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**Town of Ponce Inlet
Town Council
Regular Meeting Minutes
September 17, 2020**

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 6:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. **PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.

3. **ROLL CALL:**

Town Council:

Mayor Smith, Seat #1

Councilmember Milano, Seat #2

Vice-Mayor Hoss, Seat #3

Councilmember Perrone, Seat #4

Councilmember Paritsky, Seat #5

Staff Members Present:

Ms. Cherbano, Human Resource Director/Deputy Clerk

Ms. French, Cultural Services Manager

Chief Glazier, Police Chief

Ms. Hugler, Office Manager

Ms. McColl, Finance Manager

Mr. Miller, Interim Public Works Manager

Chief Scales, Fire Chief

Mr. Shepard, Town Attorney

Mr. Taylor, Deputy Fire Chief

Ms. Witt, Town Manager

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Mayor Smith asked if there were any changes to the agenda. Councilmember Milano requested to add agenda item 13-E, Discussion of proposed FY 21/22 Budget; Vice-Mayor Hoss requested removing item 13-C, Discussion of Ponce Inlet Emergency Reach-Out Program and placing it as a discussion item as agenda item 10-A; agenda items were renumbered and lettered based on changes.

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

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

A. **Presentation from Deputy Fire Chief Taylor in recognition of Fire Prevention Week, October 4-10, 2020.** Deputy Chief Taylor provided a presentation on fire prevention week which is October 4th - 10th. He highlighted fire safety in the kitchen and noted there are several products available for sale to the general public to assist with fire safety and suppression at home.

46 **B. Proclamation recognizing October 2020 as Community Planning Month.**
47 Mayor Smith read the proclamation recognizing October 2020 as Community Planning Month.
48

49 **C. Certificate of appreciation to Reggie Bergeron for his service on the Planning**
50 **Board.** Mr. Bergeron was unable to attend.
51

52 **D. Certificate of appreciation to Stephanie Harris for her service on the Cultural**
53 **Services, Historic Preservation, and Tree Advisory Board.** Mayor Smith read the certificate
54 aloud and presented it to Ms. Harris.
55

56 **6. CONSENT AGENDA:** Mayor Smith asked if there was any item Council would like to
57 remove from the consent agenda or to discuss – hearing none, he asked for public comments –
58 hearing none – he closed public comments.
59

60 **A. Approval of the Town Council regular meeting minutes – August 20, 2020.**
61
62 Councilmember Paritsky moved to approve the Consent Agenda as presented, seconded by Vice-
63 Mayor Hoss. The motion PASSED 5-0, consensus.
64

65 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
66 **MEETING:** None.
67

68 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.
69

70 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**
71

72 **A. Resolution 2020-10, authorizing a final millage rate for fiscal year**
73 **20/21.** Attorney Shepard read the entire resolution into the record, as required by law. A
74 RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA
75 ADOPTING THE FINAL MILLAGE RATE FOR THE LEVYING OF AD VALOREM
76 PROPERTY TAXES FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY
77 WITHIN THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND
78 ENDING SEPTEMBER 30, 2021; STATING THE PERCENTAGE BY WHICH THE MILLAGE
79 TO BE LEVIED IS ABOVE THE ROLLED BACK RATE; PROVIDING FOR
80 SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING
81 FOR AN EFFECTIVE DATE.
82

83 WHEREAS, Florida law requires the Town Council of the Town of Ponce Inlet, Florida, to pass a
84 resolution or ordinance establishing the final millage rate for levying ad valorem property taxes
85 for municipal purposes on all taxable property within the Town limits of the Town of Ponce Inlet,
86 Florida, for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and
87

88 WHEREAS, Florida law requires said resolution or ordinance to state the millage rate to be levied,
89 and also, to state the percentage by which the millage rate to be levied is above the rolled-back
90 rate as computed pursuant to Florida law; and

91 WHEREAS, the Town Council of the Town of Ponce Inlet, Florida, has duly considered the
92 budgetary requirements of the Town and is now acting in accordance with the terms, provisions
93 and procedures contained in Section 200.065, Florida Statutes at this duly advertised public
94 hearing.

95
96 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
97 PONCE INLET, FLORIDA:

98
99 SECTION 1. ADOPTING THE FINAL AD VALOREM PROPERTY TAX MILLAGE RATE

100
101 The final millage rate for the Fiscal Year commencing on October 1, 2020 through September 30,
102 2021 is 5.9 mills, which equals \$5.90 per \$1,000 of assessed valuation for the purpose of raising
103 income in the sum of \$5,600,980.

104
105 SECTION 2. PERCENTAGE BY WHICH THE MILLAGE TO BE LEVIED IS ABOVE THE
106 ROLLED BACK RATE

107
108 The percentage by which this millage rate to be levied is above the rolled-back rate of 5.7359 mills
109 (as computed pursuant to Florida law) is 2.86%.

110
111 SECTION 3. SEVERABILITY

112
113 If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional
114 by any court of competent jurisdiction, that holding in no way affects the remaining portions of
115 this Resolution.

116
117 SECTION 4. CONFLICTING RESOLUTIONS

118
119 All Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

120
121 SECTION 5. EFFECTIVE DATE

122
123 This Resolution shall become effective immediately upon adoption.

124
125 Ms. Witt explained this adoption process in accordance with Truth in Millage requirements
126 (TRIM) and referenced a PowerPoint which included a comparison chart of other local
127 government millage rates.

