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Town of Ponce Inlet
Town Council
Regular Meeting Minutes
April 15, 2021

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 6:36 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

Councilmember Caswell, Seat #3

Councilmember Israel, Seat #4

Vice-Mayor Paritsky, Seat #5

All members of Council were present.

Staff Members Present:

Ms. Cherbano, Human Resource Director/Deputy Clerk

Mr. Disher, Director of Planning & Development

Ms. French, Cultural Services Manager

Chief Glazier, Police Chief

Ms. Hugler, Office Manager

Ms. Hunt, Assistant Deputy Clerk

Ms. McColl, Finance Manager

Mr. Miller, Public Works Manager

Chief Scales, Fire Chief

Attorney Shepard, Town Attorney

Ms. Witt, Town Manager

Mayor Smith passed the gavel to Vice-Mayor Paritsky under section 3.03.B of the Town Charter, due to a temporary medical issue that impacts his reading.

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Vice-Mayor Paritsky asked if there were any changes - there were none.

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

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

45 **A. Presentation of plaque recognizing out-going Council Member Mary Hoss.**
46 Vice-Mayor Paritsky read the inscription and presented the plaque to Councilmember Milano, who
47 accepted it on Ms. Hoss' behalf.

48
49 **B. Presentation of plaque recognizing Vic McClellan for his service on the**
50 **Citizen's Watch.** Vice-Mayor Paritsky read the inscription and presented the plaque to Mr.
51 McClellan.

52
53 **C. Proclamation recognizing the 10th Anniversary of the Volusia Hispanic**
54 **Chamber of Commerce.** Vice-Mayor Paritsky read the proclamation into the record.

55
56 **D. Proclamation recognizing April 30, 2021 as Arbor Day.** Vice-Mayor Paritsky
57 read the proclamation into the record.

58
59 **6. CONSENT AGENDA:** Vice-Mayor Paritsky asked if there was any item Council would
60 like to remove from the consent agenda or to discuss. Councilmember Israel requested item 6-B
61 be moved to item 13-E; there were no other changes. Vice-Mayor Paritsky opened public
62 comments; hearing none, she closed public comments.

63
64 **A. Approval of the Town Council special meeting minutes – March 17, 2021.**

65
66 ~~**B. Approval of the Town Council regular meeting minutes – March 18, 2021.**~~
67 Removed and placed as agenda item 13-E.

68
69 *Vice-Mayor Paritsky moved to approve the Consent Agenda as amended to remove item 6-B, to*
70 *become item 13-E; seconded by Councilmember Caswell. The motion PASSED 5-0, consensus.*

71
72 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
73 **MEETING:**

74
75 **A. Proposal for the Ponce deLeon Septic-to-Sewer Project.** Ms. Witt noted that Mr.
76 Giannini, Mead & Hunt was present to review this item. Mr. Giannini stated that five competitive
77 bids were received from qualified contractors; representatives from SanPik were present, and he
78 recommended approval of the contract to SanPik. Councilmember Milano expressed his pleasure
79 that this project is going forward. Ms. Witt reported that the town received a grant for this project
80 which means there will be no additional costs to the property owners, except for impact fees and
81 plumber's costs; even the connection fees have been waived by the City of Port Orange for those
82 who connect in the first year following project completion. The St. Johns River Water
83 Management District (SJRWMD) grant went from 33% to 75%, including cost-share with Port
84 Orange, which means the town's costs are approximately \$85,000 and includes a new road,
85 stormwater improvements, and minor waterline work, in addition to the new sewer system. She
86 added that this project is time-sensitive due to the grant and is slated to begin in June. Vice-Mayor
87 Paritsky opened public comment - hearing none, she closed public comment.

88
89 *Vice-Mayor Paritsky moved to award to SanPik, Inc. the Ponce deLeon Septic-to-Sewer project in*
90 *the amount of \$1,039,710; seconded by Councilmember Caswell. The motion PASSED 5-0, with*

91 the following vote: Vice-Mayor Paritsky - yes; Councilmember Caswell, - yes; Mayor Smith - yes;
92 Councilmember Milano - yes; Councilmember Israel - yes.

93

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

95

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

97

98 **10. CITIZENS' PARTICIPATION:** Vice-Mayor Paritsky opened citizen's participation.

