



Town of Ponce Inlet

Town Council Regular Meeting Minutes

April 21, 2016

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

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

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10 **3. ROLL CALL:**

11 **Town Council:**

12 Mayor Smith, Seat #1

13 Councilmember Milano, Seat #2

14 Vice-Mayor Hoss, Seat #3

15 Councilmember Perrone, Seat #4

16 Councilmember Paritsky, Seat #5

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18 **Staff Members Present:**

19 Ms. Cherbano, Human Resource Director/Deputy Clerk

20 Mr. Disher, Senior Planner

21 Chief Fabrizio, Police Chief

22 Mr. Gunter, General Manager, Public Works

23 Ms. Hugler, Administrative Assistant

24 Ms. Hunt, Recording Secretary

25 Mr. Joulani, Director, Planning & Development

26 Chief Scales, Fire Chief/Acting Town Manager

27 Attorney Shepard, Town Attorney

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29 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Chief Scales
30 requested to add item 5B under Proclamations, Presentations, and Awards – Proclamation
31 Declaring the Month of May 2016 as Building Safety Month. Council agreed.

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

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35 **A. Proclamation declaring the week of May 15th – 21st, 2016 as Public Works**
36 **Week.** *Mayor Smith read the proclamation.*

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38 **B. Proclamation declaring May 2016 as Building Safety Month.** *Mayor Smith*
39 *read the proclamation.*

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41 **6. CONSENT AGENDA:** Mayor Smith asked Council if there was any item Council would
42 like to remove from the consent agenda or to discuss. Mayor Smith asked for Council comments
43 – hearing none – closed Council comments. Mayor Smith asked for public comments – hearing
44 none – closed public comments.

45 **A. Approval of the Town Council regular meeting minutes – March 17, 2016.**

46 **B. Approval of payment of legal bill in the amount of \$11,005 (\$6,921 of which**
47 **is related to the Pacetta lawsuit) – dated March 4, 2016.**

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

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

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52 **A. Presentation of fact-finding report from Canal Dredging Committee:** Mr.
53 Henry Dreifus, Chairperson of Canal Dredging Committee, presented a fact-finding report on the
54 Emerald Island and Yacht Haven Canals; which included the level of interest for participation in
55 the cost-sharing for dredging of these canals. Councilmember Milano inquired on what type of
56 information is needed in order to apply for grants or other funding resources. Mr. Dreifus noted
57 that ownership of the canals must first be determined, and that experts and consultants can
58 assist with that information. He added that the Inland Navigation District and DEP have funds
59 available and have expressed interest in working with Ponce Inlet. Mr. Dreifus noted that the
60 committee members performed many hours of research, learned a lot of valuable information,
61 and thanked Council for the opportunity to serve on the Committee. He requested that the
62 Committee be dissolved as it has fulfilled its obligation. Mayor Smith commended the
63 Committee members and noted that the information has raised an awareness factor on the
64 troubles in the canals. Attorney Shepard commended the Committee members, stating that this
65 is the best use of an ad-hoc Committee he has ever seen and that this Committee met the
66 criteria and performed its duties well. Council agreed by consensus to accept the Canal
67 Dredging Committee's report, to allow Committee members to meet with staff to share
68 information and to dissolve the Committee.

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70 **B. Request for lien reduction from M&G Ponce Inlet, LLC – 33 Inlet Harbor**
71 **Road** – David Hooker, Code Enforcement Officer, provided a summary of the Code
72 Enforcement case: several life/safety code violations were found during an annual inspection.
73 The property owners were given a timeframe within which the property was to be brought into
74 compliance. When the date passed without compliance, the Code Enforcement Board imposed
75 an Order Creating a Lien. After 23 days, the property was brought into compliance and the lien
76 amount accrued to \$5,750. Mr. Hooker noted that Frank Cipolla of Jerry's Restaurant was
77 present to speak to Council. Councilmember Paritsky asked if the property owner(s) called for a
78 re-inspection after correcting the violations. Mr. Hooker stated that the Fire Marshall schedules
79 re-inspection appointments at the time he performs the initial inspection. Councilmember
80 Perrone inquired if it was legal for the Code Enforcement Board to make a fine retroactive.
81 Attorney Shepard stated yes, it's the Board's option and they were within their right to do so.
82 Mayor Smith invited Mr. Cipolla to the podium. Frank Cipolla stated he was in compliance and
83 the Fire Marshall came in for a reinspection and found the pizza boxes weren't moved and the
84 propane tanks were on the grass. The Fire Marshall also told him that he could not do a re-
85 inspection until the tiki huts were sealed. He stated he was sorry for the violations but did
86 comply and has receipts to show that the violations were fixed. He asked if Council can help him
87 by reducing the amount of the fine. Mayor Smith noted the amount of time it took (April 2015
88 through October 2015) to correct the violations and the amount of staff time and costs to
89 prosecute this case. Councilmember Milano expressed concerns for public safety because the
90 tiki hut roofs did not have certified fire protection and that it took property owners upwards of
91 120 days to correct the violations. Councilmember Paritsky asked Mr. Cipolla if he received the
92 Notices for the September 28th meeting. Mr. Cipolla stated his Uncle received it, yes and I
93 (Frank) attended the Code Board hearing. Councilmember Paritsky noted that these violations
94 went on for months, putting the public at risk. She stated that the owners have not met the
95 criteria to qualify for a reduction and have already been given a reprieve. Mayor Smith asked for
96 public comments – hearing none – closed public comments. Vice-Mayor Hoss stated that staff
97 and the Code Board granted every reasonable effort to the property owner to correct the

