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**Town of Ponce Inlet
Town Council
Regular Meeting Minutes
January 17, 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:

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. Baker, Senior Planner

Ms. Cherbano, Human Resource Director/Deputy Clerk

Mr. Disher, Assistant Director of 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

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt corrected the dates in item 6-C from 2018 to 2019; and added item 13-A, Discussion of Sales Tax Referendum. Mayor Smith opened public comments – hearing none – he closed public comments.

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. Presentation of the Mayor's State of the Town Address. Mayor Smith read the State of the Town Address into the record.

44 B. Award Recognition for Town Employee of the Year. Ms. Witt read a brief bio of
45 Amy Dowling, noting her years of service, commitment and dedication to the
46 Town. Ms. Dowling was recognized for her design of Council's 2018 Christmas
47 Parade float. Mayor Smith congratulated Amy Dowling as the 2019 Employee of
48 the Year award presented her with the award.
49

50 **6. CONSENT AGENDA:** Mayor Smith asked if there was any item Council would like to
51 remove from the consent agenda or to discuss – hearing none – he closed Council
52 comments. Mayor Smith asked for public comments – hearing none – he closed public
53 comments.
54

55 A. Approval of the Town Council regular meeting minutes – December 13, 2018.
56

57 B. Approval of payment of legal bill in the amount of \$93,276 (\$88,772 of which is
58 related to the Pacetta Lawsuit) – dated January 7, 2019.
59

60 C. Approval of moving the date of the August ~~2018~~ 2019 regular meeting from August
61 15th to August 22nd and approval of moving the date of the December ~~2018~~ 2019
62 regular meeting from December 19th to December 12th.
63

64 D. Authorization to expend up to \$16,890 for air conditioning duct work replacement
65 at the Ponce Inlet Community Center; a budget amendment to move \$10,000 from
66 the General Fund to the Community Center Fund will be necessary for this
67 expenditure.
68

69 E. Request for co-sponsorship of Turtle Trek 5K scheduled for March 2, 2019; their
70 co-sponsorship request is for the use of the Town's means of advertising to include
71 publication on the Town's website, social media, and water bills; the placement of
72 signs on the Town Hall property; waiver of the special event permit fee (\$150);
73 waiver of the amplified sound permit fee (\$50); and waiver of the Davies
74 Lighthouse Park pavilion rental fee (\$35); and closure of the boat ramp. Event
75 organizers will be responsible for the cost of off-duty Public Works and Police
76 services as stated above and must provide proof of insurance.
77

78 Councilmember Paritsky moved to approve the Consent Agenda as amended, seconded by Vice-
79 Mayor Hoss. The motion PASSED 5-0, consensus.
80

81 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
82 **MEETING:**
83

84 A. Discussion of a lease-purchase agreement for the 0.112-acre parcel in the 4900
85 block of South Peninsula Drive, aka "triangle parcel". Attorney Shepard explained that a
86 municipality cannot "hold" a mortgage but can participate in a lease/purchase option. He noted
87 that the title to the property does not transfer to the buyer until the final payment is made. Mayor
88 Smith asked if any member of Council was against the sale of this property or wanted to discuss
89 further - there were no objections. Mayor Smith opened public comments. Matt Dvorak, 4936 S.

90 Peninsula Drive and potential buyer, asked if it would be possible to obtain the warranty deed
91 while participating in a lease/purchase agreement. Attorney Shepard stated that it would be termed
92 a “special” warranty deed, wherein the Town guarantees clear title from the time the Town
93 obtained the property to the time of the lease/purchase agreement signing. Mr. Dvorak stated he
94 needed to make certain he would be able to obtain title insurance. He asked if it would be possible
95 to obtain a copy of the Ownership & Encumbrance (O&E) Report. Attorney Shepard stated yes, it
96 can be obtained by contacting Mr. Joulani in the Planning & Development Department. Mayor
97 Smith closed public comment.

