



Town of Ponce Inlet

Town Council Regular Meeting Minutes

November 17, 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 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

17
18 **Staff Members Present:**

19 Mr. J. Baker, Senior Planner

20 Ms. Cherbano, Human Resource Director/Deputy Clerk

21 Chief Fabrizio, Police Chief

22 Mr. Gunter, General Manager of Public Works

23 Attorney Shepard, Town Attorney's office

24 Ms. Hunt, Administrative Assistant

25 Mr. Joulani, Director of Planning and Development

26 Ms. McColl, Finance Manager

27 Chief Scales, Fire Chief

28 Ms. Witt, Town Manager

29 Ms. Zengotita, Parks & Rec Manager/Museum Educator

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31 **4. INAUGURATION / PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

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33 **A. Administer Oath of Office to Council-Elect Members** – Ms. Witt presented the
34 Oath of Office to Councilmember Milano, Seat #2 and Councilmember Perrone, Seat #4.

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36 Mayor Smith recessed the meeting at 6:02 p.m. for refreshments, and reconvened the meeting at
37 6:18 p.m.

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39 The new Council was seated as follows:

40
41 Mayor Smith, Seat #1

42 Councilmember Milano, Seat #2

43 Vice-Mayor Hoss, Seat #3

44 Councilmember Perrone, Seat #4

45 Councilmember Paritsky, Seat #5

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47 **B. Appointment of Vice-Mayor** – Councilmember Milano nominated
48 Councilmember Hoss for Vice-Mayor, seconded by Councilmember Perrone. Mayor Smith asked
49 for any further nominations – hearing none – closed nominations. Vice-Mayor Hoss accepted the
50 nomination of Vice-Mayor. The motion PASSED 5-0, with the following votes: Councilmember

51 Milano – yes, Councilmember Perrone – yes, Councilmember Paritsky – yes, Vice-Mayor Hoss –
52 yes, and Mayor Smith - yes.

53 **C. Appointment of Council representatives for various organizations:**

54
55 1. Primary and Alternate representative at the County Roundtable of Elected
56 Officials – Councilmember Paritsky was selected as Primary representative and Vice-Mayor Hoss
57 was selected as Alternate representative. Passed by consensus.

58
59 2. Primary and Alternate representative to the River-To-Sea Transportation
60 Planning Organization – Councilmember Perrone was selected as Primary representative and
61 Councilmember Paritsky was selected as Alternate representative. Passed by consensus.

62
63 3. Primary and Alternate representative to the Ponce Inlet Business
64 Association – Councilmember Milano was selected as Primary representative and Vice-Mayor
65 Hoss was selected as Alternate representative. Passed by consensus.

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67 **5. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt noted that
68 this is an amended agenda, with the addition of item 13-B, ratification of Teamsters Local Union
69 385 contract, and confirmed that all members of Council received the revised version of the
70 agenda.

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

75 A. Approval of the Town Council regular meeting minutes – October 20, 2016.

76 B. Approval of the payment of legal bill in the amount of \$3,481 (\$820 of which is
77 related to the Pacetta Lawsuit) – dated November 4, 2016.

78 C. Approval of the installation of ADA compliant bus stop pads at two more locations,
79 in the amount of \$11,200.

80 D. Approval of the purchase of a replacement fire department vehicle in the amount
81 of \$41,193 as budgeted, and authorization to declare a 2004 Chevrolet Trailblazer
82 as surplus equipment.

83 E. Approval of a request for co-sponsorship of the 6th Annual Historic North Turn
84 Legends Beach Parade, scheduled for February 18, 2017.

85 F. Approval of setting the date of Thursday, April 27, 2017 for the Volunteer
86 Appreciation Banquet.

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

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

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92 A. **Discussion of canal dredging of the canals adjacent to Old Carriage Road**
93 **and Anchor Drive.** Attorney Shepard stated that determining ownership information is not an
94 easy task; and based on the O&E (Ownership and Encumbrance) report he has obtained thus
95 far, it appears that the lands beneath the canal waters belong to the State. He noted that there
96 are no clear deeds, other than the TIITF (Trustees of the Internal Improvement Trust Fund) deeds,
97 and these may be considered sovereign submerged lands. Attorney Shepard stated that either
98 the property owners or the Town could apply for ownership of these deeds from TIITF, or even
99 without ownership could seek authorization to perform canal dredging. Attorney Shepard
100 emphasized that it may be more prudent for the property owners to form an organization and seek
101 contractors on their own as the Town's costs for performance of a dredging project would be
102 significantly greater due to a number of additional requirements that are placed upon a
103 government entity. Mr. Dreifus, 134 Old Carriage Road and member of the Canal Dredging
104 Committee, stated that Attorney Shepard is correct and that his attorney seems to be drawing a
105 similar conclusion regarding the state's ownership of the canals. Mayor Smith expressed his
106 concern that less than half of the property owners contacted provided any feedback to Council
107 and suggested for Council to have a workshop on this issue. Attorney Shepard concurred with
108 the idea of a workshop and stated that if Council wanted to move forward then consultants will
109 need to be brought in, permitting and licensing from appropriate agencies must be obtained, and
110 a funding source must be secured; he added that the process would likely take a long time. Vice-
111 Mayor Hoss commented that a workshop is a good idea if it brings this matter to conclusion; she
112 emphasized that the property owners must be on board for a special assessment as she is not
113 comfortable putting any of the costs of this issue on the rest of the taxpayers. Mr. Dreifus stated
114 that he discovered that there were two homeowner associations in those areas that have since
115 dissolved and thought the workshop was a brilliant idea. Council agreed by consensus to hold a
116 workshop with effected property owners on Thursday, January 19, 2017 at 1:00 p.m. in the
117 Council Chambers to determine the property owners level of interest in paying a special
118 assessment for the dredging of the canals adjacent to their property.
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120 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.

