



# Town of Ponce Inlet

## Town Council Regular Meeting Minutes

### April 21, 2016

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 attendees in 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 Ms. Cherbano, Human Resource Director/Deputy Clerk  
20 Mr. Disher, Senior Planner  
21 Chief Fabrizio, Police Chief  
22 Mr. Gunter, General Manager, Public Works  
23 Ms. Hugler, Administrative Assistant  
24 Ms. Hunt, Recording Secretary  
25 Mr. Joulani, Director, Planning & Development  
26 Chief Scales, Fire Chief/Acting Town Manager  
27 Attorney Shepard, Town Attorney

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29 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Chief Scales  
30 requested to add item 5B under Proclamations, Presentations, and Awards – Proclamation  
31 Declaring the Month of May 2016 as Building Safety Month. Council agreed.

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33 **5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

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35 **A. Proclamation declaring the week of May 15<sup>th</sup> – 21<sup>st</sup>, 2016 as Public Works**  
36 **Week.** Mayor Smith read the proclamation.

37  
38 **B. Proclamation declaring May 2016 as Building Safety Month.** Mayor Smith  
39 read the proclamation.

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

45 **A. Approval of the Town Council regular meeting minutes – March 17, 2016.**

46 **B. Approval of payment of legal bill in the amount of \$11,005 (\$6,921 of which**  
47 **is related to the Pacetta lawsuit) – dated March 4, 2016.**

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

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

51  
52 **A. Presentation of fact-finding report from Canal Dredging Committee:** Mr.  
53 Henry Dreifus, Chairperson of Canal Dredging Committee, presented a fact-finding report on the  
54 Emerald Island and Yacht Haven Canals; which included the level of interest for participation in  
55 the cost-sharing for dredging of these canals. Councilmember Milano inquired on what type of  
56 information is needed in order to apply for grants or other funding resources. Mr. Dreifus noted  
57 that ownership of the canals must first be determined, and that experts and consultants can  
58 assist with that information. He added that the Inland Navigation District and DEP have funds  
59 available and have expressed interest in working with Ponce Inlet. Mr. Dreifus noted that the  
60 committee members performed many hours of research, learned a lot of valuable information,  
61 and thanked Council for the opportunity to serve on the Committee. He requested that the  
62 Committee be dissolved as it has fulfilled its obligation. Mayor Smith commended the  
63 Committee members and noted that the information has raised an awareness factor on the  
64 troubles in the canals. Attorney Shepard commended the Committee members, stating that this  
65 is the best use of an ad-hoc Committee he has ever seen and that this Committee met the  
66 criteria and performed its duties well. Council agreed by consensus to accept the Canal  
67 Dredging Committee's report, to allow Committee members to meet with staff to share  
68 information and to dissolve the Committee.

69  
70 **B. Request for lien reduction from M&G Ponce Inlet, LLC – 33 Inlet Harbor**  
71 **Road** – David Hooker, Code Enforcement Officer, provided a summary of the Code  
72 Enforcement case: several life/safety code violations were found during an annual inspection.  
73 The property owners were given a timeframe within which the property was to be brought into  
74 compliance. When the date passed without compliance, the Code Enforcement Board imposed  
75 an Order Creating a Lien. After 23 days, the property was brought into compliance and the lien  
76 amount accrued to \$5,750. Mr. Hooker noted that Frank Cipolla of Jerry's Restaurant was  
77 present to speak to Council. Councilmember Paritsky asked if the property owner(s) called for a  
78 re-inspection after correcting the violations. Mr. Hooker stated that the Fire Marshall schedules  
79 re-inspection appointments at the time he performs the initial inspection. Councilmember  
80 Perrone inquired if it was legal for the Code Enforcement Board to make a fine retroactive.  
81 Attorney Shepard stated yes, it's the Board's option and they were within their right to do so.  
82 Mayor Smith invited Mr. Cipolla to the podium. Frank Cipolla stated he was in compliance and  
83 the Fire Marshall came in for a reinspection and found the pizza boxes weren't moved and the  
84 propane tanks were on the grass. The Fire Marshall also told him that he could not do a re-  
85 inspection until the tiki huts were sealed. He stated he was sorry for the violations but did  
86 comply and has receipts to show that the violations were fixed. He asked if Council can help him  
87 by reducing the amount of the fine. Mayor Smith noted the amount of time it took (April 2015  
88 through October 2015) to correct the violations and the amount of staff time and costs to  
89 prosecute this case. Councilmember Milano expressed concerns for public safety because the  
90 tiki hut roofs did not have certified fire protection and that it took property owners upwards of  
91 120 days to correct the violations. Councilmember Paritsky asked Mr. Cipolla if he received the  
92 Notices for the September 28<sup>th</sup> meeting. Mr. Cipolla stated his Uncle received it, yes and I  
93 (Frank) attended the Code Board hearing. Councilmember Paritsky noted that these violations  
94 went on for months, putting the public at risk. She stated that the owners have not met the  
95 criteria to qualify for a reduction and have already been given a reprieve. Mayor Smith asked for  
96 public comments – hearing none – closed public comments. Vice-Mayor Hoss stated that staff  
97 and the Code Board granted every reasonable effort to the property owner to correct the

