



# Town of Ponce Inlet

## Planning Board

### Special Meeting Minutes

#### May 9, 2022

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1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,  
2 Chairman Cannon called the meeting to order at 10:00 a.m. in the Council Chambers, located at  
3 4300 S. Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

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5 **2. ROLL CALL AND DETERMINATION OF QUORUM:**

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7 Board members present:

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9 Mr. Kaszuba, Seat 2  
10 Mr. White, Seat 3; Vice-Chairman  
11 Mr. Cannon, Seat 4; Chairman  
12 Mr. Thompson, Seat 5  
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14 A quorum was established with four members present; Mr. Mauldin, Seat 1 was absent.

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16 Staff present:

17 Mr. Disher, Director, Planning & Development Department  
18 Ms. Hunt, Assistant Deputy Clerk  
19 Mr. Mendenhall, Principal Planner  
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21 **3. ADOPTION OF AGENDA:** Chairman Cannon asked if there were any changes; Mr.  
22 Mendenhall removed item 4-A and requested it be placed on the May 24, 2022 regular meeting  
23 agenda.

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25 Chairman Cannon moved to adopt the agenda as amended; seconded by Mr. Thompson. The  
26 motion PASSED 4-0, consensus.  
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28 ~~**4. APPROVAL OF MINUTES:**~~

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30 ~~**A. April 26, 2022 Regular meeting**~~ - Removed from agenda and placed on next  
31 regular meeting agenda by Mr. Mendenhall.  
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33 **5. BUSINESS ITEMS:**

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35 **A. Discussion, Large-Scale Comprehensive Plan Amendment to the Coastal**  
36 **Management and Future Land Use Elements** - Mr. Mendenhall suggested that the Board review  
37 each of the member's comments (Attachment #1, A-D).  
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39 Chairman Cannon's comments:

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41 1.3 Mr. Mendenhall explained that "there is no current plan; this is a "work in progress"

42 and we are using projections to formulate a plan. Mr. Disher added that state law requires that we  
43 have this in the Comprehensive Plan, so the goal is to have policies in place first. Mr. Mendenhall  
44 noted that the language will help the Town long-term and will happen over time; this helps staff  
45 put together an action plan.

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47 1.3.1 Mr. Mendenhall stated this policy is to protect existing structures; Mr. Disher noted  
48 that the Town is already following these policies, the language has been changed to become clearer  
49 to understand.

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51 1.4 Mr. Disher noted that the Town currently utilizes many of these policies.

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53 1.4.2, 3, & 4 - Mr. Mendenhall stated these are to protect existing facilities including  
54 utilities. The Town already requires a minimum of one foot above the crown of the road for base  
55 elevation of a residential structure.

56  
57 1.4.5 Mr. Mendenhall explained the difference between a “living shoreline” and a  
58 “vegetative buffer” (Editor’s note: two articles were emailed to boardmembers at Mr.  
59 Mendenhall’s request regarding *living shorelines* on 5/13/2022 by the Assistant Deputy Clerk).

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61 1.4.6 Mr. Disher stated the Town is constantly evaluating this due to some areas being  
62 under County jurisdiction that are not included in this plan. Vice-Chairman White added that there  
63 seems to be conflicting information as to who “owns” the beach.

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65 1.4.11 Mr. Cannon asked if the Town waits for reports on the East Central Florida  
66 Regional Planning Council’s (ECFRPC) projections? Mr. Mendenhall stated yes, and then staff  
67 will update the Town’s based on the ECFRPC’s recommendations. Mr. Disher noted that the word  
68 “plan” is actually “policy”.

69  
70 1.6 Mr. Mendenhall clarified that this relates to boat *slips*.

71  
72 Mr. Mendenhall explained that these address a time period of 30, 40, 50 years or more; there are  
73 many different possibilities and scenarios that could occur over that time. Mr. Disher stated these  
74 are not “unknowns” and provided an analogy: a hurricane forecast provides a cone of certainty,  
75 which shows a range; the farther out you go, the wider the range - but there will be some type of  
76 impact within that range. Mr. Mendenhall stated this information will help contractors and future  
77 developers in constructing flood-resistant structures. Regarding prioritizing, the Town needs to  
78 draft regulations and implement over time. Mr. Disher referenced the Federal Flood regulations  
79 and stated that the Town allows a build-back if substantially destroyed, except for those structures  
80 that were originally built below the flood line (minimum flood elevation). He stated that the build-  
81 back plan also exists in the Town Charter. There was a discussion regarding the build-back  
82 program and the 35 ft. height limitation. Mr. Disher clarified that the build-back program applies  
83 to residential properties only.

