



Town of Ponce Inlet

Town Council Regular Meeting Minutes

August 18, 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
Mr. Joulani, Director, Planning and Development
Ms. McColl, Finance Manager
Chief Scales, Fire Chief/sitting-in for Town Manager Witt
 4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Mayor Smith requested the removal of item 6-J, Approval of the updated management plan for the lease of the Green Mound State Archaeological Site, from the Consent Agenda. Council agreed.
 5. **PROCLAMATIONS, PRESENTATIONS, AND AWARDS:** None
 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 – July 14, 2016
 - B. Approval of the Town Council regular meeting minutes – July 21, 2016.
 - C. Approval of payment of legal bill in the amount of \$77,480 (\$71,192 of which is related to the Pacetta Lawsuit) – dated August 4, 2016.
 - D. Acceptance of the offer of \$3,000 for the release of the Town's lien on the property at 92 Maura Terrace.
 - E. Acceptance of the offer of \$3,550 for the release of the Town's lien on the property at 64 Aurora Avenue.

- 44 F. Approval of the purchase of a VacTrailer in the amount of \$38,860.
- 45 G. Approval of the purchase of mobile and portable P-25 radios for use in the fire
46 department and public works in the amount of \$41,587.
- 47 H. Approval of the second amendment to the Interlocal Agreement for Fire and/or
48 Rescue Mutual Aid within Volusia County renewing the agreement under its
49 current conditions until October 2021.
- 50 I. Approval of declaring the Administration copier located in Town Hall as surplus
51 equipment.
- 52 ~~J. Approval of the updated management plan, as required by the TIIFT Lease for
53 the Green Mound State Archaeological Site. (Removed by Mayor Smith)~~

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

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

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59 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None

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

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63 **10. CITIZENS' PARTICIPATION:** None

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65 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

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67 **A. First reading of Ordinance 2016-03, reducing the membership**
68 **requirement for the Code Enforcement Board from seven members to five members, and**
69 **moving the current member of Seat #6 to Seat #4.** Attorney Shepard read the Ordinance by
70 title only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING THE
71 TOWN'S CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 2 BY CREATING
72 SECTIONS 2-162 AND 2-163 RELATING TO THE COMPOSITION AND TERMS OF THE
73 CODE ENFORCEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR
74 CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Smith
75 asked for Council comments – hearing none – closed Council comments. Mayor Smith asked
76 for public comments – hearing none – closed public comments. Vice Mayor Hoss moved to
77 approve the first reading of Ordinance 2016-03, reducing the membership requirement for the
78 Code Enforcement Board from seven members to five members, and she also moved to
79 approve moving the member currently seated in Seat #6 to Seat #4; seconded by Mayor Smith.
80 The motion was APPROVED 5-0, with the following vote: Vice-Mayor Hoss – yes; Mayor Smith
81 – yes Councilmember Paritsky – yes; Councilmember Perrone – yes; and Councilmember
82 Milano – yes.

83
84 **12. OLD BUSINESS:**

85 **A. Award of contract for real estate services.** Mayor Smith opened the
86 discussion by inviting bidders to come forward and speak to Council regarding their proposal.

87 Mr. & Mrs. Caron, owners of Team Caron, provided a brief overview of their experience, a list of
88 properties they have sold within the area and how they promoted the sale of their client's
89 properties. They stated that they welcomed this opportunity to work with the Town to sell its
90 property. Leon Sanclemente, representative of Adams Cameron, provided an overview of the
91 company's agents, reputation and experience. He also stated that the company is excited for
92 the opportunity to sell this property and to provide any future service to the Town.
93 Councilmember Paritsky asked if perhaps instead of selecting one real estate firm that they
94 consider simply raising the commission from 3% to 5% or 6% and leave the property as
95 currently listed on For Sale By Owner (FSBO). Mr. Caron provided reasons why the Town
96 should select a realtor and that it is customary to pay out a 3% co-broker fee to another broker
97 who brings in a buyer. Mrs. Caron reminded Council that they have sold the most vacant lots
98 this year in Ponce Inlet and continue to sell properties. Council determined that it was in the
99 best interest of the Town to select a realtor since there has been no activity on the FSBO
100 website. Mayor Smith suggested that Council use a ranking ballot process and the company
101 with the lowest number will be awarded the contract. He stated that Council will rank each of
102 the four companies using the numbers 1 to 4, with 1 being their first choice. Council agreed.
103 Chief Scales read the names of the companies: Realty Pros, Team Caron, Ponce Inlet Realty,
104 and Adams Cameron. Attorney Shepard collected the ballots from each Councilmember and
105 tallied the votes: Team Caron had the lowest number with 5; therefore the contract was
106 awarded to Team Caron. Mayor Smith stated that potential buyers must be advised that this lot
107 has three distinctive characteristics: the impact fees have already been paid – worth sixty-five
108 hundred dollars (\$6,500); a set of building plans are available for this lot; and there is a roadway
109 encroachment that the Town will require a small easement prior to selling.

