



## Town of Ponce Inlet

### Town Council Regular Meeting Minutes

### December 15, 2016

- 4
- 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.
- 7
- 8 **2. PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.
- 9
- 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 Chief Fabrizio, Police Chief
- 20 Mr. Gunter, General Manager of Public Works
- 21 Attorney Hand, Town Attorney's office
- 22 Ms. Hunt, Administrative Assistant
- 23 Mr. Joulani, Director of Planning and Development
- 24 Chief Scales, Fire Chief
- 25 Ms. Witt, Town Manager
- 26
- 27 **4. INAUGURATION / PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**
- 28 **A. Presentation of Christmas Parade Awards –** Mr. Hinson presented the awards.
- 29 **B. Report of Town's 8<sup>th</sup> Annual Christmas Parade –** Mr. Hinson provided the
- 30 Parade report and requested that Council consider co-sponsorship of next year's parade and to
- 31 carry forward the balance of funds from this year towards that. Councilmember Paritsky moved
- 32 to accept the 8<sup>th</sup> Annual Christmas Parade report, leave the balance of \$514 in the account, and
- 33 to sponsor the 9<sup>th</sup> Annual Christmas Parade scheduled for December 2, 2017 by continuing the
- 34 \$500.00 in-kind donation; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0,
- 35 consensus.
- 36 **C. Certificate of Appreciation to Public Works from the Ponce Inlet Veterans**
- 37 **Association –** Bill Wester, LTCUSMC (ret), presented a Certificate of Appreciation to Keith
- 38 Gunter for appreciation of the Public Works staff maintaining the Veterans memorial and grounds,
- 39 and for providing assistance with events.
- 40 **D. Presentation of plaque to Phyllis Campbell, for her service to the Town by**
- 41 **servicing on the River-to-Sea TPO's Bicycle/Pedestrian Advisory Committee –** Mayor Smith
- 42 presented the Award to Ms. Campbell in recognition and appreciation of her decade of service.
- 43 **E. Presentation of pins in recognition of Town officials before, during and after**
- 44 **Hurricane Matthew –** Ms. Witt presented recognition pins to Council and Department Directors
- 45 for dissemination to their staff.

46 **5. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA: None.**

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

51 A. Approval of the Town Council regular meeting minutes – November 17, 2016.

52 B. Approval of payment of November legal bill in the amount of \$3,596 (\$416 of which  
53 is related to the Pacetta vs Town lawsuits) – dated December 6, 2016.

54 C. Approval of the utilizing via collective purchasing, the contract for fire hydrant  
55 maintenance obtained by Volusia County with R&M Service Solutions, in the  
56 amount of \$6,600.

57 Councilmember Paritsky moved to approve the Consent Agenda consisting of items 6A through  
58 #6C as presented; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0, consensus.

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

60 A. **Consideration of appointment to the Accession Committee.** Vice-Mayor Hoss  
61 invited Ms. Jerson to introduce herself to Council and the public. Ms. Jerson, who has been a  
62 member of the Accession Committee since its inception, noted that she is also a member of  
63 several Ponce Inlet Clubs and portrays “Nelly” the lighthouse cat. Mayor Smith asked for Council  
64 comments – hearing none – closed Council comments. Mayor Smith asked for public comments  
65 – hearing none – closed public comments.

66 Vice-Mayor Hoss moved to approve the re-appointment of Carol Jerson to Seat #3 of the  
67 Accession Committee for a three-year term with an expiration date of December 31, 2019;  
68 seconded by Councilmember Paritsky. The motion was APPROVED 5-0, consensus.

69 B. **Consideration of appointments to the Code Enforcement Board.** Mayor Smith  
70 noted that there are two issues: re-appointment requests and new appointment requests and  
71 suggested that these be done separately. With no Council comment, Mayor Smith closed Council  
72 comments and asked for public comments – hearing none – he closed public comments.

73 Councilmember Paritsky moved to approve the re-appointment of Joe Villanella to Seat #2 and  
74 Judy DiCarlo to Seat #5 of the Code Enforcement Board for a three-year term with an expiration  
75 date of December 31, 2019; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0,  
76 consensus.

