



Town of Ponce Inlet

Town Council Regular Meeting Minutes

May 19, 2016

4

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.

9
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

17

18 **Staff Members Present:**

19 Mr. Bailey, Chief Building Official/Certified Floodplain Manager

20 Ms. Cherbano, Human Resource Director/Deputy Clerk

21 Mr. Disher, Senior Planner

22 Chief Fabrizio, Police Chief

23 Mr. Gunter, General Manager, Public Works

24 Ms. Hunt, Recording Secretary

25 Mr. Joulani, Director, Planning & Development

26 Ms. McColl, Finance Manager

27 Chief Scales, Fire Chief

28 Attorney Shepard, Town Attorney

29 Ms. Witt, Town Manager

30

31 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt requested
32 the addition of item 11-B-2, Consideration of the Appointment to the Multi-jurisdictional Program
33 for Public Information Panel (PPI) under Ordinances and Resolutions. Council agreed.

34

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

36

37 **A. Proclamation calling for the Town's 2016 Election.** Mayor Smith read the
38 proclamation calling for the Town's 2016 election.

39

40 **B. Certificate of Appreciation to Jim Irvin for his service on the Code**
41 **Enforcement Board.** Mayor Smith presented a Certificate of Appreciation to Mr. Irvin for his
42 service on the Code Board.

43

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

48

A. Approval of the Town Council regular meeting minutes – April 21, 2016.

49 B. Approval of payment of legal bill in the amount of \$9,387 (\$5,289 of which is
50 related to the Pacetta lawsuit) – dated May 5, 2016.

51 C. Approval of moving the June 16th, 2016 Town Council Regular meeting to June
52 23rd, 2016.

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

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

56
57 **A. Presentation of the Town’s annual financial statements from FY 14/15,**
58 **presented by Tom Ford, BMC, Inc.:** Town Auditor Thomas Ford, CPA for BMC CPA firm,
59 explained why the audit was delayed referencing the Governmental Accounting Standards
60 Board Statements NO. 68 (GASB 68) reporting requirements for employers participating in the
61 Florida Retirement System Pension Plan (FRS) and the Retiree Health Insurance Subsidy
62 Program (HIS) was just provided to them to be recognized in the Town’s audit report. Mr. Ford
63 then provided a PowerPoint presentation highlighting the Town’s Annual Financial Report. He
64 stated that the Town’s Assets increased by 124 thousand dollars; whereas total liabilities also
65 increased due to the new reporting requirements of GASB 68. He stated that the town’s
66 combined net position is \$11,841,971, even after the impact of GASB 68 and the civil law suit is
67 phenomenal. The Town’s Reserve Fund is at forty-four percent (42%), or 153 days. He also
68 stated that there are no internal control issues and the investment policies are in compliance.
69 He spoke about the millage rates, total just values and how the Town has not raised taxes
70 within the last three years. Mr. Ford stated that the Town’s present financial status is in a good
71 position, as reported in the Annual Financial Report and according to Government Auditing
72 Standards. Councilmember Perrone inquired as to why FRS and HIS charges did not appear in
73 prior audits; Mr. Ford explained that GASB 68 now requires these types of expenses to be
74 recorded and also placed on the balance sheet. Councilmember Perrone asked if expenses for
75 FRS and HIS are based on town’s employee ages; Mr. Ford stated yes; he also mentioned that
76 the actuaries will also use interest rates when creating these numbers. Mayor Smith asked for
77 public comments – hearing none – closed public comments. Councilmember Paritsky moved to
78 accept the Town’s audit for fiscal year ended September 30th, 2015; seconded by Vice-Mayor
79 Hoss. The motion was APPROVED by consensus, 5-0.

80
81 **B. Water system improvements contract change-order and request for**
82 **contract extension** – Ms. Witt stated that staff is requesting this change-order # 3 to Weber
83 Construction contact due to changes the Town is asking for in the Water System Improvement
84 Project and other unforeseen circumstances in the amount of \$6,715. She stated that the
85 change-order is also granting the contractor an extension of thirty days to complete the project.
86 She corrected the completion date in staff’s coversheet memo to June 17, 2016 and referenced
87 the staff report provided by Mr. Gunter. Mayor Smith asked why there are different types of
88 drilling involved; Mr. Gunter explained that some were due to protecting existing vegetation
89 (directional drill), whereas an “open cut” would be used if there are no obstacles. Mayor Smith
90 asked for public comments – hearing none – closed public comments. Ms. Paritsky moved to
91 approve Change Order #3 and grant the thirty days extension request, with a completion date of
92 June 17, 2016; seconded by Vice-Mayor Hoss. The motion was APPROVED by consensus, 5-
93 0.