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

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124 **10. CITIZENS' PARTICIPATION:** None.

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

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128 **12. OLD BUSINESS:** None.

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130 **13. NEW BUSINESS:**

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132 A. **Award of contract for emergency preparedness & disaster recovery services**
133 **to assist Town staff in the FEMA reimbursement application submittal process.** Ms. Witt
134 stated that the Town solicited four proposals for this item and received two. This contract would
135 be to prepare the FEMA reimbursement paperwork for the recovery of the emergency
136 preparedness and disaster recovery services through the FEMA Public Assistance and Hazard
137 Mitigation Assistance Program. This is beyond the debris pickup and monitoring phase. Council
138 has been given a copy of each of the proposals and the tally sheets, and staff is requesting to
139 award Witt O'Brien's the contract. Mayor Smith asked for Council comments – hearing none –
140 closed Council comments. Mayor Smith asked for public comments – hearing none – closed
141 public comments. Councilmember Paritsky moved to award the contract for Emergency
142 Preparedness and Disaster Recovery to Witt - O'Brien's; seconded by Vice-Mayor Hoss. The
143 motion was APPROVED 5-0, by consensus.

144 **B. Ratification of a three-year contract with Teamsters Local Union 385 for FY**
145 **16/17 through FY 18/19.** Ms. Cherbano reviewed the changes to the contract: Article 7, pg. 19,
146 added #3, creating Union/Management meetings; Article 8, pg. 21, revised #3, Town agreed to
147 count Approved Personal Leave towards the accrual of Overtime in any given week, as was the
148 “status quo” prior to their last contract and as is currently applied to other employees; pg. 22,
149 added #5, Town requested right to use paid Reserve Officers to cover a full or partial shift
150 vacancy, provided that the Department offers the vacancy to all available bargaining unit
151 employees prior to using paid Reserve Officers; Article 10, pg. 24, #2, with ratification of the
152 contract, bargaining unit employees will receive the wage increase in accordance with the agreed-
153 upon and Council-approved Salary Study, with an effective date of November 16, 2016; Article
154 13, pg. 28, added #2, effective FY 17/18, bargaining unit employees shall be reimbursed up to
155 one hundred dollars (\$100.00) each fiscal year for the purchase of Department-approved work
156 footwear, with proof of purchase starting next fiscal year; added #3, clarified Bereavement Leave
157 language; added #4, if bargaining unit employees are called-back into work or are required to
158 appear in court as part of their law enforcement duties, at a time outside of their normally
159 scheduled shift, they will receive a minimum of three (3) hours of pay. Ms. Cherbano noted that,
160 if approved by the Council, this contract will have no retroactivity and will become effective on the
161 date ratified by the Union, which is November 16, 2016. Ms. Witt stated that an increase to the
162 number of Personal Leave (PL) buy-back hours from 60 hours to 80 hours is also being requested;
163 which she would also be granted to the general employees as well; this would not be effective for
164 anyone until FY 17/18. Mayor Smith asked for Council comments. Mayor Smith reiterated that
165 there would be no retroactivity to the implementation of the salary study. Mayor Smith closed
166 Council comments. Mayor Smith asked for public comments – hearing none – closed public
167 comments. Councilmember Paritsky moved to ratify the three-year contract with the Teamster
168 Local Union #385 for FY 16/17 through FY 18/19 as presented; seconded by Vice-Mayor Hoss.
169 The motion was APPROVED 5-0, consensus.
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171 **14. FROM THE TOWN COUNCIL:**
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173 **A. Councilmember Paritsky, Seat #5** – Stated that she will present a final report
174 regarding the regulations of drones at the December meeting; wished everyone a Happy
175 Thanksgiving.
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177 **B. Councilmember Perrone, Seat #4** – Wished everyone a Happy Thanksgiving and
178 noted that the annual Christmas Parade will be held on December 3rd.
179

180 **C. Vice-Mayor Hoss, Seat #3** – Mentioned that many residents may not be aware
181 how far and beyond many of their staff members went during Hurricane Matthew and put the
182 Town first; she applauded them. She then presented Patty Milano with an AC4P bracelet.
183

184 **D. Councilmember Milano, Seat #2** – Stated that today’s News Journal article
185 indicated that Ponce Inlet was the first Volusia County municipality to have all hurricane debris
186 cleaned-up; he expressed his appreciation to staff and the contractors for this accomplishment.
187 He also wished everyone a Happy Thanksgiving.
188

189 **E. Mayor Smith, Seat #1** – Stated he attended a very impressive and well-attended
190 Veterans Day ceremony; noted that Ponce Inlet is one of three in Florida and one of forty-nine
191 nationwide as a designated VA-approved regional site. Quite an accomplishment for a small town!
192

193 **15. FROM THE TOWN MANAGER** – Noted that Town offices will be closed on Thursday and
194 Friday, November 24th & 25th for Thanksgiving; reviewed December calendar: 1st – Volusia
195 League of Cities Dinner; 2nd – Tree Lighting and Children’s Christmas party; 3rd – pancake

196 breakfast and Christmas parade; 10th – A Very Merry Old Fashioned Christmas at the Historical
197 Museum.

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199 **16. FROM THE TOWN ATTORNEY** – stated that we are continuing to wait for the 5th District
200 Court of Appeals ruling and wished everyone a Happy Thanksgiving.

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202 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 7:54 p.m.

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204 Respectfully submitted by:

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207

Jeaneen Witt, CMC, Town Manager/Town Clerk

208 Kim Cherbano, CMC, Deputy Clerk

209 /p