99

100 Tom Rutledge, 4112 Oriole Avenue, Wilbur-by-the-Sea, thanked Council for their service to the
101 town. He expressed concerns that the fire department went from being thought of as a top service
102 agency to the profound embarrassment that it has become, citizens should be asking what
103 happened, who did it, and what is being done about it; one complaint has led to six separate
104 investigations. He asked what the town is doing to mitigate liability concerns; noted that the
105 Lieutenant continues to declare his innocence and has assured Council that his name will be cleared
106 - have the investigations been completed and is there an anticipated release date? He also
107 referenced comments made by Lt. George at the last regular Council meeting which consisted of
108 multiple, inaccurate statements and was pleased to see the corrected statement attached to those
109 meeting minutes and encouraged everyone to read it; he stated a roll-out statistics report is
110 necessary showing when the apparatus leaves the station and when it returns to the station and
111 comparing that to the GPS tracking; and asked who signed the official reports, *if* any disparities
112 exist. He noted that there are items appearing on the agendas from Councilmembers with no
113 documentation or justification; it is time to follow the rules. It is hard for staff, other members of
114 Council, and the public to research or respond to items placed on the agenda without the proper
115 documentation.

116

117 Tony Goudie, 4715 Dixie Drive, stated that he read the commentary in the internal investigations
118 report and it is clear that diversity awareness training is needed; bias - intended or not, affects us
119 all; he provided a personal experience. He stated that Internal Affairs Reports are internal and
120 should not be subject to public record, it is disgraceful to release them.

121

122 Derek George, Ponce Inlet Professional Firefighters President, assured Mr. Rutledge that the
123 allegations asserted in the IA are not true and believes that the report should not have been released
124 because the fire department employees have not had the opportunity to defend those allegations;
125 the fire department remains professional and is committed to providing the highest level of service.
126 He thanked Mary Hoss and Vic McClellan for their many years of service to the Town; and he
127 stated his email address is pifr4140@gmail.com if anyone wishes to contact him to discuss these
128 matters.

129

130 Mike Mirage, 15 Mar Azul North, stated that there has been an increase in air traffic and flight
131 training. He asked if there was anything the town could do to request that the planes not "buzz"
132 the residential properties. Vice-Mayor Paritsky closed citizen's participation.

133

134 Councilmember Israel responded to Mr. Rutledge's comments: from January to April 5th, 2021,
135 our "elite" fire department handled 278 calls without any complaints; if you had attended the
136 meeting held with Volusia County, you would have seen that there is enormous support for our
137 fire department; comments made that the residents are unhappy with the fire department, are totally
138 false; he stated he is out there every day talking with the residents and is discouraged when

139 someone from Wilbur comes into our town and disparages our elite fire department. He added that
140 everything in the investigation was unfounded and not true. He stated he was never questioned
141 about alleged comments made about him, it is garbage, and no one has lost confidence in the fire
142 department.

143
144 Attorney Shepard responded to Mr. Mirage’s question: the jurisdiction for complaints regarding
145 aircraft is the FAA; the town has no standing or authority. If there is an issue, the one seeing it
146 should try to get the tail numbers or photographs and report it to the FAA directly.

147
148 Attorney Shepard responded regarding the release of the Internal Affairs report: it is not a matter
149 of whether the town is *allowed* to release the report, the town is *required* to release it by law,
150 pursuant to a public records request. We believe interviews have now been completed and the
151 reports are expected in a few weeks.

152
153 Ms. Witt responded that fire department roll-out statistics may be obtained from the Fire Chief.

154
155 Attorney Shepard stated regarding items being placed on an agenda without documentation or
156 justification is a Council rule and can be addressed as Council sees fit.

157
158 Regarding Diversity training, Ms. Witt clarified that all Police officers are required to be trained
159 and Lt. George is a police officer, so he would have received that training as well; there is a specific
160 training program for fire department personnel, but she is not familiar with the curriculum; if a
161 townwide diversity training program is desired, she will direct the Human Resources staff to
162 research; the Fire Department investigation of 2020 was the first potential diversity training issue
163 they have experienced. She noted that the town actively seeks diversity amongst employees and
164 advertises employment opportunities with numerous publications to attract diversity, including
165 minority publications.

166
167 Ms. Witt noted that the statement “everything in that report (FDIA 2020-01) was unfounded” is
168 not correct; to ensure a correct record at this meeting, that investigation was limited to allegations
169 against Firefighter Fadi Fattouh, and those allegations were determined as un-sustained.

