Town of Ponce Inlet
Town Council Regular Meeting Minutes
October 20, 2016

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

2. PLEDGE OF ALLEGIANCE: Mayor Smith led 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:
Mr. H. Baker, Chief Building Official
Mr. J. Baker, Senior Planner
Lieutenant Binz, Police Lieutenant
Ms. Cherbano, Human Resource Director/Deputy Clerk
Mr. Gunter, General Manager of Public Works
Attorney Hand, Town Attorney's office
Ms. Hunt, Administrative Assistant
Mr. Joulani, Director of Planning and Development
Ms. McColl, Finance Manager
Chief Scales, Fire Chief
Ms. Witt, Town Manager
Ms. Zengotita, Parks/Rec & Museum Manager

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA: None.

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. Proclamation recognizing November 2016 as Healthy Weight Community Month. Mayor Smith read the proclamation declaring November 2016 as "Healthy Weight Community Month" and presented it to Ms. Zengotita.

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

A. Approval of the Town Council special meeting minutes – September 19, 2016.

B. Approval of the Town Council regular meeting minutes – September 22, 2016.

C. Approval of the payment of legal bill in the amount of $46,983 ($40,449 of which is related to the Pacetta Lawsuit) – dated October 6, 2016.

D. Approval of notice to proceed for debris management removal by Ashbritt, totaling $50,000.

E. Approval of the purchase of various Sensus water meters, totaling $66,126.

F. Approval of the purchase of a Caterpillar mini-hydraulic excavator w/Towmaster T-10DT tilt trailer, totaling $45,824.

G. Approval of the renewal of an updated Interlocal Agreement with the State Attorney of the 7th Judicial Circuit.

H. Approval of the purchase of body cameras and support equipment from Taser International and authorization to enter into a five year contract, totaling $46,914.

I. Approval of the purchase of a replacement police vehicle (2017 Ford Interceptor AWD) totaling $28,516.

J. Approval of notice to proceed for debris monitoring by Witt O'Brien, LLC, totaling $50,000.

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

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

A. Hurricane Matthew

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

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

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

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

8. PUBLIC HEARINGS / QUASI-JUDICIAL: None

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

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

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

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

12. OLD BUSINESS: None.

13. NEW BUSINESS: None.

14. FROM THE TOWN COUNCIL:

A. Councilmember Paritsky, Seat #5 – Stated that "Matthew" presented a test for our Town, our first responders, our public works department, and our Town government staff. If there was in fact a test, it was passed with flying colors. She extended her deepest gratitude and appreciation to the Town employees for their incredible job.

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

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

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

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

15. FROM THE TOWN MANAGER – Reviewed the events and meeting calendar for November and noted the Children's Halloween Party is October 29th at 5:30 p.m. and still needs volunteers to assist with the event.

16. FROM THE TOWN ATTORNEY – None.

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

Respectfully submitted by:

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Jeaneen Witt, CMC, Town Manager/Town Clerk
Kim Cherbano, CMC, Deputy Clerk