



# Town of Ponce Inlet

## Town Council Regular Meeting Minutes

### October 20, 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.
- 7
- 8 **2. PLEDGE OF ALLEGIANCE:** Mayor Smith led 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. H. Baker, Chief Building Official
- 20 Mr. J. Baker, Senior Planner
- 21 Lieutenant Binz, Police Lieutenant
- 22 Ms. Cherbano, Human Resource Director/Deputy Clerk
- 23 Mr. Gunter, General Manager of Public Works
- 24 Attorney Hand, Town Attorney's office
- 25 Ms. Hunt, Administrative Assistant
- 26 Mr. Joulani, Director of Planning and Development
- 27 Ms. McColl, Finance Manager
- 28 Chief Scales, Fire Chief
- 29 Ms. Witt, Town Manager
- 30 Ms. Zengotita, Parks/Rec & Museum Manager
- 31
- 32 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** None.
- 33
- 34 **5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**
- 35
- 36 **A. Proclamation recognizing November 2016 as Healthy Weight Community**
- 37 **Month.** Mayor Smith read the proclamation declaring November 2016 as "Healthy Weight
- 38 Community Month" and presented it to Ms. Zengotita.
- 39 **6. CONSENT AGENDA:** Mayor Smith asked Council if there was any item Council would
- 40 like to remove from the consent agenda or to discuss. Mayor Smith asked for Council comments
- 41 – hearing none – closed Council comments. Mayor Smith asked for public comments – hearing
- 42 none – closed public comments.
- 43 A. Approval of the Town Council special meeting minutes – September 19, 2016.
- 44 B. Approval of the Town Council regular meeting minutes – September 22, 2016.
- 45 C. Approval of the payment of legal bill in the amount of \$46,983 (\$40,449 of which
- 46 is related to the Pacetta Lawsuit) – dated October 6, 2016.

- 47 D. Approval of notice to proceed for debris management removal by Ashbritt, totaling  
48 \$50,000.
- 49 E. Approval of the purchase of various Sensus water meters, totaling \$66,126.
- 50 F. Approval of the purchase of a Caterpillar mini-hydraulic excavator w/Towmaster T-  
51 10DT tilt trailer, totaling \$45,824.
- 52 G. Approval of the renewal of an updated Interlocal Agreement with the State Attorney  
53 of the 7<sup>th</sup> Judicial Circuit.
- 54 H. Approval of the purchase of body cameras and support equipment from Taser  
55 International and authorization to enter into a five year contract, totaling \$46,914.
- 56 I. Approval of the purchase of a replacement police vehicle (2017 Ford Interceptor  
57 AWD) totaling \$28,516.
- 58 J. Approval of notice to proceed for debris monitoring by Witt O'Brien, LLC, totaling  
59 \$50,000.

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

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

63 **A. Hurricane Matthew**

64 **1. Presentation of hurricane "Matthew" impact and Ponce Inlet**  
65 **response.** Ms. Witt, Fire Chief Scales, Lieutenant Binz and Mr. Gunter provided a pre and post-  
66 presentations on the hurricane Matthew event and how their departments handled operations  
67 during and after the storm. Ms. Witt stated that the Town's Emergency Operation Center (EOC)  
68 was activated and fully staffed, which included doubling the police and fire department's staff and  
69 having Public Works staff. Ms Witt also stated that Volusia County's EOC was activated and there  
70 were three town employees assigned to that facility throughout the event to ensure  
71 communication between the Town and County was sustained. She reported that most of the  
72 damage to Town properties included downed trees, damaged fences, signs, roofs, and park  
73 equipment. Chief Scales provided a presentation depicting the storm's original track and actual  
74 track. He noted that Fire/Rescue performed an emergency transport at 3:00 a.m.; there were no  
75 other major incidents. Mr. Gunter reviewed the preparations that public works performed prior to  
76 the storm and reported that staff cleared the streets to make them passable immediately after the  
77 winds calmed. He provided an update to the debris removal timeframe and noted that yard waste  
78 must be separated from construction debris or it would not get picked up. He expressed  
79 appreciation to his entire staff for their hard work and dedication. Lieutenant Binz reported that  
80 those residents who stayed behind were checked-on once the winds calmed. Police officers  
81 stopped cars and pedestrians to confirm residency and non-residents were escorted out Town;  
82 there were no major incidents. Mayor Smith complimented staff and the Town Manager for their  
83 dedication and professionalism.  
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86

87 **2. Consideration of Memorandum of Understanding between local**  
88 **governments regarding debris removal.** Ms. Witt stated that this MOU is strictly voluntary and  
89 thatit allows for reimbursement of debris that is accidentally picked-up on a wrong road. She

