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Town of Ponce Inlet
Town Council
Regular Meeting Minutes
May 20, 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 (FD); A/V Assistant

Ms. McColl, Finance Manager

Mr. Miller, Public Works Manager

Chief Scales, Fire Chief

Attorney Shepard, Town Attorney

Ms. Witt, Town Manager

Mayor Smith announced that the meeting is being “live-streamed” via C4PI and requested that everyone ensure their microphones are On prior to speaking.

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Mayor Smith asked if there were any changes requested to the agenda. Councilmember Israel requested the addition of item 13-D, Consideration of naming the Ponce Inlet Firehouse as the “Carolyn Anna Sprague Firehouse”; there were no other changes.

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

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

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A. Proclamation announcing the Town’s 2021 Regular Election - Attorney Shepard read the election proclamation into the record, announcing the Town’s regular election date of Tuesday, August 17, 2021.

6. CONSENT AGENDA: Mayor Smith asked if there was any item Council would like to remove from the consent agenda or to discuss; there were none. Mayor Smith opened public comments - hearing none, he closed public comments.

A. Approval of the Town Council special meeting minutes – April 15, 2021. Councilmember Israel request a correction to lines 128-136, to reflect the conversation he held with Mr. Perrone regarding his Nextdoor post “wake up residents”; there were no other changes. Ms. Witt noted that the minutes are not verbatim, but Council may request any section be verbatim. A discussion was held regarding the pros and cons of verbatim minutes; Attorney Shepard stated so long as the minutes meet the requirements, there is no legal issue. It was noted that there is an audio recording available of every meeting.

B. Approval of the Town Council regular meeting minutes – April 15, 2021.

C. Approval of the recommended by-laws for Essential Services Advisory Board.

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

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

A. Presentation of Town’s audit, conducted by BMC, CPAs for fiscal year 19/20. Ms. Witt introduced Dominc Morgese, Senior Manager and Bill Cochran, Audit Manager (appearing via Zoom). Mr. Cochran stated his pleasure with how well the audit went, the presentation of the information, and the cooperation of staff. He noted that there are additional standards and features involved with auditing governmental agencies and reviewed the Audited Financial Statements for the year ended September 30, 2020. Mr. Morgese reviewed the Governmental Fund Revenue and Expenses, noting that the Town’s reserve fund balance increased from 49% to 61% (approximately 223 days). Mr. Morgese complimented on how the town manages its finances. Councilmember Caswell asked for clarification of “unrestricted decrease” and a definition of “just value”. Mr. Morgese stated “unrestricted” is anything that is not “assigned”; the “just value” can be driven by market value, but that depends on the number of properties sold and the sale prices. Mayor Smith opened public comment - hearing none, he closed public comment. He added that the town is prudent in spending the residents’ money and the town’s millage rate is always near the bottom of the list; and the homesteaded rate is 35% of total residential properties.

Vice-Mayor Paritsky moved to accept the town audit for FY 2019/2020 a presented; seconded by Councilmember Caswell. The motion PASSED 5-0, consensus.

91 **B. Consideration of the renewal of a contract for auditing services with BMC,**
92 **CPAs.** Ms. McColl stated that staff is requesting a contract extension for BMC, CPAs for two
93 fiscal years ending September 30, 2021 and September 30, 2022. She noted the rate would not
94 change for the first year, but rates would be adjusted based on the CPI-U for the second year. She
95 added that BMC, CPAs have always been professional and fair in working with the town staff,
96 which ensures the town's compliance with ever-changing regulations. She recommended that
97 Council extend the contract as requested. Councilmember Israel asked how long this agency has
98 been contracted with the town. Ms. Witt stated she believed it was sent out for bid in 2011 and
99 was awarded to Brent Millikan, CPA; the auditors have re-structured over the years.
100 Councilmember Israel asked what the town pays the auditors annually and how long it takes to do
101 the audit. Ms. McColl stated the contract amount is \$40,936; Mr. Cochran stated it takes between
102 300 and 400 hours to complete the audit. Councilmember Caswell thanked the auditors for their
103 service and stated the amount charged is fair-market value. She asked if the auditors would provide
104 pro-bono work during the accounting system upgrades. Ms. McColl stated their work is limited to
105 answering questions to ensure the town's programs are compliant with current regulations and Mr.
106 Cochran stated that the firm is always available to answer questions at no additional cost.
107 Councilmember Caswell referenced the CPI-U and asked if BMC would consider a top-end
108 increase/decrease of 2%? Mr. Cochran stated he would accept that. Councilmember Israel asked
109 if Council is being asked to vote on a 2-year contract; Mr. Cochran stated that generally auditing
110 services are three-year contracts, but they are currently requesting only 2 years. Councilmember
111 Israel suggested 1.5% maximum and Mr. Cochran agreed. Mayor Smith opened public comment
112 - hearing none, he closed public comment.

113
114 Vice-Mayor Paritsky moved to approve extension of the contract for auditing services with BMC,
115 CPAs for two fiscal years ending September 30, 2021 and September 30, 2022, with a maximum
116 rate increase of 1.5% for the second year; seconded by Councilmember Caswell. The motion
117 PASSED 5-0, Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano
118 - yes; Councilmember Israel - yes; Mayor Smith - yes.

119
120 **8. PUBLIC HEARINGS / QUASI-JUDICIAL: None.**

121
122 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**

123
124 **A. Second readings and adoption of ordinances proposed to address issues**
125 **related to homelessness.**

126
127 **1. Ordinance 2021-06, prohibiting aggressive panhandling.** Attorney
128 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE
129 TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 50 OF THE TOWN'S CODE
130 OF ORDINANCES TO PROHIBIT AGGRESSIVE SOLICITATION WITHIN THE TOWN;
131 PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE
132 DATE. Mayor Smith asked for public comments - hearing none, he closed public comments.