128
129 Mayor Smith opened public participation - hearing none, he closed public participation.

130
131 Councilmember Paritsky moved to approve Resolution 2020-10 as presented with a millage rate
132 of 5.9 mills, seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote:
133 Councilmember Paritsky - yes; Vice-Mayor Hoss - yes; Mayor Smith - yes; Councilmember Milano
134 - yes; Councilmember Perrone - yes.

135

136 **B. Second reading & adoption of Ordinance 2020-09, adopting the final budget**
137 **for fiscal year 20/21.** Attorney Shepard read the ordinance by title only. AN ORDINANCE OF
138 THE TOWN OF PONCE INLET, FLORIDA INCORPORATING THE FINAL AUDITED
139 BUDGET FOR FISCAL YEAR 2018-2019 WHICH BEGAN ON OCTOBER 1, 2018 AND
140 ENDED ON SEPTEMBER 30, 2019; AMENDING THE BUDGET FOR FISCAL YEAR 2019-
141 2020 WHICH BEGAN ON OCTOBER 1, 2019 AND ENDS ON SEPTEMBER 30, 2020;
142 ADOPTING THE BUDGET FOR FISCAL YEAR 2020-2021 WHICH WILL BEGIN ON
143 OCTOBER 1, 2020 AND ENDS ON SEPTEMBER 30, 2021; PROVIDING FOR
144 SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING
145 FOR AN EFFECTIVE DATE. Ms. Witt provided a summary of the budget and noted that it
146 includes four fiscal years: the final audited budget of FY 18/19, the amended current FY 19/20,
147 the proposed FY 20/21, and a forecast of FY 21/22. The only budget years proposed for adoption
148 are the amended current year and proposed for next year, as the others are for informational
149 purposes. She noted that the town is on track to end this year with just over \$3,000,000 in General
150 Fund reserves, which is 50% or 6 months of reserves per the current policy requiring between three
151 and six months. She reviewed the proposed budget summary. Councilmember Perrone
152 commended Ms. Witt for her preparation and management of the annual budget. Mayor Smith
153 opened public comment - hearing none, he closed public comment.

154
155 Councilmember Paritsky moved to adopt Ordinance 2020-09 amending the budget for FY 19/20
156 and adopting the budget for FY 20/21 as presented, seconded by Vice-Mayor Hoss. The motion
157 PASSED 5-0, with the following vote: Councilmember Paritsky - yes; Vice-Mayor Hoss - yes;
158 Councilmember Milano - yes, Councilmember Perrone - yes; Mayor Smith - yes.

159
160 **C. Second reading & adoption of Ordinance 2020-08, implementing a**
161 **supermajority requirement for any changes to the Land Acquisition & Facility Fund.**
162 Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN OF
163 PONCE INLET, VOLUSIA COUNTY, FLORIDA, AMENDING ARTICLE VII, CHAPTER 2,
164 SECTION 2-322 OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR A
165 SUPERMAJORITY (4/5) VOTE TO AMEND OR WITHDRAW, IN WHOLE OR IN PART,
166 ANY PROVISION, TERM, CONDITION OR SUBSECTION OF SECTION 2-322;
167 PROVIDING FOR CONFLICTING ORDINANCES; CODIFICATION; SEVERABILITY;
168 AND FOR AN EFFECTIVE DATE. Mayor Smith opened public comment - hearing none, he
169 closed public comment.

170
171 Councilmember Paritsky moved to approve Ordinance 2020-08 as presented, seconded by Vice-
172 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky - yes;
173 Vice-Mayor Hoss - yes; Councilmember Perrone - yes; Mayor Smith - yes; Councilmember Milano
174 - yes.

175
176 **10. CITIZENS' PARTICIPATION:** Mayor Smith opened citizen's participation. Council
177 waived the five-minute time limit.

178 **A. Discussion of Ponce Inlet Emergency Reach Out Program -** David Israel, 87
179 Calumet Avenue - asked why Council removed this item from the agenda. Councilmember Milano
180 explained that a member of the Council or staff must place an item on the agenda. He also

181 expressed support for the program concept. Mr. Israel outlined his proposal which he referred to
182 as Council Helping After Significant Emergencies (C.H.A.S.E.) which is designed to assist
183 residents with immediate needs in the event of a fire or other disaster. He explained that the town
184 is unique, and he was therefore unable to provide an example of this program from another
185 municipality. There was discussion regarding the recent fire which left the home uninhabitable.
186 Councilmember Milano stated his support of the idea and added that more research should be done,
187 including any liability issues and the use of taxpayer funds. Councilmember Paritsky noted her
188 support of the idea but referenced comments she received from residents with concerns of
189 dispersing town funds or politicizing someone’s misfortune. Councilmember Milano noted that
190 there is a “Neighbors helping Neighbors” in his condominium complex and the town has a
191 Citizen’s Watch program. He suggested Mr. Israel work with staff to prepare something similar to
192 these types of organizations. Mayor Smith closed public comment.

193 Ms. Witt stated the public safety staff will work with Mr. Israel to bring forth a proposal in
194 November when he takes office.

