

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Town of Ponce Inlet

Town Council Regular Meeting Minutes

February 21, 2019

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 6:01 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:

Mr. Baker, Senior Planner

Ms. Cherbano, Human Resource Director/Deputy Clerk

Mr. Disher, Assistant Director of Planning & Development

Chief Fabrizio, Police Chief

Ms. Hunt, Administrative Assistant

Ms. Jerson, Office Specialist

Mr. Joulani, Director, Planning & Development

Chief Scales, Fire Chief

Atty. Shepard, Town Attorney

Ms. Witt, Town Manager

Ms. Zengotita, Cultural Services Manager

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** None; Mayor Smith opened public comments – hearing none – he closed public comments.

Councilmember Paritsky moved to adopt the agenda as presented; seconded by Vice-Mayor Hoss. The motion PASSED 5-0, consensus.

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

A. **Ponce Inlet Historical Museum African American History Month Essay Contest Awards** - Ms. Zengotita explained that the Ponce Inlet Historic Museum sponsored the contest in recognition of two important historical African Americans in Ponce Inlet's history – "Cocoa" Bill Williams and Jesse Linzey. Vice-Mayor Hoss presented the awards and congratulated and thanked each student who participated. Awards were presented to: Leila Lopez, Kindergarten; Penny Bouchard, First grade; Brinkley Wood, Second grade; Napsugar Hutkai, Third grade; Mhylah Williams, Fourth grade; Michael Dice, Fifth grade.

46
47 The presentation was followed by a break for photos and refreshments at 6:09 p.m.; the meeting
48 reconvened at 6:28 p.m. and all Council members were present.

49
50 **6. CONSENT AGENDA:** Mayor Smith requested item 6-D be removed from the
51 Consent agenda and be placed as new agenda item 13-B; there were no other changes requested.
52 Mayor Smith asked for public comments – hearing none – he closed public comments.

53
54 A. Approval of the Town Council regular meeting minutes – January 17, 2019.

55
56 B. Approval of payment of legal bill in the amount of \$13,686 (\$3,500 of which is
57 related to the Pacetta Lawsuit) – dated February 5, 2019.

58
59 C. Request for co-sponsorship of the Marine Science Center’s Turtle Day event
60 scheduled for April 6, 2019; their co-sponsorship request is for the use of the
61 Town’s means of advertising to include placement of signs on the Town Hall
62 property and directional signs for parking; waiver of the special event permit fee
63 (\$150); and waiver of the sound amplification fee (\$50). Special Event Committee
64 requests closing the boat ramp and allow use of the boat trailer parking lot for event
65 parking. Off-duty police officers will be paid for by the Marine Science Center.

66
67 ~~D. Request for co-sponsorship of the Ponce Inlet Corvette Club’s Vettes at the Light~~
68 ~~event, scheduled for May 11, 2019; co-sponsorship request is for the use of the Kay~~
69 ~~& Ayers Davies Lighthouse Park (including the gazebo); use of the boat trailer~~
70 ~~parking lot, requiring the boat ramp to be closed; waiver of the special event permit~~
71 ~~fee, amplified sound permit fee, and park rental fee (\$235); use of Town’s means~~
72 ~~of advertising to include posting on the Town’s website, social media, and water~~
73 ~~bills; and allow placement of four temporary 2’ x 2’ directional signs within the~~
74 ~~park to provide parking information for attendees. Staff requires that one off-duty~~
75 ~~police officer and one public works employee be hired and paid for by the Club for~~
76 ~~this event. Moved to new agenda item 13-B~~

77
78 Councilmember Paritsky moved to approve the Consent Agenda as amended; seconded by Vice-
79 Mayor Hoss. The motion PASSED 5-0, consensus.

80
81 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
82 **MEETING:** None.

83
84 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.

85
86 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**

87
88 **A. Second reading/adoption of Ordinance 2019-02, amending the Town Code for**
89 **housekeeping purposes to remove language regarding regulation of the beach.** Attorney
90 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET,
91 FLORIDA, REMOVING THE PORTIONS OF THE PONCE INLET CODE OF ORDINANCES

92 WHICH ARE RELATED TO THE TOWN’S REGULATION OF PUBLIC BEACHES AND
93 THE ATLANTIC OCEAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR
94 CONFLICTS; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE. Ms. Witt
95 stated this ordinance is purely for housekeeping purposes to remove outdated language from the
96 Town Code regarding regulation of the beach. Mayor Smith asked for public comments – Robert
97 Bullard, 4802 South Peninsula Drive expressed his concerns that some of the language seemed
98 vague and read his proposed changes into the record: “*Following the first occasion of the word*
99 *“seaward” in the first Whereas clause, ... and generally normal to the instant alignment of the*
100 *visible seaward-most coastal armoring structure or the instant alignment of the seaward-most*
101 *edge of permanent emergent vegetation, whichever is more seaward with respect to the alignment*
102 *of the ephemeral mean low water line, as well as any waters or land three miles seaward of the*
103 *stated mean low water line”*. Mayor Smith closed public comments. Ms. Witt stated that the current
104 language is proposed from an attorney at our Town Attorney’s office and she believes it came
105 from Volusia County’s Code of Ordinances but cannot be certain; she hesitated to agree with a
106 change without their additional review and concurrence. Attorney Shepard stated his office could
107 review these comments and provide a response. Ms. Witt suggested the Council postpone this item
108 until their March regular meeting.