133
134 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-06, as
135 presented; seconded by Councilmember Caswell. The motion PASSED 5-0, with the following

136 vote: Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano - yes;
137 Councilmember Israel - yes; Mayor Smith - yes.

138
139 **2. Ordinance 2021-07, prohibiting sleeping on public property.** Attorney
140 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE
141 TOWN OF PONCE INLET, FLORIDA, AMENDING SECTION 42-4 OF THE TOWN'S CODE
142 OF ORDINANCES BY PROHIBITING SLEEPING ON PUBLIC PROPERTY; PROVIDING
143 FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Mayor
144 Smith asked for public comments - hearing none, he closed public comments.

145
146 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-07, as
147 presented; seconded by Councilmember Caswell. The motion PASSED 5-0, with the following
148 vote: Vice-Mayor Paritsky - yes; Councilmember Milano - yes; Councilmember Caswell - yes;
149 Councilmember Israel - yes; Mayor Smith - yes.

150
151 **3. Ordinance 2021-08, adding provisions for park hours and a code of**
152 **conduct for use of park facilities.** Attorney Shepard requested this item be tabled to the June 17,
153 2021 at 6:00 pm. He noted that the ordinance is fine, but it could use a little refining. Mayor Smith
154 thanked the resident for submitting their questions regarding this matter.

155
156 Vice-Mayor Paritsky moved to table this item until the June 17, 2021 regular meeting; seconded
157 by Councilmember Caswell. The motion PASSED 5-0, consensus.

158
159 **4. Ordinance 2021-09, providing a formal mechanism for the issuance of**
160 **trespass warning from public property.** Attorney Shepard read the ordinance by title only. AN
161 ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA,
162 AMENDING CHAPTER 42, ARTICLE I, OF THE TOWN'S CODE OF ORDINANCES TO
163 PROVIDE A FORMAL MECHANISM FOR THE ISSUANCE OF TRESPASS WARNINGS
164 FROM PUBLIC PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY,
165 CODIFICATION, AND AN EFFECTIVE DATE. Mayor Smith asked for public comments -
166 hearing none, he closed public comments.

167
168 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-09, as
169 presented; seconded by Councilmember Israel. The motion PASSED 5-0, with the following vote:
170 Vice-Mayor Paritsky - yes; Councilmember Israel - yes; Councilmember Milano - yes;
171 Councilmember Caswell - yes; Mayor Smith - yes.

172
173 **5. Ordinance 2021-10, prohibiting public urination and defecation.**
174 Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL
175 OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 42 OF THE TOWN'S
176 CODE OF ORDINANCES TO PROHIBIT PUBLIC URINATION AND DEFECATION,
177 PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Mayor
178 Smith asked for public comments - hearing none, he closed public comments.

179
180 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-10, as
181 presented; seconded by Councilmember Caswell. The motion PASSED 5-0, with the following
182 vote: Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Israel - yes;
183 Mayor Smith - yes; Councilmember Israel - yes.

185 **6. Ordinance 2021-11, prohibiting public nudity.** Attorney Shepard read the
186 ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
187 PONCE INLET, FLORIDA, AMENDING SECTION 42-32 OF THE TOWN’S CODE OF
188 ORDINANCES TO EXPAND THE PROHIBITION ON PUBLIC NUDITY AND PROVIDE
189 ADDITIONAL EXCEPTIONS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND
190 AN EFFECTIVE DATE. Mayor Smith asked for public comments - hearing none, he closed public
191 comments.

192
193 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-11, as
194 presented; seconded by Councilmember Caswell. The motion PASSED 5-0, with the following
195 vote: Vice-Mayor Paritsky - yes; Councilmember Caswell - yes; Councilmember Milano - yes;
196 Councilmember Israel - yes; Mayor Smith - yes.

197
198 **B. Second reading and adoption of Ordinance 2021-12, submitting to the electors**
199 **a proposed Charter amendment regarding sanctions against Council Members for violating**
200 **the Town’s Charter.** Attorney Shepard read the ordinance by title only. AN ORDINANCE OF
201 THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA,
202 SUBMITTING TO THE ELECTORS OF PONCE INLET A PROPOSED AMENDMENT TO
203 SECTION 3.05 OF THE CHARTER OF THE TOWN OF PONCE INLET REGARDING
204 SANCTIONS AGAINST COUNCILMEMBERS FOR VIOLATING THE CHARTER;
205 PROVIDING BALLOT TITLE, BALLOT SUMMARY AND QUESTION, AND TEXT FOR
206 THE PROPOSED AMENDMENT; PROVIDING FOR DIRECTIONS TO THE TOWN CLERK;
207 PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THE
208 APPROVED AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE FOR THIS
209 ORDINANCE. Councilmember Israel restated his concerns with changing one section of the
210 Charter, knowing that the entire Charter needs to be reviewed and updated. Vice-Mayor Paritsky
211 restated that once the vulnerability issue was discovered, it was imperative that it be remedied; a
212 full Charter review can be done in increments at a later time. Mayor Smith opened public
213 comments - hearing none, he closed public comments.

214
215 Vice-Mayor Paritsky moved to approve and adopt upon second reading, Ordinance 2021-12, as
216 presented; seconded by Councilmember Milano. The motion PASSED 3-2, with the following vote:
217 Vice-Mayor Paritsky - yes; Councilmember Milano - yes; Councilmember Caswell - no;
218 Councilmember Israel - no; Mayor Smith - yes.

