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# Town of Ponce Inlet

## Town Council Regular Meeting Minutes

### September 19, 2019

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 present:

Mayor Smith, Seat #1

Councilmember Milano, Seat #2

Vice-Mayor Hoss, Seat #3

Councilmember Perrone, Seat #4

Councilmember Paritsky, Seat #5

Staff Members Present:

Mr. Jake Baker, Senior Planner

Ms. Cherbano, Human Resources Director/Deputy Clerk

Mr. Disher, Assistant Director, Planning & Development

Chief Fabrizio, Police Chief

Mr. Gunter, Public Works Manager

Ms. Hunt, Administrative Assistant

Mr. Joulani, Director, Planning & Development

Ms. McColl, Finance Manager

Chief Scales, Fire Chief

Atty. Shepard, Town Attorney

Ms. Witt, Town Manager

Ms. Zengotita, Cultural Services Manager

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** There were no changes.

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

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

A. Certificate of Appreciation to James Thorsen for his service on the Cultural Services, Historic Preservation, and Tree Advisory Board - Mayor Smith read the certificate. Mr. Thorsen was unable to attend.

44 B. Certificate of Commendation to Richard Gardner, Ponce Inlet Police Department -  
45 Chief Fabrizio presented Officer Gardner with a commendation for his bravery in rendering  
46 assistance to the victims of a motor vehicle accident.

47  
48 C. Proclamation declaring October 2019 as Community Planning Month - Mayor  
49 Smith read the proclamation and presented it to Mr. Joulani, Director, Planning and Development  
50 Department.

51  
52 **6. CONSENT AGENDA:** There were no requested changes; Mayor Smith asked for public  
53 comments – hearing none, he closed public comments.

54  
55 A. Approval of the Town Council regular meeting minutes – August 22, 2019.

56  
57 B. Approval of three-year interlocal agreement with Volusia County for delivery of  
58 municipal services related to public works if requested by the Town’ this proposed  
59 agreement is for fiscal years 19/20, 20/21, & 21/22 and is the same as the current  
60 interlocal agreement between the Town and Volusia County, only to be used if the  
61 Town were in need of such assistance and likely only in the event of an emergency.

62  
63 C. Authorization to dispose of certain fixed assets, as recommended by the finance  
64 manager in her September 10, 2019 memorandum.

65  
66 D. Request for co-sponsorship of the *Ponce Inlet Women’s Club’s Holiday Boutique*  
67 to be held on November 20, 2019 and *Fashion Show* to be held on March 19, 2020;  
68 co-sponsorship request is for the use of the Town’s means of advertising to include  
69 publication on the Town’s website, social media channels, and on the water bills.

70  
71 E. Request for co-sponsorship of *Operation Changing Lives 5K* scheduled for  
72 November 23, 2019; co-sponsorship request is for the use of the Town’s means of  
73 advertising to include publication on the Town’s website and water bills; the  
74 placement of signs on the Town Hall property; waiver of the special event permit  
75 fee (\$150); waiver of the amplified sound permit fee (\$50); and waiver of the  
76 Davies Lighthouse pavilion rental fee (\$35); event organizers will be responsible  
77 for the cost of off-duty public works and police services and must provide proof of  
78 insurance.

79  
80 Vice-Mayor Hoss recognized the Women’s Club (item D) for its success in raising funds for  
81 charities and scholarship programs.

82  
83 Councilmember Paritsky moved to approve the consent agenda as presented; seconded by Vice-  
84 Mayor Hoss. The motion PASSED 5-0, consensus.