94
95 **8. PUBLIC HEARINGS - Quasi-Judicial:**

96
97 **A. Inlet Harbor, Inc. Residential Development Plan:**
98

99 **1. Consideration of Development Plan** – Mr. Disher explained that the
100 applicant is requesting an additional thirty-day extension in addition to their original request,
101 which equates to a sixty-day extension request. This is due to additional testing being done on
102 the soils by the applicant. Attorney Morris confirmed that his client is in agreement and requests
103 the extension be to the July meeting, due to additional testing being performed. Ms. Witt
104 clarified that if the extension request is granted, this item will be brought back before the Council
105 at its July 21st, 2016 meeting for consideration; which means the applicant's deadline for
106 submittal is on July 7th, 2016 for Council packets. Attorney Morris agreed. Mayor Smith asked
107 for public comments – hearing none – closed public comments. Councilmember Paritsky
108 moved to approve the applicant's request for a continuation to the July 21st, 2016 meeting;
109 seconded by Vice-Mayor Hoss. This motion was APPROVED by consensus, 5-0.
110

111 **2. First Amendment to the Development Agreement** – Mr. Disher stated
112 that the applicant is requesting a six month extension to the Development Plan, with a new
113 completion date of December 15th, 2016. He noted the applicant is requesting this extension, in
114 order to accommodate testing and ensure compliance with the design, is in accordance with the
115 procedures outlined in the LUDC and the Development Agreement. He added that staff and the
116 Planning Board are recommending approval. Mayor Smith asked for public comments –
117 hearing none – closed public comments. Councilmember Paritsky moved to approve the
118 request to extend the deadline by six months from June 15, 2015 with progress reports by
119 applicant to Council on 60-day intervals to December 15, 2016; seconded by Vice-Mayor Hoss.
120 This motion was APPROVED by consensus, 5-0.
121

122 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None
123

124 **10. CITIZENS' PARTICIPATION** – Jim Hinson, 4745 S. Atlantic Avenue, spoke about how
125 he felt about the Town's poor lighting in some areas of the town and asked the Town to look into
126 the issue. He also noted that FP&L has a program where they will install a light on your street, if
127 a resident is willing to pay the \$12.00 per month fee. He stated that his condominium requested
128 a light be installed at its driveway and it is worth the safety of the residents.
129

130 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**
131

132 **A. First reading of Ordinance 2016-02, submitting to the voters, a proposed**
133 **amendment regarding the Town Council's terms of office.** Attorney Shepard read the
134 Ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
135 PONCE INLET, FLORIDA, SUBMITTING TO THE ELECTORS OF PONCE INLET A
136 PROPOSED AMENDMENT TO SECTION 3.02 OF THE CHARTER OF THE TOWN OF
137 PONCE INLET REGARDING THE EXPANSION OF MAYORAL AND COUNCILMEMBER
138 TERM LENGTHS; PROVIDING BALLOT TITLE, BALLOT SUMMARY AND QUESTION, AND
139 TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE TOWN
140 CLERK; PROVIDING SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THE
141 APPROVED AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE FOR THIS
142 ORDINANCE. Vice-Mayor Hoss explained the reasons why she feels Ponce Inlet Council
143 members' need to move to staggered four-year terms; noting that 89% of Volusia County
144 municipalities are already doing staggered four-year terms. She explained that the first two
145 years of elected official duties are just getting acquainted with the process and catching up with
146 other Council members and before they know it they are running another campaign. She stated