110 **13. NEW BUSINESS:**

111 **A. Consideration of moving the date for the regularly scheduled meeting in**
112 **September from the 15th to the 22nd.** Councilmember Milano asked Council to consider
113 rescheduling September Council meeting from the 15th to the 22nd to accommodate his
114 anticipated absence. Council briefly discussed options for changing the meeting date and time.
115 Vice-Mayor Hoss brought forth having an afternoon meeting on September 22nd to allow Council
116 members to attend the Volusia League of Cities meeting that evening, since most of Council will
117 be attending. Mayor Smith asked for public comments – hearing none – closed public
118 comments. Vice-Mayor Hoss made the motion to move September Regular Council meeting
119 from the 15th to the 22nd and change the meeting time to 1:00 p.m., seconded by
120 Councilmember Milano. The motion was APPROVED 5-0, by consensus.

121 **B. Determination of the meeting date for the Old Carriage Road and Anchor**
122 **Drive canal dredging discussion.** Mr. Joulani explained the Planning Department's projects,
123 including the EAR - Comprehensive Plan Amendment and stated he preferred a December
124 meeting instead of November to allow more time, due to the complexity of the project. Mayor
125 Smith noted that residents that are affected by this project are looking for answers and he would
126 like to try and have this discussion in November. Councilmember Paritsky inquired if the staff
127 report would be a comprehensive report including items of stormwater and title information. Mr.
128 Joulani stated yes, that there are also several outside government agencies that need to
129 provide information along with our attorney. Councilmember Paritsky inquired with Attorney
130 Shepard if he had an estimated cost for the title searches and examiner opinion. Attorney
131 Shepard stated the cost should be under \$1,000 and whatever the search reveals is what his
132 opinion will be based upon. Councilmember Paritsky suggested authorizing the Town Attorney
133 to order the searches and to provide the opinion, so that the Town will have the information it

134 needs in order to make an informed decision on how to best proceed. Vice-Mayor Hoss agreed.
135 Attorney Shepard provided an example of how complex this type of issue can be using the
136 example of Lake Jackson dock issues. Mayor Smith concurred that this is a complex problem
137 and the Federal, State or Town would most likely be the owner of the soil beneath the water.
138 Attorney Shepard agreed and noted that his firm would not provide opinions on any title work
139 that was not provided to them. Mayor Smith reviewed the reasons for hiring a consultant for this
140 project: determine ownership, determine the costs for dredging, and allow the residents affected
141 by this issue to decide whether or not they wish to participate in a special taxing district in order
142 to pay for rectifying the issue. Council agreed to authorize the Town Attorney to proceed with
143 ordering the title searches and providing the legal opinion, and to have this item placed on the
144 November 17th, 2016 Town Council Regular meeting.

145 **14. FROM THE TOWN COUNCIL:**
146

147 **A. Councilmember Paritsky, Seat #5** – Thanked Vice-Mayor Hoss for attending
148 the August 8th Roundtable meeting on her behalf. She stated that Council's request for an
149 update from the Water subcommittee and the topic of drones were placed on the Roundtable for
150 discussion. She stated that the update from the Water subcommittee will also be provided at
151 the September meeting and that there was a detailed report provided concerning drones and
152 how drone owners could register them. More information concerning drones will be discussed
153 at the next meeting. Councilmember Paritsky also stated that Volusia County will be doing a
154 presentation on the County Roadway plan in October. She also reviewed her reasons for being
155 in favor of the proposed term length extensions for Town Council seats.
156

157 **B. Councilmember Perrone, Seat #4** – Thanked Mr. Joulani for the great work his
158 department does, especially with the current workload. He continues to stay in contact with the
159 TPO regarding the condition of South Peninsula Drive in Wilbur and stated that they are
160 patching the potholes until a permanent solution can be made.
161

162 **C. Vice-Mayor Hoss, Seat #3** – Encouraged residents to come out and vote;
163 referred to the letter published in the News Journal this morning regarding the referendum. Vice-
164 Mayor Hoss stressed the need for longer terms and she restated her reasons for supporting the
165 referendum.
166

167 **D. Councilmember Milano, Seat #2** – Concurred with Vice-Mayor Hoss' and
168 Councilmember Paritsky's comments regarding the referendum and the learning curve for new
169 council members. He thanked Council for changing the regular meeting date in September.
170

171 **E. Mayor Smith, Seat #1** – Praised the Surfers for Autism event held on the
172 beachside in Ponce Inlet this month, noting that this was the 7th year and over 200 children and
173 400 volunteers participated, which included local restaurants. He commented about FPL tree
174 trimming project along S. Peninsula Drive.
175

176 **15. FROM THE TOWN MANAGER** – Fire Chief Scales reported that there are
177 alternate positions available on all four volunteer boards and reviewed upcoming events and
178 meeting dates from the Town calendar.
179

180 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated that we are in the
181 waiting mode regarding the supplemental brief and when a decision is made, Council will be the
182 first to know.
183

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

185

186 Respectfully submitted by:

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Jeaneen Witt, CMC, Town Manager/Town Clerk

190 Kim Cherbano, Deputy Clerk

191 /ph

DRAFT