasi Judicial:** None.

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68 **10. CITIZENS' PARTICIPATION** – Jim Utter, 4715 Montrose Drive, inquired on what type of
69 liability the Town is going to have for the FRS short-fall, what effect this could have on their
70 taxes, and whether the State could use the money to support other programs. Ms. Witt stated
71 that the State Auditor General has determined that every municipality that has employees
72 enrolled in FRS must incorporate in their audit a portion of the State pension unfunded liability.
73 At this time, the Town's auditor is waiting on those numbers. Ms. Witt stated that FRS conducts
74 regular actuarial studies to ensure the stability of the fund and the municipal contribution rates
75 are adjusted annually, as needed. These contributions are exclusively for the pension fund,
76 which is separated from other funding sources and liabilities, so the funds cannot be used for
77 anything else.

78
79 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

80
81 **A. Ordinance 2016-01, amending the Town Code to reduce the number of**
82 **members on the Parks, Recreation & Tree Advisory Board from seven members to five**
83 **members.** Attorney Shepard read the resolution by title only. AN ORDINANCE OF THE
84 TOWN OF PONCE INLET, FLORIDA AMENDING THE TOWN'S CODE OF ORDINANCES,
85 CHAPTER 46, ARTICLE II, SECTIONS 46-32 AND 33, AS THEY RELATE TO THE
86 COMPOSITION AND TERMS OF THE PARKS, RECREATION AND TREE ADVISORY
87 BOARD; AMEDNING THE TOWN'S LAND USE AND DEVELOPMENT CODE, SECTION 6.2.4,
88 AS IT RELATES TO THE COMPOSITION OF THE PARKS, RECREATION AND TREE
89 ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING
90 ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Smith noted that the
91 Ordinance has been revised to reflect all sections of the Town's Codes, and is in response to

92 Council's direction at its January 21, 2016 meeting. Mayor Smith asked for Council comments –
93 hearing none – closed Council comments. Mayor Smith asked for public comments – hearing
94 none – closed public comments. Vice-Mayor Hoss moved to approve Ordinance 2016-01,
95 amending the Town Code to reduce the number of members on the Parks, Recreation & Tree
96 Advisory Board from seven members to five members as presented, seconded by
97 Councilmember Perrone. This motion was APPROVED 5-0, with the following vote: Vice-
98 Mayor Hoss – yes, Councilmember Perrone – yes, Councilmember Milano – yes,
99 Councilmember Paritsky – yes, and Mayor Smith – yes.

100
101 **B. Resolution 2016-03, establishing a process for transition from the Town's**
102 **remaining seven member boards to five member boards.** Attorney Shepard read the
103 resolution by title only. A RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA
104 COUNTY, FLORIDA REDUCING THE NUMBER OF MEMBERS ON THE PLANNING BOARD
105 AND CODE ENFORCEMENT BOARD; ESTABLISHING A PROCESS FOR THE TRANSITION
106 FROM SEVEN-MEMBER PLANNING BOARD AND CODE ENFORCEMENT BOARD TO FIVE-
107 MEMBER PLANNING AND CODE ENFORCEMENT BOARD; PROVIDING FOR
108 SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR
109 AN EFFECTIVE DATE. Mayor Smith asked for Council comments – hearing none – closed
110 Council comments. Mayor Smith asked for public comments – hearing none – closed public
111 comments. Vice-Mayor Hoss moved to approve Resolution 2016-03, establishing a process for
112 transition from the Town's remaining seven-member boards to five-member boards, seconded
113 by Councilmember Paritsky. This motion was APPROVED 5-0, with the following vote: Vice-
114 Mayor Hoss – yes, Councilmember Paritsky – yes, Councilmember Milano – yes,
115 Councilmember Perrone – yes, and Mayor Smith – yes.

116
117 **C. Resolution 2016-04, opposing State legislation regarding modification of**
118 **election dates.** Attorney Shepard read the resolution by title only. A RESOLUTION OF THE
119 TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA URGING MEMBERS OF THE
120 FLORIDA SENATE TO OPPOSE HB 7059 REGARDING MUNICIPAL ELECTIONS. Ms. Witt
121 suggested adding three "Whereas" clauses as suggested by the Florida League of Cities: 1.
122 Whereas, the proposed legislation undermines the Municipal Charter and requires mandatory
123 changes to existing term lengths; 2. Whereas, the proposed legislation will create imminent
124 voter fatigue due to a longer ballot and the likelihood of voters not voting on important local
125 issues; 3. Whereas, the proposed legislation could create partisan influence that would
126 undermine the current non-partisan nature of municipal elections. It was the consensus of the
127 Council to include the three "Whereas" clauses as noted above. Mayor Smith asked for public
128 comments – hearing none – closed public comments. Councilmember Paritsky moved to
129 approve Resolution 2016-04, urging members of the Florida Senate to oppose House Bill 7059
130 regarding municipal election dates, and to include the three additional "Whereas" clauses as
131 noted, seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the following
132 vote: Councilmember Paritsky – yes, Vice-Mayor Hoss – yes, Councilmember Milano – yes,
133 Councilmember Perrone – yes, and Mayor Smith – yes.