77 In consideration of the alternate applications for Seats #1 and #2, Council confirmed they had  
78 three applications for these two positions. Ms. Cannon introduced herself and noted that she was  
79 asked by residents to consider this position. She is a member of various clubs within the Town  
80 and wants to give back to the community. Ms. Bullock introduced herself and noted that she too,  
81 is a member of several of the Town's clubs and a volunteer at the Ponce Inlet Lighthouse. Council  
82 was advised that Mr. O'Shaughnessey was unable to attend this meeting and commended the  
83 applicants for their interest in serving the community. Mayor Smith closed Council comments and  
84 asked for public comments.

85 Judy DiCarlo, Caribbean Way, stated that she knows both Ms. Cannon and Ms. Bullock and  
86 recommended them both for board appointment. Mr. Hinson, S. Atlantic Avenue, concurred with  
87 Ms. DiCarlo. Hearing no other public comments, Mayor Smith closed public comments. Mayor  
88 Smith stated ballot voting would be used and instructed Council to mark #1 as the first choice, #2  
89 as second choice and so on, noting that the applicant with the lowest total score would be  
90 appointed to Alternate Seat #1, the applicant with the next lowest score would be appointed to  
91 Alternate Seat #2, the highest scoring applicant would not be appointed at this time. Ms. Witt  
92 distributed, collected, and tallied the ballots from Council. Attorney Hand confirmed the results,  
93 which were as follows: Ms. Cannon – 7, Ms. Bullock – 8, and Mr. O’Shaughnessy – 15.

94 C. **Consideration of appointments to the Historic & Archaeological**  
95 **Preservation Advisory Board.** Mayor Smith noted that there are multiple reappointment  
96 requests and suggested one motion. He then invited Ms. Finch to introduce herself. Ms. Finch  
97 stated that she has been a member of this Board for several years, is involved with events and  
98 clubs, and loves the Town. With no Council comments, Mayor Smith closed Council comments  
99 and asked for public comments – hearing none – he closed public comments.

100 Councilmember Paritsky moved to approve the re-appointment of JoAnne Hamilton to Seat #1,  
101 Phyllis Campbell to Seat #2 and Liz Finch to Seat #3 of the Historic & Archaeological Preservation  
102 Advisory Board for a three-year term with an expiration date of December 31, 2019; seconded by  
103 Vice-Mayor Hoss. The motion was APPROVED 5-0, consensus.

104 D. **Consideration of appointments to the Parks, Recreation and Tree Advisory**  
105 **Board.** Mayor Smith noted that there are multiple re-appointment requests and suggested that  
106 one motion would suffice. With no Council comment, Mayor Smith closed Council comments and  
107 asked for public comments – hearing none – he closed public comments.

108 Councilmember Paritsky moved to approve the re-appointment of Brian Smith to Seat #1 and  
109 Stacey Bell to Seat #3 of the Parks, Recreation and Tree Advisory Board for a three-year term  
110 with an expiration date of December 31, 2019; seconded by Vice-Mayor Hoss. The motion was  
111 APPROVED 5-0, consensus.

112 E. **Consideration of appointments to the Planning Board.** Mayor Smith noted that  
113 there are multiple re-appointment requests and suggested one motion. Councilmember Paritsky  
114 noted that this is the final board with seven members, six seated and asked if any of the members  
115 wishing to be re-appointed would consider being Alternates. Mr. Lampe, Mr. DiCarlo, and Mr.  
116 Bestic each indicated their wish to be re-appointed to their respective seat. With no other Council  
117 comment, Mayor Smith closed Council comments and asked for public comments – hearing none  
118 – he closed public comments.

119 Councilmember Paritsky moved to approve the re-appointment of William Lampe to Seat #1, Joe  
120 DiCarlo to Seat #2 and Micheal Bestic to Seat #3 of the Planning Board for a three-year term with  
121 an expiration date of December 31, 2019; seconded by Vice-Mayor Hoss. The motion was  
122 APPROVED 5-0, consensus.

123 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:**

124 **A. Inlet Harbor Residential Development**

126 **1. Consideration of the extension of the Second Amendment to the Inlet Harbor**  
127 **Residential Development Agreement – Mr. Joulani stated the Planning Board recommended**

128 approval at its November 22, 2016, meeting, due to hurricane Matthew damage and construction  
129 delays by JD Weber. Attorney Morris, representing Inlet Harbor, Inc. concurred with Mr. Joulani  
130 and stated that Weber is still working on the property and Inlet Harbor, Inc. is proceeding with the  
131 plat. Mayor Smith opened Council comments – hearing none, he closed Council comments and  
132 asked for public comments – hearing none – he closed public comments.