147 that having four year terms would be a cost savings to town and the candidate running for office,
148 Council members can focus on issues of the town instead of running a campaign every other
149 year, commitment to the term, and consistency of Council members. She also noted that the
150 Florida Legislature had a bill that was introduced on this issue, there was no action on it, but
151 eventually, they may consider mandating four-year terms. So she feels we should do this now,
152 on our own terms. She also stated there is a safety measure set in place if residents believe that
153 a Council member was not measuring up, but assuring that the rest of the Council would say
154 something and/or recall of an elected official. Councilmember Perrone stated why he was
155 opposed to the four-year terms, noting that it does not address his primary concern about a
156 majority of the Council seats expiring in one year. He does not see the need to conform to other
157 municipalities. He noted that the Town's elections are not held on Election Day. Vice-Mayor
158 Hoss moved to approve Ordinance #2016-02, submitting to the voters, a proposed amendment
159 regarding the Town Council's terms of office to be considered at the August 30, 2016 election.
160 Mayor Smith seconded the motion. Mayor Smith opened public comments: Russ Boner, 59
161 Beach Street, stated if it is not broke – do not try to fix it and that the staggered two year terms
162 have worked quite well. He explained that when a Council member resigns prior to their
163 expiration of their term, Council can select someone to fill that Seat until the next regular
164 election. He explained the high turn-over during recent years, and this put residents in a
165 situation where the Town could have been run by non-elected officials. He stated four years is a
166 long time and he is sure that many of us who have voted in the past wished that they would
167 have voted differently. He likes the idea that local leaders are evaluated every two years. He
168 also stated the benefit of not having a yearly election is less elections signs and this is a small
169 price to pay for greater accountability and a more democratic government. Councilmember
170 Perrone asked Ms. Witt to clarify that when someone resigns and an interim appointment is
171 made, how long does that person hold the seat? Ms. DiCarlo, 32 Caribbean Way, stated that
172 she has thought about this and talked to citizens in the Town, and noted that everyone she has
173 spoken with about this issue has expressed not supporting this proposal. She asked what
174 happens when someone can't fulfill their obligation to a four-year term. She asked Council to
175 come up with viable arguments. Mayor Smith stated that personally, he has run three times; but
176 the idea of the learning curve must be considered. He noted that during the first year or so, you
177 are not as effective as you wish you could be. He stated it is mentally exhausting to run for
178 office. Ms. DiCarlo noted that the reason members have been sitting here for four years, is
179 because Council is doing a great job and the citizens are pleased with the services they are
180 getting. In response to Councilmember Perrone's question, Ms. Witt referred to Attorney
181 Shepard who noted that according to the Code, "The Council shall appoint a successor until a
182 replacement is elected at the next regular municipal election". Jim Hinson, 4745 S. Atlantic
183 Avenue, stated he likes the idea of a four-year term as it saves the Town and the candidates'
184 money; adding that the Town could use those revenues towards purchasing more streetlights
185 within the Town. He stated he was appointed one year and ended up serving 18 months. Jim
186 Utter, 4715 Montrose Ave, stated he is in favor of changing the terms to four years and is in
187 favor of extending the terms of certain seats one additional year. He noted reasons to extend
188 the terms to four years: voter turnout, in sync with other entities, cost saving to town and
189 candidates, including referencing the Visioning Statement. He added that we are "blessed" to
190 have the caliber of professionals serving this community and that two years is "just too short of a
191 time". He closed by saying that any member of Council should be elected, not appointed. Mayor
192 Smith closed public comments. Councilmember Milano stated that he understands
193 Councilmember Perrone concern and asked if there was a way to put the three year staggered
194 terms on the ballot for voters to decide. Mayor Smith stated that there is not sufficient time to
195 make the changes and get it on the ballot. Ms Witt stated a correction in the ordinance under
196 Section 2, page 2, changing the month from "November to August" 2016 election. This motion

197 was APPROVED 4-1, with the following vote: Vice-Mayor Hoss – yes, Mayor Smith – yes,
198 Councilmember Perrone – no, Councilmember Milano – yes, Councilmember Paritsky – yes.

