



Town of Ponce Inlet

Town Council Regular Meeting Minutes

January 21, 2016

6 **1. CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order
7 at 6:02 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

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9 **2. PLEDGE OF ALLEGIANCE:** Mayor Smith led the attendees in the Pledge of
10 Allegiance.

11
12 **3. ROLL CALL:**

13 **Town Council:**

- 14 Mayor Smith, Seat #1
- 15 Councilmember Milano, Seat #2
- 16 Vice-Mayor Hoss, Seat #3
- 17 Councilmember Perrone, Seat #4
- 18 Councilmember Paritsky, Seat #5

19
20 **Staff Members Present:**

- 21 Ms. Cherbano, Human Resource Director/Deputy Clerk
- 22 Chief Fabrizio, Police Chief
- 23 Mr. Gunter, General Manager of Public Works
- 24 Ms. Hunt, Recording Secretary
- 25 Chief Scales, Fire Chief
- 26 Attorney Shepard, Town Attorney
- 27 Ms. Witt, Town Manager

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29 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA.** None.

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

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33 **Mayor presents the State of the Town Address.** Mayor Smith read the State of the
34 Town Address (Attachment A) into the record.

35
36 **A. Presentation of plaque to the Town's Employee of the Year:** Mayor Smith
37 presented Fred "Butch" Robidoux, Administrative Assistant, Police Department with a plaque for
38 Employee of the Year 2016 and congratulated him for his outstanding service to the Town.

39
40 **C. Certificate of Appreciation to the Christmas Parade Committee:** Mayor
41 Smith presented Mr. Jim Hinson with a Certificate of Appreciation as the Chairman of the
42 Christmas Parade Committee for the seventh annual Ponce Inlet Christmas Parade. Mr. Hinson
43 recognized its members and spoke highly about the Christmas Parade Committee.

44
45 **6. CONSENT AGENDA:** Mayor Smith asked Council if there was anything they would like
46 to remove from the consent agenda or to discuss. Mayor Smith asked for Council comments –
47 hearing none – closed Council comments. Mayor Smith asked for public comments – hearing
48 none – closed public comments.

- 49 A. Approval of the Town Council workshop minutes – December 17, 2015.
- 50 B. Approval of the Town Council regular meeting minutes – December 17, 2015.
- 51 C. Approval of payment of legal bill in the amount of \$37,615 (\$35,957 of which is
52 related to the Pacetta vs. Town lawsuits) – dated January 7, 2016.
- 53 D. Approval of an application being submitted to the Federal Assistance to
54 Firefighter Grant Program to purchase communications equipment; the
55 application for a \$128,000 grant would require a five percent match from the
56 Town, \$6,095 which has been budgeted.
- 57 E. Approval of modification in the technology budget to move forward with the
58 upgrade of the financial, human resource, and utility billing software and to
59 postpone the building department upgrade by three months; this will require
60 additional current year funding in the technology division in the amount of
61 \$36,500 in the current year, which may be available from other areas of the
62 budget prior to year end.

63 Councilmember Paritsky moved to approve the consent agenda, seconded by Councilmember
64 Hoss. This motion PASSED by consensus, 5-0.

65

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

67

68 **A. Report from the Christmas Parade Committee.** Mr. Hinson, Chairman of the
69 Christmas Parade Committee, provided Council with the 7th annual Ponce Inlet Christmas
70 Parade report and asked that the remaining balance of funds be rolled over to next year's fund.
71 He also requested Council's co-sponsorship for the 8th Annual Christmas Parade scheduled for
72 December 3rd, 2016, to include continuing the in-kind staff time donation. He stated the parade
73 was a success and it gets better every year. Mayor Smith commented that although it rained, it
74 was a great event. Council echoed the Mayor's comments. Councilmember Paritsky made the
75 motion to accept the parade Committee's report, allow the fund balance to remain in the
76 account for next year, to approve co-sponsorship for 2016 Christmas Parade and provide an in-
77 kind donation of \$500.00, seconded by Councilmember Perrone. This motion was APPROVED
78 by consensus, 5-0.