90 stated that the MOU was prepared by Volusia County for all cities, basically, to assist with the  
91 enclaves issues within other entities. She also mentioned that without it, the Town has no  
92 mechanism to get reimbursed if there is an error of picking up the debris off the wrong road.  
93 Mayor Smith expressed concerns that it appeared one-sided; Ms. Witt stated that the monitoring  
94 companies work very closely with the debris removal companies to make sure that things are  
95 done according to FEMA. She also restated that Council does not have to enter into the MOU  
96 and that this document could be revised at anytime by the County. Councilmember Paritsky stated  
97 that it is a “just in case” mechanism; Ms. Witt confirmed. Councilmember Paritsky moved to  
98 approve the Memorandum of Understanding among the County of Volusia and municipalities of  
99 Volusia County, Florida regarding debris removal as set forth in item 7-A-2 of the October 20,  
100 2016 agenda; seconded by Vice-Mayor Hoss. The motion was APPROVED, 5-0 with the following  
101 vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember Perrone – yes;  
102 Councilmember Milano – yes, Mayor Smith - yes.

103  
104 **3. Emergency Ordinance 2016-05, authorizing a waiver of building**  
105 **permit fees in accordance with provisions outlined within.** Attorney Hand read the Ordinance  
106 by title only. AN EMERGENCY ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA,  
107 ENACTING TEMPORARY ADMINISTRATIVE PROCEDURES TO PROVIDE FOR THE  
108 EXPEDITIOUS AND COORDINATED MANAGEMENT OF BUILDING PERMIT APPLICATIONS  
109 AND FEES; WAIVING SPECIFIC PERMITS AND FEES ISSUED FOR THE  
110 REPAIR/REPLACEMENT OF SIGNAGE; WAIVING SPECIFIC PERMITS AND FEES ISSUED  
111 FOR THE REMOVAL OF CERTAIN TREES; ESTABLISHING A METHOD OF ENFORCEMENT  
112 OF THE FLORIDA BUILDING CODE SUCH THAT ON-SITE PERMITS MAY BE ISSUED BY  
113 APPROPRIATE TOWN STAFF FOR REPAIR OF DAMAGE CAUSED BY HURRICANE  
114 MATTHEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING  
115 ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt stated that this  
116 ordinance is to assist residents in obtaining timely permits while waiving the permit fees as a result  
117 of Hurricane Matthew. Mr. Baker, Chief Building Official stated that this ordinance will relieve  
118 residents and business owners from paying fees for permits necessary to repair hurricane  
119 damage. He reported that 296 properties including businesses have been damaged by the  
120 hurricane. Mr. Baker stated that the only time a single-family home would need to be brought into  
121 compliance with current code is if it has suffered twenty-five percent (25%) or more of damage.  
122 He reported that the Building Department has received twelve permit applications with an  
123 estimated value of \$1,367.04. Councilmember Milano asked if Mr. Baker could clarify “what type  
124 of work needs a permit and what does not”. Mr. Baker stated that minor damage including fences,  
125 roof shingles (not entire roof), and siding would not require a permit; but anything structural would  
126 require a permit and engineering. Councilmember Perrone noted that the wording in the  
127 Ordinance reads “waiving permits and fees” and asked if that should be changed to “waiving  
128 permit fees”. Attorney Hand stated yes, since this is an emergency ordinance and is subject to  
129 one reading only. Mayor Smith asked for public comments – hearing none – closed public  
130 comments. Councilmember Paritsky moved to approve Ordinance 2016-05, as modified in the  
131 title and as set forth on the record, as a first and only reading, to enact temporary administrative  
132 procedures that will provide for the expeditious and coordinated management of building permit  
133 fees, to enact a method of enforcement of the Florida Building Code so that on-site permits may  
134 be issued by Town staff for repair of damage caused by Hurricane Matthew, and authorizing a  
135 waiver of permit application fees for buildings, repair or replacement of signage, and removal of  
136 certain trees; seconded by Vice-Mayor Hoss. The motion was APPROVED, 5-0 with the following  
137 vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember Perrone – yes;  
138 Councilmember Milano – yes; Mayor Smith – yes.

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140 **8. PUBLIC HEARINGS / QUASI-JUDICIAL: None**  
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142 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None  
143

