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Town of Ponce Inlet
**CULTURAL SERVICES, HISTORIC PRESERVATION
AND TREE ADVISORY BOARD**
REGULAR MEETING MINUTES
June 1, 2020

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chairperson Bell called the meeting to Order at 5:30 PM in the Council Chambers, located at 4300 S. Atlantic Avenue, Ponce Inlet, Florida and led attendees in the Pledge of Allegiance.

2. **ROLL CALL & DETERMINATION OF QUORUM:** A quorum was established with seven members present.

Board members present:

Ms. LaBarre, Seat 1

Ms. Harris, Seat 2

Mr. Shaffer, Seat 3

Ms. Finch, Seat 4

Ms. Bell, Seat 5

Ms. Keese, Alternate 1

Mr. Patton, Alternate 2

Staff members present:

Ms. Hugler, Administrative Assistant (Moderator)

Ms. French, Cultural Services Manager

Mr. Disher, Assistant Director, Planning & Development

Sgt. Rudd, Ponce Inlet Police Department

3. **ADOPTION OF AGENDA:** Chairperson Bell asked if there were any changes to the agenda; there were none.

Ms. Finch moved to adopt the agenda as amended; seconded by Ms. LaBarre. The motion carried.

4. **DISCLOSURE OF EX-PARTE COMMUNICATION:** None.

5. **ADMINISTERING THE OATH TO WITNESSES:** None.

6. **APPROVAL OF MINUTES:**

A. **May 4, 2020 regular meeting minutes** – Chairperson Bell asked if there were any changes; Ms. Keese requested a strikethrough of “Ms. Keese added that some of the sidewalk areas on Atlantic Ave. require repair due to erosion.” on page 3, line 114.

Ms. Finch moved to approve the May 4, 2020 meeting minutes as amended; seconded by Mr. Shaffer. The motion PASSED 5-0, by Consensus.

7. **REPORT OF STAFF:**

A. **Cultural Services** – Ms. French reported that the tennis court resurfacing project at Timothy Pollard Memorial Park is underway and completion is weather dependent. She also provided that

49 the playground for Davies Lighthouse Park should be installed within the next few weeks. She updated the
50 board that Town facilities have reopened on June 1st with normal hours but limited occupancy. Cultural
51 Services Department observed reopening at the museum, all playgrounds and athletic courts.

52
53 Chairperson Bell stated appreciation for updates on closures from staff through the Ponce Inlet email
54 reminders.

55
56 **8. CORRESPONDENCE & COMMUNICATIONS:** None.

57
58 **9. OLD BUSINESS:** None.

59
60 **10. NEW BUSINESS:**

61 **A. Elbers Park and Front Street right-of-way** – Mr. Disher provided an overview of a
62 survey of Elbers Sunset Park as well as the right-of-way for Front Street that leads to the park. He stated
63 that the survey displays that the park begins at the end of the street pavement and extends up into a small
64 triangle that is part of Elbers Minor subdivision. He stated that this property was donated to the Town by
65 Mr. and Mrs. Elbers with a Quit-Claim deed under the condition that the property be used for municipal
66 purposes. He commented that if these conditions cease, the property will revert to the Owner of Lot 4 of
67 the subdivision.

68
69 Mr. Shaffer asked if the survey is located at the pin in front of the wooden posts. Mr. Disher stated this pin
70 is within the right-of-way of Front Street. Mr. Shaffer asked how far into the river does the property extend.
71 Mr. Disher stated the property does not extend into the river. Mr. Shaffer asked if the property includes the
72 cement and rip-rap revetment along the shore. Mr. Disher stated it does not appear to show that this portion
73 is included in the survey which was attached to the deed.