219
220 **10. CITIZENS’ PARTICIPATION:** Mayor Smith opened citizen’s participation. John
221 LaBelle, 33 Calumet Avenue, referenced the town’s mission statement and its claim as a
222 “residential haven” and lodged a complaint regarding illegal and short-term rentals; he stated the
223 neighbors rent their house on a daily and weekly basis to anywhere between 12 and 18 or more
224 people at a time, there are 8 to 10 cars, trucks, and large vans parked everywhere, the renters leave
225 trash, garbage, and beer bottles, (some found in his yard); there has been little or no response to
226 his complaints to Code Enforcement; the street sign has been knocked down at least twice; and the
227 fines are not a deterrent. He expressed concerns that residents are being told to take photos of
228 suspected violations adding that this is dangerous for the residents; he noted that there are more
229 homes in the neighborhood being rented out short-term, so this is becoming a larger problem.
230 Mayor Smith stated his awareness of illegal rentals, and the Town will continue to fight the State
231 which wants to eliminate local control over short-term rentals. Councilmember Milano stated his
232 familiarity with the properties referenced and that rentals are allowed once every four weeks; his

233 development monitors vehicle license plates; he stated that Airbnb has 18 properties listed as short-
234 term rentals and he has reported those. Councilmember Israel stated that this subject was discussed
235 at his town hall meeting last evening and suggestions ranged from having the police department
236 enforce the rules to hiring an employee to monitor short-term rentals. He stated that Ponce Inlet
237 Realty is advertising rentals in Ponce Inlet for weekends, or seven to fourteen days which is against
238 the Code and the amount of trash placed curbside on Mondays is an indication of how big this
239 problem really is. He suggested the town hire someone to assist Mr. Hooker to investigate short-
240 term rentals.

241
242 Councilmember Israel moved to authorize the Town Manager to hire a short-term Rental
243 Enforcement Officer. Ms. Witt stated that the request for this position has been submitted by Mr.
244 Disher for next year's budget; the position would be part-time and would enforce short-term
245 rentals. She stated that if Council wants to expedite this position to the current fiscal year, Council
246 may provide staff that direction. Ms. Witt noted that she is unsure if the fines could be changed as
247 the State of Florida usurped the town's ability to make any changes to its existing ordinance, so
248 that matter would have to be investigated by the town attorney; she acknowledged that the problem
249 is growing and is attempting to share the responsibilities between the police department and the
250 one code enforcement officer. The motion was seconded by Councilmember Caswell. Vice-Mayor
251 Paritsky noted that Attorney Shepard's office prepared a memorandum several years ago outlining
252 the processes and procedures for enforcement.

253
254 Patricia LaBelle, 33 Calumet Avenue, stated her frustrations with living in a rental neighborhood,
255 some properties are rented daily; she has documented vehicle plates, dates, and times of arrivals
256 and conveyed that information to code enforcement. Many renters stay for weekends or during a
257 special event; tenants arrive at all times of the day and night, in large vans and busses that are
258 packed with people; there has been property damage and signs destroyed; she expressed frustration
259 that although staff is aware of the issues, nothing can be done, and we are now becoming a town
260 of "renters".

261
262 Councilmember Caswell asked what specialized training the new code officer would have or need,
263 that would make him/her more effective than what we have now. Ms. Witt stated the experience
264 and knowledge will be outlined in the job description; a staff member with an isolated focus on
265 short-term rentals, additional training, and experience to help the town manage these issues, and
266 will work with the town attorney's office. Councilmember Caswell asked if the town has been
267 successful in enforcing its rules. Councilmember Milano stated Mr. Hooker has been able to pull
268 the license from non-compliant property owners, and they eventually sold the property and left
269 town; but the State is trying to take away "home rule" by proposing regulations to limit local
270 control over short-term rentals. Councilmember Caswell asked how do we close the gap? Attorney
271 Shepard stated educating the staff member on the town's rules, teaching what is evidence, showing
272 the officer how to gather that evidence, obtain proof of a violation, and then how to present the
273 case. Unfortunately, the town cannot fix the legislation because the State has tied our hands. Mayor
274 Smith asked how far an investigator can go with proving the case? Attorney Shepard stated that is
275 the kind of discussion his office will have with the new enforcement officer. Joe Villanella, 46
276 Jana Drive, and Code Enforcement Board Chairman stated the Code Board sees these types of
277 cases quite often: the property owner places the property on a rental site and advertises it for a
278 monthly fee; the renters in reality, stay for just a few days. The code enforcement officer has
279 limited tools at his disposal, including taking photos of vehicles, monitoring water usage, and other
280 research; some people claim they are friends, family, or invited guests of the property owner and
281 do not pay, so it can be difficult to prove, and you have to take into consideration property owner

282 rights. The county may be able to step-in with regards to the bed tax, but that is unclear. Attorney
283 Shepard stated he was not certain that the county would have jurisdiction to do so. Councilmember
284 Caswell asked for statistics on cases where the town has been successful in effectively removing
285 violators. Mr. Villanella stated there have been three or four successful cases over the years; he
286 referenced the HOA where he lives had a serious problem with short-term renters and the HOA
287 received a letter from an attorney warning the HOA to cease and desist - there is just so far you
288 can go when the tenants are telling well-rehearsed lies. Councilmember Caswell noted that we
289 have come full circle with this issue and asked how an additional staff member will be effective.
290 Councilmember Milano stated you can contact the rental agent or review the sites and see how
291 long they actually stayed. Councilmember Israel asked if property owners are given the rules when
292 they apply for a rental permit. Mr. Disher stated the rules are included in the rental permit packet,
293 on the application form, and local real estate agents are aware of the rules as many of the property
294 owners are absentee owners and work through a rental agency. He noted that there have actually
295 been more than three or four successful cases because Mr. Hooker contacts the owners or the rental
296 agencies and reminds them of the rules, which resolves the issue in most cases. He added that all
297 properties are allowed to be rented on a long-term basis (no less than four consecutive weeks per
298 rental); the only properties allowed to be rented short-term, are those which were once zoned T-1
299 (certain condominium properties), which have their own Condo Association rules which may
300 prohibit them. Mayor Smith noted that there is a bed tax that that the County collects, and the
301 County can take the penalties to a higher level.

