



Town of Ponce Inlet

Regular Meeting of the Town Council

December 17, 2015

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1. CALL TO ORDER: Pursuant to proper notice, Mayor Smith called the meeting to order at 6:02 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
- Mr. Disher, Senior Planner
- Chief Fabrizio, Police Chief
- Mr. Gunter, General Manager of Public Works
- Ms. Hunt, Administrative Assistant
- Mr. Joulani, Planning & Development Director
- Chief Scales, Fire Chief
- Attorney Shepard, Town Attorney
- Ms. Witt, Town Manager

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA: Mayor Smith requested the addition of item 7-B, Ethics update; Ms. Witt, at the request of Attorney Morris, representing Inlet Harbor, Inc. requested that item 12-A be moved to item 7-C and move item 6-E, from the Consent Agenda, to item 12-B, Authorization to utilize additional tree bank funds to complete the landscape and irrigation portion of the project at Timucuan Oaks Garden. Council agreed.

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. Recognition of out-going volunteer board members: Mayor Smith read the *Certificates of Appreciation* for each volunteer board member: Parks, Recreation & Tree Advisory Board – Lynn Albinson, 3 years and Arlene Conklin, 2 years; Planning Board – Lonnie Arnold, 4 years; Historic Board – Betty Bayard, 5 years; Code Enforcement Board – Brandon Roth, 5 years; and Ponce Inlet Community Center (PICCI) – Barbara Lambert, 11 years.

6. CONSENT AGENDA: Mayor Smith asked Council if there was anything it wished to remove or discuss from the consent agenda. Mayor Smith asked for Council comments; hearing none, he closed Council comments. Mayor Smith asked for public comments; hearing none, closed public comments.

A. Approval of the Town Council Regular meeting minutes – November 19, 2015.

- 49 B. Approval of payment of November legal bill in the amount of \$18,946 – dated
50 December 4, 2015 (\$14,759 of which is related to the Pacetta vs. Town lawsuits).
- 51 C. Authorization for the Town of Ponce Inlet to become a coalition member in
52 support of legislation to stop texting while driving as a primary offense.
- 53 D. Approval of request for co-sponsorship of the Art Guild of Ponce Inlet’s Fine Art
54 Show scheduled for February 20th and 21st, 2016. Co-sponsorship would be for
55 the purpose of use of Town’s advertising.
- 56 E. ~~Authorization to utilize additional tree bank funds to complete the landscape and
57 irrigation portion of the project at Timucuan Oaks Garden. Moved to 12-B.~~

58 Vice-Mayor Hoss moved to approve the consent agenda, seconded by Councilmember Milano.
59 The motion was APPROVED by consensus, 5-0.
60

61 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:**
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63 **A. Annual Board member re-appointments.** Ms. Witt explained that terms are set
64 to expire on December 31st for several volunteer board members. She noted that existing
65 members indicated interest in being re-appointed and an application had been received for the
66 Code Enforcement Board. Mayor Smith stated that Council may approve appointments
67 individually or lump the appointments/re-appointments together in one motion. He provided a
68 summary of applicants to their respective Boards/Committees for appointment. Council thanked
69 the board members and those seeking appointment and re-appointment. Mayor Smith opened
70 public comments - hearing none - closed public comment. Ms. Witt noted that many of the
71 board members seeking re-appointment and appointment were present. Mayor Smith made the
72 motion to approve all re-appointments of existing board members and the new appointment of
73 Mr. Irvin to the Code Enforcement Board as stated, seconded by Councilmember Milano. The
74 motion was APPROVED 5-0, roll-call vote as follows: Mayor Smith – yes; Councilmember
75 Milano – yes; Vice-Mayor Hoss – yes; Councilmember Paritsky – yes; Councilmember Perrone -
76 yes.
77

78 **B. Mayor’s Commission on Ethics report.** Mayor Smith stated that one resident
79 named Steve Smith has filed a total of eight complaints against him with the Ethics Commission
80 and one complaint with the Florida Bar Association. All Ethic complaints have been found to be
81 “unsubstantiated” and have been dismissed, as well as the Florida Bar Association complaint
82 which was just dismissed this month (December 1st, 2015). Mayor Smith quoted an article that
83 was published in the News Journal on November 28, 2015, which addresses these types of
84 actions from individuals that are attacking certain government individuals and/or entities.
85

86 **C. Inlet Harbor Road Intersection Improvements update.** Ms. Witt explained that
87 the Council approved a modification to the intersection design at its November 19th, 2015
88 meeting, but due to the possibility of saving two large Oak trees further modifications are
89 necessary. Staff proposed the Town remove its directional sign from its current location and
90 place a different sign in a new location. This proposed modification would reduce the number of
91 trees to be removed and improve the appearance of the intersection. Attorney Jim Morris,
92 representing the property owners, noted that there is a specimen Oak tree at this corner, which
93 no one knew was there, until the owners and contractors cleared the understory. He stated that
94 the tree will be the centerpiece of the pocket park, and the owners are planning to up-light the
95 tree to showcase its beauty. The owners are requesting that the Town remove the directional
96 sign and replace it with a more suitable sign for that location. Attorney Morris thanked staff for