170
171 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

172
173 **A. First readings of ordinances proposed to address issues related to**
174 **homelessness.**

175
176 **1. Ordinance 2021-06, prohibiting aggressive panhandling.** Attorney
177 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE
178 TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 50 OF THE TOWN’S CODE
179 OF ORDINANCES TO PROHIBIT AGGRESSIVE SOLICITATION WITHIN THE TOWN;
180 PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE
181 DATE. Vice-Mayor Paritsky requested Council comments. Mayor Smith stated that it is legal to
182 panhandle but we need to ensure it does not go to the extreme; he asked if the Police Chief was
183 comfortable with enforcement. Chief Glazier stated it is not against the law to be homeless, poor,
184 or mentally ill; we are addressing behaviors with these ordinances, which give us the tools we need
185 for enforcement, and a goal of compliance. He noted that the ordinances were created separately
186 be design. Vice-Mayor Paritsky stated the town is being proactive. Councilmember Israel asked

187 Chief Glazier if he agreed with all the ordinances as written. Chief Glazier stated he supports all
188 of the ordinances. Councilmember Caswell asked Chief Glazier if these ordinances are similar to
189 those passed in other jurisdictions and are these the best we can do? Chief Glazier stated he worked
190 with the town attorney’s team and this puts our best foot forward; in terms of what we see in other
191 jurisdictions, these are comparable to other municipalities in Volusia County, although we are
192 behind in getting this done. Vice-Mayor Paritsky asked for public comments - hearing none, she
193 closed public comments.

194
195 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-06, as presented;
196 seconded by Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-
197 Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Israel - yes; Mayor Smith -
198 yes; Councilmember Milano - yes.

199
200 **2. Ordinance 2021-07, prohibiting sleeping on public property.** Attorney
201 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE
202 TOWN OF PONCE INLET, FLORIDA, AMENDING SECTION 42-4 OF THE TOWN’S CODE
203 OF ORDINANCES BY PROHIBITING SLEEPING ON PUBLIC PROPERTY; PROVIDING
204 FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Vice-
205 Mayor Paritsky asked for Council comments - Councilmember Milano requested that in section
206 42-4 (c), add “such as the First Step Shelter” after “alternative shelter”; there were no questions.
207 Vice-Mayor Paritsky asked for public comments - hearing none, she closed public comments.

208
209 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-07, as amended to include
210 First Step Shelter as an alternate shelter; seconded by Councilmember Caswell. The motion
211 PASSED 5-0, with the following vote: Vice-Mayor Paritsky - yes; Councilmember Caswell - yes;
212 Councilmember Israel - yes; Mayor Smith - yes; Councilmember Milano - yes.

213
214 **3. Ordinance 2021-08, adding provisions for park hours and a code of**
215 **conduct for use of park facilities.** Attorney Shepard read the ordinance by title only. AN
216 ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA,
217 AMENDING CHAPTER 46, ARTICLE I OF THE TOWN’S CODE OF ORDINANCES BY
218 ADDING PROVISIONS FOR PARK HOURS AND A CODE OF CONDUCT FOR USE OF
219 PARK FACILITIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION,
220 AND AN EFFECTIVE DATE. Ms. Witt referenced section 46-2, Park Hours and stated that it
221 was the intention for Council to change the hours for the Kay & Ayers Davies Lighthouse Park
222 once the project was completed and the lighting installed and suggested the hours be the same as
223 those at the Timothy Pollard Memorial Park, which are 6:00 AM to 10:00 PM; and to use the
224 formal names of these parks; in section 46-3 (10) include “tobacco alternatives, vaping, chewing
225 tobacco, etc.” Vice-Mayor Paritsky asked for public comments - hearing none, she closed public
226 comments.

227
228 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-08, as amended regarding
229 hours, formal park names, and tobacco alternatives; seconded by Councilmember Caswell. The
230 motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky - yes; Councilmember Caswell
231 - yes; Councilmember Milano - yes; Councilmember Israel - yes; Mayor Smith - yes.