302
303 Mike Mirage, 15 Mar Azul North asked about the legality of these agencies renting properties in
304 violation of our ordinances, is there any legal recourse the town can take? Attorney Shepard stated
305 unfortunately, freedom of speech includes the ability to say things that are wrong; he has written
306 letters (on behalf of other jurisdictions) reminding property owners of the rules, but the point is to
307 try to get the owners to do the right thing by following the Town's Codes. Mr. Mirage suggested
308 ways in which the new rental enforcement officer might be able to obtain compliance, including
309 sending a letter to property owners who rent their properties. Attorney Shepard stated he would
310 author the letter at Council's direction. Mr. Mirage expressed frustration that Ponce Inlet Realty
311 advertises short-term rentals and stated that anything that can be done to alleviate this issue would
312 be welcome. He then stated that if there was a problem with drunk driving related to a certain bar,
313 the officers would target that establishment until the issue was resolved; likewise, the police should
314 be able to monitor these properties and utilize other means of deterrents. He voiced concerns that
315 motorcycles transported inside trailers are not being monitored. Mayor Smith noted that the town
316 has LPR equipment, which checks vehicle license plates upon entering the town. Mayor Smith
317 closed citizens participation.

318
319 Councilmember Israel moved to authorize the Town Manager to hire a part-time short-term Rental
320 Enforcement Officer; seconded by Vice-Mayor Paritsky. The motion PASSED 5-0, with the
321 following vote: Councilmember Israel - yes; Vice-Mayor Paritsky - yes; Mayor Smith - yes;
322 Councilmember Caswell - yes; Councilmember Milano - yes.

323
324 Councilmember Israel asked Attorney Smith if it would be considered "entrapment" for the town's
325 investigator to call the rental agency to see if a property can be rented short-term? Attorney
326 Shepard explained that entrapment is "getting someone to do something that they would not
327 otherwise ordinarily do"; it is not entrapment to get them to do what they ordinarily or normally
328 do".

329

330 Mike Mirage, 15 Mar Azul North, read from Ordinance 2011-01 (Noise), section D(4): *The*
331 *emission of low frequency sound (bass), in a manner that such sound causes vibration which*
332 *causes a noise disturbance or can be felt beyond the real property line of the parcel from which*
333 *the sound is emitted”* and stated that bass is a real problem coming from Jerry’s Restaurant; the
334 bass can be felt inside his house, the sound is reduced but the bass is not. He has called the police
335 on weekends and police have responded and rectified the noise level, but the bass remains
336 problematic. He complained twice recently, and Officer Courneya informed him that the levels
337 were within allowable levels and unless things were falling off the walls or the shelves, we are not
338 doing anything about it; we are not citing them nor are we giving them a warning. Mr. Mirage
339 stated he spoke to several neighbors who stated that in the past, when officers told Jerry’s to turn
340 it down and they did, and it was a welcome relief. Mr. Mirage, a musician himself, stated that
341 when you are asked to turn it down, you do. He asked Attorney Shepard if this ordinance is
342 enforceable. Attorney Shepard stated that the ordinance is ten years old and when it was created,
343 there were no standards in place; many factors were considered including appropriate decibel
344 levels; equipment, ambient noise, beach winds and waves, etc. When his office wrote the
345 ordinance, it was enforceable and if Council desires, his office will review the ordinance to see if
346 there are any areas that need to be revised. He added that he is unaware of the issues the police
347 department has been encountering, so it might warrant another review. Mr. Mirage stated one
348 officer did cite Jerry’s recently and there are more homes being built in Las Olas, so the problem
349 is only going to get worse. Mayor Smith stated the alleged comments made by the police officer
350 do not seem reasonable or prudent and Chief Glazier was ready to address the matter. Chief Glazier
351 stated he met the Mirages several months ago and discussed this issue at length. He was unaware
352 of the recent noise complaints or the conversations that Mr. Mirage referenced; and would address
353 the matter. He stated that if the department receives a noise complaint and the violation is
354 confirmed, the owners will be written up; if they get three within thirty days, the case is sent to the
355 Code Enforcement Board. Mayor Smith asked Chief Glazier if the noise can be heard or felt, based
356 on the ordinance, is that enough to find a violation? Chief Glazier stated for bass, yes; for ambient
357 noise, other factors must come into play, and requires two separate readings and a formula which
358 helps calculate the allowable level. He added that different bands have different levels of sound,
359 so that must be taken into consideration as well. Mayor Smith closed citizen’s participation.

360

361 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

362

363 **A. Resolution 2021-04, supporting the renewal of the interlocal agreement for the**
364 **distribution of the Volusia County local option fuel taxes.** Attorney Shepard read the Resolution
365 by title only. A RESOLUTION OF THE TOWN OF PONCE INLET, FL SUPPORTING
366 RENEWAL OF THE INTERLOCAL AGREEMENT FOR DISTRIBUTION OF PROCEEDS OF
367 LOCAL OPTION FUEL TAX FOR THE PERIOD SEPTEMBER 1, 2021 - AUGUST 31, 2034;
368 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
369 EFFECTIVE DATE. Ms. Witt read her memorandum dated May 3, 2021 outlining the distribution
370 of fuel taxes to local municipalities and noting that the formula is being changed to tying the
371 distribution to 100% roadway lane miles, which will reduce the town’s revenue by about 55%.
372 There is a five-year transition period proposed and is included in the agreement. Councilmember
373 Caswell asked if Ms. Witt could define “lane mile”. Ms. Witt stated that it is by the length of each
374 lane (i.e.: 2 lane roads have more lane miles than 1 lane roads). Mayor Smith asked if Atlantic
375 Avenue is counted in the mileage calculation. Ms. Witt stated no, only the small section south of
376 Beach Street to the county park, the rest of the roadway is the county’s. Councilmember Caswell
377 asked if, based on the revenue projection of \$22.1 million, will the allocation of any excess or
378 shortfall be apportioned similarly to how the allocations are done now? Ms. Witt stated absolutely;

379

379 the revenue estimate is exactly that - an estimate; what is a solid factor is the percentage breakout;
380 so, if more money comes in, more money will be available to all the cities and likewise, if less
381 money comes in, then less money will be available to the cities. Mayor Smith opened public
382 comments; hearing none, he public comments.