97 its assistance and Council for considering this request. Mayor Smith hearing no other public
98 comments – closed public comments. Mayor Smith noted that Council gave the Town Manager
99 authority to work with builders/developers to make “field adjustments” when necessary and felt
100 this proposal made sense. There was a mention for the businesses located on the sign to be
101 notified for their input. Mayor Smith made the motion to approve removal of the town’s
102 directional sign from the Inlet Harbor Road and S. Peninsula Drive intersection, seconded by
103 Councilmember Perrone. The motion was APPROVED 5-0, roll-call vote, with the following
104 votes: Mayor Smith – yes; Councilmember Perrone – yes; Vice-Mayor Hoss – yes;
105 Councilmember Milano – yes; Councilmember Paritsky – yes.

106
107 **8. Public Hearings / Quasi-judicial matters: None**

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109 **9. Public Hearings / Non-quasi-judicial matters:**

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111 **A. Second reading/adoption of Ordinance 2015-10, adopting a 2,500 foot**
112 **prohibition from sexual offender establishing residence near public parks, playgrounds,**
113 **public facilities, public institutions, and community centers.** Attorney Shepard read the
114 ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA,
115 RELATING TO THE RESIDENCES OF SEXUAL OFFENDERS (THOSE CONVICTED OF A
116 VIOLATION OF SECTION 794.011, SECTION 800.04, SECTION 827.071, OR SECTION
117 847.0145, FLORIDA STATUTES), REGARDLESS OF WHETHER ADJUDICATION HAS
118 BEEN WITHHELD, WHEN THE VICTIM OF THE OFFENSE FROM WHICH THE CONVICTION
119 RESULTED WAS AGE SIXTEEN (16) OR YOUNGER (AT THE TIME THE OFFENSE WAS
120 COMMITTED) WITHIN THE TOWN LIMITS OF THE TOWN OF PONCE INLET; PROVIDING
121 FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A PROHIBITION AGAINST
122 CERTAIN SEXUAL OFFENDERS FROM LIVING WITHIN THE TOWN OF PONCE INLET
123 WHEN THEIR RESIDENCE LIES WITHIN 2,500 FEET OF SPECIFIED LOCATIONS
124 INCLUDING PUBLIC PARKS, PLAYGROUNDS, PUBLIC FACILITIES, PUBLIC INSTITUTIONS
125 AND COMMUNITY CENTERS; PROVIDING FOR APPLICABILITY/EFFECT UPON CURRENT
126 RESIDENTS; PROVIDING FOR COMMUNITY NOTIFICATION; PROVIDING FOR THE
127 UPDATING OF INFORMATION ON SEXUAL OFFENDERS AND SEXUAL PREDATORS;
128 PROVIDING FOR THE COMPLETION OF FIELD CONTACT CARDS; PROVIDING FOR
129 SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR PENALTIES; PROVIDING
130 FOR CONFIRMATION, AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Smith asked for
131 Council comment – hearing none - closed Council comment. Mayor Smith asked for public
132 comment - hearing none - closed public comment. Vice-Mayor Hoss made the motion to
133 approve Ordinance 2015-10 upon second reading; seconded by Councilmember Perrone. The
134 motion was APPROVED, 5-0, roll call votes: Vice-Mayor Hoss – yes; Councilmember Perrone
135 – yes; Councilmember Milano – yes; Councilmember Paritsky – yes; Mayor Smith – yes.

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137 **10. Citizens’ Participation: None**

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139 **11. Ordinances (First Reading) and Resolutions:**

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141 **A. Resolution 2015-18, authorizing a transfer of appropriations within the**
142 **budget for FY 15/16 relating to Information Technology and creating a construction fund**
143 **for the Water System Improvements project.** Attorney Shepard read the resolution by title
144 only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,
145 VOLUSIA COUNTY, FLORIDA AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN
146 THE BUDGET FOR FY 15/16 RELATING TO INFORMATION TECHNOLOGY; CREATING A
147 CONSTRUCTION FUND FOR THE WATER SYSTEM IMPROVEMENTS PROJECT; AND
148 PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt explained that in keeping the budget

149 neutral, this will allow funds to be streamlined by controlling expenses within one IT area rather
150 than in each department. She noted that the Water System Improvements project will allow the
151 establishment of funds to be expended during water system upgrades. Mayor Smith asked for
152 Council comment - hearing none - closed Council comment. Mayor Smith asked for public
153 comment - hearing none - closed public comment. Councilmember Paritsky made the motion to
154 approve Resolution 2015-18, authorizing a transfer of appropriations within the budget for FY
155 15/16 relating to Information Technology and creating a construction fund for the water system
156 improvements project; seconded by Councilmember Perrone. The motion was APPROVED, 5-
157 0, roll call votes: Councilmember Paritsky – yes, Councilmember Perrone – yes, Vice-Mayor
158 Hoss – yes; Councilmember Milano – yes, Mayor Smith – yes.