133 Councilmember Paritsky moved to approve the second amendment to the Inlet Harbor Residential  
134 Development Agreement, extending the completion deadlines for constructing required  
135 infrastructure by six months to June 15, 2017; seconded by Vice-Mayor Hoss. The motion was  
136 APPROVED 5-0, consensus.

137 **2. Acceptance of the determination from the Department of Environmental**  
138 **Protection regarding the levels of arsenic on some lots in this development area.** Mayor  
139 Smith opened Council comments – Councilmember Paritsky asked how the arsenic report will be  
140 disclosed to purchasers. Attorney Morris stated that it will be noted on the plat, on the deeds, and  
141 in the property titles as it is a public record. Councilmember Perrone requested that the email  
142 correspondence to Mr. Joulani from the DEP be attached to this meeting's minutes (Attachment  
143 #1). With no other comments, Mayor Smith closed Council comments and asked for public  
144 comments – hearing none – he closed public comments.

145  
146 Councilmember Paritsky moved to find that Inlet Harbor Inc.'s plan as outlined in correspondence  
147 dated August 11, 2016, identified as Exhibit A, from James S. Morris to Mr. Dale Melton of the  
148 Florida DEP and Mr. Bret LeRoux of the Florida DEP, is acceptable to the Town as and for  
149 mitigation for the naturally-occurring arsenic so as to protect public safety and to provide a  
150 reasonable opportunity for prospective purchasers to be aware of the substance's existence in  
151 the soil; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0, consensus.

152  
153 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS: None.**

154  
155 **10. CITIZENS' PARTICIPATION:**

156 Jim Hinson, 4745 S. Atlantic Avenue – commented that the Town is very dark in many  
157 areas along Atlantic Avenue, and is concerned about safety of pedestrians and cyclists. He asked  
158 that the Town consider adding more street lights and request that they not be shut off or shielded  
159 because of these concerns.

160  
161 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

162  
163 **A. Resolution 2016-15, urging the appointment of municipal officials to the**  
164 **2017-2018 Constitution Revision Commission (CRC) and supporting the observance of**  
165 **home rule authority while restricting unfunded mandates.** Attorney Hand read the resolution  
166 by title only. Councilmember Paritsky stated that this request comes through the Florida League  
167 of Cities. She noted that the League is recommending to Governor Scott, the appointment of  
168 Mayor Susan Haynie to the Constitution Revision Committee. Councilmember Milano stated that  
169 he has worked with Ms. Haynie and she is a good selection for this Committee. Mayor Smith  
170 closed Council comments and asked for public comments – hearing none – he closed public  
171 comments.

172  
173 Councilmember Paritsky moved to approve Resolution 2016-15, urging the appointment of  
174 municipals officials to the 2017-2018 Constitution Revision Commission and urging the  
175 commission to protect municipal home rule authority and restrict unfunded state mandates;  
176 seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0, consensus.

177

178 12. OLD BUSINESS: None.

179

180 13. NEW BUSINESS:

181

182 A. Consideration of drone ordinances. Councilmember Paritsky provided two  
183 video clips and two photographs along with her presentation: the first video depicted a drone  
184 outfitted with a handgun, firing live rounds; the second video depicted a drone outfitted with a  
185 flame thrower, shooting flames onto a turkey affixed to a homemade rotisserie. She noted that  
186 although these acts are reckless and dangerous, there are no FAA regulations specifically  
187 prohibiting these types of acts. The first photo, taken by a drone, depicted the location of police  
188 vehicles, allowing criminals the advantage of knowing the location of police assets; the second  
189 photo depicted the instrument approach procedure chart for Runway 25 at the New Smyrna  
190 Beach Airport. This approach takes aircraft directly over the lighthouse, descending to 300 feet  
191 on approach. She expressed concerns of potential collisions between drones and aircraft, which  
192 could result in an out-of-control aircraft over Ponce Inlet. According to the Florida Attorney  
193 General's office, local governments are allowed to adopt local ordinances regulating the use of  
194 drones. Councilmember Perrone asked if anyone requires licensing of drones. Councilmember  
195 Paritsky said drone owners are required to register with the FAA, but by adopting local ordinances,  
196 local law enforcement will be equipped with tools and abilities should they observe suspicious or  
197 unlawful activity involving a drone. She concluded by asking Council to consider authorizing the  
198 Town Attorney's office to investigate the drafting of local ordinances, adding that there are legal  
199 uses of drones, which any ordinance must not prohibit. Mayor Smith noted that there can be a  
200 great distance between the drone and its operator and agreed there should "be some regulations";  
201 Councilmember Milano noted that Amazon delivers popcorn and a movie by drone today. Mayor  
202 Smith closed Council comments and asked for public comments – hearing none – closed public  
203 comments.