98 violations. Vice-Mayor Hoss moved to deny the request for a lien reduction from M&G Ponce
99 Inlet, LLC regarding code enforcement violations at 33 Inlet Harbor Road; seconded by Mayor
100 Smith. The motion was APPROVED by consensus, 5-0.

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102 **8. PUBLIC HEARINGS - Quasi-Judicial:**

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104 **A. Consideration of Inlet Harbor, Inc. Residential Development Plans** – At the
105 request of the applicant and staff, this item was continued to the May 19th, 2016 Council
106 meeting. Vice-Mayor Hoss made the motion to delay this item to May 19, 2016 regular Council
107 meeting, seconded by Councilmember Milano. The motion was APPROVED by consensus, 5-0.

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

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111 **10. CITIZENS' PARTICIPATION** – None

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

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115 **A. Resolution 2016-05, Revisions to Building, Planning & Development fees.**
116 Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN COUNCIL
117 OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AMENDING PORTIONS
118 OF APPENDIX A (FEES, RATES AND CHARGES) OF THE TOWN CODE; PROVIDING FOR
119 CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
120 AN EFFECTIVE DATE. Mr. Disher provided a correction to Part XV, 8 of the fee schedule table.
121 Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor
122 Smith asked for public comments – hearing none – closed public comments. Councilmember
123 Paritsky moved to approve Resolution 2016-05, revisions to Building, Planning and
124 Development Fees; seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the
125 following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes, Councilmember –
126 Milano – yes, Councilmember Perrone – yes, and Mayor Smith – yes.

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128 **12. OLD BUSINESS:** None

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130 **13. NEW BUSINESS:**

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132 **A. Consideration of the Bicycle and Pedestrian Master Plan as prepared by**
133 **Lassiter Transportation Group, Inc.** Mayor Smith had several comments and concerns about
134 approving this document as it appeared that the conditions of the “scope of work” were not met.
135 He went on to note several discrepancies with sidewalk sizes, locations, and costs. Mr. Joulani
136 noted that this document is the framework which is needed to create an actual Master Plan. He
137 stated that the feasibility study, engineering, and design will come later. Councilmember
138 Paritsky suggested holding public workshops to discuss the impacts on each of the
139 neighborhoods. Ms. Nicoulin, Transportation Planner for Lassiter, explained that this project has
140 been in the works for several years and agrees with the Mayor’s assessment of the report along
141 with Councilmember Paritsky on the importance of obtaining public input. Chief Scales noted
142 that since Councilmembers each have a list of issues, he suggested tabling this item so staff
143 can collect those lists and work with Lassiter to prepare a more complete and accurate report.
144 Council agreed by consensus.