74
75 Mr. Shaffer asked to confirm if the riverside right-of-way extends to 16 feet. Mr. Disher confirmed and
76 added that there is a total of 40 feet of right-of-way and that the pavement is on the eastern half. Mr. Shaffer
77 noted there are “no parking” signs along Front Street near the park except on the west side and asked for
78 clarification if visitors can then park on the west side. Mr. Disher commented that technically the west side
79 is available for parking, but only allowed to the extent that parking would not interfere with business activity
80 on either side. He stated that the business on Front Street has the same owner on both sides of the road and
81 often requires crossing both sides to maintain their business. He stated that no one can park in a manner
82 that blocks access to other property. Mr. Shaffer noted his concern of liability regarding the rip rap along
83 the shoreline in front of the park and asked if this is within the park boundaries. Chairperson Bell stated it
84 could be a great high school project for a living shoreline in this area. Mr. Shaffer suggested it would be
85 ideal area for a kayak launch. The Board confirmed there are also many people who fish at this park.

86
87 Ms. LaBarre stated that with many people enjoying this park, there could be many improvements done
88 without spending much money. She asked if placing two parking spots is possible without interfering with
89 the business. Mr. Disher stated these are suggestions staff would have to investigate. Ms. LaBarre asked if
90 staff could also determine if the dumpster is within the park boundary and if it could be removed.

91
92 Mr. Shaffer stated that signage should also be added with angled parking. Ms. Finch added that this is a
93 pocket park, and like many others, are meant as access by walking or biking to. She stated her concern is
94 with a “road closed” sign she has seen on Front Street that limits access to the park. Mr. Disher stated that
95 the property owner did try to close the road with a sign such as this. Staff informed the property owner they
96 did not have the ability to place this sign up.

97
98 Chairperson Bell opened public comment-

99 Ed Davis- 4871 Sailfish Drive, noted that over 15 years ago, the Town's Planning Department created
100 drawings of plans for Elbers Sunset Park. He stated that the park is a beautiful spot during sunset and is
101 well used. He noted many people visit the park and he that hopes the Board has some good ideas in making
102 the park more accessible. He mentioned there was an agreement a few years back between the Town and
103 the boat yard to temporarily close the road when moving boats across the road. He inquired if exhibit A
104 was an official survey as he notes some discrepancies between the aerial photo and the survey. Mr. Disher
105 noted that the illustrations on the aerial photograph were drawn by him and it is not to scale. He stated the
106 survey was official and only a portion was included in the staff report. Mr. Disher stated that both shaded
107 portions are within the right-of-way of Front Street. Mr. Davis pointed out that there is a corner where the
108 wall meets that is not accurately stated in the survey and asked if some of the paved road was out of the
109 right-of-way. Mr. Disher stated that this is the survey that is on file and would need to verify what year this
110 survey was done. He thanked Mr. Davis for pointing out any inaccuracies and stated if wall or road has
111 shifted, a new survey would need to be done. Mr. Shaffer referenced a pin on the riverside of the road near
112 wooden pilings in the photograph on page 2 of the staff report. He requested that staff investigate if this is
113 the site survey point. Mr. Davis commented that there should be clarification on the survey where the right-
114 of-way is and where accessibility is for the property owner. Greg Gantt- 33 Coastal Oaks Circle, asked the
115 Board to request a new survey of Elbers Park be done to provide improvements and to plan for the park.
116 He stated it should be done as fast as possible for two reasons. The first being due to erosion as there is
117 already noticeable erosion near the footer of the wall as hurricane season approaches. The second reason
118 he mentioned is that improvements could be done in areas where mangroves are not growing, such as a
119 fishing area or dock to throw a line off more safely and still let the mangrove grow. Chairperson Bell closed
120 public comment. Chairperson Bell asked if requesting a survey for this park is something that can be
121 submitted to the Town budget. Mr. Disher stated that budget requests are being submitted by staff currently.

122
123 Mr. Shaffer moved to take a proper survey of that property and look into the future of fixing that park up to
124 make it more accessible and also less dangerous and was seconded by Ms. Harris. Chairperson Bell asked
125 to discuss including this into a budget request. Ms. LaBarre proposed an amended motion to include a
126 budget request of a proper survey of that property and look into the future of fixing that park up to make it
127 more accessible and also less dangerous and was seconded by Mr. Shaffer. The motion PASSED 5-0, with
128 the following vote: Ms. LaBarre - yes; Ms. Harris - yes, Mr. Shaffer - yes; Ms. Finch - yes; Ms. Bell – yes.