204

205 Council agreed by consensus to authorize the Town Attorney's office to prepare a proposed  
206 Ordinance and to provide more information on potential means of regulation.

207

208 B. Hearing on merit pay grievance filed by Firefighter Lieutenant George. Ms.  
209 Witt gave a brief explanation of the Town's grievance process, which allows employees to take  
210 their complaint to the Town Council if it has not been addressed to the employee's satisfaction by  
211 her. She referenced her response, provided within the Council packet, to Lt. George's complaint  
212 about not receiving a merit pay increase on October 1<sup>st</sup> (Attachment A). She then gave the floor  
213 to Lt. George who explained his position that he believes that the Council intended for all  
214 employees to receive the implementation of the pay study on October 1<sup>st</sup> and that this was not  
215 intended to be subject to negotiation. He played two excerpts of Councilmember Paritsky at a  
216 prior meeting, one in which she commended staff and management and voiced support of the  
217 implementation of the pay study results and the other of when she made her motion for said  
218 implementation. Lt. George believed that the lack of mention of any negotiation implied that there  
219 was none needed. He then read a statement authorized by the fire union, "the members of IAFF  
220 Local 4140 waive the right to bargain over the implementation of this specific wage increase and  
221 the new Vision plan as adopted by the Town Council". If this pay study is subject to negotiation,  
222 Lt. George felt that he and the fire union membership should receive the same merit pay increase  
223 that they had received in the prior year (3%) in order to maintain the "status quo". The Town's  
224 labor attorney, Jeff Mandel, addressed Lt. George's complaint about the negotiation process for  
225 the implementation of the salary study results by stating that it is a matter of law that any change  
226 of this nature is subject to negotiation and that there was no need to state this at the Council  
227 meeting when implementation was discussed; the Town cannot implement this study apart from  
228 the negotiation process nor should we, given that there are certain policy changes that the Town  
229 wishes to implement and we cannot do so apart from negotiation. Regarding the definition of the

230 "status quo", this was defined in a Memorandum of Agreement in 2013 (also within Attachment  
231 A) as the merit increase authorized by the Council in the budget year preceding the fiscal year in  
232 which it is to take effect; as has been the case in prior fiscal years, there was no merit increase  
233 budgeted for fiscal year 16/17.

234  
235 To further complicate this topic, all of the above was what was known at the time of the filing of  
236 this grievance to Council. Since that time and in preparation for this item, the Town's labor  
237 attorney discovered that the fire union does not have the legal make-up that both we and they  
238 have believed. Membership to Local 4140 is limited to firefighter EMTs and firefighter  
239 paramedics, which equates to 3 personnel (Attachment B). Therefore, the remaining 6 personnel  
240 (driver engineers and lieutenants) have now been granted the implementation of the pay study  
241 and various policy revisions have also been implemented for those non-union fire personnel. Lt.  
242 George received a 6.6% pay increase on December 7<sup>th</sup>.

243  
244 Mayor Smith opened for Council comments. Councilmember Perrone stated for clarification that  
245 if the Town reinstated the merit raise of 3% that would mean that instead of a pay study  
246 implementation increase that the fire union personnel would receive a lower amount.  
247 Councilmember Paritsky attempted to clarify what Mr. George was asking of Council, expressing  
248 concern about going outside the scope of what was to be before them. Lt. George stated that  
249 now that they are considered general employees, he would ask that the non-union fire personnel  
250 should have received a retroactive implementation of the salary study, effective October 1<sup>st</sup>. Mr.  
251 Mandel responded that given both parties were clearly under the impression that Local 4140  
252 membership covered a broader group, both parties were subject certain requirements that went  
253 with that; the salary study implementation matches the date that new policies were implemented  
254 and those new policies cannot be retroactively applied so there is no reason to do so with the  
255 salary study. Mayor Smith noted that when negotiating, you can't take pieces out of the  
256 negotiations and still make demands. Mayor Smith closed Council comments. Mayor Smith  
257 asked for public comments – hearing none – closed public comments. Councilmember Milano  
258 moved to deny the Lieutenant's grievance; seconded by Mayor Smith. The motion was  
259 APPROVED 5-0, consensus.