109
110 Councilmember Paritsky moved to table the second reading and adoption of Ordinance 2019-02
111 to the March 21st Town Council meeting; seconded by Vice-Mayor Hoss. The motion PASSED 5-
112 0, consensus.

113
114 **10. CITIZENS’ PARTICIPATION:** Mayor Smith opened citizens participation. Robert
115 Bullard, 4802 S. Peninsula Drive, stated the “pearl” is the south end of the Town with the
116 Lighthouse, County Park, and balance of commercial and residential areas; he advocated for
117 protecting the spirit and culture of the Town and asked Council to consider not selling the
118 triangular parcel and instead create a development plan for the south end of the Town to protect
119 and preserve it. Mayor Smith stated this item could be placed on a future agenda for discussion.
120 Mayor Smith closed citizens’ participation.

121
122 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

123
124 **A. Resolution 2019-02, expressing continued commitment to the participation in**
125 **the Halifax Heritage Byway Program.** Attorney Shepard read the resolution by title only. A
126 RESOLUTION OF THE TOWN COUNCIL OF THE TOWN PONCE INLET, FLORIDA,
127 SUPPORTING THE DESIGNATION OF THE HALIFAX HERITAGE BYWAY AS A
128 FLORIDA SCENIC HIGHWAY; SUPPORTING THE CORRIDOR MANAGEMENT PLAN
129 (CMP) AND PROVIDING AN EFFECTIVE DATE. Ms. Zengotita noted a change on page two
130 of the Resolution: in the second Whereas clause, replace “additional” with “appropriate”. She then
131 explained that the Town has supported this program since 2009 and that in 2014 the Council passed
132 a resolution supporting the designation of the Town’s portion of the Halifax Heritage Byway as a
133 Florida Scenic Highway. She introduced Matt Romanik, Vice Chair, Halifax Heritage Scenic
134 Byway & Trails Board, who was present to discuss the program. He stated that this action would
135 expand the Byway that now DOT terminates at A1A and State Road 40. He noted that there are
136 no restrictions imposed other than billboards; and noted the possibility of expanding on the number
137 of visitors based on the area’s historic heritage designation. He stated that support is voluntary and

138 may be terminated at any time. Mayor Smith opened public comment - Robert Bullard, 4802 South
139 Peninsula Drive suggested the following changes to the Resolution: Add to Section 1., “*Section*
140 *1.1. In fulfillment of the Town of Ponce Inlet’s commitment to support the inclusion of its portion*
141 *of South Atlantic Avenue in the Halifax Heritage Byway/Scenic Highways Program (HHB/SHP),*
142 *as the Town may exercise any of its regulatory authorities upon properties contiguous to that*
143 *portion of the HHB/SHP within Ponce Inlet, the Town of Ponce Inlet shall, as part of its regulatory*
144 *function, solicit from the entity administering the HHB/SHP’S implemented plan, a formal opinion*
145 *as to the consistency of the regulated proposal with the HHB/SHP’S plan as it applies to the*
146 *proposal under consideration by the Town”*. Add to Section 1., “*Section 1.2. the Town affirms*
147 *that all parties understand that the subject opinion is advisory and in no instance shall the Town*
148 *of Ponce Inlet be bound by the opinion of the HHB/SHP entity in the Town’s statutory exercise of*
149 *its regulatory authorities. The Town further understands that any weight it may give to the option*
150 *in the exercise of its regulatory authorities is entirely at the discretion of the Town”*. Mayor Smith
151 stated this program would affect South Atlantic Avenue, which is maintained by the County and
152 he opined that the roadway south of Beach Street should be given back to the County. Attorney
153 Shepard interjected that the Resolution is merely stating the Town’s support of what the HHB is
154 doing; any action other than that would be inappropriate at this meeting. He stated that Mr.
155 Bullard’s comments address items and topics that have not been duly noticed. Attorney Shepard
156 stated that the Council could approve the resolution as it is; or staff can perform further research
157 and bring it back for consideration at another meeting. Ms. Witt asked Mr. Romanik if the HHB
158 has an interest in reviewing development applications. Mr. Romanik stated the HHB does not have
159 authority, interest, or staff to review development plans along the Byway and added that the HHB’s
160 focus is billboards. He added that the designation is specific to the roadway, not the property
161 adjacent to it, and that Volusia County has passed a resolution in support. Mayor Smith questioned
162 the language used and asked if this is a template. Ms. Witt stated that staff updated the 2014 version
163 of the resolution and believed that there was a template at some point due to the language contained
164 therein that has nothing to do with the Town. Gary Farrell, 47 Sundunes Circle expressed concerns
165 of increased traffic and inquired if this would include additional intracoastal waterway accesses.
166 Mr. Romanik stated the HHB has no control over waterway access. Mayor Smith closed public
167 comment. Councilmember Perrone noted that only Atlantic Avenue would be impacted by the
168 Byway, not South Peninsula Drive. Councilmember Paritsky expressed concern that the Town
169 may be giving something up without realizing it. Councilmember Milano expressed his support of
170 a scenic highway and stated that this could encourage more permanent residents and small
171 businesses calling Ponce Inlet home. Council discussed the program, its objectives, and potential
172 effects on the Town’s Vision statement.