232
233 **4. Ordinance 2021-09, providing a formal mechanism for the issuance of**
234 **trespass warning from public property.** Attorney Shepard read the ordinance by title only. AN
235 ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA,

236 AMENDING CHAPTER 42, ARTICLE I, OF THE TOWN'S CODE OF ORDINANCES TO
237 PROVIDE A FORMAL MECHANISM FOR THE ISSUANCE OF TRESPASS WARNINGS
238 FROM PUBLIC PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY,
239 CODIFICATION, AND AN EFFECTIVE DATE. Ms. Witt requested a grammatical correction in
240 section 42-9(b), change "their sole discretion" to "his/her sole discretion"; there were no other
241 changes. Vice-Mayor Paritsky asked for public comments - hearing none, she closed public
242 comments.

243
244 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-09, as amended for
245 grammar; seconded by Councilmember Caswell. The motion PASSED 5-0, with the following vote:
246 Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano - yes;
247 Councilmember Israel - yes; Mayor Smith - yes.

248
249 **5. Ordinance 2021-10, prohibiting public urination and defecation.**
250 Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL
251 OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 42 OF THE TOWN'S
252 CODE OF ORDINANCES TO PROHIBIT PUBLIC URINATION AND DEFECATION,
253 PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Vice-
254 Mayor Paritsky asked for public comments - hearing none, she closed public comments.

255
256 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-10, as presented;
257 seconded by Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-
258 Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano - yes;
259 Councilmember Israel - yes; Mayor Smith - yes.

260
261 **6. Ordinance 2021-11, prohibiting public nudity.** Attorney Shepard read the
262 ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
263 PONCE INLET, FLORIDA, AMENDING SECTION 42-32 OF THE TOWN'S CODE OF
264 ORDINANCES TO EXPAND THE PROHIBITION ON PUBLIC NUDITY AND PROVIDE
265 ADDITIONAL EXCEPTIONS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND
266 AN EFFECTIVE DATE. Vice-Mayor Paritsky asked for public comments - hearing none, she
267 closed public comments.

268
269 Vice-Mayor Paritsky moved to approve first reading of Ordinance 2021-11, as presented;
270 seconded by Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-
271 Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano - yes;
272 Councilmember Israel - yes; Mayor Smith - yes.

273
274 **B. Resolution 2021-03, restating the Town Council's commitment to honor the**
275 **Charter prohibition regarding interference with administration.** Attorney Shepard read the
276 resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
277 PONCE INLET, FLORIDA RESTATING ITS COMMITMENT TO HONOR THE
278 PROHIBITION ON INTERFERENCE WITH ADMINISTRATION; PROVIDING FOR
279 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Vice-Mayor Paritsky asked
280 for comments. Councilmember Israel noted that there are several areas of the Town Charter that
281 need to be changed. Vice-Mayor Paritsky stated that item might be best discussed under 11-C.
282 Vice-Mayor Paritsky opened public comments - hearing none, she closed public comments.

283

284 Vice-Mayor Paritsky moved to adopt Resolution 2021-03, as presented; seconded by
285 Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
286 - yes; Councilmember Caswell - yes; Councilmember Milano - yes; Councilmember Israel - yes;
287 Mayor Smith - yes.

288

289 **C. First reading of Ordinance 2021-12, submitting to the electors a proposed**
290 **Charter amendment regarding sanctions against Council Members for violating the Town’s**
291 **Charter.** Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN
292 COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA,
293 SUBMITTING TO THE ELECTORS OF PONCE INLET A PROPOSED AMENDMENT TO
294 SECTION 3.05 OF THE CHARTER OF THE TOWN OF PONCE INLET REGARDING
295 SANCTIONS AGAINST COUNCILMEMBERS FOR VIOLATING THE CHARTER;
296 PROVIDING BALLOT TITLE, BALLOT SUMMARY AND QUESTION, AND TEXT FOR
297 THE PROPOSED AMENDMENT; PROVIDING FOR DIRECTIONS TO THE TOWN CLERK;
298 PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THE
299 APPROVED AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE FOR THIS
300 ORDINANCE. Attorney Shepard stated that Council requested an ordinance to potentially place
301 on the ballot for the voters, a penalty provision for the violation of the town charter, which
302 currently does not exist; and to include all options (also at Council’s request), of which you can
303 adopt all, some, or none. Vice-Mayor Paritsky requested Council comments. Councilmember
304 Israel referenced section 3.05 (e)(2) of the Ordinance and suggested “may” be changed to “shall”
305 - Attorney Shepard expressed agreement as this would have to occur regardless of this wording;
306 Councilmember Caswell stated this is an unnecessary word change because practically, the word
307 “may” is fine. Councilmember Israel stated the entire Charter needs to be reviewed, for example
308 in section 4.4, it refers to the town manager as “he”; it needs to be updated. We should look at
309 every section and then have the voters vote on an entire package. Attorney Shepard stated that the
310 choice to do this separately or with an entire Charter review is up to the Council. He stated that
311 Council must first determine when this should appear on the ballot; and then find out what the
312 election deadline dates are. He reviewed his recommended process: 1) the review should be done
313 by the Council, not a committee because of the legal ramifications; 2) the meetings should be set
314 to cover only a couple of sections per session should have end times; 3) the process should allow
315 for significant public involvement; 4) Council can address legal issues as they arise and put the
316 language together for review and consideration; 5) the ordinance is then prepared based on subject
317 type; and 6) the item gets placed on the ballot for the voters to decide. Mayor Smith noted that
318 there is a significant difference between an addition and a review; he supported moving forward
319 with this specific revision and then schedule a Charter review at a later time. Vice-Mayor Paritsky
320 concurred.