195

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

197

198 **A. Resolution 2020-11, accepting the results of the Town’s General Election held**
199 **on August 18, 2020.** Attorney Shepard read the resolution by title only. A RESOLUTION OF
200 THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, ACCEPTING THE
201 RESULTS OF THE AUGUST 18, 2020 ELECTION AS CANVASSED BY THE VOLUSIA
202 COUNTY CANVASSING BOARD, AND PROVIDING AN EFFECTIVE DATE. Ms. Witt
203 stated that the purpose of this resolution is for consistent recordkeeping and permanent retention
204 in reference to election results, as they have already been certified by the Canvassing Board
205 pursuant to state law. Mayor Smith opened public participation - hearing none, he closed public
206 participation.

207

208 Councilmember Paritsky moved to approve Resolution 2020-11 as presented; seconded by Vice-
209 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes;
210 Vice-Mayor Hoss – yes; Councilmember Perrone – yes; Councilmember Milano – yes Mayor
211 Smith – yes.

212

213 **B. Resolution 2020-12, authorizing certain amendments to the Town’s**
214 **Employee Rules, Regulations, and Benefits policy.** Attorney Shepard read the resolution by title
215 only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,
216 FLORIDA ADOPTING REVISIONS TO THE EMPLOYEE RULES, REGULATIONS, AND
217 BENEFITS IN ACCORDANCE WITH THE TOWN CHARTER, SECTION 4.06; PROVIDING
218 FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND
219 PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt stated in May 2019 a comprehensive update
220 was done to the town’s personnel rules and regulations book, creating the Employee Rules,
221 Regulations, and Benefits Policy. She noted that since that time, there have been some typos,
222 grammatical errors, and a few things they felt should be considered, as well as Council’s recent
223 authorization to provide an annual pay adjustment in lieu of the current merit system. She reviewed
224 her memorandum outlining the proposed changes: page 15 - require employees charged with a
225 criminal offense to promptly notify their department head; page 22 - eliminate the specific

226 reference to sexual harassment as this applies to all forms of harassment; page 23 - grammatical
227 correction; page 24 - allow for internal promotion of candidates without external advertisement
228 when deemed appropriate by department head and town manager; page 27 - allow for the hiring
229 of exempt employees at up to 40% above the minimum of pay grade; page 27 - provide for annual
230 pay adjustment contingent upon approval in each budget; page 33 - grammatical correction; page
231 36 - eliminate reference to the merit system; pages 37-39 - correct the leave progression categories
232 for 5 years in each; page 43 - correct title reference for award leave; page 57 - dental & vision
233 would be the same as health coverage regarding compensation with proof of insurance and this
234 would be at 100% for department heads; page 74 - require immediate reporting of any accidents
235 involving a town vehicle; page 81 - require immediate reporting of any damage or loss of town
236 equipment. She noted that upon adoption, this document becomes effective immediately for
237 general employees but is subject to the collective bargaining process for employees within a
238 collective bargaining unit. Currently the fire union remains on the 2011 Employee Rules &
239 Regulations Manual because they did not accept the 2019 version. Councilmember Milano stated
240 that the town offers a good benefits package and believes this helps with our retention. Ms. Witt
241 agreed. Mayor Smith opened public participation.

242
243 Derek George, President IAFF Local 4140 stated there are a few items in the new policies and
244 procedures manual that the Union wishes to bring to Council's attention, as General employees do
245 not have an opportunity to comment on this manual; and the Union received it out of obligation to
246 bargain he felt he was speaking on behalf of the General employees as well. He stated the fire
247 department is currently under the 2011 town manual and in that manual there was a different theme
248 of management - back then, it was more of a democratic/participatory management, adding that it
249 seemed to be enjoyed by all; the new manual has evolved to a different style of management, not
250 sure if intended or not, but now it is more autocratic and authoritative. He stated concern that
251 employees who are promoted or transferred, are placed on probation and during that probationary
252 period, can be terminated without cause, and their firing is not subject to this Council's review;
253 under the 2011 manual, it would be. Ms. Witt stated it appears Mr. George has a list of items, to
254 which she has not been given through the collective bargaining process and wanted to ensure we
255 were not entering into ULP here. Mr. George interrupted stating that he was not bargaining.
256 Referencing Mr. George's statement regarding promotional probation, Ms. Witt stated that in the
257 2011 version of the manual, employees who are promoted are placed on probation for six months
258 the same as this manual and that has been the practice since at least 2005. Mr. George stated it did
259 not include transfers (Editor's note: the 2011 version did include probation for transfers as well).
260 Ms. Witt stated the fire Union was given a copy of the proposed manual in February 2019 and this
261 is the first time she has received feedback from them on it; not as part of the collective bargaining
262 process. Mr. George stated he just recently received this manual. Ms. Witt stated this proposed
263 update on the table for discussion includes only the proposed changes as she read into the record;
264 the original version was provided to the Union a year and a half ago which is what he has
265 referenced so far. Mr. George asked if Ms. Witt was suggesting that he cannot address the
266 audience? Ms. Witt responded that she is stating that if this is an attempt to usurp the collective
267 bargaining process - this is inappropriate. Mr. George stated this is not an attempt at all to do that.
268 Ms. Witt stated that Mr. George should address only the changes that are proposed tonight for
269 discussion. Mr. George referenced the "reduction in workforce" stating language has been added
270 that the Town Manager can do this for any reason as determined by the Manager. Ms. Witt stated
271 "reduction in workforce" is not an item proposed for tonight's discussion. There was a brief