260  
261  
262 **14. FROM THE TOWN COUNCIL:**

263  
264 **A. Councilmember Paritsky, Seat #5** – stated how well-organized and enjoyable  
265 the parade was; wished everyone happy holidays.

266  
267 **B. Councilmember Perrone, Seat #4** – stated he was proud that his grandson  
268 marched with him in the parade; thanked the parade organizers, the volunteer board members,  
269 and wished everyone a Merry Christmas, Happy Hanukah, and Happy New Year.

270  
271 **C. Vice-Mayor Hoss, Seat #3** – thanked everyone who serves on the volunteer  
272 boards; expressed her appreciation for being selected Citizen of the Year; thanked Council and  
273 staff for a wonderful year.

274  
275 **D. Councilmember Milano, Seat #2** – stated what a wonderful Town Ponce Inlet is,  
276 and wished everyone happy holidays.

277  
278 **E. Mayor Smith, Seat #1** – wished everyone a Merry Christmas and stated it was a  
279 very productive year and we continue to make progress to improve the quality of life in Town.

280

282 **15. FROM THE TOWN MANAGER** – stated the *Feed the Need* food drive is complete and  
283 the Town placed 3<sup>rd</sup> in the County by collecting 1,672 lbs. of food; she requested a representative  
284 to attend a Project H<sub>2</sub>O meeting on January 12<sup>th</sup> - Mr. Milano volunteered; reported that hurricane  
285 costs are approximately \$300,000 (broad estimate) and of that, the Town may be eligible for up  
286 to 85% reimbursement; noted that Hope Place seems to be the first choice of donors for the  
287 Homeless Assistance program and stated that she intended to send the Town's donation there  
288 unless Council had another preference; none heard; She reviewed the Calendar of Events and  
289 wished everyone a safe and happy holiday season.

290  
291 **16. FROM THE TOWN ATTORNEY** – stated he had nothing to report and wished everyone  
292 Happy Holidays.

293  
294 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 7:55 p.m.

295  
296 Respectfully submitted by:

297  
298  
299 \_\_\_\_\_  
300 Jeaneen Witt, CMC, Town Manager/Town Clerk  
301 Kim Cherbano, CMC, Deputy Clerk  
/p



## Town of Ponce Inlet

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4300 South Atlantic Avenue  
Ponce Inlet, Florida 32127  
Phone: (386) 236-2150  
Fax: (386) 322-6717  
www.ponce-inlet.org

November 21, 2016

Lt. Derek George  
728 Herbert Street  
Port Orange, FL 32129

Re: Merit Pay Increase Grievance

Dear Lt. George:

I appreciate the opportunity to have met with you regarding your grievance about not receiving a merit pay increase in Fiscal Year 16/17. I have considered the two primary claims that you have made as follows:

*Claim #1 - Merit pay increase of 3% is the status quo if Evergreen pay plan study is not implemented.*

I find this claim to be without merit, as the status quo is established in the Memorandum of Agreement executed by both Local 4140 and the Town in August 2013 (attached). We have had several previous years that no merit increase was provided, as is the case for FY 16/17. We have also had other pay enhancements that have been subject to collective bargaining as they were related to wages, hours, and/or terms and conditions of employment of the public employees within the bargaining unit. One which was negotiated within this same attached memorandum.

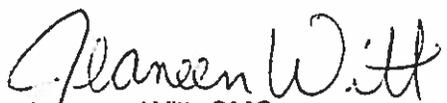
*Claim #2 - The Evergreen pay plan study implementation was adopted by the Town Council for all employees and was not meant to be subject to negotiation for Union members.*

I find this claim to be without merit as collective bargaining is a legal requirement for all changes related to wages, hours, and/or terms and conditions of employment of the public employees within the bargaining unit. You reference a motion made by Councilmember Paritsky on June 23, 2016 in support of your claim and you state that there was no mention at that meeting of any negotiation process being required. Though the negotiation process is a standing legal requirement that need not be mentioned specifically, the record shows that I did in fact remind the Town Council of this at that same meeting both as it relates to the pay study and the addition of vision coverage.

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens the greatest value for their dollar.*

As you are aware, on August 3<sup>rd</sup>, 2016, the Town initiated collective bargaining with Local 4140 and the Town offered the implementation of the pay plan study conditioned upon Local 4140's acceptance of the policy changes that the fire chief has determined are in the best interest of the department – specifically the policies related to time trades and personal leave and overtime selection. To date, Local 4140 has declined to accept these policy changes and therefore implementation of the pay plan continues to be delayed. Please feel free to contact your union representatives on the status of negotiations. The Town looks forward to resolving this issue to our mutual benefit.