159
160 **12. Old Business:**

161
162 **A. ~~Inlet Harbor Road Intersection Improvements update.~~ Moved to #7-C.**

163 **B. Authorization to utilize additional tree bank funds to complete the**
164 **landscape and irrigation portion of the project at Timucuan Oaks Garden.** Ms. Witt
165 explained that due to a change order, additional funds of \$21,356.56 are needed for completion
166 of the project and provided a brief PowerPoint of the additional needed landscape and irrigation.
167 She noted that the funds are available in the tree bank account to cover the additional costs of
168 these items including the purchase of privet hedges, which will provide a screen between the
169 park and adjoining properties. She added that the Grand Opening is scheduled for January 30,
170 2016 at 10:30 a.m. and everyone is invited to attend. Parking will be at the Community Center
171 and a shuttle will be provided to take guests to and from the park. She added that refreshments
172 will be served at the Community Center after the ceremony. Councilmember Perrone
173 commented that the park is a beautiful addition to the town and thanked staff for the “great job”.
174 Mayor Smith asked for public comment - hearing none - closed public comment.
175 Councilmember Paritsky made the motion to approve the “Change Order” and to authorize the
176 use of the additional Tree Bank funds to complete the landscape and irrigation portion of the
177 project at Timucuan Oaks Garden; seconded by Councilmember Perrone. The motion was
178 APPROVED 5-0, roll call votes: Councilmember Paritsky – yes; Councilmember Perrone – yes;
179 Vice-Mayor Hoss – yes; Councilmember Milano – yes; Mayor Smith – yes.

180 **13. New Business: None**

181
182 **14. From the Town Council:**

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184 **A. Councilmember Paritsky, seat #5** – Reported that she had attended the
185 Volusia County Roundtable Committee and provided a brief overview and purpose of the
186 Committee. She also wished everyone a peaceful and enjoyable holiday and Happy New Year.

187
188 **B. Councilmember Perrone, seat #4** – Stated the Christmas Parade was beautiful
189 and he thanked everyone who participated; and wished everyone a Merry Christmas and Happy
190 New Year.

191
192 **C. Vice-Mayor Hoss, seat #3** – Stated that the Town has a great Council and great
193 staff that listen to the public’s concerns and she encouraged citizens to voice their opinion and
194 concerns to Council. She thanked the volunteer board members and noted that they are
195 “second to none”; and wished everyone Happy Holidays.

196
197 **D. Councilmember Milano, seat #2** – Wished everyone a wonderful holiday.
198

199 **E. Mayor Smith, seat #1** – Stated that the Christmas parade was a lot of fun, even
200 though he was soaking wet, he’s looking forward to next year’s parade. He also stated he will
201 continue to make Ponce Inlet better and wished everyone a Merry Christmas.

202
203 **15. From the Town Manager:** Ms. Witt thanked the Veterans Association for its donation to
204 the staff holiday luncheon. She inquired if the Attorney Shepard needed to do the annual Ethics
205 training for Council, as it is now required by law or wait until it is provided by Florida League of
206 Cities. Attorney Shepard stated he was available, if needed. Ms. Witt noted that the Town
207 Attorney’s office also provides the annual training for the Town’s volunteer boards. She
208 mentioned the lack of volunteers for some Boards and asked Council to consider reducing the
209 size of the volunteer boards from seven members to five, adding the ability to obtain a quorum.
210 She wished everyone a Merry Christmas and Happy New Year.

211
212 **16. From the Town Attorney:** Attorney Shepard reported that the Town is in the reply part
213 of the brief; the reply brief must be filed by December 29th, 2015. He also stated that in mid-to-
214 late January, the Town will know who’s on the panel and the date for oral arguments, reminding
215 everyone that a decision could take days, weeks or months. He noted that he works with
216 several municipalities and commended Ponce Inlet for being the most functional, with a great
217 Council and a great staff.

218
219 Jim Hinson, 4745 S Atlantic Avenue – inquired if bricks can be sold in Timucuan Oak Park –
220 similar to what has been done for the Veterans Memorial - to help with upkeep in the park. He
221 stated that Santa and his Elf toured the Town over two nights and everyone was receptive. He
222 wished everyone a Merry Christmas and Happy New Year.

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224 **17. Adjournment:** Mayor Smith adjourned the meeting at 7:51 p.m.

225
226 Respectfully submitted by:

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232 Jeaneen Witt, CMC, Town Manager/Town Clerk
 Prepared by Kim Cherbano, CMC, Deputy Clerk