98 violations. Vice-Mayor Hoss moved to deny the request for a lien reduction from M&G Ponce  
99 Inlet, LLC regarding code enforcement violations at 33 Inlet Harbor Road; seconded by Mayor  
100 Smith. The motion was APPROVED by consensus, 5-0.

101  
102 **8. PUBLIC HEARINGS - Quasi-Judicial:**

103  
104 **A. Consideration of Inlet Harbor, Inc. Residential Development Plans** – At the  
105 request of the applicant and staff, this item was continued to the May 19<sup>th</sup>, 2016 Council  
106 meeting. Vice-Mayor Hoss made the motion to delay this item to May 19, 2016 regular Council  
107 meeting, seconded by Councilmember Milano. The motion was APPROVED by consensus, 5-0.  
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109 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None

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111 **10. CITIZENS' PARTICIPATION** – None

112  
113 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

114  
115 **A. Resolution 2016-05, Revisions to Building, Planning & Development fees.**  
116 Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN COUNCIL  
117 OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AMENDING PORTIONS  
118 OF APPENDIX A (FEES, RATES AND CHARGES) OF THE TOWN CODE; PROVIDING FOR  
119 CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
120 AN EFFECTIVE DATE. Mr. Disher provided a correction to Part XV, 8 of the fee schedule table.  
121 Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor  
122 Smith asked for public comments – hearing none – closed public comments. Councilmember  
123 Paritsky moved to approve Resolution 2016-05, revisions to Building, Planning and  
124 Development Fees; seconded by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the  
125 following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes, Councilmember –  
126 Milano – yes, Councilmember Perrone – yes, and Mayor Smith – yes.  
127

128 **12. OLD BUSINESS:** None

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130 **13. NEW BUSINESS:**

131  
132 **A. Consideration of the Bicycle and Pedestrian Master Plan as prepared by**  
133 **Lassiter Transportation Group, Inc.** Mayor Smith had several comments and concerns about  
134 approving this document as it appeared that the conditions of the “scope of work” were not met.  
135 He went on to note several discrepancies with sidewalk sizes, locations, and costs. Mr. Joulani  
136 noted that this document is the framework which is needed to create an actual Master Plan. He  
137 stated that the feasibility study, engineering, and design will come later. Councilmember  
138 Paritsky suggested holding public workshops to discuss the impacts on each of the  
139 neighborhoods. Ms. Nicoulin, Transportation Planner for Lassiter, explained that this project has  
140 been in the works for several years and agrees with the Mayor’s assessment of the report along  
141 with Councilmember Paritsky on the importance of obtaining public input. Chief Scales noted  
142 that since Councilmembers each have a list of issues, he suggested tabling this item so staff  
143 can collect those lists and work with Lassiter to prepare a more complete and accurate report.  
144 Council agreed by consensus.  
145

146 **B. Discussion of Charter Review / Council Terms of Office** - Vice-Mayor Hoss  
147 stated she requested this item for consideration due to her experience that two years terms “is  
148 not enough time” to properly perform the duties of the office, catch up on issues, and run a

