Town of Ponce Inlet
Town Council Regular Meeting Minutes
March 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 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
Chief Fabrizio, Police Chief
Mr. Gunter, General Manager, Public Works
Attorney Hand, Town Attorney
Ms. Hunt, Recording Secretary
Mr. Joulani, Director, Planning & Development
Ms. Witt, Town Manager
Ms. Zengotita, Parks/Recreation & Museum Educator

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA: *Ms. Witt requested to add three items to the agenda: Water Conservation Month Proclamation as item 5B under Proclamations, Presentations, and Awards; Financial Consultant Proposal as item 13C and Use of Museum Copyrighted Artwork as item 13D under New Business. Council agreed.*

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. State Surgeon General Award Certificate in recognition of the Town as a Healthy Weight Community. Mr. Rondeau, Interim Director with the FL Department of Health in Volusia County, presented the award to Mayor Smith and Ms. Zengotita.

B. Proclamation declaring April as Water Conservation Month. Mayor Smith read the proclamation, declaring April as water conservation month for 2016.

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 – February 18, 2016.

DRAFT

B. Approval of payment of legal bill in the amount of $28,632 ($25,542 of which is related to the Pacetta lawsuit) – dated March 4, 2016.

C. Acknowledgement of the annual stewardship reports to be submitted to the Florida Communities Trust for the Ponce Preserve and Timucuan Oaks Gardens.

D. Authorization for the Town to co-sponsor the Marine Science Center's (MSC) annual Turtle Day event on April 23, 2016.

E. Authorization for the Town to co-sponsor the Paddle-Out Poverty at the Lighthouse Park on April 16, 2016.

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 approve the Consent Agenda as presented, seconded by Councilmember Perrone. The motion was APPROVED by consensus, 5-0.

7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING: None

8. PUBLIC HEARINGS - Quasi-Judicial: None.

9. PUBLIC HEARINGS – Non-Quasi Judicial:

A. **Ordinance 2016-01, amending the Town Code to reduce the number of members on the Parks, Recreation & Tree Advisory Board from seven members to five members.** Attorney Hand read the ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 46, ARTICLE II, SECTIONS 46-32 AND 33, AS THEY RELATE TO THE COMPOSITION AND TERMS OF THE PARKS, RECREATION AND TREE ADVISORY BOARD; AMEDNING THE TOWN'S LAND USE AND DEVELOPMENT CODE, SECTION 6.2.4, AS IT RELATES TO THE COMPOSITION OF THE PARKS, RECREATION AND TREE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. 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 adopt Ordinance 2016-01 upon second reading, seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember Milano – yes; Councilmember Perrone – yes; Mayor Smith – yes.*

10. CITIZENS' PARTICIPATION – None

11. ORDINANCES (FIRST READING) AND RESOLUTIONS: None

12. OLD BUSINESS: None

13. NEW BUSINESS:

A. Minor modification to the Ponce Preserve parking plan. Mr. Joulani explained the phases of the Ponce Preserve construction and indicated that there are more parking

DRAFT

spaces than required by the Management Plan. Mr. Joulani stated that staff performed research, in response to residents' complaints, concerning the lack of parking spaces on the Atlantic Avenue side of Ponce Preserve. Staff discovered that one of the two available handicap parking spaces on the Atlantic Avenue side of the Ponce Preserve is vacant most of the time. Staff suggested removing one of the accessible spaces in order to create two additional regular vehicle parking spaces within the existing footprint of the paved parking lot without any encroachment into the State Lands. Councilmember Perrone inquired if the Town was legally required to have two handicap spaces. Mr. Joulani stated no, the Town arbitrarily made that decision. Mr. Joulani explained that the layout will remain the same, but the parking space width will be reduced to the standard width of 10 feet. Councilmember Perrone inquired if there was additional space on the south side of the existing parking lot. Mr. Joulani stated no, that is part of the dune, and emphasized that only the existing paved area is being reconfigured. Mayor Smith commented that this was "long overdue" and thanked staff for their work on this matter. Mayor Smith asked for public comments – hearing none – closed public comments. *Councilmember Paritsky moved to approve removing one accessible parking space in order to accommodate two additional regular parking spaces within the existing paved area of the South Atlantic Avenue Ponce Preserve parking lot; seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, by consensus.*