321

322 Councilmember Israel stated the Council should make the changes to all references to “he” with
323 this revision. Vice-Mayor Paritsky asked Attorney Shepard if that could be done. Attorney Shepard
324 stated not in this ordinance without having to hold another first hearing; however, if you pass this
325 on first reading, he could provide another ordinance making the charter gender-neutral. Ms. Witt
326 stated June 11th is the deadline to the Supervisor of Elections and there would not be enough time
327 to incorporate those additional changes and obtain Council approval before the deadline.
328 Councilmember Caswell referred to section 3.05 (e)(6) of the Ordinance and suggested that the
329 wording be changed from “4 (four)” to “a majority”. Attorney Shepard stated the majority vote
330 would be the majority of members eligible to vote, but what happens if there are two members
331 charged. In addition, if you are unhappy with the results of Council’s decision, a *writ of certiorari*
332 is filed in the circuit court and can be mentioned in the ordinance if you wish. Councilmember

333 Israel suggested that if one person is being charged, then four are allowed to vote; if two persons
334 are being charged, then three are allowed to vote. Councilmember Milano suggested it state “the
335 majority of non-charged members”. Councilmember Israel agreed. Council discussed the scenarios
336 and Attorney Shepard cautioned that removal from office could be problematic as it can be used
337 as a weapon. Vice-Mayor Paritsky suggested removing all language relating to “forfeiture/removal
338 from office”. She stated there are other mechanisms in place to remove a duly-elected member of
339 Council (recall, Governor, and Statues). There currently is no procedure for anything, and this
340 ordinance would provide a procedure for reprimand, if approved by referendum. All
341 Councilmembers agreed with the proposed change to eliminate all reference to removal from
342 office.

343
344 Vice-Mayor Paritsky opened public comments. Tony Goudie, 4715 Dixie Drive, stated it is
345 interesting how Council can work through this “on the fly”, but think about what happens if a
346 Councilmember decides to leave “sick” rather than vote - there goes the super-majority. The Vice-
347 Mayor has great points - there are other mechanisms in place for removal/forfeiture of office and
348 truly egregious behavior tends to take care of itself. When you are elected to this position, you are
349 given a large capacity legislatively to legislate - written, verbal, research, personality, and
350 operating styles. Not everyone agrees with you, but that is okay. If you have never done this before,
351 you have no experience and there is a lot to learn; it took him nearly two years before he felt
352 comfortable with the responsibilities. He urged Council to grant some latitude and leave this matter
353 alone for a while, as it is bigger than any of you imagine.

354
355 Mike Mirage, 15 Mar Azul North, stated a majority of five is three, so it should be four voting to
356 remove a council member if five members are present; but it should be left to recall or election.

357
358 Tom Rutledge, 4110 Oriole Avenue, stated there are mechanisms in place, not sure how we got
359 here - maybe it was a misunderstanding of the processes or procedures. Staff has always been
360 exceptional, professional, and helpful. He suggested moving forward with the ordinance as
361 amended and schedule a Charter review.

362
363 Stacey Bell, 119 Marie Drive, stated her support of excluding the word “removal” from the final
364 ordinance. Vice-Mayor Paritsky closed public comments.