129
130 **B. South Peninsula Drive: Right-of-Way widths, bike path project update, and speed**
131 **limit study** – Mr. Disher noted that he and Ms. French worked together on this report and that he would
132 discuss the right-of-way widths and bike path project updates. He stated that all along South Peninsula, the
133 width of the right-of-way varies. He reviewed that the bike path project would widen portions of the existing
134 sidewalk throughout town to 8 feet as recommended by the bike and pedestrian master plan from 2017.
135 Mr. Disher reviewed the process of this project included a feasibility study followed by design and
136 construction. He noted the feasibility study was completed in 2018 and the Town recently applied for
137 funding for design and construction. He commented that without an in-house engineering staff that have
138 worked on federalized projects, the Town is working with Volusia County for this requirement. He stated
139 that although this agreement is not yet official, Volusia County would serve as the engineer consultant on
140 this project. He stated the portion of the sidewalk in front of Pollard Park has already been built and Town
141 Council has approved the sidewalk at Davies Lighthouse Park to be the next portion addressed later this
142 year. The remaining portion of this project is dependent on Volusia County based on the requirements of
143 this federalized process. Chairperson Bell commented that the width of the sidewalk in front of Pollard Park
144 is nice. Mr. Shaffer asked if there will be laws and ordinances about shrubbery extending on the sidewalk
145 that will apply once this project is complete. Mr. Disher confirmed and stated that there are laws and
146 ordinances for all sidewalks, and that it is the property owner's responsibility to maintain their shrubbery.
147 The Town's code enforcement officer sends out reminders to residents that are out of code. Chairperson
148 Bell asked if people report to the Town a section of the right-of-way to be cleared and Mr. Disher confirmed,
149 and that Code Enforcement Officer, Dave Hooker, would be the contact regarding this for all sidewalks on

150 public property. Chairperson Bell opened public comment - Mark Oebbecke- 4758 South Peninsula Drive,
151 asked if Town Council approved the design and construction of the sidewalk project. Mr. Disher stated the
152 design has not been approved because it has not yet been designed. He stated Town Council approved a
153 sidewalk route through Davies Lighthouse Park. Mr. Oebbecke asked what accidents have occurred along
154 South Peninsula that would cause concerns regarding safety within the feasibility study. Chairperson Bell
155 stated that with this being an advisory board, the Ponce Inlet Police Department would be the best resource
156 for accident reports along that road, but that general safety concerns of the proximity of sidewalks to the
157 road were why it was brought to this Board last month. Mr. Disher stated that the sidewalk would be
158 designed through federal requirements that would address safety concerns to prevent future accidents. Mr.
159 Oebbecke asked what notifications went out to the property owners along South Peninsula regarding the
160 feasibility study as well as if any feedback was solicited. Chairperson Bell stated she does not recall if these
161 went out to property owners but agreed that stakeholder involvement is needed for this process. She stated
162 it might be within the Town's process since the design has not been made. Mr. Oebbecke asked if property
163 owners were notified. Mr. Disher commented that both the bicycle and pedestrian master plan and the
164 feasibility study were presented to Town Council both in 2017 and 2018 respectfully. He stated that
165 notifications of these meetings are posted by means of the Town Council agenda. He stated as this project
166 continues with design and construction, notifications will be made. Ms. LaBarre asked if the design includes
167 taking any private property, which Mr. Disher confirmed that this study is for the Town right-of-way and
168 there will not be any taking of private property. Mr. Oebbecke referred to the feasibility study and how it
169 would impact the property owners. Chairperson Bell appreciated property owner involvement and
170 suggested staff consider involvement as the project moves ahead. Mr. Disher stated that people contact the
171 Town with concerns and offered his business card. Mr. Shaffer asked if the street pavement along South
172 Peninsula is 24 feet. Mr. Disher commented that it could vary depending on design and that right-of-way
173 would vary as well. Chairperson Bell closed public comment.