272 discussion regarding the version Mr. George was using; noting that page numbers did not
273 correspond with the version Council was reading. Ms. Witt provided Mr. George with her
274 memorandum outlining the specific changes page by page. Mr. George noted that the version he
275 had did not align with these page numbers. Ms. Witt stated she provided the correct version via
276 email and that perhaps Mr. George may have confused the version emailed to him in 2019 and this
277 version. Mr. George offered his version to Ms. Witt to confirm it was the same as hers; she agreed
278 to review it and determined that his version was not that which she sent him for this update
279 (Editor’s note: the following day, Ms. Witt confirmed that she had in fact sent the correct document
280 to Mr. George and that any confusion regarding the one he referenced was on his part. The
281 information was sent to the Council and Mr. George.). Ms. Witt asked Ms. Cherbano to make a
282 copy of Mr. George’s document for the record. Mr. George expressed suspicion of “trickery” for
283 his document being copied, adding that it was not intended to be copied as it contains union notes.
284 Ms. Witt replied to Mr. George that he submitted it to her for review at this meeting, asking her to
285 look at it and that makes it a public record of the meeting for which she is required to maintain a
286 copy. She offered to go through the proposed changes on the table for this meeting again, one by
287 one, and Mr. George could comment on each of those proposed changes. Councilmember Perrone
288 asked if this should be “tabled” to the next meeting. Ms. Witt replied that this book does not apply
289 to Local 4140, as they still have a collective bargaining process to go through with the town and
290 provide comments. Councilmember Perrone asked if every employee will receive a copy of the
291 approved manual. Ms. Witt stated yes - Councilmember Perrone asked if employees acknowledge
292 receipt of the manual - Ms. Witt stated yes, and she has received appreciation from general
293 employees on the revised manual which was approved May 2019 as employees appreciate the
294 benefits package; the only corrective feedback were two suggestions that the former police union
295 requested and those were incorporated into it before it was adopted. She has never heard anyone
296 refer to the manual as autocratic in nature. Mayor Smith clarified that the fire Union has never
297 accepted the May 16, 2019 version - Ms. Witt stated correct, they are still under the 2011 version.
298 Mayor Smith stated, then this document would be subject to the collective bargaining process at a
299 bargaining session, and any action Council takes tonight will have no bearing on fire union
300 personnel. Ms. Witt responded that was correct. Mayor Smith stated to Mr. George that if you have
301 not accepted the 2019 version, why are you worried about this one? Mr. George stated that with
302 this manual and the version before, a lot of the authority has been taken away from the Council,
303 for example, if an accusation is brought forth of a hostile or intimidating workplace, it used to have
304 the ability to be brought before Council. Mayor Smith stated his understanding that other
305 employees are receiving benefits that the fire Union employees are not getting by not accepting
306 the updated manual; and expressed confusion as to why the Union is picking apart a manual that
307 does not apply to it until it has been negotiated and the Union does not seem fit to accept what
308 other employees are under from the first version. Mr. George stated that this could apply to them
309 if the Union choses to simply accept it. He stated it was his belief that Council was seeking input
310 on the employee manual. Councilmember Milano stated just the items that the Town Manager is
311 proposing to change tonight are the only items on the table for discussion. Mr. George referenced
312 the health insurance program and encouraged Council to consider offering all employees 100%
313 reimbursement for opting out of the insurance, rather than just the department heads or leave it at
314 50% reimbursement for all employees. Ms. Witt noted that this is one of the items that is proposed
315 to be changed and appropriately addressed. Councilmember Milano stated to Attorney Shepard,
316 this may sound dumb, but it sounds like we are negotiating. Attorney Shepard stated it appears we
317 are trying to determine “who is on first”; he continued by stating that the town would absolutely

318 not waive filing a ULP charge against Mr. George and the Union. Ms. Witt stated that regarding
319 Mr. George's last point, if Council wishes to leave the reimbursement at 50%, it would be better
320 for the Town than offering 100% to everyone. She explained how the number of participants
321 affects insurance premium costs so it is important to protect the size of the group; for department
322 heads, this is a tool that can be used during the hiring process as they often seek individuals for
323 these types of positions that may have this retirement benefit before they come here and it could
324 be detrimental to them in the long-term to give that up to accept our plan. They do not need to
325 have this in the book though, as Council approves department head hiring individually and could
326 include that on a case-by-case basis. Councilmember Milano stated this is a great plan and gave
327 an example from his experience. Councilmember Perrone agreed stating that this is very generous.
328 Ms. Witt stated yes, and the town is the only municipality that provides even the 50% benefit.
329 Mayor Smith stated we are a group with Florida Health Care and what we do can affect group
330 premium rates. Councilmember Perrone clarified that the Union must bargain this benefit and it is
331 possible that they could have different terms than other employees. Ms. Witt stated yes, and that
332 here is not the appropriate place for that. Attorney Shepard suggested allowing Mr. George to
333 continue and then Council can discuss at the end. Mr. George asked Ms. Witt to confirm that
334 nothing in this manual or the 2019 version apply to the fire Union employees. Ms. Witt stated that
335 is correct. Councilmember Milano asked Ms. Witt what date the Union and town last met. Ms.
336 Witt stated last summer; and the last item for their consideration was the 2019 manual and the
337 Town has been waiting for them on this.