149 campaign for re-election. She noted that twelve municipalities currently have four-year  
150 staggered terms. She added that elections held during "off years" are usually not well-attended  
151 due in part, to the election being held in August. She noted that each election can cost the Town  
152 up to six thousand dollars. She laid-out her proposal of Council terms of Office: Seats #1, #3,  
153 and #5 will get a one year extension to expire in 2018 and seats #3 and #4 would be for a four  
154 year term expiring in 2020. This process would require an election every two years. She stated  
155 that this issue is time sensitive and if Council would like to move forward, the first (1<sup>st</sup>) reading  
156 would have to be in May and the 2<sup>nd</sup> reading in June to be on the August election ballot as a  
157 referendum. Mayor Smith asked if both suggestions can be included in one ballot question.  
158 Attorney Shepard stated that there is a single-subject requirement, but lengthening and  
159 staggering of terms of office seems appropriate, but he will have to investigate. Councilmember  
160 Perrone is opposed to four year terms because it does not address his concerns that three  
161 seats (a majority of the Council) would be up for election at one time and read his prior  
162 memorandum "Discussion of Term of Service for Council Members" that he presented at a  
163 previous Council meeting. Mayor Smith stated that no municipality to his knowledge has three-  
164 year terms. Councilmember Paritsky asked if there was any reason that Council cannot give  
165 options to the public. Attorney Shepard stated there is the potential for contradictory outcomes;  
166 a majority voting for four year terms and a majority voting for three year terms; Council must  
167 choose. Mayor Smith asked for public comments. Jim Utter, 4715 Montrose Ave, stated he  
168 enjoys and appreciates the way this Council works, adding that "we" have the best Council, staff  
169 and attorneys. He added that he is a 42 year resident of Ponce Inlet and supports Council  
170 holding four-year terms. Mayor Smith closed public comments. Vice-Mayor Hoss moved to  
171 authorize the town attorney to prepare an ordinance establishing four year terms for members of  
172 Council and consider retroactively the extension of one year terms for seats #1, #3 and #5  
173 which will move the elections to 2018 & 2020, and to combine these requests for the  
174 referendum if possible; seconded by Mayor Smith. The motion PASSED 4-1, with the following  
175 vote: Vice Mayor Hoss – yes; Mayor Smith – yes; Councilmember Milano – yes, Councilmember  
176 Paritsky – yes, Councilmember Perrone - no.

177  
178 **C. Consideration of moving the Regular Council meeting scheduled for**  
179 **Thursday, June 16, 2016 to Thursday, June 23, 2016** – Mayor Smith stated that he will be  
180 unavailable on June 16<sup>th</sup> and asked Council to consider moving the Regular meeting to June  
181 23<sup>rd</sup>. Council agreed by consensus to move the June Regular Council meeting to June 23<sup>rd</sup>,  
182 2016.

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184 **14. FROM THE TOWN COUNCIL:**

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186 **A. Councilmember Paritsky, Seat #5** – stated the Citizen of the Year dinner was a  
187 pleasure and congratulated Vice-Mayor Hoss for being selected as Ponce Inlet's Citizen of the  
188 Year.

189  
190 **B. Councilmember Perrone, Seat #4** – "seconded" Councilmember Paritsky  
191 comments; he complimented Councilmember Paritsky on her Identity Theft presentation, noting  
192 that it was very informative. He noted that there is a TPO survey on the website and everyone  
193 should participate, as it is helpful in determining community needs.

194  
195 **C. Vice-Mayor Hoss, Seat #3** – thanked everyone for the Citizen's awards dinner,  
196 noting that it was a great evening and she was humbled.

197 **D. Councilmember Milano, Seat #2** – said he has known "Mary" for nearly twenty  
198 years and can't think of anyone more deserving; and mentioned the Lions Club Fish Fry at Inlet  
199 Harbor Restaurant on Sunday.

200  
201           **E. Mayor Smith, Seat #1** – stated he enjoyed the Citizen of the Year event and was  
202 impressed that five Lifetime Awards were given to very deserving residents. He expressed his  
203 appreciation to those who give so much of their time for the betterment of the town.

204  
205       **15. FROM THE TOWN MANAGER** – Chief Scales reviewed the Calendar of Meetings &  
206 Events through May, particularly the *Tour of Ponce Preserve's Native Plants* on April 22<sup>nd</sup> at  
207 11:00 a.m. and *Turtle Day* at the Marine Science Center on April 23<sup>rd</sup> at 10:00 a.m.; and the  
208 Garden Club's *Ice Cream Social* on May 1<sup>st</sup> at 1:00 p.m.

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210       **16. FROM THE TOWN ATTORNEY** - reported the Oral Arguments are scheduled for 10:00  
211 a.m. on June 14<sup>th</sup>, with a mock panel on the 8<sup>th</sup>; reminded Council of the four-hour Ethics  
212 training class that they are required to attend. Councilmembers confirmed they have attended  
213 the 2016 class.

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215       **17. ADJOURNMENT.** Mayor Smith adjourned the meeting at 8:45 p.m.

216  
217 Respectfully submitted by:

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219  
220  
221 \_\_\_\_\_  
222 Jeaneen Witt, CMC, Town Manager/Town Clerk  
223 Reviewed by: Kim Cherbano, CMC, Human Resources Director/Deputy Clerk  
Prepared by: Peg Hunt, Administrative Assistant