B. **Policy for court rentals by for-profit / non-profit entities.** Ms. Witt explained that this item is before Council for consideration in response to a request from a for-profit entity requesting tennis court rental reservations for tennis lessons. Ms. Zengotita stated that this item has been reviewed by the town attorney and the Parks, Recreation and Tree Advisory Board is recommending approval. She stated the policy requires the following, as recommended for inclusion by the Parks Board from the entity: a rental agreement between the entity and the Town, a Business Tax Receipt, a copy of their liability insurance, and a criminal background check. She noted that the policy also states that all participants will be required to sign a liability waiver. She stated that the Parks Board recommends restricting the rental agreements to one season at a time and noted that the Agreement can be terminated at any time by the Town, without cause. She stated that the Parks Board recommended that a fee be charged to be determined by staff and staff recommends the following fee schedule based on Port Orange's policy, $20 per hour for for-profit entities and $10 per hour for non-profit entities. The Park Board also recommended restricting the rental agreements only during non-peak times and one season at a time. Mayor Smith asked if the instructor can reserve the same block of time for the season. Ms. Zengotita stated yes, and made the following correction to page one of the Rental Application: "a maximum of ~~one hour~~ two hours per day will be available for rental". Councilmember Paritsky suggested expanding the "hold harmless" area of the application, in order to indemnify the Town; and asked if the Town was assuming an increased liability by performing background checks. Attorney Hand stated the "hold harmless" area can be expanded to add language for a third party individual to indemnify the Town. In response to the question on doing background checks, the Town is taking affirmative steps to reduce liability and not doing a background does not negate the Town, either. He cautioned that the Town may be liable for declining an application based on the results of a background check, and an Ad-hoc decision may need to be made at that point. Councilmember Perrone inquired if fingerprinting is part of a background check. Ms. Witt explained that criminal background checks are required under the Itinerant Merchants Ordinance and fingerprinting is not part of that process. Mayor Smith closed Council comments and asked for public comments – hearing none – closed public comments. *Councilmember Paritsky moved to approve the Court Rental Reservation policy with rental fees of $20/per hour for for-profit entities and $10 per hour for non-profit entities restrict rental times to the non-peak times Sunday & Saturday, 2pm to 8pm, Monday through Friday: 2pm to 8pm, and lessons restricted to once per day, two hours per day; seconded by*

Councilmember Milano.

Ms Witt noted that if the peak hours, policy, or fees require a change, this item will have to be brought back before Council for re-consideration. *Councilmember Paritsky amended her motion "to approve the policy for court rentals by for-profit & non-profit entities, as recommended by the Parks, Recreation and Tree Advisory Board and/or town staff"; amended motion seconded by Councilmember Milano. This motion was APPROVED 5-0, consensus.*

C. Consideration of the Finance Consultant Proposal (SEC Consulting, LLC). Ms. Witt explained that the Town is utilizing the services of a Financial Consulting agency while the search for a Finance Manager continues. She noted that the services may be necessary for several more weeks and asked Council for its consideration of approval of this request. 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 approve the professional financial and accounting support services contract with SEC Consulting, LLC as outlined in their proposal dated March 17, 2016; seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, consensus.*

D. Use of Town's Copyrighted Artwork (Garden Club request). Ms. Witt explained that the Garden Club of Ponce Inlet is asking permission to use the museum print drawing on the cover of its Arbor Day program for this year. She stated that the drawing is copyrighted and the artist's permission must be granted before allowing its use. She requests permission to contact the artist to obtain his permission. Mayor Smith suggested that Ms. Witt ask the artist if it is ok for use in "general" for town-sponsored events, and delegate future decisions on this issue to the Town Manager. Mayor Smith asked for Council comments – hearing none, closed Council comments. Mayor Smith asked for public comments – hearing none, closed public comments. *By Consensus Council authorized the Town Manager to contact the artist to request permission for use of the copyrighted museum drawing by consensus.*

14. FROM THE TOWN COUNCIL:

A. Councilmember Paritsky, Seat #5 – Complimented the PICCI board and chairperson for their events and volunteerism they do within the Community.

C. Councilmember Perrone, Seat #4 – Congratulated Vice-Mayor Hoss for being selected as citizen of the year, stating it's a well-deserved honor; noted that it is St. Patrick's Day and read a poem he wrote "Not Born Irish".

C. Vice-Mayor Hoss, Seat #3 – Stated she attended Community Day as a Women's Club representative and as Vice-Mayor, and that it was a wonderful event; she noted that a number of people commended the convenience of having everything available in one place.

D. Councilmember Milano, Seat #2 – stated that he was pleasantly surprised to see a YOGA class being held at the Timucuan Oaks Garden; Community Day was great and the Lions Club now has four (4) new members. He mentioned that the month of April has four (4) important events: Lions Club Fish Fry, the annual Volunteer Appreciation Dinner, the Citizen of the Year dinner, and the Arbor Day/Garden Club luncheon.

E. Mayor Smith, Seat #1 – No report.

DRAFT

15. FROM THE TOWN MANAGER – Ms. Witt referred to the email from Marilyn Crotty regarding the League of Cities nominations and stated they are due by April 8th; she explained the restriction and categories. She announced that Ponce Inlet employees donated 919 pounds of food for needy Volusia County families, presented the Calendar of Events through April 26th, noted the Volunteer Appreciation Dinner is scheduled for April 28th from 5pm to 9pm at the Community Center and the Children's Easter Party is on March 26th at Davies Lighthouse Park.

16. FROM THE TOWN ATTORNEY. No report.

17. ADJOURNMENT. Mayor Smith adjourned the meeting at 6:51 p.m.

Respectfully submitted by:

_____

Jeaneen Witt, CMC, Town Manager/Town Clerk
Reviewed by: Kim Cherbano, CMC, Human Resources Director/Deputy Clerk
Prepared by: Peg Hunt, Administrative Assistant

DRAFT