



Town of Ponce Inlet

Town Council Regular Meeting Minutes

July 21, 2016

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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:**
 - Ms. Cherbano, Deputy Clerk
 - Chief Fabrizio, Police Chief
 - Mr. Gunter, General Manager of Public Works
 - Ms. Hugler, Acting Recording Secretary
 - Mr. Joulani, Director, Planning and Development
 - Ms. McColl, Finance Manager
 - Ms. Margi Richard, Development Review Clerk
 - Chief Scales, Fire Chief
 - Ms. Witt, Town Manager
4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt requested the addition of item 5-A, Recognition of Ms. Richard's retirement and years of service and one correction to Consent Agenda item 6-C, the cost of the copier was reduced to \$19,875. Council accepted these changes.
5. **PROCLAMATIONS, PRESENTATIONS, AND AWARDS:** Mayor Smith presented Ms. Richard with a retirement plaque in recognition for her 13+ years of dedicated service to the Town.
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 – June 23rd, 2016.
 - B. Approval of payment of legal bill in the amount of \$25,787 (\$22,155 of which is related to the Pacetta lawsuit) – dated July 7th, 2016.
 - C. Approval of the purchase of a copier-scanner to replace the current device at Town Hall in the amount of \$19,875, as provided for in the amended current-year budget.

- 48 D. Authorization of Town Manager Jeaneen Witt to serve as the Town's voting
49 delegate for the Florida League of Cities' conference in August 2016.

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

52 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:**
53

54 **A. Presentation of Volusia County's plan for parking improvements for the**
55 **Marine Science Center.** Ms. Witt introduced Michael Brothers, Executive Director of the Marine
56 Science Center and Ginger Adair, Director of Volusia County Environmental Management. Mr.
57 Brothers stated that the Marine Science Center has experienced a dramatic increase in visitors,
58 which has resulted in parking issues along Lighthouse Drive. He provided a brief presentation
59 outlining the County's proposed plan to create additional parking areas along Lighthouse Drive.
60 He stated that he wanted to make the Town aware of the County's proposed plans and would
61 like any feedback from the Council and residents. Their goal is to provide additional parking
62 while preserving as much of the vegetation within that area. Councilmember Perrone asked if
63 the proposed improvement along the north side of Lighthouse Drive would continue to Atlantic
64 Avenue and if so, would this create a problem with beach goers using the parking in that area.
65 Mr. Brothers stated they are already having that issue but their main concern is safety in that
66 area. Mayor Smith asked how many future parking spaces may be needed and if there are any
67 future plans for expanding the interior parking lot. Mr. Brothers stated nothing has been taken
68 off the table and that there are some areas with degraded habitat that may be considered for
69 additional interior parking. He also stated that they are looking at the Lighthouse parking area
70 which has two parking lots that can accommodate up to 110 parking spaces. Mr. Brothers
71 explained that they would be holding future meetings for residents and Council input into design
72 of this area. Mayor Smith opened public comment - hearing none - he closed public comment.
73 Mayor Smith thanked Mr. Brothers for this information.
74

75 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None
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77 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None
78

79 **10. CITIZENS' PARTICIPATION.** Jim Utter, 4715 Montrose Avenue offered "kudos" to staff
80 for a well-prepared budget, expressed his appreciation to all the staff, and thanked Ms. Richard
81 for her service. He stated the Town has the best team of Council and staff that we have ever
82 had. He reminded the public to vote on the referendum and encouraged the public to attend
83 council meetings and participate in discussions.
84

85 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:** None
86

87 **A. Resolution 2016-09, amending the previously established list of positions**
88 **in the Florida Retirement System (FRS) Senior Management Service Class (SMSC).**
89 Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN OF
90 PONCE INLET, VOLUSIA COUNTY, FLORIDA, ESTABLISHING PARTICIPATION IN THE
91 SENIOR MANAGEMENT SERVICE CLASS; PROVIDING FOR CONFLICTING
92 RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
93 DATE. Ms. Witt stated the Resolution adopted in 2007 is out of date and she spoke about how
94 some employee positions, duties, and titles have changed since that time. She stated that this
95 was to be a part of the benefit study questionnaire that somehow got left off the survey.
96 Therefore she requested that staff perform a supplemental survey specific to this item, using the