79

80 **Consideration of appointments to the Canal Dredging Committee, specific to the Emerald**
81 **Isle and Yacht Haven subdivisions.** Ms. Witt explained that staff received an application for
82 the Ad Hoc Committee after the deadline; which is before Council for consideration. There was
83 a brief discussion on whether to allow the application; Council chose to accept the application.
84 Mayor Smith asked for public comments – hearing none – closed public comments.
85 Councilmember Perrone made the motion to approve the revised list, with Ellen Pagliarulo's
86 application, seconded by Councilmember Paritsky. This motion was APPROVED by consensus,
87 5-0. Mayor Smith read Section 1 of Resolution 2015-17, which outlined the formation of the AD
88 Hoc Committee and the strict limitations of this committee. Council members were then
89 provided a voting form, which had the nine applicant's names, to select five Committee
90 members by numbering them one through nine, with 1 being the first choice and so forth.
91 Voting sheets were tallied and Ms. Witt announced the five lowest scoring applicants: Marc
92 Bauerle, Henry Dreifus, Milton Evans, James Mather, and Brandon Roth. Mayor Smith asked
93 for Council comments – hearing none – closed Council comments. Mayor Smith asked for

94 public comments – hearing none – closed public comments. Mayor Smith made the motion to
95 approve the appointments to the Canal Dredging Committee as named, seconded by
96 Councilmember Milano. This motion was APPROVED by consensus, 5-0.

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98 **8. PUBLIC HEARINGS - Quasi-Judicial:** None.

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100 **9. PUBLIC HEARINGS – Non-Quasi Judicial:** None.

101
102 **10. CITIZENS' PARTICIPATION -** None.

103
104 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

105
106 **A. Resolution 2016-01, adopting Goals for the Town for 2016 & 2017.** Attorney
107 Shepard read the resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE
108 TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE GOALS OF THE
109 TOWN FOR 2016 AND 2017; PROVIDING FOR SEVERABILITY; PROVIDING FOR
110 CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt
111 explained the data collected at the workshop resulted in the list of goals. She stated that it is
112 always a good idea to review these goals prior to adoption to ensure that these are in fact
113 Council's top priorities for the next two years. She stated that she had reviewed the area of a
114 master plan with the Director of Planning & Development Aref Joulani, although, there can be
115 advantages to having a master plan for the town; staff feels that it is not in the Town's best
116 interest to attempt to begin work on this within the next two years. Staff does however believe
117 that revision of the sign ordinance should be included in the goal list. Ms. Witt also brought to
118 Councils attention a prior discussion concerning a Charter review and if Council would like to
119 consider beginning that process, it would be best to include it as part of these goals as well.
120 Council members concurred, stating the Master Plan could be put on the shelf, they liked the
121 idea of reviewing the sign ordinance and addressing the charter review, especially as it pertains
122 to terms of office for Council members. Attorney Shepard stated the State wants every
123 municipality within the same County to be on the same election schedule. He added that it
124 seems Volusia County is already doing this, however he will get more clarification concerning
125 this issue. Ms. Witt stated there is current legislation regarding this issue and Home Rule
126 authority; if this law does not have an impact on the Town, then the Town should unite with
127 other municipalities to protect the Home Rule authority. Mayor Smith asked for public
128 comments – hearing none – closed public comments. Councilmember Milano moved to
129 approve Resolution 2016-01, adopting Goals for the Town for 2016 and 2017, with the
130 recommended changes as stated by the Town Manager, seconded by Councilmember Perrone.
131 This motion was APPROVED 5-0, with the following vote: Councilmember Milano – yes,
132 Councilmember Perrone – yes, Vice-Mayor Hoss – yes, Councilmember Paritsky – yes, and
133 Mayor Smith – yes.

134
135 **B. Resolution 2016-02, adopting a Social Media Policy for the Town.** Attorney
136 Shepard read the resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE
137 TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AMENDING THE TOWN'S
138 PERSONNEL RULES AND REGULATION TO INCORPORATE THE ADOPTION OF A
139 SOCIAL MEDIA POLICY; PROVIDING FOR SEVERABILITY; PROVIDING FOR
140 CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. Ms.
141 Zengotita, Parks/Rec & Museum Educator, explained that social media is a growing
142 communications tool which would allow the Town to reach-out to the public and inform them on
143 current events and information. She stated that the first step would be to create a Facebook®
144 page that would allow the Town to communicate to residents, property owners and visitors'

145 information concerning town events and what is happening within the town. She stated she will
146 act as Administrator for the site with oversight and approval of the town manager. Record
147 retention was briefly discussed and Ms. Witt explained that the records are public records and
148 requests will be processed like any other; the law requires retention for these types of media
149 from two to three years. Council agreed that this is a great idea. Mayor Smith asked for public
150 comments – hearing none – closed public comments. Councilmember Paritsky made the
151 motion to approve Resolution 2016-02, adopting a Social Media Policy for the Town, seconded
152 by Vice-Mayor Hoss. This motion was APPROVED 5-0, with the following vote: Councilmember
153 Paritsky – yes, Vice-Mayor Hoss – yes, Councilmember Milano – yes, and Vice-Mayor Hoss –
154 yes.