173
174 *Councilmember Milano moved to approve Resolution 2019-02 as presented; seconded by Mayor*
175 *Smith. The motion PASSED 3-2, with the following vote: Councilmember Milano - yes; Mayor*
176 *Smith - yes; Vice-Mayor Hoss - yes; Councilmember Perrone - no; Councilmember Paritsky - no.*
177

178 **B. Resolution 2019-03, supporting a three-year extension to the interlocal**
179 **agreement for distribution of proceeds from the local option fuel tax.** Attorney Shepard read
180 the resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
181 PONCE INLET, FLORIDA, SUPPORTING A THREE-YEAR EXTENSION TO THE
182 INTERLOCAL AGREEMENT FOR DISTRIBUTION OF PROCEEDS OF LOCAL OPTION
183 FUEL TAX FOR THE PERIOD SEPTEMBER 1, 2019 - AUGUST 31, 2021; PROVIDING FOR

184 RATIFICATION OF EXISTING TERMS AND CONDITIONS OF INTERLOCAL
185 AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND
186 PROVIDING AN EFFECTIVE DATE. Ms. Witt stated that the last two year's this has been posed
187 as a one-year extension and she is pleased to bring forth the opportunity for a three-year extension.
188 She noted that the current formula includes miles of Town roads, population, *and* property values.
189 The Town has debt service associated with this funding so it would be good to see this formula
190 locked-in for at least the next three years. Mayor Smith asked for public comments – hearing none
191 – he closed public comments.

192
193 Councilmember Paritsky moved to approve Resolution 2019-03 as presented; seconded by Vice-
194 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky - yes;
195 Vice-Mayor Hoss - yes; Councilmember Milano - yes; Mayor Smith - yes; Councilmember Perrone
196 - yes.

197
198 **12. OLD BUSINESS:** None.

199
200 **13. NEW BUSINESS:**

201
202 **A. American Flood Coalition (AFC).** Ms. Witt stated that Council supported
203 becoming a member of the AFC, a non-partisan lobbying group in December 2018 and Mr. Joulani
204 has worked with the AFC to develop proposed policies and priorities to submit on behalf of the
205 Town. Mr. Joulani reviewed the goals and policy priorities to include (abridged): 1. effective
206 planning and growth management (policy - adequate funding); 2. a comprehensive plan to address
207 infrastructure improvements (policy - access flexible state and regional funding sources); 3. hazard
208 mitigation and post-disaster redevelopment (policy - oppose preemption of local planning); 4.
209 support equitable practices that facilitate and expedite post-disaster build back (policy - support
210 FEMA regulations that allow residential structures to be built-back under the same criteria as non-
211 residential properties). Council commended Mr. Joulani for his work on this matter. Mayor Smith
212 opened public comment - Robert Bullard, 4802 S. Peninsula Drive stated that he knows some
213 residents along Old Carriage and Anchor pay more than \$10,000 per year for flood insurance;
214 opined that most of the funds are being routed to Texas. Mayor Smith closed public comment.

215
216 It was the consensus of the Council to accept and approve the goals and policy priorities as
217 presented.

