



Town of Ponce Inlet

Town Council Regular Meeting Minutes

March 17, 2016

4

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

1. CALL TO ORDER: Pursuant to proper notice, Mayor Smith called the meeting to order at 6:00 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
- Mr. Gunter, General Manager, Public Works
- Attorney Hand, Town Attorney
- Ms. Hunt, Recording Secretary
- Mr. Joulani, Director, Planning & Development
- Ms. Witt, Town Manager
- Ms. Zengotita, Parks/Recreation & Museum Educator

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA: Ms. Witt requested to add three items to the agenda: Water Conservation Month Proclamation as item 5B under Proclamations, Presentations, and Awards; Financial Consultant Proposal as item 13C and Use of Museum Copyrighted Artwork as item 13D under New Business. Council agreed.

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. State Surgeon General Award Certificate in recognition of the Town as a Healthy Weight Community. Mr. Rondeau, Interim Director with the FL Department of Health in Volusia County, presented the award to Mayor Smith and Ms. Zengotita.

B. Proclamation declaring April as Water Conservation Month. Mayor Smith read the proclamation, declaring April as water conservation month for 2016.

6. CONSENT AGENDA: Mayor Smith asked Council if there was any item Council 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 regular meeting minutes – February 18, 2016.

- 49 B. Approval of payment of legal bill in the amount of \$28,632 (\$25,542 of which is
50 related to the Pacetta lawsuit) – dated March 4, 2016.
- 51 C. Acknowledgement of the annual stewardship reports to be submitted to the
52 Florida Communities Trust for the Ponce Preserve and Timucuan Oaks Gardens.
- 53 D. Authorization for the Town to co-sponsor the Marine Science Center’s (MSC)
54 annual Turtle Day event on April 23, 2016.
- 55 E. Authorization for the Town to co-sponsor the Paddle-Out Poverty at the
56 Lighthouse Park on April 16, 2016.

57 Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor
58 Smith asked for public comments – hearing none – closed public comments.

59 Councilmember Paritsky moved to approve the Consent Agenda as presented, seconded by
60 Councilmember Perrone. The motion was APPROVED by consensus, 5-0.

61 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:**
62 None

63
64 **8. PUBLIC HEARINGS - Quasi-Judicial:** None.

65
66 **9. PUBLIC HEARINGS – Non-Quasi Judicial:**

67
68 A. **Ordinance 2016-01, amending the Town Code to reduce the number of**
69 **members on the Parks, Recreation & Tree Advisory Board from seven members to five**
70 **members.** Attorney Hand read the ordinance by title only. AN ORDINANCE OF THE TOWN
71 OF PONCE INLET, FLORIDA AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER
72 46, ARTICLE II, SECTIONS 46-32 AND 33, AS THEY RELATE TO THE COMPOSITION AND
73 TERMS OF THE PARKS, RECREATION AND TREE ADVISORY BOARD; AMEDNING THE
74 TOWN'S LAND USE AND DEVELOPMENT CODE, SECTION 6.2.4, AS IT RELATES TO THE
75 COMPOSITION OF THE PARKS, RECREATION AND TREE ADVISORY BOARD;
76 PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND
77 PROVIDING FOR AN EFFECTIVE DATE. Mayor Smith asked for Council comments – hearing
78 none – closed Council comments. Mayor Smith asked for public comments – hearing none –
79 closed public comments. Councilmember Paritsky moved to adopt Ordinance 2016-01 upon
80 second reading, seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the
81 following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember Milano
82 – yes; Councilmember Perrone – yes; Mayor Smith – yes.

83
84 **10. CITIZENS' PARTICIPATION –** None

85
86 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:** None

87
88 **12. OLD BUSINESS:** None

89
90 **13. NEW BUSINESS:**

91 A. **Minor modification to the Ponce Preserve parking plan.** Mr. Joulani explained
92 the phases of the Ponce Preserve construction and indicated that there are more parking

93 spaces than required by the Management Plan. Mr. Joulani stated that staff performed
94 research, in response to residents' complaints, concerning the lack of parking spaces on the
95 Atlantic Avenue side of Ponce Preserve. Staff discovered that one of the two available
96 handicap parking spaces on the Atlantic Avenue side of the Ponce Preserve is vacant most of
97 the time. Staff suggested removing one of the accessible spaces in order to create two
98 additional regular vehicle parking spaces within the existing footprint of the paved parking lot
99 without any encroachment into the State Lands. Councilmember Perrone inquired if the Town
100 was legally required to have two handicap spaces. Mr. Joulani stated no, the Town arbitrarily
101 made that decision. Mr. Joulani explained that the layout will remain the same, but the parking
102 space width will be reduced to the standard width of 10 feet. Councilmember Perrone inquired if
103 there was additional space on the south side of the existing parking lot. Mr. Joulani stated no,
104 that is part of the dune, and emphasized that only the existing paved area is being reconfigured.
105 Mayor Smith commented that this was "long overdue" and thanked staff for their work on this
106 matter. Mayor Smith asked for public comments – hearing none – closed public comments.
107 Councilmember Paritsky moved to approve removing one accessible parking space in order to
108 accommodate two additional regular parking spaces within the existing paved area of the South
109 Atlantic Avenue Ponce Preserve parking lot; seconded by Vice-Mayor Hoss. This motion was
110 APPROVED 5-0, by consensus.
111