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156 **12. OLD BUSINESS:**

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158 **A. Consideration of expanding the salary study to incorporate a comparison**
159 **of employee benefit packages.** Ms. Witt explained that this request came from the goals
160 workshop. She noted that the employee benefit packet is comparable to other entities and felt
161 the reason the town loses employees to other entities is due to salaries. She stated that there
162 are two proposals for consideration: a cursory study costing \$2,000 or a detailed study costing
163 \$5,000. Council discussed the benefit of having the benefits review comparison along with the
164 salary survey for a complete comparison with what other entities offer employees. Mayor Smith
165 asked for public comments – hearing none – closed public comments. Council consensus was
166 to expand the salary study to include the detailed study at a cost of \$5,000.

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168 **13. NEW BUSINESS:**

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170 **A. Town manager's annual performance evaluation.** Mayor Smith stated that
171 the Town has a manager who does an impeccable job. Ms. Witt thanked Council for their
172 evaluations and stated that they are a pleasure to work for; she also stated she has an
173 incredible staff and thanked them and the town attorney for their dedicated work. She stated
174 that the town has a great citizenry and was grateful to them as well. Council thanked Ms. Witt
175 for the amazing job she provides to them and the residents. They also spoke about how well
176 she is respected throughout the County. Mayor Smith asked for public comments – hearing
177 none – closed public comments. Council consensus was to accept the performance evaluations.

178

179 **B. Discussion of Board vacancies.** Vice-Mayor Hoss expressed her concerns
180 with the Boards vacancies and potential quorum issues. She stated she appreciates all Board
181 members for their volunteer service, but is proposing that membership be reduced from seven
182 regular seats to five regular seats, with two alternate seats for all Boards, with the exception of
183 the Accession Committee. She stated that this change could be done through attrition. Mr.
184 Cannon, Chairperson of Planning Board, had no objection to this proposal. There was a brief
185 discussion on alternate seats and how a regular vacant seat is filled; Ms. Witt reminded Council
186 that there is a resolution in place for that process. Council agreed to direct the Town Manager
187 to prepare a resolution and an ordinance (Parks Board) for the next Council meeting to reduce
188 the number of Board members from seven to five through attrition.

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

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192 **A. Councilmember Paritsky, Seat #5** – Reported that the homeless subcommittee
193 has presented its goals to the County for Volusia homeless. This proposal would allow one
194 individual to coordinate the needs and the services of the homeless and also collaborate with
195 other interested entities to develop and implement a comprehensive plan that would assist the

196 homeless in the County. She also thanked Ms. Witt for facilitating the goals workshop, noting
197 that it was well organized and executed.

198
199 **B. Councilmember Perrone, Seat #4** – thanked Mayor Smith for coming and
200 presiding this meeting on his birthday.

201
202 **C. Vice-Mayor Hoss, Seat #3** – reminded everyone that the dedication of
203 Timucuan Oaks is Saturday, January 30th at 10:30 a.m. which will include a dedication memorial
204 to Ms. Constance Hunter. She stated that it was a privilege to know Ms. Hunter and that she
205 provided a lot of assistance and funding to the Town during her residency.

206
207 **D. Councilmember Milano, Seat #2** – echoed prior comments and wished
208 everyone a healthy and prosperous new year.

209
210 **D. Mayor Smith, Seat #1** – None.

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212 **15. FROM THE TOWN MANAGER** – Ms. Witt reported that the sewer project on Inlet
213 Harbor Road is underway and as of today, 156 linear feet of pipe has been installed. She
214 provided Council with a calendar of upcoming meetings and events; noted that the Volusia
215 League of Cities Dinner will be held on January 28th, and that the annual Ethics Training for
216 Council is being held tomorrow at the Daytona campus of UCF.