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85 Vice-Chairman White’s comments:

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87 1.2.3 Mr. Mendenhall stated he was not aware of any properties available to the Town to  
88 purchase for wetland dedication. Mr. Disher stated there are many privately-owned lands that

89 could become available to the Town, but it currently does not have funding to purchase those lands.

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91 1.3.1 Mr. Mendenhall stated there are examples of properties in the LUDC which require  
92 water access to exist; there is no definition for “water-related”.

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94 1.4.3 Mr. Mendenhall explained how to meet the “minimum standard”. Vice-Chairman  
95 White asked if the Town would elevate its streets and infrastructure? Mr. Mendenhall stated yes  
96 and is included in the capital improvement plan. There was a discussion regarding the varying  
97 elevations within the Town; the requirement to build 1 foot above the crown of the road, the need  
98 to elevate the proposed sidewalk project. Mr. Mendenhall stated there is a plan to fortify the  
99 Town’s infrastructure and that includes elevating some streets; funding will be obtained  
100 for these projects.

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102 1.4.4 Mr. Mendenhall explained that this is to mitigate preventative loss. Mr. Disher  
103 stated there is specific language in the Code to address properties in flood zones. Mr. Mendenhall  
104 clarified that the Code is and will be updated to reflect changes. Mr. Kaszuba asked who makes  
105 the decision on “repetitive loss” properties? Mr. Disher stated that the Town keeps track of  
106 repetitive loss properties as part of the requirements of Community Rating System (CRS) process  
107 and the Federal government provides grant funding to the municipality to purchase those  
108 properties. Mr. Disher stated staff would research and provide more information to the Board.

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110 1.4.12 Vice-Chairman White emphasized that the County needs to address the flooding  
111 issues on South Atlantic Avenue.

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113 2.15 Vice Chairman White stated silt fencing is currently used and asked what other  
114 methods are available; Mr. Mendenhall stated it would be whatever the County allows. Vice-  
115 Chairman White requested more information be provided on “hardened shoreline structures”; Mr.  
116 Disher stated the County allows seawalls be constructed that become part of the dune; he stated  
117 that staff will research and provide more information and will confirm if it is permitted by the  
118 County or the State.

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120 2.2.3 - For thought: “there is not a lot of land left in Town, we need to determine how  
121 would this be implemented”.

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123 Mr. Thompson’s comments:

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125 Mr. Thompson expressed concerns with the use of “general public” and asked if the Town’s intent  
126 is to increase beach parking. Mr. Disher stated the public is the “public” and you cannot  
127 differentiate; he stated these are goals. Mr. Thompson asked if we could change the word “general  
128 public” with “the community”; Mr. Disher stated that is an attorney question. He added that he  
129 appreciates the thoroughness in which the Board is reviewing the material, but it needs to stay  
130 focused on the recommendations from the vulnerability study related to the Peril of Flood Act; and  
131 staff has been going through each of the policies line by line.

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133 1.1.3 Mr. Thompson added that this requires continuous assessment, we need a roadmap to  
134 outline a strategy, and asked how does the Town know that 1 ft. is enough? Mr. Disher stated that  
135 the 1 ft. rule has been in the Town’s Code for many years; the policy being proposed will allow

136 the Town to increase and adjust it as necessary. Mr. Mendenhall added that it would be based on  
137 research and re-evaluation of conditions; and the Comprehensive Plan supports this. Mr.  
138 Mendenhall stated that there is just so much the Town can do regarding - preservation and  
139 restoration when necessary. Mr. Thompson suggested the Town create a list of the properties that  
140 must be protected. Mr. Disher stated staff would research as this is based on information obtained  
141 years ago. Mr. Mendenhall stated this is more about preservation, and where it is feasible to do it,  
142 we will (conservation lands, town and county parks, natural open-space areas, etc.). Mr. Thompson  
143 asked if there is a Plan outlining what and where the lands are categorized and how they will be  
144 used? Mr. Disher stated staff will look into what is “critical” and what is not; many of this data  
145 and analyses were developed decades ago and may require re-evaluation.

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147 1.1.4 Mr. Thompson suggested changing “enhance access where possible” to “selectively  
148 enhance access”; expressed concerns using the word “shall” because that requires the Town to do  
149 it, does not provide an option.

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151 1.2.2 Mr. Thompson stated the goals should “telescope” for consistency; the policy, the goal,  
152 and the objective.