383

384 Vice-Mayor Paritsky moved to approve Resolution 2021-04, as presented; seconded by
385 Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky
386 - yes; Councilmember Caswell - yes; Councilmember Israel - yes; Councilmember Milano - yes;
387 Mayor Smith - yes.

388

389 **12. OLD BUSINESS:** None.

390

391 **13. NEW BUSINESS:**

392

393 **A. Discussion of boat ramp parking lot: establishing a time limitation for the car**
394 **parking spots & for establishing the boat trailer parking spots for boat trailers only every**
395 **day – requested by Councilmember Israel.** Councilmember Israel stated he has concerns with
396 traffic and safety issues at the boat trailer parking lot; the town’s residents are suffering because
397 they have no place to park. He reviewed a list of issues he has witnessed: Lighthouse Landing
398 employees parking in the lot; boat captains are putting their boat in the water in Port Orange and
399 telling their customers to park in the lot and they pick them up at the ramp, tying up parking spaces
400 for a majority of the day and there is no available parking for the park. The issue is not as bad
401 during the week and all the signage is in place, but on the weekends, the parking lot fills up fast.
402 He suggested changing the car parking to a maximum of two hours, so park users have a place to
403 park; and change the trailer parking to seven days a week, it would be easier to monitor, and
404 electronic chalking would help with enforcement. He stated that several municipalities have
405 civilian enforcement, who can write tickets for parking violations. His objective is to make the
406 parking lot a “rotating” parking lot, where everyone has the opportunity to visit the establishments
407 and the parks. Vice-Mayor Paritsky acknowledged there is an issue (provided photos of the area)
408 but stated that many vehicles would be displaced and park on nearby side streets (which are
409 residential) and could create additional problems. Councilmember Israel stated the parking lot is
410 for the park, not the beach and not the lighthouse; Port Orange raised their ticket prices and have
411 been able to reduce the problem. He stated that the town is never going to be able to resolve the
412 problem because there just is not enough parking, but we can be proactive to help our residents.
413 Ms. Witt stated that the County Manager has encouraged parking not be limited to less than three
414 or four hours, not two, to allow for the type of activity common to this area (kayaking, canoeing,
415 fishing, etc.); she noted that the county is analyzing if this would work on Lighthouse Drive; as
416 we are all facing the same issue - there is not enough parking. She cautioned that we do not want
417 to eliminate one issue and create two new ones via unintended consequences, so we want to try to
418 anticipate any reactor behavior. Councilmember Israel stated that the county contributing to the
419 problem because they have been taking away parking spaces along Lighthouse Drive, which
420 creates problems for the town. Vice-Mayor Paritsky noted that Oceanway Drive is legal parking
421 on the street. She stated that if we are aware of the actual origin of the problem (such as Hidden
422 Treasure employees & customers), the town could address that specifically, which may help
423 alleviate the problem. Councilmember Israel stated it should be a blanket regulation, it is difficult
424 to figure out where the people are going that are parking there - and suggests changing the parking
425 limit times and issue violation tickets. It is not right for our residents to not have a place to park
426 for a park that the town just renovated. He noted that visitors are parking anywhere they want to,

427 and residents are posting their own properties. Councilmember Milano disagreed, stating that he
428 used to park in the lot, play in the parks, visit the restaurants, and tour the museum - that takes
429 several hours to do all of those activities; and this would hinder residents ability to enjoy the
430 amenities. Mayor Smith stated his concerns with the amount of staff time enforcement
431 encompasses and hopes for a balance. Chief Glazier stated both Council members are correct;
432 during the week parking is good most of the time; the weekends are a different story, Hidden
433 Treasure’s employees are parking there and he believes employees of the Marine Science Center
434 also do; in addition there is a lot of commercial activity; there are pros and cons to limiting parking
435 times, the pros are that it would allow for more people to move in and out to enjoy the amenities
436 and deter employees from parking there; the cons is that most people are using the parking for the
437 right reasons and the two hours would hurt them; and enforcement on the weekends could be labor
438 intensive, and his concerns are to slow traffic speed, ensure pedestrian safety, patrol
439 neighborhoods. This is why he suggests civilian enforcement. Councilmember Israel asked if
440 Citizens Watch could be stationed there on weekends for enforcement; Chief Glazier stated he was
441 amenable to that and would provide training. Vice-Mayor Paritsky asked if Citizens Watch can
442 write tickets; Chief Glazier stated it would be a question for Attorney Shepard. Attorney Shepard
443 stated he does not see an issue with that, so long as the training is there. Mayor Smith asked if
444 anyone has spoken with the volunteers to see if they would be willing to participate in this and do
445 four hour shifts. Councilmember Milano stated he is agreeable to four hours, as that provides
446 enough time for visitors to enjoy the amenities and eat lunch. Councilmember Israel stated yes,
447 they are willing to help. Councilmember Caswell stated she parks there and goes out on a boat all
448 day, so she has concerns with limiting parking to four hours. Vice-Mayor Paritsky asked about
449 “chalking”; Councilmember Israel stated there is an electronic device used that takes photos of the
450 tag and alerts you to when the time is up; he will research costs of the equipment. Vice-Mayor
451 Paritsky noted that although chalking is legal in the state, it is not legal in all areas and
452 recommended consulting with the town attorney.