98
99 Council indicated they would be open to considering a proposal; Mr. Dvorak indicated he would
100 consider making an offer to the Town, at which time this item will be re-scheduled for Council
101 discussion.

102
103 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.

104
105 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**

106
107 **A. Second reading and adoption of Ordinance 2019-01, amending the land use**
108 **and development code, section 4.10 – Landscape and Tree Preservation.** Attorney Shepard
109 read the ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET,
110 FLORIDA, AMENDING ARTICLE 4, SECTION 4.10 OF THE LAND USE AND
111 DEVELOPMENT CODE CONCERNING REQUIREMENTS FOR LANDSCAPING AND
112 TREE PRESERVATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR
113 CONFLICTS; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE. Mr. Disher
114 stated that after the first reading, he spoke with Councilmember Paritsky who recommended minor
115 changes. He stated the changes are to section 4.10.4 (3)a and section 4.10.4.E(d)1 as they relate to
116 deadlines for the removal of dead trees (90 days) and the replacement of dead trees (6 months).
117 Councilmember Paritsky thanked Mr. Disher for his work on this Ordinance. Mayor Smith opened
118 public comment – hearing none, he closed public comment.

119
120 Councilmember Paritsky moved to approve and adopt Ordinance 2019-01 as presented; seconded
121 by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky
122 – yes; Vice-Mayor Hoss – yes; Mayor Smith – yes; Councilmember Perrone – yes; Councilmember
123 Milano – yes.

124
125 **10. CITIZENS’ PARTICIPATION:** None.

126
127 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

128
129 **A. First reading of Ordinance 2019-02, amending the Town Code for**
130 **housekeeping purposes to remove language regarding regulation of the beach.** Attorney
131 Shepard read the ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET,
132 FLORIDA, REMOVING THE PORTIONS OF THE PONCE INLET CODE OF ORDINANCES
133 WHICH ARE RELATED TO THE TOWN’S REGULATION OF PUBLIC BEACHES AND
134 THE ATLANTIC OCEAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR
135 CONFLICTS; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE. Ms. Witt

136 noted the history behind this request is to remove any references in the Town’s Code relating to
137 control of the beach, since the County exerted jurisdiction in 1986. Mayor Smith asked for public
138 comments – hearing none, he closed public comments. Councilmember Paritsky moved to approve
139 the first reading of Ordinance 2019-02 as presented; seconded by Vice-Mayor Hoss. The motion
140 PASSED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes;
141 Councilmember Perrone – yes; Mayor Smith – yes; Councilmember Milano – yes.

142
143 **B. Resolution 2019-01, authorizing a grant application to the River-to-Sea TPO**
144 **to become a Priority Project for potential funding of design, engineering, and future**
145 **construction of a Bicycle/Pedestrian Project for South Peninsula Drive.** Attorney Shepard read
146 the resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
147 PONCE INLET, FLORIDA, AUTHORIZING THE SUBMISSION OF A PRIORITY PROJECT
148 GRANT APPLICATION TO THE RIVER TO SEA TRANSPORTATION PLANNING
149 ORGANIZATION FOR FEDERAL AND STATE FUNDING ASSISTANCE WITH THE
150 DESIGN, ENGINEERING, AND CONSTRUCTION OF THE BICYCLE/PEDESTRIAN
151 PROJECT (AKA PONCE INLET MOBILITY PROJECT); AND PROVIDING AN EFFECTIVE
152 DATE. Mr. Joulani stated that this is a first step in the process for seeking grant monies for funding
153 of a Bicycle/Pedestrian Project for South Peninsula Drive. He stated that the Town must submit a
154 resolution to the TPO in order for this project to be considered a priority project. Once that is
155 determined, then the Town will go to the next steps. Councilmember Perrone expressed concerns
156 that the percentage of funding could change and that, coupled with cost overruns, could potentially
157 put the Town at higher-than-anticipated costs. Councilmember Paritsky asked if approval of this
158 Resolution commits the Town to the project. Mr. Joulani stated that the Town would not be
159 committed to the project itself, but it does commit the Town to submit the application and locks-
160 in the cost-ratio rates of 90% (Federal and State funds) and 10% (Town’s share) for three years.
161 He stated the application deadline is March 29, 2019. Mayor Smith asked for public comments –
162 hearing none, he closed public comments.