365
366 Vice-Mayor Paritsky moved to adopt Ordinance 2021-12, as amended to eliminate all references
367 to removal from office; seconded by Councilmember Milano. The motion PASSED 5-0, with the
368 following vote: Vice-Mayor Paritsky - yes; Councilmember Milano - yes; Councilmember Israel -
369 yes; Councilmember Caswell - yes; Mayor Smith - yes.

370
371 **12. OLD BUSINESS:** None.

372 Councilmember Israel asked for a status on the background checks policy. Ms. Witt stated that an
373 operational policy is currently in the process of development; a copy of the policy would be
374 provided to Council upon completion.

375
376 **13. NEW BUSINESS:**

377
378 **A. Discussion of Zoom for Council and Board meetings, in light of ADA**
379 **requirements, current COVID vaccine availability, and current practices of other area local**
380 **governments.** Ms. Witt stated she mentioned this item at the last meeting because she wanted to

381 provide as much notice as possible. She recognized and thanked Ms. Hugler for setting-up the
382 program, attending board and Council meetings for a year, and training staff. She also thanked Ms.
383 Hunt for operating the program while taking meeting notes and performing other duties associated
384 with meeting management. She noted that Zoom is not ADA compliant and there is no way to
385 make it ADA compliant. She explained that the Town, in an effort to maintain an open government
386 process, offered the opportunity for the public to participate in town meetings via Zoom; not every
387 local government offered it, nor were we required to do so. In 2019, Council approved resolution
388 2019-11, confirming and supporting policies and practices to ensure ADA-compliance. She stated
389 that the Town is the only Volusia County municipality still offering this service and asked Council
390 to consider the risks. She stated that C4PI video tapes the meetings and uploads them to its website.
391 She noted that public participation has always been accepted by phone, email, and letter prior to
392 meetings and this would not change. She suggested Council consider discontinuing the Zoom
393 option and to resume normal meetings, with a target date of May 1st. Mayor Smith asked how
394 many participants are on Zoom tonight? Ms. Hugler stated 17. Mayor Smith asked if C4PI can
395 track the number of views on its site. Howard Paritsky, 4757 S. Atlantic Avenue, stated yes, they
396 have that data, he is not on the Board of C4PI, but they have the technology, and the site can live-
397 stream meetings. Mayor Smith agreed with Ms. Witt's concerns of ADA-compliance issues.
398 Attorney Shepard noted that Zoom could be an option for a board member under extraordinary
399 circumstances, so long as there is a physical quorum in the meeting room. He noted that if/when
400 an outside entity posts meeting videos/audios, it is critically important to stay out of the editorial
401 business. Ms. Witt clarified that if we were to have an extraordinary circumstance in the future,
402 the board member may also attend via telephone. Councilmember Israel asked if C4PI is required
403 to abide by ADA requirements; Attorney Shepard stated no, as it is a private organization; but for
404 that reason, we cannot direct them either. Councilmember Israel asked what the costs are for Zoom
405 and if it provides closed captioning availability. Ms. Witt stated it is a few hundred dollars for a
406 year subscription; price is not the issue here. Prior to 2019, all of our Council and Board meeting
407 agenda packets, meeting minutes, and audio were posted to the website, in addition to the live-
408 streaming option during meetings. These all had to be removed, reformatted for ADA, and re-
409 posted; the live stream option and audio files were permanently removed as they could not be
410 converted. Staff has researched software and ADA requirements include that a very high
411 percentage of accuracy must be achieved. The software they found was in excess of \$60,000, plus
412 the costs of ADA review - so it is an extensive cost. We still audio record all meetings and provide
413 those upon request. Councilmember Caswell stated that in a town with more than 1/2 of its residents
414 over the age of 50, knows that civic engagement is important and feels we are taking away from
415 the residents. Vice-Mayor Paritsky agreed but expressed concerns that we are not ADA-compliant
416 and therefore vulnerable in this area. Vice-Mayor Paritsky opened public comments.

417
418 Mike Mirage, 17 Mar Azul North noted that the live meetings are not ADA-compliant either. Does
419 sign language fulfil the ADA complaint part? What about a sign language person at the live council
420 meetings that would also be on the video meeting? Do the live council meetings require ADA
421 compliancy? Attorney Shepard stated that if you do not provide it to *anybody*, then you are okay;
422 but if you provide it to *some*, then you have to provide it to *all*. He read the ADA statement posted
423 on the bottom of every meeting agenda regarding special accommodations.