Sincerely,



Jeaneen Witt, CMC  
Town Manager

- C: Kim Cherbano, Human Resources Director
- Jeff Mandel, Town's Labor Attorney
- Dan Scales, Fire Chief
- John Brooks, Driver/Engineer, IAFF Local 4140 President

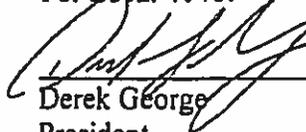
**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into between the Town of Ponce Inlet ("Town") and Ponce Inlet Professional Fire Fighters IAFF Local 4140 ("Local 4140"), and the parties agree as follows:

1. The Town shall provide Local 4140 bargaining unit employees with a one-time lump sum bonus (not added to base) of \$1,000 minus applicable deductions, to be paid by September 30, 2013. Additionally, for Fiscal Year 2013-14, Local 4140 bargaining unit employees shall be provided merit pay increases as adopted by the Town Council.
2. Local 4140 agrees that for Fiscal Year 2012-13 and 2013-14, Local 4140 shall not seek to negotiate changes to existing practices in any areas covered by Section 6 of the Town's current Employee Rules and Regulations. This, however, shall not prevent Local 4140 from requesting to bargain over changes proposed by the Town, if any.

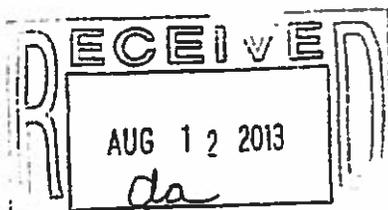
Executed by the Town and Local 4140:

For Local 4140:

  
Derek George (Date) 08/12/13  
President

For the Town:

  
Jeaneen Clauss (Date)  
Town Manager





## Town of Ponce Inlet

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4300 South Atlantic Avenue  
Ponce Inlet, Florida 32127  
Phone: (386) 236-2150  
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December 7, 2016

Lt. Derek George, President  
Ponce Inlet Professional Fire Fighters, IAFF Local 4140  
728 Herbert Street  
Port Orange, FL 32129

Re: Fire Union Membership

Dear Lt. George:

It has been brought to my attention by the Town's labor attorney that membership to Ponce Inlet Professional Firefighters, Local 4140 is limited to the classifications of Firefighter/EMT and Firefighter/Paramedic. The positions of Firefighter Lieutenant and Driver Engineer have never been applied for / accepted via the process outlined by the Public Employee Commission (PERC). I've attached a copy of the PERC certification to this letter.

Therefore, effective this date, the positions of Firefighter Lieutenant and Driver Engineer will be treated as general employees of the Town of Ponce Inlet and afforded all of the benefits and subject to any other requirements applied to general employees.

The pay study will be implemented to all Lieutenants and Driver Engineers effective this date and those in these positions may sign-up for the newly available vision coverage as well.

I'm copying this email to all Town firefighters, as you would no longer be an official representative of those who are not in the bargaining unit and I'm uncertain of your capacity regarding those who remain in Local 4140.

Sincerely,

  
Jeaneen Witt, CMC  
Town Manager

C: Fire Chief Dan Scales  
Human Resources Director Kim Cherbano  
Town Labor Attorney Jeff Mandel

Attachment: Local 4140 PERC Certification



EL-2002-019  
(Relates to RC-2002-003)

The Commission VERIFIES the results of the election conducted June 19 through July 10, 2002. Petitioner (OR-2001-020) received a majority of the valid votes plus challenged ballots.

Pursuant to Section 447.307(3)(b), Florida Statutes (2001), the Commission CERTIFIES the Petitioner as the exclusive bargaining representative for employees in the unit described above. Certification number 1369 is issued to the Petitioner.

This order may be appealed to the appropriate district court of appeal. A notice of appeal must be received by the Commission and the district court of appeal within thirty days from the date of this order. Except in cases of indigency, the court will require a filing fee and the Commission will require payment for preparing the record of appeal. Further explanation of the right to appeal is provided in Sections 120.68 and 447.504, Florida Statutes (2001), and the Florida Rules of Appellate Procedure.

It is so ordered.

POOLE, Chair, KOSSUTH, JR., and VARN, Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on July 26, 2002.

BY: Yang Ann Burns  
Clerk

/smg