453
454 Councilmember Israel suggested setting the perimeter parking at a 4-hour maximum parking limit
455 for cars and the boat trailer parking to stay the same; Ms. Witt stated she would work with the
456 town attorney’s office to create an ordinance to bring back to Council. She asked Councilmember
457 Israel to provide staff with the information he has gathered. She asked for clarification that the
458 days would remain the same. Mayor Smith suggested Council hear from the volunteers as well.
459 Councilmember Israel clarified his proposal that the perimeter parking be set at a four-hour limit,
460 seven days a week, car parking in the boat trailer parking lot remain Mon- Fri, and boat trailer
461 parking only on Saturday, Sundays, and Holidays in the boat trailer parking lot. Ms. Witt clarified
462 that staff would work with the town attorney to create an ordinance suggesting a 4-hour maximum
463 parking limit for cars seven days a week and the boat trailer parking to remain as it is; in addition,
464 staff (Police Chief) will research costs of chalking equipment and signage.

465
466 Mayor Smith opened public participation. James Hunt, Port Orange, and stated that he has heard
467 Lighthouse Point Park and Lighthouse Drive mentioned several times tonight; he stated that
468 Lighthouse Drive needs to be left out of the problem; there has always been a parking problem;
469 we may need to put a sign on Dunlawton telling people that the park is closed. There is no simple
470 solution. Mayor Smith that noted that Lighthouse Drive is a private road, so the town has no
471 jurisdiction over that roadway. Mayor Smith closed public comment.

472
473 Ms. Witt clarified that staff would work with the town attorney to create an ordinance suggesting
474 a 4-hour maximum parking limit for cars seven days a week and the boat trailer parking to remain

475 as it is; in addition, staff (Police Chief) will research costs of chalking equipment and signage.
476 Council Consensus, 5-0 .

477
478 **B. Discussion of naming Ponce Inlet’s boat ramp as the Jesse Linzy Boat Ramp –**
479 requested by Vice-Mayor Paritsky. Vice-Mayor Paritsky noted that this gentlemen made
480 significant contributions to shaping the town; she noted that he worked on the lighthouse
481 construction project and later was a handyman for the Pacetti family. He was also a famous fishing
482 guide and led fisherman, as well as Bert Pacetti, around the country to patrol Federal Bird
483 Reservations. After the property was sold to the Gambles, Jesse and Ida stayed on to help with the
484 property’s upkeep and assisted anglers. Vice-Mayor Paritsky referenced the letter written by Julie
485 Davis in which she stated, “let us not forget those who came before us” and believes that naming
486 the boat ramp the Jessie Linzy Boat Ramp is an appropriate commemoration. She noted that Mr.
487 Linzy was recognized by the Town during Black History Month this year. She stated this item
488 could go before the Cultural Services Board for selection of an appropriate monument or signage.
489

490 Councilmember Israel made a motion to have the plaque designed and placed at the boat ramp in
491 honor of Mr. Linzy. Mayor Smith stated he had no problems with that and suggested that a picture
492 etched into the plaque be made a part of the monument. Councilmember Milano stated it is very
493 important to know the history and noted that Ms. Davis has written a history of the Town, and this
494 is important to preserving the history of the Town; Councilmember Milano seconded the motion.
495

496 Mayor Smith opened public participation. Mike Mirage, Mar Azul, asked if the boat ramp is
497 included on any maps. Ms. Witt stated that it is referred to as the Ponce Inlet Boat Ramp as it is
498 the only public ramp in Ponce Inlet. Mayor Smith closed public participation.
499

500 The motion PASSED 5-0 consensus.
501

502 **C. Discussion of draft Welcome Packet and ideas for distribution.** Ms. French
503 noted that one of the Town’s Goals was to create a welcome packet and presents this draft for
504 comments and suggestions. Councilmember Israel stated it is a good idea and necessary, he asked
505 what size the packet will be and will it be distributed to all residents. Ms. French stated it is at
506 Council’s direction as to the size and distribution. She noted that if it will be on the website, it
507 must be ADA-compliant. He asked if this item can be budgeted; Ms. Witt stated yes, Council can
508 put most anything into the budget. There was a discussion regarding distribution, and it was noted
509 that the first edition should be distributed to every resident via US mail and then copies available
510 at the town hall. Discussion continued regarding color variations and texture. Ms. Witt stated it
511 looks much better in color; Mayor Smith stated that the color version will get attention. He noted
512 that the information can change, so you may not want to print up too many. Councilmember
513 Caswell agreed and stated that she also finds the magnet very helpful and that it should be updated
514 and suggested that it be included as part of the welcome packet. Ms. Witt stated it is at Council’s
515 direction. She noted that this originally was going to be a welcome packet for new residents and
516 printed in batches of 20; if Council wants to send this out on first run to all residents, they may
517 wish to consider whether they want the pictures in there of the current people (department heads
518 and Council), because they would become outdated and there are greater costs associated with the
519 proposed partial-color brochure, at least \$4 each. Mayor Smith stated the pictures of the parks and
520 amenities are what is important to have in color. Councilmember Milano stated he would like to
521 see the entire Ponce Inlet vision statement printed in the brochure; the layout should show the
522 parks and wonderful things first, then the permit rules and regulations and rentals, and the
523 educational opportunities.