85  
86 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**  
87 **MEETING:**

88  
89 **A. Public Hearing on Final Millage Rate and Final Budget Adoption.**

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**1. Resolution 2019-10, adopting a final millage rate for fiscal year 2019/2020.** Attorney Shepard read the entire resolution into the record as required by law. A RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE TENTATIVE MILLAGE RATE FOR THE LEVYING OF AD VALOREM PROPERTY TAXES FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; STATING THE PERCENTAGE BY WHICH THE MILLAGE TO BE LEVIED IS ABOVE THE ROLLED BACK RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law requires the Town Council of the Town of Ponce Inlet, Florida, to pass a resolution or ordinance establishing the tentative millage rate for levying ad valorem property taxes for municipal purposes on all taxable property within the Town limits of the Town of Ponce Inlet, Florida, for the fiscal year beginning October 1, 2019, and ending September 30, 2020; and

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

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

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

**SECTION 1. ADOPTING THE TENTATIVE AD VALOREM PROPERTY TAX MILLAGE RATE:**

The tentative millage rate for the Fiscal Year commencing on October 1, 2019 through September 30, 2020 is 5.9 mills, which equals \$5.90 per \$1,000 of assessed valuation for the purpose of raising income in the sum of \$5,401,440.

**SECTION 2. PERCENTAGE BY WHICH THE MILLAGE TO BE LEVIED IS ABOVE THE ROLLED BACK RATE:**

The percentage by which this millage rate to be levied is above the rolled-back rate of 5.5568 mills (as computed pursuant to Florida law) is 6.18%.

**SECTION 3. SEVERABILITY**

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

138  
139 **SECTION 4. CONFLICTING RESOLUTIONS**

140  
141 All Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

142  
143 **SECTION 5. EFFECTIVE DATE**

144  
145 This Resolution shall become effective immediately upon adoption.

146  
147 Mayor Smith opened public comment – hearing none, he closed public comment.

148  
149 Councilmember Paritsky moved to approve Resolution 2019-10, adopting a final millage rate of  
150 5.9 mills for fiscal year commencing October 1, 2019 through September 30, 2020, seconded by  
151 Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky –  
152 yes, Vice-Mayor Hoss – yes; Mayor Smith - yes; Councilmember Perrone, Councilmember Milano  
153 – yes.

154  
155 **2. Second Reading of Ordinance 2019-05, incorporating the final audited**  
156 **budget of fiscal year 2017/2018, amending the budget for fiscal year 2018/2019, and adopting**  
157 **the budget for fiscal year 2019/2020.** Attorney Shepard read the ordinance by title only. AN  
158 ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA INCORPORATING THE  
159 FINAL AUDITED BUDGET FOR FISCAL YEAR 2017-2018 WHICH BEGAN ON OCTOBER  
160 1, 2017 AND ENDED ON SEPTEMBER 30, 2018; AMENDING THE BUDGET FOR FISCAL  
161 YEAR 2018-2019 WHICH BEGAN ON OCTOBER 1, 2018 AND ENDS ON SEPTEMBER 30,  
162 2019; ADOPTING THE BUDGET FOR THE FISCAL YEAR 2019-2020 WHICH WILL BEGIN  
163 ON OCTOBER 1, 2019 AND ENDS ON SEPTEMBER 30, 2020; PROVIDING FOR  
164 SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING  
165 FOR AN EFFECTIVE DATE. Ms. Witt provided a presentation outlining revenue resources and  
166 expenditures. Mayor Smith opened public comment – hearing none, he closed public comment.

167  
168 Councilmember Paritsky moved to approve and adopt on second reading, Ordinance 2019-05,  
169 incorporating the final audited budget of fiscal year 2017/2018, amending the budget for fiscal  
170 year 2018/2019, and adopting the budget for fiscal year 2019/2020, seconded by Vice-Mayor  
171 Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes, Vice-  
172 Mayor Hoss – yes; Councilmember Milano – yes, Councilmember Perrone – yes, Mayor Smith –  
173 yes.