424
425 Sharone LeMieux, 4590 S. Atlantic Ave., stated it is a pleasure to see the machinations of the town
426 council live without the potential danger of contracting this horrid virus. It also has enabled her
427 own voice in matters without the intense intimidation of public speaking when responding to Ponce
428 Inlet issues. She has benefited greatly from the ability to ask questions and issues stance (having
429 them read verbatim by your capable staff) and enabling a much higher level of citizen participation.

430 Zoom has allowed her to feel like a valid, contributing, active, and important resident here in the
431 Ponce Inlet community.

432
433 Stacey Bell, 119 Marie Drive, stated we all can agree that we would love to see more involvement
434 from our citizens. Zoom allows for more participation, especially from the people that would never
435 attend in person; she recommends researching methods to allow for ADA compliance while
436 allowing the Zoom to continue and noted that closed captioning is a Zoom option for any recorded
437 Zoom meeting and she offered to show staff this feature; there are Zoom features to control
438 participants; and even the Zoom participation is under 20 people, those people count and should
439 be able to participate in Zoom. (Editor’s note: Zoom provides the following disclaimer as it relates
440 to the accuracy of their live transcription because they cannot ensure ADA compliance: “If you
441 are unable to provide captioning manually or with a third-party service, our live transcription
442 feature is also available, but has limitations to take note of. Live transcription currently only
443 supports English, and the accuracy of the feature depends on many variables, such as but not
444 limited to: Background noise, Volume and clarity of the speaker’s voice, Speaker's proficiency
445 with the English language, Lexicons, and dialects specific to a geography or community. Because
446 of these limitations, if you are required to use speech-to-text support for any compliance or
447 accessibility needs in your meetings and webinars, we do recommend using a manual captioner or
448 service that may be able to guarantee a specific accuracy.”)

449
450 Judy DiCarlo, 32 Caribbean Way, stated that C4PI can record live meetings, allow for public
451 participation, and post full agenda packets; allowing for more public access. Vice-Mayor Paritsky
452 closed public comments.

453
454 Councilmember Israel expressed concerns with circumventing the system and asked if the town is
455 doing something illegal by allowing C4PI to post town documents and videos. Attorney Shepard
456 stated we could not stop them from recording, that is the law. We are doing nothing illegal unless
457 we try to stop them.

458
459 Vice-Mayor Paritsky moved to eliminate Zoom options for all Council and Board meetings
460 effective May 1, 2021; seconded by Councilmember Caswell. The motion PASSED 5-0, with the
461 following vote: Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano
462 - yes; Councilmember Israel - yes; Mayor Smith - yes.

463
464 **B. Discussion of countywide pet license proposal.** Chief Glazier stated the County
465 is requesting our participation in a countywide program that would help reduce the number of
466 shelter animals and reunite them with their owners. There is currently a hodge-podge of licensing
467 throughout the County and none of the databases interact with each other. The goal is to have one
468 shared database. When a pet is vaccinated and/or sterilized, the pet is also licensed, and that
469 information is entered into the database. There will be costs associated with the licensing but that
470 will be paid by the pet owner at the time of veterinary visit; currently there are 18 households in
471 Ponce Inlet with pet licenses, so compliance is also one of the goals. He added that every Volusia
472 County municipality requires that dogs be registered. There was a discussion regarding
473 confidentiality and whether there would be forced micro-chipping, which there would not; and
474 where the monies go from this program. Chief Glazier stated these are items that will be worked
475 out, but the monies raised from this program will support the animal shelter and the database
476 administration. Ms. Witt clarified that this item is a request for a letter of support to discuss this

477 topic further, and a future interlocal agreement would provide more detailed information, which
478 will be brought before Council for consideration. Vice-Mayor Paritsky suggested changing the
479 wording “has elected to participate” to “is interested in participating”. Attorney Shepard noted that
480 it is a sample letter and can be changed in any manner that Council agrees upon. Vice-Mayor
481 Paritsky opened public comments; hearing none, she closed public comments.

482
483 Vice-Mayor Paritsky moved to authorize the Town Manager to send the letter as amended,
484 expressing interest in this program to the County Manager; seconded by Councilmember Milano.
485 The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky - yes; Councilmember
486 Milano - yes; Councilmember Caswell - yes; Councilmember Israel - yes; Mayor Smith - yes.