524 Councilmember Israel suggested that each Council member be given two weeks to send their
525 written ideas to Ms. Witt for review and bring back at a later meeting for further review; Council
526 consensus. Ms. Witt reviewed the proposed suggestions: remove people photos; add vision
527 statement, layout to first be the parks, then permits & rentals, include educational opportunities, a
528 map identifying town facilities, and update the magnet.

529
530 **D. Re-naming of the Ponce Inlet Fire Station to the “Carolyn Anna Sprague Fire**
531 **Station”** - *requested by Councilmember Israel.* Councilmember Israel stated that during his
532 campaign he met the Sprague family and learned of Ms. Sprague’s contributions to the fire
533 department and the town. He read a history of Ms. Sprague’s numerous and lengthy contributions
534 to the fire department and the town; he suggested renaming the fire station in her honor. Mayor
535 Smith noted that he and his late wife were close friends of Carolyn’s, and she was always doing
536 something for the community. Councilmember Milano shared his story of being the “candy man”
537 with the Lions Club and getting to know her and added that she was a truly wonderful person.

538
539 Councilmember Israel moved to have a plaque placed on the fire station; Mayor Smith seconded
540 and stated that a picture of Carolyn should be included.

541
542 Vice-Mayor Paritsky stated her support of this idea and suggested that photos and a story of Ms.
543 Sprague be brought to Council at a future meeting so that the public can be informed, be properly
544 honored. Ms. Witt stated that staff can research to get more information and requested Council
545 direct staff to prepare the plaque and backup materials for a consideration at the next meeting.

546
547 Council consensus to move forward but to add item to June regular meeting agenda for public
548 notice and participation; and staff will begin preparation of a proposed dedication plaque.

549
550 **14. FROM THE TOWN COUNCIL:**

551
552 **A. Vice-Mayor Paritsky, Seat #5** – Reported that she attended Volusia Hispanic
553 Chamber Day in recognition of their 10th anniversary and read the town’s proclamation at the
554 event; the Volusia League of Cities sponsored a Civics 101 presentation at the Community Center
555 on April 17th and was attended by 100 guests and the President of the Florida League of Cities,
556 Tony Ortiz made a surprise appearance to address the crowd; the video of this presentation can be
557 seen at C4Pi.org; the May 27th League of Cities dinner meeting (last virtual meeting) will address
558 two important topics: Scott Dudley (FLC) will provide a recap of the bills; and Volusia County
559 Sheriff Mike Chitwood will be speaking on the costs to a municipality that result from the
560 correlation between animal abuse and violence against humans. Kate MacHall, the Florida
561 Director of the Humane Society of America will be addressing legislation that now acknowledges
562 this established connection. The following is an update on some bills that impact our town: **HB**
563 **403/SB-266 Home Based Businesses** - preempts local government from regulating home-based
564 businesses, preventing the municipality from enacting or enforcing any ordinance, regulation, or
565 policy, or take any action to license or otherwise regulate a home-based business in a manner that
566 is different from other businesses in that municipality; the bill was passed in the House and Senate,
567 and will take effect July 1, 2021 if signed by the Governor. **HB 883/SB 60 Code**
568 **Enforcement/Anonymous Complaints** - prohibits code enforcement officers from responding to
569 anonymous complaints however, it does allow a code enforcement officer to respond if they
570 believe the violation poses an imminent threat to public health, safety, welfare, or an imminent
571 destruction of habitat or sensitive resources; it does not prohibit proactive code enforcement. The
572 bill passed both houses and awaits the Governor’s decision. **HB 55/ SB 284 Building Design** -

573 preempts local governments from adopting zoning and development regulations for specific design
574 elements for single and two-family dwellings, while still allowing a local government to impose
575 design regulations within historic districts, Community Redevelopment Agencies, and Planned
576 Unit Developments created before July 1, 2021. This bill passed both houses and awaits the
577 Governor’s decision; if signed, it will take effect July 1, 2021. **HB 219/SB 522 Regulations of**
578 **Short Term Rentals** - These bills died in Committees, but we expect this issue to return during
579 the next legislative session. **HB 7019/SB 1954 Statewide Flooding and Sea-Level Rise** -
580 establish a \$100 million grant program to help local governments with the costs of assessments,
581 planning and projects to address flooding and sea level rise. Unanimously passing in both Houses,
582 the Governor signed the bill, and went into effect immediately. The grant program will be funded
583 through the Resilient Florida Trust Fund established in a companion bill, **SB 2514 (Resilient**
584 **Florida Trust Fund)** that also unanimously passed.
585

586 **B. Councilmember Israel, Seat #4** - Stated he attended the League of Cities Council
587 training, and it was very interesting, he learned a lot and recommends it to anyone who has not
588 been; he spoke with Mark Oebbeke, the town’s representative on the Bicycle/Pedestrian
589 Committee and there is nothing new to report.
590

591 **C. Councilmember Caswell, Seat #3** - Reported she will be attending that training in
592 a couple of weeks; she attended a town-hall meeting hosted by Councilmember Israel, and it is so
593 difficult to not be able to say a word when you see a colleague struggling and apologized that they
594 could not help; she stated the Council wants the citizens to participate and engage in what is going
595 on; she expressed concerns that the public went away more frustrated because they could not get
596 the answers. Attorney Shepard stated that this could be a policy decision and so long as the right
597 things were done to make it a public meeting (notice, minutes, publicly-accessible facility), it
598 would be no different than how it is done here, except the agenda would be whatever the public
599 decides it is - unless you directed it to a specific topic. This would allow for questions and answers.
600 It is the same as held for this meeting, except for the formalities. Councilmember Caswell stated
601 this would be a great way for us to listen to the residents and provide information. Councilmember
602 Israel stated there were a lot of people attending and having a lot of questions and suggestions and
603 stressed that communication and information is important. Councilmember Caswell stated her
604 support of a joint meeting. Ms. Witt noted that the town council meetings used to be held in the
605 Community Center before this building was built, and there was a greater turnout, so if Council
606 wishes to hold a “town hall” at the Community Center, that may be a better venue. Councilmember
607 Caswell stated that she understands now why C4Pi did not post Mr. Israel’s last town hall meeting,
608 because there were inaccuracies that he refused to correct; she stated her belief that C4Pi probably
609 will not post last night’s meeting either because there were a lot of inaccuracies in that one too.
610 Councilmember Israel stated when we Zoomed, everything he said was put out to the public, so
611 everything should be put out to the public, communication is important. Councilmember Caswell
612 stated accuracy is the key.
613