174  
175 **B. Authorization of placement of a time capsule by the Ponce Inlet Lion’s Club.**  
176 Ms. Zengotita stated that this request came before the Cultural Services Board, which suggested  
177 placing the time capsule at the Town Hall or the Community Center rather than the requested  
178 Timucuan Oaks Park due to security concerns. Nancy Epps, 127 Old Carriage Road, Lions Club  
179 President, stated that the Club agreed that the Town Hall would be a more suitable location. Mayor  
180 Smith asked how the time capsule location would be identified. Ms. Epps stated a bronze plaque

181 would be installed on the ground marking the location of the time capsule. She added that the Club  
182 would like to hold a public ceremony in May 2020. There was a brief discussion about exact  
183 location of placement, and it was noted that other Clubs may want to do something similar in the  
184 future. Ms. Witt suggested a location closer to the footprint of the existing Council Chambers  
185 building near the main entrance/pergola area as it is hard to know how the property may be  
186 developed further over a period of fifty years. Mayor Smith opened public comment - hearing  
187 none, he closed public comment.

188

189 Councilmember Paritsky moved to authorize the Lions Club place a time capsule at the Town Hall  
190 with the exact location to be determined by staff; seconded by Vice-Mayor Hoss. The motion  
191 PASSED 5-0, consensus.

192

193 **8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS:** None

194

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

196

197 **10. CITIZENS' PARTICIPATION:** Mayor Smith opened public participation. James Keese,  
198 4712 Montrose Avenue asked if there were any plans to install sanitary sewer lines in Town to  
199 eliminate septic systems. Ms. Witt explained that the City of Port Orange owns the sanitary sewer  
200 system and is continuously seeking grant funding for projects. She stated the Town explored the  
201 possibility of doing two large projects (½ of the Town for one project and the remaining ½ as a  
202 second project, but the St. John's River Water Management District (SJRWMD) was more inclined  
203 to award smaller projects which is why Ponce deLeon Circle is currently being evaluated. Mayor  
204 Smith noted that projects such as these can take many years to complete. Mayor Smith closed  
205 public participation.

206

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

208

209 **A. First Reading of Ordinance 2019-06, amending the number of regular**  
210 **members on the Cultural Services, Historic Preservation, and Tree Advisory Board from**  
211 **seven regular members to five regular members.** Attorney Shepard read the Ordinance by title  
212 only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,  
213 FLORIDA, AMENDING ARTICLE 6 OF THE LAND USE AND DEVELOPMENT CODE  
214 REGARDING MEMBERSHIP AND MEMBERSHIP TERMS OF OFFICE OF THE  
215 CULTURAL SERVICES, HISTORIC PRESERVATION, AND TREE ADVISORY BOARD;  
216 PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE  
217 DATE. Ms. Witt explained this ordinance brings the membership of the board in-line with all other  
218 Town boards. Vice-Mayor Hoss noted that this board was formed from the Parks, Recreation, and  
219 Tree Advisory Board and the Historic and Archaeological Preservation Advisory Board as a seven-  
220 member board because of the impeccable backgrounds that members of both boards brought with  
221 them; she stated her hopes that others will step forward to volunteer. Mayor Smith asked for public  
222 comments – hearing none – he closed public comments.

223

224 Councilmember Paritsky moved to approve first reading of Ordinance 2019-06, amending the  
225 number of regular members on the Cultural Services, Historic Preservation, and Tree Advisory  
226 Board from seven regular members to five regular members; seconded by Vice-Mayor Hoss. The

227 motion PASSED 5-0, with the following vote: Councilmember Paritsky - yes; Vice-Mayor Hoss -  
228 yes; Councilmember Perrone - yes; Councilmember Milano - yes; Mayor Smith - yes.

