6-A

Town of Ponce Inlet
Town Council Regular Meeting Minutes
November 17, 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. J. Baker, Senior Planner
Ms. Cherbano, Human Resource Director/Deputy Clerk
Chief Fabrizio, Police Chief
Mr. Gunter, General Manager of Public Works
Attorney Shepard, 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 Manager/Museum Educator

4. INAUGURATION / PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

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

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

The new Council was seated as follows:

Mayor Smith, Seat #1
Councilmember Milano, Seat #2
Vice-Mayor Hoss, Seat #3
Councilmember Perrone, Seat #4
Councilmember Paritsky, Seat #5

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

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

C. Appointment of Council representatives for various organizations:

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

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

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

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

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 regular meeting minutes – October 20, 2016.

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

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

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

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

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

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. **Discussion of canal dredging of the canals adjacent to Old Carriage Road and Anchor Drive.** Attorney Shepard stated that determining ownership information is not an easy task; and based on the O&E (Ownership and Encumbrance) report he has obtained thus far, it appears that the lands beneath the canal waters belong to the State. He noted that there are no clear deeds, other than the TIITF (Trustees of the Internal Improvement Trust Fund) deeds, and these may be considered sovereign submerged lands. Attorney Shepard stated that either the property owners or the Town could apply for ownership of these deeds from TIITF, or even without ownership could seek authorization to perform canal dredging. Attorney Shepard emphasized that it may be more prudent for the property owners to form an organization and seek contractors on their own as the Town's costs for performance of a dredging project would be significantly greater due to a number of additional requirements that are placed upon a government entity . Mr. Dreifus, 134 Old Carriage Road and member of the Canal Dredging Committee, stated that Attorney Shepard is correct and that his attorney seems to be drawing a similar conclusion regarding the state's ownership of the canals. Mayor Smith expressed his concern that less than half of the property owners contacted provided any feedback to Council and suggested for Council to have a workshop on this issue. Attorney Shepard concurred with the idea of a workshop and stated that if Council wanted to move forward then consultants will need to be brought in, permitting and licensing from appropriate agencies must be obtained, and a funding source must be secured; he added that the process would likely take a long time. Vice-Mayor Hoss commented that a workshop is a good idea if it brings this matter to conclusion; she emphasized that the property owners must be on board for a special assessment as she is not comfortable putting any of the costs of this issue on the rest of the taxpayers. Mr. Dreifus stated that he discovered that there were two homeowner associations in those areas that have since dissolved and thought the workshop was a brilliant idea. *Council agreed by consensus to hold a workshop with effected property owners on Thursday, January 19, 2017 at 1:00 p.m. in the Council Chambers to determine the property owners level of interest in paying a special assessment for the dredging of the canals adjacent to their property.*

8. PUBLIC HEARINGS / QUASI-JUDICIAL: None.

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

10. CITIZENS' PARTICIPATION: None.

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

12. OLD BUSINESS: None.

13. NEW BUSINESS:

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

B. Ratification of a three-year contract with Teamsters Local Union 385 for FY 16/17 through FY 18/19. Ms. Cherbano reviewed the changes to the contract: Article 7, pg. 19, added #3, creating Union/Management meetings; Article 8, pg. 21, revised #3, Town agreed to count Approved Personal Leave towards the accrual of Overtime in any given week, as was the "status quo" prior to their last contract and as is currently applied to other employees; pg. 22, added #5, Town requested right to use paid Reserve Officers to cover a full or partial shift vacancy, provided that the Department offers the vacancy to all available bargaining unit employees prior to using paid Reserve Officers; Article 10, pg. 24, #2, with ratification of the contract, bargaining unit employees will receive the wage increase in accordance with the agreed-upon and Council-approved Salary Study, with an effective date of November 16, 2016; Article 13, pg. 28, added #2, effective FY 17/18, bargaining unit employees shall be reimbursed up to one hundred dollars ($100.00) each fiscal year for the purchase of Department-approved work footwear, with proof of purchase starting next fiscal year; added #3, clarified Bereavement Leave language; added #4, if bargaining unit employees are called-back into work or are required to appear in court as part of their law enforcement duties, at a time outside of their normally scheduled shift, they will receive a minimum of three (3) hours of pay. Ms. Cherbano noted that, if approved by the Council, this contract will have no retroactivity and will become effective on the date ratified by the Union, which is November 16, 2016. Ms. Witt stated that an increase to the number of Personal Leave (PL) buy-back hours from 60 hours to 80 hours is also being requested; which she would also be granted to the general employees as well; this would not be effective for anyone until FY 17/18. Mayor Smith asked for Council comments. Mayor Smith reiterated that there would be no retroactivity to the implementation of the salary study. Mayor Smith closed Council comments. Mayor Smith asked for public comments – hearing none – closed public comments. *Councilmember Paritsky moved to ratify the three-year contract with the Teamster Local Union #385 for FY 16/17 through FY 18/19 as presented; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0, consensus.*

14. FROM THE TOWN COUNCIL:

A. Councilmember Paritsky, Seat #5 – Stated that she will present a final report regarding the regulations of drones at the December meeting; wished everyone a Happy Thanksgiving.

B. Councilmember Perrone, Seat #4 – Wished everyone a Happy Thanksgiving and noted that the annual Christmas Parade will be held on December 3rd.

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

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

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

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

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

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

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

Respectfully submitted by:

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

DRAFT