97 same peers that were approved by Council for the salary & benefits study. The results of this
98 study showed that the positions of Finance Manager, Planning & Development Director, and
99 Human Resource Director are most often placed in SMSC. FRS classifies the Town Manager
100 position as a compulsory position in the SMSC. Ms. Witt is requesting Council to amend the
101 current designation to include, in addition to the Town Manager, the Finance Manager, the
102 Planning & Development Director, and the Human Resource Director; noting the required
103 advertisements were published in the local newspaper for this to be considered. Mayor Smith
104 stated this will make the Town a more competitive and favorable employer in the market.
105 Councilmember Perrone asked for a definition of "peer group" and what type of additional
106 benefit would this provide. Ms. Witt stated it is the peer group that Council approved for the
107 salary study and that the benefit would include a higher multiplier within the retirement plan.
108 Councilmember Perrone inquired if the multiplier takes effect retroactively. Ms. Witt stated no, it
109 takes effect upon adoption. Councilmember Perrone expressed concerns that the lower-level
110 employees do not receive the same advantages and there was some discussion that this is a
111 State administered pension system and any desire for that type of change should be petitioned
112 to the State. Mayor Smith opened for public comment - hearing none - he closed public
113 comment. Mayor Smith moved to approve Resolution 2016-09, amending the previously
114 established list of positions in the Florida Retirement System Senior Management Class,
115 seconded by Councilmember Paritsky. The motion was APPROVED 5-0 with the following
116 votes: Mayor Smith – yes; Councilmember Paritsky – yes; Vice-Mayor Hoss – yes;
117 Councilmember Milano – yes; Councilmember Perrone, yes.
118

119 **B. Resolution 2016-10, establishing a proposed millage rate for fiscal year**
120 **16/17.** Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN OF
121 PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE PROPOSED MILLAGE RATE
122 FOR THE LEVYING OF AD VALOREM PROPERTY TAXES FOR MUNICIPAL PURPOSES
123 ON ALL TAXABLE PROPERTY WITHIN THE TOWN FOR FISCAL YEAR BEGINNING
124 OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; ESTABLISHING THE PUBLIC
125 HEARING DATES AND TIMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR
126 CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt
127 stated that at the last budget meeting she had recommended a proposed millage rate of 5.85;
128 reminding Council that they can lower the rate prior to the final adoption in September. She
129 stated that at the last meeting there was some discussion of balancing the budget at the current
130 millage rate of 5.7922 and that is certainly doable; but would need Council to decide what
131 needed to be removed to achieve that rate. Councilmember Perrone does not feel comfortable
132 with raising the millage rate above the current rate and would not support it. Mayor Smith stated
133 that he does not wish to cut anything from this budget at this time and that they are only setting
134 a proposed millage rate that can be modified and lowered at a later time and would like to wait
135 for more final numbers before deciding on a final millage rate. Vice-Mayor Hoss concurred with
136 Mayor Smith and asked Council to wait to make changes to the proposed rate until all confirmed
137 figures are placed in the budget then make a determination. Councilmember Milano inquired on
138 the funds for the dredging; Ms. Witt stated yes, at the last budget meeting she was directed by
139 Council to move \$30,000 from Reserves for a feasibility study of the Canals. Ms. Witt also
140 added that the Town would prepare a Request for Qualifications (RFQ) and from the RFQ
141 Council would be provided the rates and then there would be a meeting with the selected
142 company for the scope of services needed for the study. Councilmember Paritsky expressed
143 concerns that the Ad-hoc Committee's purpose was to generate a 50%-plus-one vote to
144 determine the level of interest from the affected property owners and it had not reached its goal.
145 She suggested that Council take no action on this matter until it is on an agenda with all the
146 necessary information needed and public input. Ms. Witt stated that Councilmember Paritsky's
147 suggestion was certainly feasible as Council has the authority to move funds through

148 Supplement Appropriation at any time during the course of the fiscal year. Councilmember
149 Milano concurred with Councilmember Paritsky. Vice-Mayor Hoss concurred. Councilmember
150 Milano asked if there has been any movement on the recommendations outlined in the 2010
151 Tetra-Tech report. Ms. Witt explained that the funding for a feasibility study was denied by
152 Council in 2010, adding that the Town cannot move forward without the level of professional
153 assistance she previously requested to complete it. Mr. Joulani noted that there are several
154 Counties, State and Federal agencies that would need to get involved, including the Army Corps
155 of Engineers and the Environmental Protection Agency. He stated it takes quite a bit of time to
156 gather information and formulate a scope of work, and this is not a one-phase issue. The first
157 phase would be getting the canals navigable and the second phase is the maintenance issue.
158 Attorney Shepard stated there are three parts to the question: how can this problem be fixed
159 (possibly reducing the speed limit); how the Town legally can fix it (need to know who owns the
160 property); and how will the Town pay for it (probably via special assessment to the benefiting
161 property owners). The Tetra-Tech report provides some suggestions to some of the questions
162 but one issue is "who owns" the land and the only way to find that out is to do a title search.
163 Attorney Shepard agrees with Councilmember Paritsky that this item needs to be a noticed
164 agenda item. There was a brief discussion on the issue of grants and future maintenance of the
165 canals. Councilmember Milano noted that this is why Council needs the 5.85 millage rate at this
166 time. Mayor Smith summarized by saying the question raised by the property owners was "how
167 much will it cost"? The purpose of a consultant would be to provide options and costs, which
168 would allow the homeowners in that area to vote on it. Mayor Smith opened for public comment
169 - hearing none - he closed public comment. Mayor Smith moved to approve Resolution 2016-
170 10, establishing a proposed millage rate of 5.85 for the fiscal year 16/17; seconded by Vice-
171 Mayor Hoss. The motion was APPROVED 4-1 with the following votes: Mayor Smith – yes;
172 Vice-Mayor Hoss – yes; Councilmember Perrone – no; Councilmember Paritsky – yes;
173 Councilmember Milano - yes. Ms. Witt asked for clarification regarding Council's direction at
174 last week's meeting, where she was directed to move \$30,000 from Reserves to the proposed
175 budget for this project. Council agreed not to move the funds from the Reserve fund at this time.