174
175 Ms. French reviewed two speed compliance surveys completed by Ponce Inlet Police Department in May.
176 She stated that the survey assesses speed within a given area based on the observed speed at the 85th
177 percentile, which is considered the safest speed that 85% of drivers are driving at or below on rural two-
178 lane highways. She reviewed the findings of all three speed compliance surveys done by the Police
179 Department since 2011 along the 4800 and 4600 blocks of South Peninsula. She concluded that utilizing
180 the 85th percentile method, the areas surveyed along South Peninsula are considered to have appropriate
181 speed limits. She stated that speed surveys are required for speeds under 25 miles per hour, but that a
182 governing body may consider reducing speed to 30 miles per hour without a speed study. Mr. Shaffer asked
183 if there was a visibility study done with the presented speed compliance studies as it relates to visibility
184 approaching South Peninsula from driveways. He stated that Wilbur-By-The-Sea has a speed limit of 30
185 miles per hour along South Peninsula. He stated his concern is with the proximity of parks Ponce Inlet has
186 along that road with small children visiting and that it should be reduced to 30 miles per hour. He requested
187 staff include a visibility study along South Peninsula. Ms. Harris stated that South Peninsula Drive have
188 signs that state the road is for residential use to direct vehicles to A1A that wish to drive at a faster posted
189 speed. Chairperson Bell commented she views the speed limit as an enforcement issue rather than a
190 reduction of speed. Ms. Finch and Ms. Keese agreed with Chairperson Bell's statement. Ms. Finch
191 referenced that the survey showed there were not many vehicles speeding. She stated that she is also
192 concerned about the bicycles but suggested that there be some bike safety or rules to address these concerns
193 along with enforcement of drivers speeding.

194
195 Chairperson Bell opened public comment-
196 Mark Oebbecke- 4758 South Peninsula Drive, stated that the feasibility study highlighted safety as an
197 objective in improvements along South Peninsula. He stated that there is 25 mile per hour posted speed
198 limit south of Inlet Harbor Road and suggested this be the posted speed limit to the north as well. He stated
199 that regarding bicyclists, pedestrians and residents, reduction of the speed limit along South Peninsula

200 should be assessed for safety concerns. Ms. Harris mentioned the growth that has occurred in Ponce Inlet
201 since the feasibility study.

202
203 David Israel- 87 Calumet Avenue, stated he is a retired police officer and asked why the posted speed limit
204 of 25 miles per hour does not start earlier than Inlet Harbor Road near Calumet Avenue. He commented
205 that with the concerns already stated, he would like to see the speed limit reduced to at least the fire
206 department.

207
208 Ms. French noted that Sergeant Rudd with the Ponce Inlet Police Department is present at the meeting to
209 address any questions regarding the speed compliance survey as he was the officer who conducted them.
210 She also noted that Town Council can review this and decide on a reduction of the speed limit to 30 miles
211 per hour if that is what the Board advises. Sergeant Rudd stated that in the 23 years he has worked for the
212 Town, he has worked 3 accidents on South Peninsula Drive, one of which was a motorcycle fatality. He
213 stated that the posted speeds have remained the same since he started working here and possibly posted in
214 certain areas because of curving. He stated that enforcing speeds below 30 miles per hour is difficult and
215 that dropping a speed limit below 30 miles per hour requires a speed compliance survey. He stated that the
216 2011 survey suggests raising the speed limit from 35 miles per hour based on the 85th percentile observed
217 speed. He referenced one of the speed compliance surveys that was done on Memorial Day weekend with
218 over 13,000 vehicles. This survey observed the 85th percentile to be one mile over the posted speed limit
219 and therefore would be more difficult to justify lowering below 30 miles per hour. He stated that by Florida
220 State Statute that municipalities are allowed to reduce the speed limit to 30 miles per hour with Town
221 Council approval. He stated that in general, most speed infractions are observed north of Harbor Village
222 Boulevard and about 80% are residents. He stated that within the speed survey that observed 13,000
223 vehicles, 17 were observed at excessive speeding, which was defined as over 60 miles per hour. He
224 commented that this survey radar can pick up excessive speeds from motors like leaf blowers, but most of
225 these numbers mentioned were vehicles excessively speeding. Chairperson Bell stated her appreciation for
226 Sergeant Rudd sharing his knowledge and expertise on the topic with the Board. Ms. Finch asked Sergeant
227 Rudd of his opinion if reducing the speed to 30 miles per hour would resolve the visibility concern. Sergeant
228 Rudd commented that speeding will occur regardless of the posted speed limit. Ms. Keese asked if the
229 flashing radar feedback speed limit sign that resides by Ponce Preserve be rotated along South Peninsula to
230 help slow vehicles down. Sergeant Rudd stated he can move it. He stated that lowering the speed limit is
231 feasible but not guaranteed to slow vehicles down.