218
219 **B. Request for co-sponsorship of the Ponce Inlet Corvette Club's Vettes at the**
220 **Light event, scheduled for May 11, 2019;** co-sponsorship request is for the use of the Kay &
221 Ayers Davies Lighthouse Park (including the gazebo); use of the boat trailer parking lot (requiring
222 the boat ramp to be closed); waiver of the special event permit fee, amplified sound permit fee,
223 and park rental fee (\$235); use of Town's means of advertising to include posting on the Town's
224 website, social media, and water bills; and allow placement of four temporary 2' x 2' directional
225 signs within the park to provide parking information for attendees. Staff requires that one off-duty
226 police officer and one public works employee be hired and paid for by the Club for this event.
227 Mayor Smith stated that this is a very successful event and has grown larger each year, but he has
228 concerns about the vegetation near and around the Veterans Memorial being damaged or
229 destroyed. He noted that cars are parked so closely together that foot traffic is forced onto the

230 vegetation, many times destroying it. He stated his support of co-sponsorship is with conditions
231 that staff convey to the organization that the Memorial and vegetation be respected, and any
232 damaged vegetation must be replaced by Applicant. Ms. Witt noted that this park is slated for
233 construction next year, so this is probably the last year this event will be held in the park, as once
234 they have added additional lighting and bollards throughout the park, it will no longer be conducive
235 to parking all over the grounds. She added that staff is working with the organization to search for
236 other venues. Ms. Zengotita stated Public Works staff will mark the vegetation before this event.
237 Mayor Smith asked for public comments – hearing none – he closed public comments.

238
239 Councilmember Paritsky moved to approve co-sponsorship of the Ponce Inlet Corvette Club's
240 Vettes at the Light event with the caveat that any damages to the Memorial, irrigation system or
241 vegetation will be billed to the Corvette Club; seconded by Vice-Mayor Hoss. The motion PASSED
242 5-0, consensus.

243
244 **14. FROM THE TOWN COUNCIL:**

245
246 A. Councilmember Paritsky, Seat #5 – Stated that Brigadier General Ernie Audino was
247 a guest at the Round Table discussion; he expressed interest in hearing concerns that local leaders
248 may have. She informed him of concerns surrounding beach erosion, restoration of dunes, and
249 availability of federal funds. She reported that the County Council approved the placement of a
250 half-cent sales tax increase for the next twenty years on a special election ballot to be held on May
251 21, 2019; proceeds of which are to be used for roads, sidewalks, bridges, water quality, and
252 stormwater/flood control. She stated that she recently toured the Emergency Operations Center
253 and Tom Cisco, Operations Coordinator, offered tours to other members of Council. She reported
254 that she plans to travel to Tallahassee with the Volusia League of Cities on March 13-14 and may
255 be called upon to speak regarding Short-term rental regulations.

256
257 B. Councilmember Perrone, Seat #4 – Stated the TPO and Volusia County should try
258 to reach an agreement with Sunrail to operate 24/7 in both directions because I-4 is a parking lot;
259 or find some way to motivate Sunrail to reduce rates or expand services. He stated he was
260 impressed with Ms. Williams' report on "Cocoa Bill" and suggested something in Town be named
261 for him; he congratulated Ms. Witt on her favorable annual review.

262
263 C. Vice-Mayor Hoss, Seat #3 – Stated Jeff Branch spoke about Home Rule during the
264 League of Cities meeting and emphasized that there are many benefits to keeping municipal
265 powers at the local level. For many years, Home Rule Powers have been under attack or chipped-
266 away by Tallahassee politicians and suggested residents visit www.flcities.com/welivelocal and
267 support Home Rule. She mentioned an anonymous letter she received wherein a complaint was
268 made about a local business and asked the writer to provide his/her contact information, so follow-
269 up can be provided.

270
271 D. Councilmember Milano, Seat #2 – Reported that the First Step Shelter meeting is
272 scheduled for the 27th - so he will provide an update at the March meeting; he expressed opposition
273 to the dissolution of the Pottinger Agreement due to the availability of homeless services and
274 shelters being available, adding that these services are stretched too thin. He wished everyone a
275 Happy St. Patrick's Day.

276 E. Mayor Smith, Seat #1 – Stated that several Home Rule bills have been filed in the
277 Legislature, including many regarding short-term rentals. He expressed his hopes that these bills
278 will be defeated again.

279
280 **15. FROM THE TOWN MANAGER** – Ms. Witt stated the Ethics Training will be held at
281 Daytona State College on March 4th; she reviewed the Council’s Calendar, noting Ponce Preserves
282 the Planet will be held on March 2nd and the Historical Museum Spring Lecture Series - A Land
283 Sculpted by the Sea will be held on March 5th.
284 Councilmember Milano stated that anyone wishing to carpool to the Ethics Training on March 4th
285 should let him know and be at the Town Hall by 7:30 that morning.

286
287 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard reported the Appeal has been
288 fully briefed and we are waiting on a ruling; on the Federal case, Attorney Amy Boulris quit
289 representing Pacetta, leaving only Attorney Pete Heebner; and Attorney Heebner is now seeking
290 to withdraw from the case; there will be a hearing forthcoming on this matter.

291
292 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 8:16 p.m.

293
294 Respectfully submitted by:

295
296
297 _____
298 Jeaneen Witt, CMC, Town Manager/Town Clerk
299 Peg Hunt, Board Secretary