338
339 David Israel, 87 Calumet Avenue, stated he had concerns with general employees receiving 50%
340 reimbursement for premium costs and management receiving 100% adding that can create a hostile
341 environment. He asked Ms. Witt how many employees participate in the opt-out program? Ms.
342 Witt stated currently five for 50% and one in management approved at 100%; all are required to
343 provide proof of other insurance. Mayor Smith closed public participation.

344
345 Councilmember Paritsky moved to approve Resolution 2020-12 as amended: to include the
346 addendum for page 27, section 4.01 - C signing bonus and on page 57, exclude the modification
347 to provide the option of the 100% health insurance premium reimbursement for department heads,
348 which can be considered on a case-by-case basis; seconded by Vice-Mayor Hoss. The motion
349 PASSED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes;
350 Councilmember Perrone – yes; Councilmember Milano – yes Mayor Smith – yes.

351
352 **12. OLD BUSINESS:** None.

353
354 **13. NEW BUSINESS:**

355
356 **A. Consideration of the appointment of Jeff Miller as the Town's Public Works**
357 **Manager.** Ms. Witt read her recommendation into the record, noting that Mr. Miller has been an
358 employee since 1992 and Acting Public Works Manager since April 27, 2020. She noted he has
359 approached each matter with integrity and professionalism. She stated he was able to determine
360 the best UV lighting for air sanitization; and has a professional working arrangement with the City
361 of Port Orange. She stated it is her great pleasure to ask Council's approval of Mr. Miller's
362 appointment with an effective date of September 13, 2020. Mayor Smith commented that Mr.

363 Miller had the lighting fixed on the basketball court in less than a day. Mayor Smith opened public
364 comment.

365
366 John Brooks, 4712 Dixie Drive stated that there is a palpable difference in the morale of public
367 works employees and noted it is directly because of Mr. Miller.

368
369 Derek George, President IAFF 4140 stated Mr. Miller is one of the most amazing, dedicated, and
370 hardworking employees he's ever worked with.

371
372 Mr. DiCarlo, 32 Caribbean Way stated that Mr. Miller has always been responsive to needs and
373 has a great attitude. Mayor Smith closed public comment.

374
375 Councilmember Paritsky moved to approve the appointment of Jeff Miller as the Town's Public
376 Works Manager with an effective date of September 13, 2020; seconded by Vice-Mayor Hoss. The
377 motion PASSED 5-0 consensus.

378
379 Mr. Miller thanked the Council and Town Manager for their consideration and appointment,
380 vowing to work with all citizens and employees and will continue to make them proud.

381
382 **B. Discussion of Special Events during the COVID-19 pandemic.** Mayor Smith
383 noted that there is no uniform policy for the hosting of events. Ms. French stated staff is requesting
384 direction on how to proceed with special events in the coming months (town events, town-
385 sponsored, co-sponsored and private events). She noted that volunteers have left the museum and
386 schools are facing numerous challenges; adding that social distancing guidelines have negatively
387 impacted events. She discussed the possibility of hosting virtual programs, noting that there have
388 been a couple events which went very well. Staff is requesting Council's guidance specifically
389 regarding events for Veterans Day, Halloween Party, 5K Race, and Christmas. She explained the
390 "trunk or treat" event, in which cars are decorated and children go trunk to trunk. Ms. French noted
391 that a challenge is finding volunteers and keeping participants safe. Chief Scales provided
392 information from the CDC, outlining its guidelines for holding events (less than 50; some are less
393 than 10). He noted that there are challenges to bringing people together and trying to return to
394 normalcy; adding that it is difficult to enforce the guidelines, especially when the town's events
395 normally attract more than 50 participants. Councilmember Perrone asked if Chief Scales was
396 recommending that all events be cancelled. Chief Scales stated he is not making a
397 recommendation, he is informing Council that it will be difficult to enforce the numbers in
398 attendance and as other municipalities cancel their events, the problem in town could be
399 exacerbated. Councilmember Milano noted that the infection rate in Volusia County is under 7%
400 and asked if it would be possible to hold certain events or if Council should cancel them entirely.
401 Councilmember Perrone added that the population changes with bike week and the snowbirds
402 begin as they come back. Ms. Witt suggested that Council discuss the Children's Halloween party
403 and the Veterans Ceremony to allow for necessary preparations, perhaps delaying Christmas event
404 discussions if they didn't feel ready to at this time. Mayor Smith stated he believes the Veterans
405 Association is planning for its November event, recognizing that its easier to cancel than to
406 organize at the last minute. Regarding the Halloween Party, Ms. Witt suggested that if they do
407 proceed with something that the haunted hayride event should be cancelled this year. Regarding
408 the 5K race, Ms. Witt stated that they could require pre-registration with no on-site registration

409 permitted and limit the number of participants. Ms. French asked how we should respond to
410 attendees who do not wear a mask; all agreed that masks could be a requirement for attendance at
411 town events and a condition of the permit. Councilmember Paritsky expressed concerns with
412 enforcing social distancing guidelines. Ms. Witt stated the trunk or treat event has become
413 increasingly popular and staff could attempt to put together an activity that would properly observe
414 the guidelines. Mayor Smith opened public comment.