232
233 Chairperson Bell opened public comment-

234 Mark Oebbecke- 4758 South Peninsula Drive, asked of the feasibility of adding 4-way stop signs at Harbor
235 Village Boulevard as well as at Alberta Drive to slow down traffic. Sergeant Rudd stated he would have to
236 discuss with Lieutenant Walker and incoming Police Chief. He stated that with new stop signs, warning
237 signs would have to be added as well. Mr. Oebbecke asked if Sergeant Rudd can ask about installing stop
238 signs and Sergeant Rudd stated he would. Mr. Shaffer asked if installing stop signs would have the same
239 effect as reducing the speed limit. Sergeant Rudd commented that stop signs will not guarantee to slow
240 drivers down that wish to drive through them and other drivers that are stopped need to be aware of that as
241 well.

242
243 Don Bramlage- 4754 South Peninsula Drive, stated he agrees that the speed limit should be reduced to 30
244 miles per hour on South Peninsula Drive. Chairperson Bell suggested that stakeholders be involved in the
245 continued discussion of reducing the speed limit within the Town. Ms. Finch stated that this is an advisory
246 board and decisions like reducing the speed limit will have to be brought to Town Council. Chairperson
247 Bell closed public comment and reminded all that the Board welcomes public comment but that for meeting
248 purposes, everyone needs to speak into the microphone.

249

250 Mr. Shaffer moved to bring to Town Council to reduce the speed limit along Peninsula to 30 miles per hour
251 and to do the research before making a decision and was seconded by Ms. LaBarre. Ms. Finch asked to
252 discuss that this be reviewed by Town Council to get stakeholder involvement. Mr. Shaffer proposed an
253 amended motion that Town Council review reducing the speed limit along Peninsula to 30 miles per hour
254 and to do the research before making a decision and was seconded by Ms. LaBarre. The motion PASSED
255 5-0, with the following vote: Ms. LaBarre - yes; Ms. Harris - yes, Mr. Shaffer - yes; Ms. Finch - yes; Ms.
256 Bell – yes.