614 She then asked how the town manager came to decide to send the current fire department internal
615 investigations to an out-of-town firm, when residents at the town hall meeting last night stated the
616 fire department always did it; why was this one so special? Ms. Witt stated, it started off as a
617 relatively simple investigation, as we had only two; notice was served of those and there were
618 additional claims that were filed in such a way that our fire department, which was intending to
619 conduct these investigations, could not do so. As Chief Glazier can attest, the police department,
620 which still is not at optimum staffing level and still does not have a full-time investigator, was not
621 able to perform these investigations; she met with the Sheriff’s office, and they declined to take

622 the investigations; she then spoke with a representative with Volusia County Fire, who also
623 declined to take the investigations on. It was not her first choice for an outside investigator but
624 after speaking with the town attorney and the labor attorney, this investigator's name and her firm
625 was brought forward as a viable option; Neither she or Attorney Shepard had ever met her prior to
626 this but Attorney Shepard spoke with her and agreed that she was certainly more than capable of
627 completing the task; and he (Attorney Shepard), under his contract with the town, is able hire an
628 additional attorney to perform an investigation; she (Ms. Witt) cannot do that; but Mr. Shepard
629 was able to and he did. So here we are and hopefully these will be wrapped up very soon. It is
630 important to note that all the complaints in this investigation were initiated by firefighters within
631 the organization, not by management but when you have allegations with the seriousness such as
632 these, you must get them properly investigated. Councilmember Caswell stated she was not asking
633 in any way about the process, speed, or efficiency; she heard from residents who were confused
634 because they did not understand and she did not want to tell them to go back to the March meeting
635 minutes, although it is laid out in those minutes where we talked about it and how we came to the
636 decision to go outside, but she thought it bared repeating because here we are at a May meeting
637 and folks are still asking why we would go outside; and because we could not say anything at the
638 meeting last night, she wanted to make sure it was clear for the citizens and for the record that it
639 was indeed discussed in March and we are clarifying it again tonight, and there is a rhyme and
640 reason for why the decision was made to go outside for this internal audit.

641
642 **D. Councilmember Milano, Seat #4** - Provided an update to the First Step Shelter:
643 82 people have completed the program; 45 residents in shelter (33 have income and 18 have full-
644 time jobs), and 7-8 per day in safe zone; we are not able to get residents placed in permanent
645 housing as well as we used do; there is a Walk-a-thon planned (5/22-5/31) to raise money for the
646 shelter with a goal of \$15,000; if we meet that goal, an anonymous donor has agreed to match it;
647 residents are successful and proud of their accomplishments.

648
649 **E. Mayor Smith, Seat #1** - Stated his support of joint meetings, and suggests
650 department heads and managers attend as well; it would be a publicly noticed meeting; transport
651 issues came up last night - through July (120 days) we have made 177 transports (1 transport every
652 16 hours); the issue of in-town and out-of-town transports YTD: 51% in town transports and 49%
653 out-of-town transports; the rest of the story is that there is one transport every 16 hours, sometimes
654 two; availability is 85%; in the worst-case scenario if we are out of town and EVAC has to come
655 to town, that is exactly how it was before we reached the agreement with the County and the
656 number of times EVAC has had to transport for the town, you can count on one hand; the other
657 issue that came up last night was over term limits and Lois and I changing seats. It was my decision,
658 I have been Mayor for ten years, and I have asked Ms. Paritsky to take on many of the Mayor's
659 duties on behalf of the town, including representing the town on the Volusia League of Cities, the
660 FL League of Cities, in Tallahassee, and in Washington, DC and it is time to reward and
661 acknowledge Ms. Paritsky for all she has done for the town.

662
663 Mayor Smith moved to extend the meeting time by five minutes; seconded by Vice-Mayor Paritsky;
664 motion PASSED 5-0, consensus.

665
666 **15. FROM THE TOWN MANAGER** – Ms. Witt noted that Vice-Mayor Paritsky has been
667 selected again by the Florida League of Cities as a Home Rule Hero; at the May 27th Volusia
668 League of Cities meeting, she will be given that award; she reviewed the calendar of events; and
669 the election qualifying dates are June 1st at 9:00 AM to June 11th at noon.

670

671 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard noted that HB1 Combating
672 Public Disorder, has been signed and is in effect; which is in response to protests and riots that
673 occurred over last summer; it places a duty on local governments and waives sovereign immunity
674 for inappropriate response, which is concerning because no one has defined “inappropriate
675 response”. The Bert-Harris Act, the bill notice has been shortened from 150 days to 90 days; and
676 based on current law, a claim by the property owner brought within one year, even if they never
677 filed for anything. Attorney Shepard noted that the town won its case in large part because of
678 having never received an application, so they should be able to see that this new bill will be
679 problematic going forward for all government agencies.

680

681 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 10:07 p.m.

682

683 Respectfully submitted by:

684

685

686 _____
Jeaneen Witt, CMC, Town Manager/Town Clerk

687 Peg Hunt, Assistant Deputy Clerk