217
218 **16. FROM THE TOWN ATTORNEY.** Attorney Shepard reported the reply brief was filed on
219 December 29th; his office has not yet received the Order regarding the panel or date for oral
220 arguments.

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222 **17. ADJOURNMENT.** Mayor Smith adjourned the meeting at 7:44 p.m.

223 Respectfully submitted by:

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225
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227
228 _____
229 Jeaneen Witt, CMC, Town Manager/Town Clerk

230 Reviewed by: Kim Cherbano, CMC, Human Resources Director/Deputy Clerk

Prepared by: Peg Hunt, Administrative Assistant / Board Secretary

Town of Ponce Inlet
Mayor's State of the Town Address

January 21, 2016

With the start of a fresh New Year, many of us reflect on the prior year. The Town does this as well and we provide this information to you through an annual Address.

As always, we'll start with providing you information on the financial health of our Town. We have a general fund reserve of approximately \$2.3 million dollars, which equates to a little over 6 months of our current expenses. The Town's established goal is to keep the general fund reserve between 3 and 9 months of operating expenses. The Town's total millage rate continues to be the fourth lowest out of the 17 taxing districts in Volusia County, a half-mill lower than our neighboring unincorporated area Wilbur-by-the-Sea and almost two mills lower than our nearest incorporated neighbor, Daytona Beach Shores. We continue to meet our stated mission to provide you with excellence in service delivery while ensuring citizens obtain the greatest value for their tax dollar.

One of the more recent means of service delivery improvement has been the patient transport service that our fire department provides. The majority of the revenue from Ponce Inlet transport users has been returned to Ponce Inlet via this program for the last few years, thereby allowing the enhancement of this service to you at a nominal cost. Ponce Inlet is one of only two municipalities in Volusia County to provide this additional service to its residents. We have now been doing so for a little over three years, transporting approximately 570 patients in total. You may not be aware that this program came about due to the incredible generosity of the late Constance Hunter, as she donated the funding for the purchase of the Town's first ambulance. It was her hope that the Town would someday be allowed to perform emergency medical transport and prevent its citizens from having to wait while a County ambulance made its way to our distant barrier island community. If not for her belief in this program, the Town would not have been in the position to assume this responsibility when it was offered and now have a proven track record of success and reliability. In 2015, the Town purchased a larger used ambulance that will be our primary transport vehicle. Our gratitude to Mrs. Hunter continues as half of the cost of refurbishing our original ambulance is being covered by a grant from her estate, so that we may keep it operational for backup as needed.

In recognition of Mrs. Hunter, the front portion of Timucuan Oaks Garden was designed to include a fountain which will be dedicated to her at the grand opening of the park on January 30th. Many local clubs and associations donated towards the purchase of this fountain, as she was an active member in many of them and they wished to give something back to honor her memory. This park land was purchased by the Town in 2004 with state grant funding that included conditions for its future development. Eleven years later, this obligation has been met and the Town's residents have another park for their enjoyment. A park that distinguishes itself as being a little different than our others with its lovely garden frontage leading to an upland trail,

then a boardwalk through the wetlands, and a kayak launch at the end. We hope that you will enjoy the addition of this park in our beautiful Town.

Another major construction project that the Town has been preparing for over the past few years is the water system improvement project. This project is underway exactly as anticipated and we expect it to be completed before the end of May 2016. This large scale construction project focuses on the areas of Town where older water pipes are in need of replacement and where some pipes are smaller than what is recommended for fire suppression. In addition to this, the Town is installing a gravity sewer line on west Inlet Harbor Road and making an intersection improvement there as well. A pocket park at this corner and a bike path along this road is also planned for installation by June 2016 by Inlet Harbor Development.

A minor project but one which made a noticeable improvement is the replacement of the Town entry sign on South Peninsula Drive. We also straightened out the bicycle path in this area for improved safety for both pedestrians and bicyclists. As I'm sure you also noticed around the Town, Florida Power and Light recently upgraded their light poles along Ponce Inlet's primary power grid. This was an FPL company decision for many locations around Florida, as the concrete poles are less susceptible to down power line issues, yet remain easy to repair when one does occur.