415
416 Jim Hinson, 4745 S. Atlantic Avenue reported the Pancake Breakfast with Santa has been
417 cancelled; the Veterans Day and Christmas Parade events are still on track to be held. Mayor Smith
418 noted that the problem is there are hundreds of people who attend some of these events.
419 Councilmember Perrone asked if the town could hold an event with more than 50 people in
420 attendance so long as social distancing is observed. Chief Scales stated yes, but the problem is
421 with groups gathering before or after these events. Bob McLaughlin stated it is possible to set-up
422 the park with no more than 50 to a group; the problem is getting the 300 or more attendees into
423 the park while keeping social distancing requirements. He noted that the social distancing
424 requirements do not apply to family members living together, so that will help with setting up the
425 park.

426
427 David Israel, 87 Calumet Avenue stated that the Christmas parade is a family event and sees no
428 reason why that event should not be held. Councilmember Milano stated that large groups gather
429 to watch the parade. Mr. Israel stated that we can have up to 50 and feels it should proceed.

430
431 Mayor Smith closed public comment. He noted that there have been 23 confirmed COVID cases
432 in Ponce Inlet and hopes to see that number decrease. Ms. Witt confirmed that Council is amenable
433 with hosting the Christmas Parade, but will re-evaluate at the October meeting based on COVID
434 case numbers. Council will also discuss the Veterans Day event at the October meeting. In the
435 meantime, staff will plan for something for Halloween that observes the CDC guidelines, with
436 masks required. Ms. French asked about private special events, such as the Operation Changing
437 Lives 5K. Ms. Witt stated the application must be presented to Council at its October meeting, and
438 the applicant must provide a detailed plan on how they plan to adhere to CDC guidelines.

439
440 Council authorized staff to organize a Halloween event similar to Trunk or Treat, canceled the
441 traditional Halloween party; will consider Veterans Day, Operation Changing Lives-5K, and the
442 Christmas parade at its October meeting, and will mandate masks be worn by all attendees for
443 any approved town-sponsored and co-sponsored event.

444
445 ~~C.—Discussion of Ponce Inlet Emergency Reach-out Program.~~ Moved to item 10-A
446 under Citizens' Participation.

447
448 **C.D. Consideration of the creation of a Public Safety Advisory Board.**
449 Councilmember Paritsky reviewed her memorandum, outlining the purpose of the Board would
450 be to assist the Council in its decisions relating to public safety issues, and establishing criteria for
451 membership. She stated that the Board would consist of a resident with a background in
452 firefighting, a resident with a background in law enforcement, a financial professional, and two
453 lay persons. Council discussed and agreed that seats should be designated to a specific expertise.

454

455 Ms. Witt stated that she likens this to a Strategic Planning Board and recommended Public Works
456 be included as there are more strategic planning projects in public works than any other
457 department, with currently no board to advise upon: the town's sewer master plan, discussion of
458 underground utilities, sidewalk improvements, town facilities, etc. Mayor Smith noted this would
459 be another helpful venue for citizen input and suggestions.

460

461 Mayor Smith opened public participation.

462

463 Derek George, President Local 4140 and lifetime member of the Ponce Inlet Volunteer Firefighters
464 Association stated he was unaware of any of these boards existing in Volusia County, so he met
465 with Ms. Paritsky and did some research. He stated he reviewed three years of meeting minutes of
466 the Village of Biscayne Park and they discussed speed tables, FPL, moving streetlights, and
467 sidewalks; they did not discuss anything related to fire operations, fire equipment, policies,
468 transport issues, operational issues, etc. And three out of the four departments referenced in
469 Councilmember Paritsky's report do not have their own Fire or Police Departments. He noted that
470 Wilbur would benefit from something like this as they contract with Daytona Beach Shores for
471 fire/EMS services. He stated that it appears the intent behind a board such as this is to make sure
472 that the contract services you are providing or are purchasing from another organization, are
473 meeting the needs of the community and its citizens. He stated he was unable to find any technical
474 "stuff" or recommendations, adding that we have experts in our field who drive the equipment,
475 put the safety equipment on and do the EMS protocols. He stated that the reason they do not
476 support this board with its current structure is because your technical experts are not allowed to sit
477 on the board. He provided an analogy of "cooks in the kitchen". He stated his preference is to be
478 left off the board and be allowed to speak with the commissioners and the fire chief.
479 Councilmember Paritsky stated she would anticipate the fire department attending and speaking
480 at these meetings, where ideas and suggestions can be exchanged and by the time the issue reaches
481 Council, the issues would have been well vetted. She stated it is not appropriate to have Union
482 representation on the board - this is about the citizens and learning how much something would
483 cost (equipment, staffing, etc.) and the opportunity to exchange ideas and information. Mr. George
484 stated but citizens do not have the technical experience. Councilmember Paritsky agreed and added
485 that this is why you would want to have a board where everyone can offer input and comment, and
486 not be limited by time, to exchange information and be properly vetted before reaching Council.
487 Then Council will know that everyone has had an opportunity to participate and we will know
488 what resident's opinions were before Council is tasked with deciding a certain matter. Mr. George
489 stated it might be a good idea to have a seat at the table, but we have only five minutes to explain
490 to you what's going on while other departments have months.

491

492 Kyle Oberst, Fire Union asked how the Union would be able to present ideas to the board.
493 Councilmember Paritsky stated it would be the same way you present something at any other
494 public meeting. Attorney Shepard clarified that these are public meetings, open to the public, and
495 members would be required by abide by the Sunshine Law - to not discuss matters outside of the
496 public meeting. He stated that emails, memorandums, etc. can always be submitted in advance of
497 a meeting for public comment.