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177 **12. OLD BUSINESS:** None

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179 **13. NEW BUSINESS:**

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181 **A. Determination of any issues that the Town would like to submit for**
182 **consideration by the Volusia Round Table of Elected Officials.** Councilmember Paritsky
183 stated the Volusia Roundtable is seeking a list of issues for discussion at the next roundtable
184 discussion. She requested a consensus for her topic "drones", citing the recent increase in their
185 use and safety/privacy concerns. Vice-Mayor Hoss stated she would like to know what the water
186 control sub-committee's decision was regarding septic tanks. Mayor Smith stated there were
187 four sub-committees: Beach Parking/Driving, Water Quality, Transportation, and the Homeless
188 and asked if any have been disbanded. Councilmember Paritsky stated all four still exist.
189 Councilmember Perrone inquired if the County or State would provide some type of homeowner
190 relief for sewer connection fees; and does a person have the right to fly a privately-owned drone
191 over their own private property. Mayor Smith opened for public comment. Howard Paritsky,
192 4757 S. Atlantic Avenue, stated you can fly a drone up to 400 ft above ground level (AGL)
193 provided you are not within five (5) statute miles of an air field. He reported that all of Ponce
194 Inlet south of the North Turn is within that restricted area, so if you wish to fly a drone, you are
195 supposed to contact the tower at the New Smyrna Beach airport for permission. Mayor Smith
196 closed public comment. He stated the idea behind the sub-committees is to provide input from
197 other municipalities which may have the same concerns as the Town. Councilmember Perrone
198 stated he is concerned about water quality because there is always a concern when you have

199 septic systems. Council agreed for Councilmember Paritsky to discuss these topics at the next
200 round Table meeting.

201
202 **B. Consideration of soliciting a real estate agent to assist in the sale of the**
203 **property at Beach Street and Sailfish Drive.** Councilmember Perrone suggested the Town
204 solicit a real estate firm to assist in selling this property. Mayor Smith inquired how the Town
205 would choose a realtor when the only consideration is the commission; Attorney Shepard stated
206 this requires a Request for Qualifications (RFQ) and which Realtor moves the properties faster.
207 Mayor Smith asked for public comment – seeing none - closed public comment. Consensus of
208 Council was to direct Ms. Witt and the attorney to write and advertise the Request for
209 Qualifications.

210
211 **14. FROM THE TOWN COUNCIL:**

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213 **A. Councilmember Paritsky, Seat #5** – expressed her appreciation to Margi
214 Richard, saying how helpful she has always been and wished her the best of luck in her
215 retirement.

216
217 **B. Councilmember Perrone, Seat #4** – concurred with Councilmember Paritsky,
218 adding that she helped him during his tenure on the Board of Adjustments. He mentioned that
219 Peninsula Drive has deteriorated from the big trucks and increased traffic, due to the detour of
220 Atlantic Avenue construction, he contacted the TPO and requested they inspect the roadway
221 and fix the holes and edge of the pavement as it is creating a hazardous condition. The County
222 Roads and Bridges did come down and fix the edge and holes of the pavement.

223
224 **C. Vice-Mayor Hoss, Seat #3** – expressed her appreciation to Margi Richard for
225 her hard work and dedication, and she will be missed; reminded the citizens that voting day is
226 August 30th.

227
228 **D. Councilmember Milano, Seat #2** – thanked Ms. Witt, Ms. Cherbano and the
229 Town staff for a well-prepared budget.

230
231 **E. Mayor Smith, Seat #1** – stated in addition to everything else stated about Margi
232 Richard, every child knows Margi because she has been involved with every event and Amy
233 Zengotita has big shoes to fill. He also reported the Surfers for Autism is on July 30th and
234 reminded citizens to vote on August 30th – take note that it is a two-sided ballot and the
235 referendum is on the back.

236
237 **15. FROM THE TOWN MANAGER** – Ms. Witt referred to the monthly calendar and asked
238 that everyone add to it the Volusia League of Cities dinner on July 28th.

239
240 **16. FROM THE TOWN ATTORNEY** – Mr. Shepard reported that opposing council
241 requested an extension to file their supplemental brief due to an emergency medical situation;
242 the Town's attorneys did not oppose the request, but the Court can deny it.

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

245
246 Respectfully submitted by:

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249 _____
250 Jeaneen Witt, CMC, Town Manager/Town Clerk
Kim Cherbano, Deputy Clerk