134
135 **12. OLD BUSINESS:** None

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137 **13. NEW BUSINESS:**

138
139 **A. Parks, Recreation & Tree Advisory Board appointment.** Ms. Witt stated that
140 with the proposed changes in Ordinance 2016-04, this action would allow the seamless
141 transition to a five-member board. She requested that Council authorize the transfer and the
142 additional one year term of office for Mr. Higelin by removing him from Seat #7, which expires

143 on December 31, 2017, and placing him in vacant Seat #4, with an expiration date of December
144 31, 2018; the elimination of Seats #6 and #7 will occur with the second reading of Ordinance
145 2016-01 scheduled for March. Mayor Smith asked for Council comments – hearing none –
146 closed Council comments. Mayor Smith asked for public comments – hearing none – closed
147 public comments. Vice-Mayor Hoss moved to approve the transfer of Mr. Higelin on the Parks,
148 Recreation & Tree Advisory Board from seat #7 to seat #4, with a term expiration date of
149 December 31, 2018, seconded by Councilmember Paritsky. This motion was APPROVED 5-0,
150 with the following vote: Vice-Mayor Hoss – yes, Councilmember Paritsky – yes, Councilmember
151 Milano – yes, Councilmember Perrone – yes, and Mayor Smith – yes.

152
153 **B. Volusia County Mosquito Control Aerial Spray request.** Ms. Witt noted that
154 each year the Volusia County Mosquito Control requests permission to perform low-level flights,
155 inspections, and spraying for mosquitoes in Ponce Inlet. Councilmember Perrone asked if the
156 County could provide an advanced notice so it could be put on the Town’s website. Ms. Witt
157 stated she would make that request, and added that the flights are usually held during overnight
158 hours and in inaccessible areas. Mayor Smith asked for public comments – hearing none –
159 closed public comments. Mayor Smith moved to approve authorization to the Volusia County
160 Mosquito Control Division to perform aerial inspections and pesticide application, seconded by
161 Councilmember Paritsky. This motion was APPROVED 5-0, consensus.

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163 **14. FROM THE TOWN COUNCIL:**

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165 **A. Councilmember Paritsky, Seat #5** – Stated that she enjoyed the Living
166 Legends Parade that was held on Saturday and expressed her appreciation to Chief Fabrizio
167 and Chief Scales for their assistance during the event. She stated that she is very thrilled with
168 the new website and that it is easier to navigate than the old one and also likes the Town’s
169 Facebook page.

170
171 **B. Councilmember Perrone, Seat #4** – Stated that he recently re-visited the
172 Timucuan Oaks Park boardwalk to Daggett Creek and noted a peaceful and serene feeling; he
173 thanked Mr. Joulani and the Planning staff for their great work. He stated that anyone
174 questioning Park expenses should visit each park personally, because no two park experiences
175 are the same.

176
177 **C. Vice-Mayor Hoss, Seat #3** – Quoted “preparation produces perfect results” and
178 that’s what was shown at the Living Legends Parade on Saturday. She stated everything went
179 seamlessly and thanked both Chiefs, staff and supporters for making this another great event.

180
181 **D. Councilmember Milano, Seat #2** – Stated “ditto” on prior comments on
182 Saturday’s event and noted that the time spent behind the scenes in planning these events is
183 tremendous. He stated he had a great time and everyone commented about how much they
184 look forward to the next one. He then referenced the Town’s building department by stating that
185 a resident contacted him to report how professional and friendly the building inspector was
186 during a recent inspection. He noted that the building inspector called to confirm the
187 appointment and how knowledgeable and helpful he was with issues concerning his property.
188 He commended the building department and stated this is the same resident who had an
189 entirely opposite experience just a couple of years ago.

190
191 **C. Mayor Smith, Seat #1** – Stated that the Living Legends Parade impressed
192 everyone and expressed sincere appreciation to Rhonda and Walt Glasnak, because, “without
193 them, there would be no event”. He stated that this event continues to grow every year and

194 drivers and fans come from as far away as New England to attend. He commented that
195 Timucuan Oaks is a beautiful park and agreed with Councilmember Perrone's comments; and
196 stated that he would like a map of the park at the entrance that would highlight the trails and
197 provide a brief history of the park.
198

199 **15. FROM THE TOWN MANAGER** – Ms. Witt stated that she likes the idea of a map for
200 Timucuan Oaks and will speak with Ms. Zengotita. She reported that the Facebook page is a
201 success and so far there are 243 “likes” in less than a month. She offered kudos to Mr. Bailey,
202 Chief Building Official, noting that the recertification of the CRS/ISO has been completed and
203 the Town will retain its rating of 5, keeping property insurance rates low. The ADA bus stop
204 pads will be complete in about two weeks. The sewer line has been installed on Inlet Harbor
205 Road, but construction will be intermittent during the “special events” as to not interfere with
206 traffic. The waterline installation in Lighthouse Shores subdivision should be completed by May
207 18th and she mentioned that Community Day is scheduled for February 27th at the Community
208 Center.
209

210 **16. FROM THE TOWN ATTORNEY.** Attorney Shepard reported that there is no date set
211 for the oral arguments. He noted that two of judges on the panel are very knowledgeable about
212 this case from having also heard the Bert J. Harris portion.
213

214 Mr. Utter spoke about the “Fossils in Florida” lecture he attended, his accolades to Amy
215 Zengotita and Zach Zacharias. He commented that Amy Zengotita is an asset to the Town and
216 is like the “energizer bunny” of the parks department. He stated we are very lucky to live here
217 and this is a model community; he reported that he has seen several rosette spoonbills on the
218 dock in Timucuan Oaks and stated that park has its own special feel. Mayor Smith thanked Mr.
219 Utter for his comments and his family's participation in nearly every event held in Ponce Inlet.
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221 **17. ADJOURNMENT.** Mayor Smith adjourned the meeting at 6:45 p.m.
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223 Respectfully submitted by:
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227

Jeaneen Witt, CMC, Town Manager/Town Clerk

228 Reviewed by: Kim Cherbano, CMC, Human Resources Director/Deputy Clerk

229 Prepared by: Peg Hunt, Administrative Assistant