498 Judy DiCarlo, 32 Caribbean Way stated her support of creating this board, noting members who
499 hold specific experience in fire and police, as well as a CPA would enhance the board's
500 effectiveness.

501
502 John Brooks, 4712 Dixie Drive and Vice President of Local 4140 asked if his membership in a
503 labor organization would preclude him from sitting on the board. Attorney Shepard stated yes, at
504 least until there is a contract, it would be difficult to differentiate between when you are trying to
505 negotiate for the Union or doing the job as a board member. Mr. Brooks then asked how he could
506 negotiate when the board has no authority. Attorney Shepard stated that is not how it works; even
507 if you were to speak to individual members of this Council, it could potentially become an unfair
508 labor practice, depending on the circumstances. He knows this because the Union has brought this
509 charge in the past. Councilmember Paritsky noted her hope that Mr. Brooks would assist the board
510 by providing his knowledge and expertise.

511
512 Derek George, Ponce Inlet Professional Firefighters, asked Attorney Shepard “what charge did we
513 file against you for talking to one another?”. Attorney Shepard stated he would not discuss that
514 because he will not violate the law. He offered to provide the documents to Mr. George. Mr.
515 George stated the Union filed three unfair labor practices against the town and won all three: 1 -
516 retaliatory discharge; 2 - composition of the unit; and 3 - declaring impasse prematurely. He asked
517 Attorney Shepard what he is referring to, as he has the right to know as Union president. Attorney
518 Shepard stated again that he was not going to have this discussion tonight. Mr. George requested
519 that Attorney Shepard email the case information to him. Councilmember Milano stated this is not
520 appropriate at this time as we are talking about a board. Mr. George stated his understanding, but
521 that the town attorney has made a public comment that is absolutely false about our Union; we’ve
522 never filed an unfair labor practice for you guys talking; that is a false claim, it is pertinent since
523 it has been heard by the public and wants the attorney to back it up. Mr. George stated his email
524 address is piffr4140@gmail.com. Mayor Smith closed public comment.

525
526 Council expressed support for Councilmember Paritsky working with the town manager on the
527 specifics to include five regular members and two alternates; and that this would then be drafted
528 in ordinance form by the town attorney for consideration at by Council.

529
530 **D.E. Discussion of proposed budget for FY 21/22** - Councilmember Milano stated that
531 this is a topic that has been raised several times over the years and was most recently mentioned
532 in July. About a year and half ago, Council discussed appropriate staffing of the fire department
533 and agreed to add personnel to each of the shifts; which took our budget from \$1,444,482 to
534 \$1,727,000. He stated he reviewed the average salary and compared it to the millage rate and
535 wondered if the town can financially support what the fire department wants to do - increasing
536 personnel to six members per shift. He noted that doing so would bring the operating budget to
537 just over \$2.3 million dollars, which is 30% of the budget. He noted that questions were raised as
538 to the possibility of Volusia County taking over the fire department. He read from the July meeting
539 minutes line 252 - *Ms. DiCarlo asked if the town has ever considered giving up the fire department*
540 *and going with the County? Ms. Witt stated she has never been asked to get a quote for that. Mayor*
541 *Smith stated that he has been curious about the cost and service provision, but it was not something*
542 *they had explored.* Councilmember Milano stated he has been asked by residents if anything has
543 been decided by Council on this topic; and if not, would he bring it up again. He stated that Council
544 needs to address this topic and noted several cities that use contract services. He stated that the
545 town needs to find out from a larger organization, the appropriate level of staffing - if it’s six, then
546 we need to figure out how to do it. If not, then we need to find out the appropriate usage of our

547 department and its relation to Volusia County. He asked if anyone else on Council would agree to
548 authorize the town manager to investigate it. Mayor Smith stated he was curious then and is curious
549 now; Vice-Mayor Hoss suggested gathering as much information as possible so Council can make
550 an informed decision. Councilmember Milano noted that there is currently not enough room for
551 six members per shift and stated the crews would be sleeping in bunk beds or the town could face
552 the possibility of having to build a new facility.

553
554 Council directed the Town Manager to obtain a quote from Volusia County to provide Fire/EMS
555 services; authorized by general consensus.

556
557 **14. FROM THE TOWN COUNCIL:**

558
559 **A. Councilmember Paritsky, Seat #5** – Stated she had nothing to report.

560
561 **B. Councilmember Perrone, Seat #4** – Apologized for stating at the budget meeting
562 that residents of Marsh Court were not property owners as he was acting on erroneous information
563 and the residents are in fact, property owners; he attended the TPO in person to express frustration
564 that our sidewalk project has not been funded and stated that Mr. Joulani is working hard on this
565 project; he suggested to Ms. Witt that our IT staff contact the TPO to see what recording system
566 they use for microphones; he referenced a 9/5/2020 News Journal article where Palm Coast
567 promoted their building inspector to interim town manager with a salary change of \$84,000 to
568 \$122,000 with no experience, noting that a year ago Ms. Witt’s salary was less than that which
569 someone with no experience in a small city was now being paid and he hoped that this comparison
570 would put the subject of appropriate compensation for Ponce Inlet’s ten-year manager to rest; he
571 outlined Councilmember Paritsky’s involvement in several League of Cities boards and
572 committees (Volusia and Florida) and her position on the American Flood Coalition and thanked
573 her for representing the town well.