As the economy begins to recover, we've seen construction also increasing in residential areas as well. During 2015 there were more than 1,050 permits issued and more than 1,400 inspections conducted. Only 4 percent of those inspections failed that clearly shows the greatly improved efforts of our building inspectors to assist our residents and their contractors. In Ponce Inlet, there were almost 200 more permits issued in 2015 than in the prior year and we saw an increase in 2014 of almost 300 more permits than in the year prior to that. Our planning & development department processed almost 500 more permits in 2015 than they did in 2013 - that is a 100 percent increase! With this heavy increase in work load, we've restructured some of our internal operations to better serve you. We've also given the department's customer service area an upgrade to create a more efficient environment for our customers and our staff.

In 2015, we completed the third phase in reviewing and rewriting portions of the Town's Land Use and Development Code (LUDC). We also made some modifications to other areas of the Town's Code of Ordinances. Over the course of one year, the following changes were made to regulations in the Town:

- A provision for waivers for accessory structures on single-family residential properties has been created to allow homeowners an option under which to submit a request for a minor deviation from the LUDC;
- Parking and loading requirements were amended to clarify intent, create flexibility, and make them easier to understand.
- Modified height requirements for courtyard walls located within the building area to be built up to the lowest point of the adjacent roof;

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- Modified requirements to allow two additional feet in fence height where significant elevation differences exist between two adjacent properties & provides for an increase above this height for columns, caps, arches, arbors, trellises and entry ways;
- Modified requirements to downsize the process for simple minor replats;
- Adopted tougher standards to restrict the proximity to a park where a sexual offender may establish a residence.

With the invaluable assistance of community volunteers, the Town was pleased to sponsor or co-sponsor a number of events during the year. In total, the Town participated in providing 16 Cultural / Historic events, 16 Community / Holiday events, and 7 athletic events during 2015. In addition to that, are all of the events held by the Marine Science Center, the Ponce Inlet Lighthouse Association and by your various Town clubs at the Community Center. We are an active community and there is always plenty to do here in Ponce Inlet!

In recognition of our focus on an active community lifestyle, the Town was awarded as a Healthy Weight Community Champion for the second year straight in 2015. Our interconnecting sidewalks, walking trails, athletic equipment in parks, and our landscape regulations that allow a percentage of the front yard for vegetable gardens are all positive factors taken into consideration for this award.

Most of our cultural / historic events have been sponsored by the Ponce Inlet Historical Museum located at 143 Beach Street. The museum has a number of talks planned in the coming months for your education and enjoyment. The museum is operated in total by a part-time equivalent staff member and 11 volunteers. We welcome any of you who may be interested in giving of your time in this manner. The museum welcomed a total of 2,110 visitors in 2015. Four modest construction projects were completed on the museum property this year: the instillation of storm shutters on the Meyer-Davis House, the addition of a shed for onsite storage, the walkway at the front entrance, and a fence to protect the historic cistern on the property. However the most significant accomplishment for the museum property is that both of the structures, the Meyer-Davis House and the Hasty Cottage, were listed on the National Register of Historic Places, joining our nationally famous Lighthouse in this historic recognition.

In reviewing 2015, we can see that our Town staff were not the only ones who have been hard at work for all of us. As our citizenry continue to volunteer at an amazing rate! We have volunteers related directly to town government purposes and volunteers who give of their time to other various community clubs. In total, there are at least 23 different boards, clubs, or other organizations for a population of just over 3,000. This is quite commendable! These many volunteers make our Town the special place we all enjoy. On behalf of Council and staff, I want to give our heartfelt thanks to all of our volunteers.

Lastly, in the election of 2015, the voice of our citizens was heard in a resounding stand of unification for the Town to stay the course in the final appeal process of the takings claim in Pacetta vs Ponce Inlet. We thank you for making the effort to study the issue and learn the

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January 21, 2016

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important facts that led to your decision. The filings with the 5th District Court of Appeals have been completed and we anticipate an oral argument will be scheduled sometime in 2016 with a ruling within the months to follow. This has been a long, difficult, and tiring road for all of us. I for one am very proud of the fortitude of our citizenry - staying involved, studying the issues, and refusing to bow down to scare tactics. YOU are what make Ponce Inlet great! YOU are the ones who will protect Ponce Inlet's unique and valuable assets for future generations to enjoy! I feel sure that in this I can speak for all of our Town Council as I say thank YOU!

With that, I wish you all a very happy, healthy, and prosperous New Year!

Respectively,

Gary L. Smith, Mayor