112 **B. Policy for court rentals by for-profit / non-profit entities.** Ms. Witt explained
113 that this item is before Council for consideration in response to a request from a for-profit entity
114 requesting tennis court rental reservations for tennis lessons. Ms. Zengotita stated that this item
115 has been reviewed by the town attorney and the Parks, Recreation and Tree Advisory Board is
116 recommending approval. She stated the policy requires the following, as recommended for
117 inclusion by the Parks Board from the entity: a rental agreement between the entity and the
118 Town, a Business Tax Receipt, a copy of their liability insurance, and a criminal background
119 check. She noted that the policy also states that all participants will be required to sign a liability
120 waiver. She stated that the Parks Board recommends restricting the rental agreements to one
121 season at a time and noted that the Agreement can be terminated at any time by the Town,
122 without cause. She stated that the Parks Board recommended that a fee be charged to be
123 determined by staff and staff recommends the following fee schedule based on Port Orange's
124 policy, \$20 per hour for for-profit entities and \$10 per hour for non-profit entities. The Park
125 Board also recommended restricting the rental agreements only during non-peak times and one
126 season at a time. Mayor Smith asked if the instructor can reserve the same block of time for the
127 season. Ms. Zengotita stated yes, and made the following correction to page one of the Rental
128 Application: "a maximum of ~~one hour~~ two hours per day will be available for rental".
129 Councilmember Paritsky suggested expanding the "hold harmless" area of the application, in
130 order to indemnify the Town; and asked if the Town was assuming an increased liability by
131 performing background checks. Attorney Hand stated the "hold harmless" area can be
132 expanded to add language for a third party individual to indemnify the Town. In response to the
133 question on doing background checks, the Town is taking affirmative steps to reduce liability
134 and not doing a background does not negate the Town, either. He cautioned that the Town may
135 be liable for declining an application based on the results of a background check, and an Ad-hoc
136 decision may need to be made at that point. Councilmember Perrone inquired if fingerprinting is
137 part of a background check. Ms. Witt explained that criminal background checks are required
138 under the Itinerant Merchants Ordinance and fingerprinting is not part of that process. Mayor
139 Smith closed Council comments and asked for public comments – hearing none – closed public
140 comments. Councilmember Paritsky moved to approve the Court Rental Reservation policy
141 with rental fees of \$20/per hour for for-profit entities and \$10 per hour for non-profit entities
142 restrict rental times to the non-peak times Sunday & Saturday, 2pm to 8pm, Monday through
143 Friday: 2pm to 8pm, and lessons restricted to once per day, two hours per day; seconded by

144 Councilmember Milano.

145
146 Ms Witt noted that if the peak hours, policy, or fees require a change, this item will have to be
147 brought back before Council for re-consideration. Councilmember Paritsky amended her motion
148 “to approve the policy for court rentals by for-profit & non-profit entities, as recommended by the
149 Parks, Recreation and Tree Advisory Board and/or town staff”; amended motion seconded by
150 Councilmember Milano. This motion was APPROVED 5-0, consensus.

151
152 **C. Consideration of the Finance Consultant Proposal (SEC Consulting, LLC).**

153 Ms. Witt explained that the Town is utilizing the services of a Financial Consulting agency while
154 the search for a Finance Manager continues. She noted that the services may be necessary for
155 several more weeks and asked Council for its consideration of approval of this request. Mayor
156 Smith asked for Council comments - hearing none - closed Council comments. Mayor Smith
157 asked for public comments – hearing none – closed public comments. Councilmember Paritsky
158 moved to approve the professional financial and accounting support services contract with SEC
159 Consulting, LLC as outlined in their proposal dated March 17, 2016; seconded by Vice-Mayor
160 Hoss. This motion was APPROVED 5-0, consensus.

161
162 **D. Use of Town’s Copyrighted Artwork (Garden Club request).** Ms. Witt

163 explained that the Garden Club of Ponce Inlet is asking permission to use the museum print
164 drawing on the cover of its Arbor Day program for this year. She stated that the drawing is
165 copyrighted and the artist’s permission must be granted before allowing its use. She requests
166 permission to contact the artist to obtain his permission. Mayor Smith suggested that Ms. Witt
167 ask the artist if it is ok for use in “general” for town-sponsored events, and delegate future
168 decisions on this issue to the Town Manager. Mayor Smith asked for Council comments –
169 hearing none, closed Council comments. Mayor Smith asked for public comments – hearing
170 none, closed public comments. By Consensus Council authorized the Town Manager to contact
171 the artist to request permission for use of the copyrighted museum drawing by consensus.

172
173 **14. FROM THE TOWN COUNCIL:**

174
175 **A. Councilmember Paritsky, Seat #5** – Complimented the PICCI board and
176 chairperson for their events and volunteerism they do within the Community.

177
178 **C. Councilmember Perrone, Seat #4** – Congratulated Vice-Mayor Hoss for being
179 selected as citizen of the year, stating it’s a well-deserved honor; noted that it is St. Patrick’s
180 Day and read a poem he wrote “Not Born Irish”.

181
182 **C. Vice-Mayor Hoss, Seat #3** – Stated she attended Community Day as a
183 Women’s Club representative and as Vice-Mayor, and that it was a wonderful event; she noted
184 that a number of people commended the convenience of having everything available in one
185 place.

186
187 **D. Councilmember Milano, Seat #2** – stated that he was pleasantly surprised to
188 see a YOGA class being held at the Timucuan Oaks Garden; Community Day was great and
189 the Lions Club now has four (4) new members. He mentioned that the month of April has four
190 (4) important events: Lions Club Fish Fry, the annual Volunteer Appreciation Dinner, the Citizen
191 of the Year dinner, and the Arbor Day/Garden Club luncheon.

192
193 **E. Mayor Smith, Seat #1** – No report.