257
258 **11. PUBLIC PARTICIPATION:**

259 Susan Schamay- 4746 Dixie Drive, stated that her house resides in a tree sanctuary was cut by Aardvark
261 Tree Company. Her neighbor requested the company cut the trees at her property line. She stated that trees
262 were cut and one was cut at the trunk at 12” in diameter 6 feet from ground level. She stated her efforts to
263 get them to stop, but they did not. She stated she called the Town’s code enforcement and was told a permit
264 was not needed because the tree was not cut at the base of the tree. She stated her concern whether she is
265 responsible for removing these trees that will now die. She asked why there are not better regulations for
266 tree cutting services as the Town has a tree city designation. She stated cutting back trees growing over her
267 neighbor’s property should not have led to the death of her trees by being cut at the trunk. She asked that
268 the Town vet tree companies that share the Town’s philosophy in preserving trees where possible. She
269 suggested the Town’s tree ordinances be reviewed to not allow trees to be cut at 6 feet from ground level
270 as well as replacing native trees with native trees. Chairperson Bell wondered if it would be allowed by the
271 Town to vet companies that would have arborists on staff more mindful of the environmental impact. Mr.
272 Disher stated that state law prohibits the Town from recommendations and that they remain a neutral
273 government agency. He stated that tree ordinances have been revised over a span of 6 years by
274 recommendation from Town Council to provide more flexibility. He stated a permit is not required to trim
275 trees and the intent is not to cut trees to the extent to have the trees die. He stated he would get together
276 with Ms. Schamay to learn more. Ms. Keese asked if this company solicited Ms. Schamay. Ms. Schamay
277 stated that she had called the company after cards were left at her door. Mr. Disher stated that the Town
278 does report to the state companies that work without permits, but there needs to be a permit required to
279 report them. Ms. Finch asked about solicitation of companies within the Town. Mr. Disher confirmed that
280 a solicitation permit is required of companies. Ms. Keese asked if distributed cards are considered
281 solicitation. Mr. Disher deferred to the Town attorney on the boundary of what is considered solicitation.
282 Chairperson Bell stated she would like to hear an update on this property and if revisions need to be made
283 to ordinances regarding protection of the trunk of trees. Mr. Disher stated that the base, which is the
284 measurement of a tree trunk, is 4 ½ feet in diameter at breast height. He stated any split above this height
285 is part of the same tree and below would be considered two trees. He stated that the ordinance does not
286 require a permit for trimming trees but not to the extent that it kills the tree. Chairperson Bell stated she
287 saw the pictures and that it is more than trimming. Ms. Schamay stated a tree she is concerned about is cut
288 above 5 feet and is not trimmed. Chairperson Bell closed public participation.

289
290 **12. BOARD DISCUSSION:**

291
292 Mr. Shaffer discussed an old business item of extending the hours at Ponce’s Happy Tails Dog Park with
293 the addition of a light. He stated that with new personnel, he wanted to address the concern if the possibility
294 of installing a light remained and that we discuss this at next month’s meeting. Chairperson Bell stated that
295 the discussion was in regard to the time change. Ms. LaBarre stated that the time change in the Fall might
296 raise the same concerns. She stated that with personnel change at Public Works, low wattage lighting was
297 also going to be looked at. Ms. French stated that this item will be on the next agenda. Ms. Keese stated
298 that there was scheduled maintenance to the dog park, but there are still places in the fence where dogs are
299 escaping from. Chairperson Bell asked if these maintenance notes were lost with change in personnel. Ms.
300 Keese stated that staff should go around the fence to address issues with the fence. She also asked if the

301 sign that states the rules can be moved so that park visitors can talk to one another between the big and
302 small dog parks. Ms. Hugler noted that she was the interim Cultural Services Manager that worked with
303 both Mr. Gunter and Ms. Zengotita on both projects mentioned. She stated that FPL was contacted about
304 the light installation. She stated the possibility of COVID-19 might have delayed FPL coming out to assess.
305 She stated that the interim Public Works General Manager, Mr. Miller, is aware of the issue and is moving
306 forward. She stated that the dog park is in the process of renovations. She commented that many of these
307 plans were placed on hold with parks closing due to COVID-19. She stated that her and Ms. French will
308 meet with Mr. Miller about having the fence repaired as soon as possible. Ms. Keese asked if staff could
309 meet with the group that brought up these concerns about the dog park. Ms. Hugler stated that Ms. French
310 and Mr. Miller will make sure to meet with them to address these concerns.

311
312 Chairperson Bell mentioned that there was discussion during the renovations to Pollard Park about removal
313 and replacement of trees. She mentioned a large area south of the pickleball courts would be a nice area to
314 plant some trees. Mr. Disher commented that the area mentioned is a stormwater retention, which is why
315 there are no trees. Chairperson Bell closed board discussion.

316
317

318 **13. ADJOURNMENT:** Chairperson Bell adjourned the meeting at 7:10 PM.

319

320 Prepared and submitted by:

321

322

323 _____
Jackie French, Cultural Services Manager