229

230 **B. Resolution 2019-11, supporting continued implementation of policies and**  
231 **practices for ADA compliance as it relates to the Town’s digital content.** Attorney Shepard  
232 read the resolution by title only. A RESOLUTION OF THE TOWN OF PONCE INLET, FL  
233 ADOPTING POLICIES FOR ADA COMPLIANCE ON THE TOWN’S DIGITAL CONTENT;  
234 AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt noted that Councilmember Paritsky  
235 attended an ADA compliance session pertaining to digital content during the Florida League of  
236 Cities conference and provided staff with research materials. Ms. Witt acknowledged that the  
237 Town Attorney’s office and Town’s insurance carrier each notified her office of several ADA  
238 lawsuits being filed throughout the state regarding website and digital access. She stated the Town  
239 hired an agency (Audio Eye), to monitor the website for any potential violations and later learned  
240 that the streaming service was not ADA compliant. Live Streaming was immediately ceased, and  
241 all audio files were removed from the website. After research, it was learned that reliable close  
242 captioning service would cost in excess of \$50,000 and must meet and maintain a minimum of  
243 90% accuracy. She stated this resolution supports the Town’s continuing efforts with ADA  
244 compliance with the Town’s website, Facebook pages, and all other media outlets. She praised  
245 staff, in particular Becky Huger, Fire Department Administrative Assistant and website  
246 coordinator, Amy Zengotita, cultural services manager, and Peg Hunt, Administrative Assistant,  
247 for their diligence and commitment with training, removing all non-compliant materials from the  
248 website, re-formatting and re-posting wherever possible, and keeping the Town out of the  
249 compliance-based lawsuits that hit all but two Volusia County municipalities. She added that Ms.  
250 Hunt has now formally been designated as the ADA Coordinator for the Town. Mayor Smith  
251 opened public comment - hearing none, he closed public comment.

252

253 Councilmember Paritsky moved to approve Resolution 2019-11 as presented; seconded by Vice-  
254 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky - yes;  
255 Vice-Mayor Hoss - yes; Mayor Smith - yes; Councilmember Milano - yes; Councilmember Perrone  
256 - yes.

257

258 **12. OLD BUSINESS:** None.

259

260 **13. NEW BUSINESS:**

261

262 **A. Discussion of Volusia County ECHO program.** Ms. Witt advised that this item  
263 was placed on Council’s agenda at Council’s request at their August regular meeting when a  
264 resident spoke under citizen comments about the importance of the ECHO program and all that  
265 had been accomplished under it in Volusia County. Council initially had a concern that Volusia  
266 County was considering eliminating the program early, and while that concern no longer appears  
267 to be an issue, they also seemed to indicate a desire to talk about requesting the program be  
268 extended beyond its sunset date which is in two years. Ms. Zengotita provided a list of the various  
269 projects and funding amounts that the Town had received ECHO grant funds in support of over  
270 the years the program has existed. Councilmember Paritsky stated that Mayor Bob Apgar,  
271 (DeLand/Volusia Roundtable Chair), requested members ask their respective jurisdictions for any  
272 topics that they would like considered for the Volusia Roundtable agenda for discussion.

273 Councilmember Perrone asked how the monies are raised for this fund. Ms. Witt stated it is a line  
274 item on every property owner’s tax bill. Ms. Zengotita added that this program not only helps  
275 municipalities but also has provided grants to several nonprofit organizations as long as they were  
276 predominately public projects.

277  
278 Council consensus was to request that the ECHO program be a topic for the Volusia Round Table  
279 to consider, and to consider eliminating the off-beach parking as a goal of this program.

280  
281 **B. Volusia Roundtable of Elected Officials’ update on fire service in Volusia**  
282 **County.** Councilmember Paritsky reported that the Volusia County Fire Chiefs Association  
283 (VCFCA) presented a report at the last meeting. She noted that the study was performed in 2010  
284 and resulted in twenty-three recommendations - thirteen of which have been implemented, three  
285 were completed, one was partially completed, and no action was taken on the remaining six  
286 recommendations. She stated that Volusia County Chairman Ed Kelly asked each of the  
287 municipalities to consider if they wish to pick up where the 2010 study left off and to re-examine  
288 the remaining items (and new ones as they emerge during the process). Councilmember Paritsky  
289 stressed the importance of not speculating and noted that this is a request to gather information  
290 only.