199
200 **B 1. Resolution 2016-06, adopting the Volusia County 2016 multijurisdictional Program**
201 **for Public Information plan.** Attorney Shepard read the Resolution by title only. A
202 RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA
203 COUNTY, ADOPTING THE VOLUSIA COUNTY 2016 MULTIJURISDICTIONAL PROGRAM
204 FOR PUBLIC INFORMATION PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING
205 FOR AN EFFECTIVE DATE. Mr. Bailey explained that as part of FEMA, NFIP and the
206 Community Rating System, staff participates in programs by providing outreach and education
207 to the community. This program allows insurance rates to be lowered through education and
208 compliance of both staff and residents. Mr. Bailey explained that active participation is
209 mandatory in order to retain membership benefits, it requires a strict commitment. Mayor Smith
210 asked for Council comments – hearing none – closed Council comments. Mayor Smith asked
211 for public comments – hearing none – closed public comments. Councilmember Paritsky moved
212 to approve Resolution 2016-06, adopting the Volusia County 2016 multi-jurisdictional program
213 for the Public Information Plan; seconded by Vice-Mayor Hoss. This motion was APPROVED 5-
214 0, with the following vote: Councilmember Paritsky – yes, Vice-Mayor Hoss – yes,
215 Councilmember Milano – yes, Councilmember Perrone – yes, Mayor Smith – yes.

216
217 **B 2. Consideration of appointment to the Multijurisdictional Program for Public**
218 **Information Panel (PIP).** Ms. Witt explained that this is the second step of the Resolution,
219 where a member of the public must be appointed in a non-voting position to the panel. Mr.
220 Bailey was been able to find an interested resident, Skip White, who has expressed interest by
221 submitting an application for appointment for your consideration. Mr. Bailey stated that the
222 Panel needs a volunteer who is a non-governmental stakeholder, meaning they act arbitrarily to
223 ensure grant funds are distributed fairly between participating communities. Mayor Smith stated
224 that whenever the Town has a citizen who wishes to volunteer, it's a good thing. Mayor Smith
225 asked for public comments - hearing none - closed public comments. Councilmember Paritsky
226 moved to approve the appointment of Skip White to the Multijurisdictional Program for Public
227 Information Panel; seconded by Vice-Mayor Hoss. This motion was APPROVED, 5-0 by
228 consensus.

229
230 **C. Resolution 2016-07, urging the Florida Fish & Wildlife Conservation Commission**
231 **to reinstate the prohibition on bear hunting throughout the State.** Attorney Shepard read
232 the Resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
233 PONCE INLET, VOLUSIA COUNTY, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE
234 CONSERVATION COMMISSION TO REINSTATE THE PROHIBITION ON BEAR HUNTING
235 THROUGHOUT THE STATE OF FLORIDA AND FOCUS MORE ATTENTION ON REMOVING
236 CONFLICTS BETWEEN BEARS AND SUBURBAN AREAS THROUGH DETERRENT
237 TECHNIQUES; ALTERNATIVELY, URGING THE FLORIDA FISH AND WILDLIFE
238 CONSERVATION COMMISSION TO, AT A MINIMUM, PROHIBIT FUTURE BEAR HUNTS IN
239 THE CENTRAL BEAR MANAGEMENT UNIT OF THE STATE; AND PROVIDING FOR AN
240 EFFECTIVE DATE. Ms. Witt stated that Councilmember Paritsky requested this resolution be
241 placed on the agenda. She stated that the Town has always taken many extra steps in the past
242 to protect natural habitats of both plants and animal life. Therefore, it is natural that the Town
243 would consider supporting Volusia County in this noble effort. Councilmember Paritsky stated
244 Volusia County unanimously adopted this Resolution and that she is fully in support of it and
245 she is asking Council to consider approving this resolution for all the reasons that are stated in
246 the “whereas” clauses. Mayor Smith asked for public comments – hearing none – closed public
247 comments. Councilmember Paritsky moved to approve Resolution 2016-07, urging the Florida

248 Fish & Wildlife Conservation Commission to reinstate the prohibition on bear hunting throughout
249 the State of Florida and focus more attention on removing conflicts between bears and
250 suburban areas, alternatively urging the Commission to prohibit future bear hunt in the Central
251 Bear Management Unit of the State; seconded by Vice-Mayor Hoss. This motion was
252 APPROVED 5-0, with the following vote: Councilmember Paritsky – yes, Vice-Mayor Hoss –
253 yes, Councilmember Milano – yes, Councilmember Perrone – yes, Mayor Smith – yes.