144 A. **Ordinance 2017-01, amending the Town's comprehensive plan to**  
145 **incorporate the evaluation and appraisal report (EAR) amendments.** Attorney Hand read the  
146 Ordinance by title only. AN ORDINANCE AMENDING ALL ELEMENTS OF THE  
147 COMPREHENSIVE PLAN OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA,  
148 TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT OR CHANGES  
149 IN LOCAL CONDITIONS, PURSUANT TO SECTION 163.3191 FLORIDA STATUTES, AND THE  
150 TOWN'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE DEPARTMENT OF  
151 ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES  
152 CONSISTENT THERETO; PROVIDING FOR PLANNING PERIODS AND DEPICTING A 10-  
153 YEAR PLANNING PERIOD ON THE FUTURE LAND USE MAP AND MAP SERIES; PROVIDING  
154 A MAP DEPICTING THE TOWN'S HISTORIC AREA AND HISTORICALLY SIGNIFICANT  
155 PROPERTIES; PROVIDING A MAP SHOWING THE COASTAL HIGH HAZARD AREA;  
156 PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE  
157 FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC  
158 OPPORTUNITY AND REVIEW AGENCIES; PROVIDING FOR LEGISLATIVE FINDINGS;  
159 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt  
160 stated that the Planning Board approved the revisions to the Comprehensive Plan with some  
161 minor changes. She stated that upon approval of the first reading it will be forwarded to Volusia  
162 Growth Management Commission (VGMC) and the State land planning agency, Department of  
163 Economic Opportunity (DEO) and other state agencies, which could propose changes and topics  
164 for further discussion prior to adoption. Mr. Joulani mentioned that a few modifications/corrections  
165 have been incorporated into the final document, as suggested by Councilmember Perrone.  
166 Councilmember Perrone thanked Mr. Joulani, the Planning staff, and the Planning Board for their  
167 hard work on this item. Mr. Joulani expressed appreciation to the Town Attorney, Mr. Baker,  
168 Senior Planner and Mr. Disher, former Senior Planner for their assistance as well. Mayor Smith  
169 asked for public comments – hearing none – he closed public comments. Councilmember Paritsky  
170 moved to approved the First Reading of Ordinance 2017-01 as set forth in item 9(a) of the October  
171 20, 2016 Agenda and incorporating the revisions in the proposal by Councilmember Perrone,  
172 which will amend the Town's Comprehensive plan resulting from the Town's 2016 Evaluation and  
173 Appraisal Letter, and to direct staff to transmit the amendments to the Department of Economic  
174 Opportunities and other State reviewing agencies; seconded by Vice-Mayor Hoss. The motion  
175 was APPROVED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss –  
176 yes; Councilmember Milano, Councilmember Perrone – yes; and Mayor Smith – yes.  
177

178 **10. CITIZENS' PARTICIPATION:** Jim Utter, 4715 Montrose Avenue, asked for clarification  
179 regarding the need to obtain a permit if he is replacing only a couple of sections of his fence that  
180 were destroyed by Hurricane Matthew. Chief Building Official Baker stated no permit is required  
181 for replacing sections of the fence that was destroyed and reconfirmed the twenty-five percent  
182 (25%) threshold for damages.  
183

184 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:** None.  
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186 **12. OLD BUSINESS:** None.  
187

188 **13. NEW BUSINESS:** None.  
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190 **14. FROM THE TOWN COUNCIL:**  
191

192 A. **Councilmember Paritsky, Seat #5** – Stated that “Matthew” presented a test for  
193 our Town, our first responders, our public works department, and our Town government staff. If

194 there was in fact a test, it was passed with flying colors. She extended her deepest gratitude and  
195 appreciation to the Town employees for their incredible job.

196  
197 **B. Councilmember Perrone, Seat #4** – Expressed sympathy to the residents who  
198 suffered damage from the hurricane and thanked Ms. Witt, noting that she is “the glue that holds  
199 this Town together” along with the staff.

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201 **C. Vice-Mayor Hoss, Seat #3** – Thanked staff and the town manager for planning  
202 ahead for the hurricane and noted that this is an excellent example where individuals can take  
203 advantage of the AC4P (Actively Caring for People) blue band awards, referring to her two  
204 neighbors. She thanked the Police Department for checking on her and added “there is something  
205 to be said about a small Town that pulls together”.

206  
207 **D. Councilmember Milano, Seat #2** – Thanked the town manager, staff and anyone  
208 else who assisted with the hurricane preparations and the aftermath. He also noted that the  
209 Florida League of Cities, Transportation and Intergovernmental Relations Committee that he  
210 participates on has three issues they will be discussing this month: autonomous vehicles (Uber),  
211 Cities School Districts, and alternative transportation funding. One of the three items will be  
212 forwarded to the State Legislation. He will keep the Council posted on these areas.

213  
214 **E. Mayor Smith, Seat #1** – Stated that Ponce Inlet is a special place and keeps  
215 getting better all the time. He noted that the Veterans Day Ceremony is November 11<sup>th</sup> at 10:00  
216 a.m.

217  
218 **15. FROM THE TOWN MANAGER** – Reviewed the events and meeting calendar for  
219 November and noted the Children’s Halloween Party is October 29<sup>th</sup> at 5:30 p.m. and still needs  
220 volunteers to assist with the event.

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222 **16. FROM THE TOWN ATTORNEY** – None.

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224 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 7:41 p.m.

225  
226 Respectfully submitted by:

227  
228  
229 \_\_\_\_\_  
230 Jeaneen Witt, CMC, Town Manager/Town Clerk  
Kim Cherbano, CMC, Deputy Clerk