487
488 **C. Change in Fire Department procedure.** Councilmember Israel requested that the
489 fire department be relieved of its task to unlock and lock the parks and restrooms. Ms. Witt noted
490 that this was a negotiated item and that, even if Council wanted to, they could not change it without
491 going through the collective bargaining process. Councilmember Israel expressed concerns that
492 this could be a safety issue and will meet with the Town Manager and Fire Chief to discuss the
493 matter further.

494
495 **D. Recording of Council meetings.** Councilmember Israel expressed concern that
496 with the elimination of Zoom, there would be no recordings of Council meetings. He suggested
497 that Council consider hiring a stenographer or purchase a professional transcript recorded for
498 preparation of meeting minutes; adding that Deltona has a stenographer present for Quasi-Judicial
499 (QJ) hearings. Vice-Mayor Paritsky stated that without agenda materials to backup this item, she
500 is unable to respond. Attorney Shepard noted there are action minutes and verbatim minutes and
501 explained the differences. A stenographer charges by the hour for meeting attendance and per page
502 of transcription, which could result in thousands of dollars for one set of meeting minutes. He
503 noted that for QJ matters, the applicant is responsible for the preparation of verbatim minutes, not
504 the municipality. Ms. Witt stated that all meetings are audio recorded and files are kept for a period
505 of three years and made available to the public upon request. Upon clarification that all meetings
506 are audio recorded, Councilmember Israel indicated he was satisfied with this matter.

507
508 **E. Approval of Town Council regular meeting minutes - March 18, 2021.**
509 Councilmember Israel indicated he had no further comments. Vice-Mayor Paritsky opened public
510 comments - hearing none, she closed public comments.

511
512 Vice-Mayor Paritsky moved to the March 18, 2021 meeting minutes as presented; seconded by
513 Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
514 - yes; Councilmember Caswell - yes; Councilmember Israel - yes; Councilmember Milano - yes;
515 Mayor Smith - yes.

516
517 **14. FROM THE TOWN COUNCIL:**

518
519 **A. Vice-Mayor Paritsky, Seat #5** – Congratulated Ms. Caswell for her appointment;
520 thanked Ms. French and Ms. Kovacs for the great Easter event.

521
522 **B. Councilmember Israel, Seat #4** - Stated he attended the TPO meeting and there
523 appears to be a countywide problem with tractor-trailer parking; advised that Mark Oebbecke, who

524 represents the Town on the BPAC reported that the town is #4 on the project list; and he welcomed
525 Ms. Caswell.

526 **C. Councilmember Caswell, Seat #3** - Thanked everyone for their confidence and
527 appreciates the opportunity to serve the community in this capacity; noted she is running for seat
528 #3, and recognized Arbor Day.

529
530 **D. Councilmember Milano, Seat #4** - Stated that Chief Glazier and Lt. Mead
531 attended a meeting at the First Step Shelter that was informative; he stated that since January, 44
532 persons have been placed in housing, of those 33 have been located - 30 are still in housing and at
533 their jobs, 2 have passed away, and 1 is in jail - this equates to a 90% success rate; he stated he has
534 been approached on the street numerous times about the fire department and he clarified for the
535 record that he never supported “getting rid” of the fire department, nor did the Council ever vote
536 on the matter. If you keep telling people the information that is untrue, at some point, they will
537 believe it, and this has to stop.

538
539 **E. Mayor Smith, Seat #1** - Mayor Smith stated that there are 3,442 registered voters,
540 he hopes that all residents were counted in the recent census; he estimates that 4,500 - 4,600
541 residents actually live in town, though we serve a community of closer to 12,000; he thanked
542 everyone for attending. He noted that “lock-step” voting has been referenced in a negative tone,
543 but tonight all votes were 5-0, which is a good thing, let us keep it peaceful and move forward on
544 a positive path.

545
546 **15. FROM THE TOWN MANAGER** – Ms. Witt welcomed Ms. Caswell, reviewed the
547 calendar of meetings and events; and noted that the ethics training coming up next week for elected
548 officials is the only one offered in Volusia County.

549
550 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard welcomed Ms. Caswell and noted
551 that he is available for any questions or consultations.

552
553 **17. ADJOURNMENT** - Vice-Mayor Paritsky adjourned the meeting at 9:48 p.m.

554
555 Respectfully submitted by:

556
557 _____
558 Jeaneen Witt, CMC, Town Manager/Town Clerk
559 Peg Hunt, Assistant Deputy Clerk