254
255 **12. OLD BUSINESS:** None

256
257 **13. NEW BUSINESS:**

258
259 **A. Volusia Governments Water Resources Compact.** Councilmember Paritsky
260 explained that the proposed compact is a concept that was proposed by the Florida League of
261 Cities to establish a regional compact on protecting our water resources. She stated that she
262 attended a Summit at Stetson University on April 30th, which discussed the protection of our
263 water resources, including septic tank replacements, wastewater, potable water supply, water
264 quality and quantity, and the protection local rivers. She stated joining this compact does not
265 represent a commitment at this early stage, it is just providing the Town a seat at the table.
266 Lastly, she stated that they recommend that the Roundtable of Volusia County Elected Official
267 should oversee this effort. She is asking the Council for their level of interest or support to take
268 to the next Roundtable meeting in June. Councilmember Perrone stated the key to water quality
269 is eliminating septic systems and asked if there was a way that the costs could be mitigated to
270 help with the change-out from septic to sewer. Councilmember Paritsky stated that this is the
271 type of information she is seeking and this is the reason behind the Compact is that there are
272 strength in numbers when it comes to researching and addressing grants for such items.
273 Councilmember Milano expressed he likes the idea of the municipalities coming together, not
274 with money, but to gather information and ideas. Mayor Smith stated he knows Representative
275 Jacobs, worked with her, and that she was instrumental in getting Broward County to replace
276 thousands of septic tanks. Councilmember Paritsky asked for clarification, so she can report
277 back to the roundtable; is the Town of Ponce Inlet amenable to the compact, and amenable to
278 the idea that the water subcommittee, of the Roundtable spearheads the initiative. Council
279 agreed by consensus, 5-0, that the Town is amenable to the compact and to the Roundtable
280 spearheads the project.

281
282 **14. FROM THE TOWN COUNCIL:**

283
284 **A. Councilmember Paritsky, Seat #5** – Indicated she had nothing further to report.

285
286 **B. Councilmember Perrone, Seat #4** – Reminded everyone that there will be a
287 Memorial Day ceremony on Monday, May 30th at the Veterans Memorial in Davies Park and
288 asked for everyone to attend to remember our fallen veterans.

289
290 **C. Vice-Mayor Hoss, Seat #3** – Stated that the appreciation dinner was one of the
291 nicest things we do for our volunteers who serve our community; she appreciates all that the
292 volunteers do. She then mentioned Chief Fabrizio's "people caring for people" initiative. One of
293 the Garden Club members gave hers to Alice Washington, who worked for thirty days in the
294 front office at the Community Center and Ms. Washington responded by saying it was one of the
295 nicest things anyone has done for her". Vice-Mayor Hoss asked that everyone recognize when
296 someone is doing something nice.

298 **D. Councilmember Milano, Seat #2** – Reported that on the April 24th the Lions
299 Club, Jim Hinson, Inlet Harbor and the citizens of Ponce Inlet raised \$10,440, enough money to
300 purchase a second service dog; it's just one more reason to love this town.

301
302 **E. Mayor Smith, Seat #1** – Stated that the Memorial Day service is at 9:00 a.m.
303 and is the 5th one held at the Veterans Memorial, since it was constructed.

304
305 **15. FROM THE TOWN MANAGER** – Ms. Witt noted that a Special Planning Board meeting
306 is being held on June 7th, the time of the Oral Arguments on June 14th has been changed to
307 9:00 a.m. and that the salary & benefits study should be ready for the June meeting. She also
308 introduced Kim McColl as the Town's Finance Manager. Ms. Witt then thanked everyone for
309 their support during her recent family emergency; publicly recognized Chief Scales for quickly
310 stepping-in as Acting Town Manager and Ms. Cherbano for taking on the duties as a close side-
311 kick, and expressed gratitude that staff worked together to keep the Town's business on track.
312 She reminded everyone that the June Council meeting will be held on the fourth Thursday, one
313 week later, June 23rd, 2016.

314
315 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard reiterated that the start time for the
316 Oral Arguments has changed to 9:00 a.m. and that a lot of work is going into the prep for this;
317 he stated that the event is open to the public and everyone is welcome to attend. He stressed
318 that the appellate court is very strict and proper decorum and appropriate attire is very
319 important.

320
321 **17. ADJOURNMENT.** Mayor Smith adjourned the meeting at 7:52 p.m.

322
323 Respectfully submitted by:

324
325
326 _____
327 Jeaneen Witt, CMC, Town Manager/Town Clerk
328 Kim Cherbano, CMC, Human Resources Director/Deputy Clerk
329