574
575 **C. Vice-Mayor Hoss, Seat #3** – Spoke on COVID, noting that based on the population
576 of the town and although she supports civic events, recommended cancelling in person events and
577 going virtual to avoid the spread of this disease; she expressed concerns of the increased death rate
578 and stressed the importance of being careful and to follow the rules.

579
580 **D. Councilmember Milano, Seat #2** – Reported that the First Step Shelter has placed
581 44 residents in full-time jobs and housing; he referenced a letter that Mayor Smith wrote regarding
582 the recent house fire and was published in the News Journal: *Recently there was a house fire in*
583 *Ponce Inlet, the first one in many years that rendered a home uninhabitable. The response and*
584 *continued assistance for this fire event clearly demonstrates the capabilities of our inter-local*
585 *agreements with our surrounding communities. I am sharing the following information to inform*
586 *citizens of the outstanding response and assistance provided by first responders. The alarm was*
587 *received on a Saturday morning at 3:15 a.m. by all fire stations in our geographic area. First*
588 *responders were dispatched from Ponce Inlet, Port Orange, Daytona Beach Shores, and Volusia*
589 *County EVAC. Ponce Inlet Police arrived first at 3:17 a.m. to insure no one was inside the home.*
590 *The Ponce Inlet Fire Department arrived at 3:22 a.m. By 3:31 a.m. all dispatched units had*
591 *arrived. At 3:42 a.m. South Daytona was added to the call and arrived at 4:00 a.m. The entire*
592 *response included 10 units and 19 first responders. This collective response is a perfect example*

593 of the very effective implementation of our inter-local agreements with our adjacent cities.
594 Together we can be very responsive and efficient by supporting each other as needed. On Monday
595 morning Ponce Inlet staff members met with the owners, conducted an inspection, declared the
596 home uninhabitable, and informed them of other agencies that could provide assistance (Red
597 Cross, United Way, All Hands Volunteer, Salvation Army, US fire Administration FEMA FA-46
598 booklet). Councilmember Milano thanked the police department, all responding fire departments,
599 and EVAC for their efforts and thanked the Mayor for writing the letter; he reported that the
600 CARES program provided \$3,000,000 for Volusia County homeless - he wrote grants and has
601 been approved for almost \$109,206 which will help the shelter pay for its ability to function
602 (quarantine area, generator, interior walls for hurricane protection, upgrades to the air system for
603 air sanitizing, kitchen facilities, etc.). and thanked the executive director of the shelter for her
604 outstanding job performance.

605
606 **E. Mayor Smith, Seat #1** – Noted that the letters to the editor are limited and his
607 original letter was actually quite longer. He stated that what was not in the paper, was what
608 happened the next day: Building Department and Code Enforcement staff met with the property
609 owner and inspected the house, deemed it uninhabitable, and provided information on assistance
610 and how to work with their insurance agency, and the permitting process. He stated we help
611 everyone, and we have a reciprocal fire responder service, he heard from mayors of surrounding
612 communities and this is a perfect example of how people come together, and they all did an
613 outstanding job.

614
615 **15. FROM THE TOWN MANAGER** – Ms. Witt stated she received calls from the City
616 Managers in response to this incident, expressing their appreciation for the Mayor’s letter. She
617 provided the following report and updates:

618
619 The Cities of Deltona and Lake Helen are considering a resolution of support for the continuance
620 of the ECHO program and asked if Council would be interested in doing one. Council expressed
621 support of a resolution for consideration at the next meeting.

622
623 The Town has applied for a total of four grants (in addition to the legislative funding that was
624 denied) for the Ponce deLeon Circle Septic-to-Sewer project and has received approval from St.
625 John’s River Water Management District (SJRWMD) in the amount of 33% grant for construction
626 costs; however we have also applied for a second SJRWMD grant (Indian River Lagoon), which
627 would provide 75% match; the town would forfeit the 33% grant if awarded the 75% grant; applied
628 for a 50% match from the Department of Environmental Protection; and a 75% match from the
629 Department of Economic Opportunity. If the town is fortunate enough to be awarded all of these
630 grants, we will not receive more money than we are spending, but we would not have spent
631 anything and neither would the City of Port Orange, which perhaps could take the funds they were
632 going to spend on this project and put it towards our next shovel-ready project.

633
634 Last month we discussed a decorative lighting proposal for a specific crosswalk; since that time
635 and after speaking with Volusia County, it was suggested that we participate in a cost-sharing solar
636 powered pedestrian crosswalk sign with push button controls, and expressed interest in installing
637 one at the crosswalk just south of where we were looking - so this is an opportunity to participate

638 at a cost of \$10,000 per crosswalk. This is an item that would be brought back before Council at a
639 later date with an agreement.

640
641 Councilmember Paritsky moved to extend the meeting by ten additional minutes, seconded by
642 Mayor Smith; authorized by general consensus.

643
644 The Kay & Ayres Davies Lighthouse Park Improvements Project - the playground is complete,
645 new lighting, tables, and bench swings are in; the sidewalk is nearly ¾ complete; we will be
646 ordering benches for inside the gazebo after October 1st.

647 Reported that the UV air sanitizing system has been installed in all town-owned facilities.

648 She provided the calendar of monthly meetings & events.

649 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated he had no report.

650

651 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 10:02 p.m.

652

653 Respectfully submitted by:

654

655

656

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

658 Peg Hunt, Board Secretary