291  
292 Council consensus was to request that the 2010 study be updated.

293  
294 **C. Volusia Roundtable of Elected Officials’ discussion on smart growth in**  
295 **Volusia County.** Councilmember Paritsky noted that Clay Irvin, Volusia County Planner, spoke  
296 regarding “smart growth”. She reviewed the data provided by the County and offered to answer  
297 questions or concerns. There was mention by Council members of great disappointment with the  
298 County’s decision to abandon Sunrail in light of efforts toward smart growth.

299  
300 There was no action taken by council; this was for informational purposes only.

301  
302 **D. Update from Florida League of Cities Conference.** Councilmember Paritsky  
303 provided an update of the Florida League of Cities Conference: ADA Compliance - the increase  
304 in the number of lawsuits filed against municipalities; Ransomware - the growing epidemic of  
305 attacks on municipal data networks; 2020 Census - the importance of obtaining accurate counts as  
306 this affects Federal funding and Congressional representation. She noted that Governor DeSantis  
307 was a keynote speaker at this conference and covered a variety of topics, including environmental  
308 protections; she stated that Bay Harbor Islands Mayor, Isaac Salver, has been installed as this  
309 year’s President of the FLC.

310  
311 There was no action taken by council; this was for informational purposes only.

312  
313 **14. FROM THE TOWN COUNCIL:**

314  
315 **A.** Councilmember Paritsky, Seat #5 – Reported that she has been invited to speak at  
316 Florida A&M College of Law in Orlando on September 25<sup>th</sup> and will be joined by Debbie Darino,  
317 regarding Ponce’s Law and the statewide animal abuser database; noted that she was invited by  
318 Deltona Mayor, Heidi Hertzberg to a Roundtable discussion also focused on Ponce’s Law; and

319 that the Volusia County Roundtable members plan to discuss topics including infrastructure sales  
320 tax and plastic bags/straws.

321  
322 B. Councilmember Perrone, Seat #4 – Stated that we all were very lucky to have  
323 dodged hurricane Dorian’s destruction; noted that new Council assignments will be made in  
324 November and offered to trade places on the TPO, citing his frustration with not having a voice or  
325 vote in important matters; and expressed concerns about the proposed Beach Street (Daytona) re-  
326 building project, specifically regarding traffic flow, parking, and negative impacts to the  
327 businesses.

328  
329 C. Vice-Mayor Hoss, Seat #3 – Referenced the News Journal article regarding “Smart  
330 Growth” and recommended more public forums be held.

331  
332 D. Councilmember Milano, Seat #2 – Reported that the First Step Shelter has been  
333 holding marathon meetings and there are six candidates for Executive Director; noted that a  
334 \$25,000 donation allowed the FSS to purchase a 15-passenger van for transport; stated that it looks  
335 as though the Shelter may be open by November 11<sup>th</sup>; and that the Catholic Charities program will  
336 work.

337  
338 E. Mayor Smith, Seat #1 – Announced the Florida Mayor’s Summit will be held in  
339 Washington, DC in October and the topic is sea level rise. He asked if any of the members were  
340 interested in attending; Councilmember Paritsky volunteered to attend.

341  
342 **15. FROM THE TOWN MANAGER** – Ms. Witt referenced the Council Calendar, noted the  
343 special joint meeting between Council and the Planning Board on October 17<sup>th</sup>; and reported she  
344 would be out of the office September 26<sup>th</sup> thru October 1<sup>st</sup>.

345  
346 **16. FROM THE TOWN ATTORNEY** – Nothing to report.

347  
348 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 7:56 p.m.

349  
350 Respectfully submitted by:

351  
352  
353 \_\_\_\_\_  
354 Jeaneen Witt, CMC, Town Manager/Town Clerk  
Peg Hunt, Board Secretary