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146 **B. Discussion of Charter Review / Council Terms of Office** - Vice-Mayor Hoss
147 stated she requested this item for consideration due to her experience that two years terms “is
148 not enough time” to properly perform the duties of the office, catch up on issues, and run a

149 campaign for re-election. She noted that twelve municipalities currently have four-year
150 staggered terms. She added that elections held during “off years” are usually not well-attended
151 due in part, to the election being held in August. She noted that each election can cost the Town
152 up to six thousand dollars. She laid-out her proposal of Council terms of Office: Seats #1, #3,
153 and #5 will get a one year extension to expire in 2018 and seats #3 and #4 would be for a four
154 year term expiring in 2020. This process would require an election every two years. She stated
155 that this issue is time sensitive and if Council would like to move forward, the first (1st) reading
156 would have to be in May and the 2nd reading in June to be on the August election ballot as a
157 referendum. Mayor Smith asked if both suggestions can be included in one ballot question.
158 Attorney Shepard stated that there is a single-subject requirement, but lengthening and
159 staggering of terms of office seems appropriate, but he will have to investigate. Councilmember
160 Perrone is opposed to four year terms because it does not address his concerns that three
161 seats (a majority of the Council) would be up for election at one time and read his prior
162 memorandum “Discussion of Term of Service for Council Members” that he presented at a
163 previous Council meeting. Mayor Smith stated that no municipality to his knowledge has three-
164 year terms. Councilmember Paritsky asked if there was any reason that Council cannot give
165 options to the public. Attorney Shepard stated there is the potential for contradictory outcomes;
166 a majority voting for four year terms and a majority voting for three year terms; Council must
167 choose. Mayor Smith asked for public comments. Jim Utter, 4715 Montrose Ave, stated he
168 enjoys and appreciates the way this Council works, adding that “we” have the best Council, staff
169 and attorneys. He added that he is a 42 year resident of Ponce Inlet and supports Council
170 holding four-year terms. Mayor Smith closed public comments. Vice-Mayor Hoss moved to
171 authorize the town attorney to prepare an ordinance establishing four year terms for members of
172 Council and consider retroactively the extension of one year terms for seats #1, #3 and #5
173 which will move the elections to 2018 & 2020, and to combine these requests for the
174 referendum if possible; seconded by Mayor Smith. The motion PASSED 4-1, with the following
175 vote: Vice Mayor Hoss – yes; Mayor Smith – yes; Councilmember Milano – yes, Councilmember
176 Paritsky – yes, Councilmember Perrone - no.

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178 **C. Consideration of moving the Regular Council meeting scheduled for**
179 **Thursday, June 16, 2016 to Thursday, June 23, 2016** – Mayor Smith stated that he will be
180 unavailable on June 16th and asked Council to consider moving the Regular meeting to June
181 23rd. Council agreed by consensus to move the June Regular Council meeting to June 23rd,
182 2016.

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

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186 **A. Councilmember Paritsky, Seat #5** – stated the Citizen of the Year dinner was a
187 pleasure and congratulated Vice-Mayor Hoss for being selected as Ponce Inlet’s Citizen of the
188 Year.

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190 **B. Councilmember Perrone, Seat #4** – “seconded” Councilmember Paritsky
191 comments; he complimented Councilmember Paritsky on her Identity Theft presentation, noting
192 that it was very informative. He noted that there is a TPO survey on the website and everyone
193 should participate, as it is helpful in determining community needs.

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195 **C. Vice-Mayor Hoss, Seat #3** – thanked everyone for the Citizen’s awards dinner,
196 noting that it was a great evening and she was humbled.

197 **D. Councilmember Milano, Seat #2** – said he has known “Mary” for nearly twenty
198 years and can’t think of anyone more deserving; and mentioned the Lions Club Fish Fry at Inlet
199 Harbor Restaurant on Sunday.

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E. Mayor Smith, Seat #1 – stated he enjoyed the Citizen of the Year event and was impressed that five Lifetime Awards were given to very deserving residents. He expressed his appreciation to those who give so much of their time for the betterment of the town.

15. FROM THE TOWN MANAGER – Chief Scales reviewed the Calendar of Meetings & Events through May, particularly the *Tour of Ponce Preserve’s Native Plants* on April 22nd at 11:00 a.m. and *Turtle Day* at the Marine Science Center on April 23rd at 10:00 a.m.; and the Garden Club’s *Ice Cream Social* on May 1st at 1:00 p.m.

16. FROM THE TOWN ATTORNEY - reported the Oral Arguments are scheduled for 10:00 a.m. on June 14th, with a mock panel on the 8th; reminded Council of the four-hour Ethics training class that they are required to attend. Councilmembers confirmed they have attended the 2016 class.

17. ADJOURNMENT. Mayor Smith adjourned the meeting at 8:45 p.m.

Respectfully submitted by:

Jeaneen Witt, CMC, Town Manager/Town Clerk
Reviewed by: Kim Cherbano, CMC, Human Resources Director/Deputy Clerk
Prepared by: Peg Hunt, Administrative Assistant