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154 1.2.3 Mr. Thompson suggested the Town establish a fund to purchase properties or incentivize  
155 property owners to dedicate the wetland portions to the Town or purchase the entire property. Mr.  
156 Mendenhall stated it is advisable to seek out grants rather than set up a Capital Fund. Mr.  
157 Thompson stated there are properties available to the Town, how proactive do we want to be? Mr.  
158 Disher stated there was a Land Acquisition Fund established years ago, properties were identified,  
159 and the funds were spent on what are now the town’s parks; it was a priority at one time, but the  
160 Committee has since been disbanded since the funds were expended. Mr. White asked if there was  
161 an incentive to donate wetlands to the Town. Mr. Mendenhall stated property owner cannot build  
162 on it anyway and their property taxes would be decreased because they would have less land. Mr.  
163 Disher clarified that there is no active “incentive plan”, the Town can only encourage residents to  
164 do it; the recommendation from the Regional Planning staff was to “encourage”. Mr. Thompson  
165 provided overview comments on 1.4; 1.4.3 - be more Town-specific; 1.4.7 - what is the CRS and  
166 how does it fit in; Mr. Disher stated town residents receive a significant reduction in flood  
167 insurance by participating in the CRS program; 1.4.14 - suggested the Town develop a “clearing  
168 house” of information and documents that residents could access regarding future vulnerabilities;  
169 Mr. Mendenhall stated this was a recommendation from the Vulnerability Assessment and is  
170 designed to provide residents with information of the potential flood effects on their property and  
171 suggested working groups to further discuss these topics; Mr. Thompson asked if there are “flexing  
172 of resources” (i.e., the Community Center being used as a Shelter, or use of land differently before,  
173 during, and after the event, where and when not otherwise allowed. Mr. Disher stated there is an  
174 Emergency Management Plan through the fire department and Volusia County, during a state of  
175 emergency, local governments are allowed to create emergency ordinances and is not necessarily  
176 part of the Comprehensive Plan. Chairman Cannon concurred. 1.5.7 - Mr. Thompson asked which  
177 businesses are considered “critical”; Mr. Mendenhall stated they would need to be identified and  
178 this policy would allow the Town to do that; and would probably be identified in the Emergency  
179 Management Plan. 1.6.2 & 4 - This includes wet and dry slips; the Town has a list of the number  
180 of boat slips, and we are close to the 1,389 limit and is driven by manatee protection. Mr. Disher  
181 added that there was a stormwater management plan in 2004 and the Town is preparing for an  
182 update to that plan.

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Mr. Kaszuba's comments:

Mr. Kaszuba asked why the Town does not have any pumps. Mr. Disher stated the Town does have pumps and Public Works drains the stormwater ponds prior to a storm and where needed. Mr. Kaszuba suggested the Town enlist consultants to help with this plan and determine what and when it should be implemented as this would help prioritize tasks. He cautioned against creating expensive changes and unnecessary panic amongst member of the public; he asked if there were any organizations or funding sources available to help us with this; expressed concerns of the costs and to whom; stated that whatever the plans, a major event could drastically alter the community, suggested the Town actively pursue the purchase of buying environmentally sensitive lands and limit construction on the waterfront properties, and commended staff for their work on this item. Mr. Mendenhall stated staff will work to make the language clearer; Mr. Disher stated that consultants were hired as they know what projects and studies are underway in other jurisdictions.

Chairman Cannon opened public participation. John Carney, 86 Rains Court, asked for clarification of the CRS discount and if the Town is self-insured. Mr. Disher stated the Town has insurance on Town-owned properties and facilities. The insurance he was speaking of is for individual property owners and the discounts are automatically applied to each property owner's policy through their Flood Insurance policy and would be 25% higher otherwise. Chairman Cannon closed public participation.

Staff will prepare a draft of this document based on today's discussion for consideration at a future meeting; the Board concurred, 4-0.

**6. PUBLIC PARTICIPATION:** Chairman Cannon opened public participation - hearing none, he closed public participation.

Ms. Hunt noted that John Carney, Planning Board applicant was present and his application for appointment will be considered at the May 19<sup>th</sup> Town Council meeting; Mr. Disher stated the May Planning Board Regular meeting is scheduled for Tuesday, May 24, 2022 at 5:30 p.m.

**7. ADJOURNMENT:** The meeting was adjourned at 12:40 p.m.

Prepared and submitted by,

\_\_\_\_\_  
Peg Hunt, Assistant Deputy Clerk

Attachment(s):

1. Comments from Boardmembers, marked Attachment #1(A-D)