163
164 Councilmember Paritsky moved to approve Resolution 2019-01 as presented; seconded by Vice-
165 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes;
166 Vice-Mayor Hoss – yes; Councilmember Perrone – yes; Mayor Smith – yes; Councilmember
167 Milano – yes.

168
169 **12. OLD BUSINESS: None.**

170
171 **13. NEW BUSINESS:**

172
173 **A. Discussion of Sales Tax Referendum.** Ms. Witt stated that Volusia County is
174 planning to hold a special election in May for a sales tax referendum and is asking each
175 municipality if it is willing to share the costs of the election. She stated the Town’s proportionate
176 share is \$1,955 and if the sales tax referendum is approved, it could generate an estimated \$176,000
177 in additional revenue for the Town to be used for infrastructure improvements. The total revenue
178 estimated countywide is over \$45 million annually. She stated that, so far, the following cities have
179 expressed that they will participate in the funding of this referendum: Daytona Beach, Daytona
180 Beach Shores, Lake Helen, Pierson, and South Daytona. The other municipalities will be
181 considering this in the coming weeks. No one has declined to participate to date. Councilmembers

182 expressed concerns about the timing of the election (as it is not scheduled for a general election
183 year). Councilmember Paritsky stated that it appears the special election is going to be held.
184 Councilmember Perrone expressed concern about the Clearview survey that was done to determine
185 support for the referendum, as only 400 of the County's 600,000 residents were sought to
186 participate in it. Mayor Smith stated that he felt that for the minimum amount we were being asked
187 to contribute (\$1,955) that it is something we should do for the potential return of \$176,000 per
188 year (for 20 years). Mayor Smith asked for public comments - hearing none, he closed public
189 comments.

190
191 Councilmember Paritsky moved to approve participation in the special election for a sales tax
192 referendum, with the caveat that the majority of municipalities also agree to participate; seconded
193 by Councilmember Milano. The motion PASSED 4-1, with the following votes: Councilmember
194 Paritsky - yes; Councilmember Milano - yes; Vice-Mayor Hoss - yes; Councilmember Perrone -
195 no; Mayor Smith - yes.

196

197 **14. FROM THE TOWN COUNCIL:**

198

199 A. **Councilmember Paritsky, Seat #5** – Reported that Ponce Inlet's Short-term rental
200 Resolution is being considered by other Volusia County municipalities; she attended her first
201 Volusia League of Cities Board of Director's meeting and is excited to be part of the organization;
202 noted that there are discussions of creating an Animal Abuse Registry in Volusia County, several
203 County officials were present and they plan to meet again at the end of January.

204

205 B. **Councilmember Perrone, Seat #4** – Wished everyone a Happy New Year;
206 extended Birthday wishes to Mayor Smith; stated January 9th was Law Enforcement Appreciation
207 Day and he expressed his appreciation to our police department; stated he visited the FLOW
208 Mobile at the Community Center and thanked those involved with bringing that service to the
209 residents, as it is quick and convenient.

210

211 C. **Vice-Mayor Hoss, Seat #3** – Stated the State of the County meeting was well-
212 attended and there are great things going on in Volusia County, including the expansion of flights
213 at the Daytona Beach International Airport; stated that as Chairperson of the Ponce Inlet Women's
214 Club Scholarship Committee, it is her pleasure to announce that the Club is giving one \$2,000
215 scholarship to Daytona State College and three other \$2,000 scholarships will be awarded to
216 applicants in April, adding that the deadline for applications is February 20th.

217

218 D. **Councilmember Milano, Seat #2** – Reported that site work on the First Step
219 Shelter should begin around the 21st and they hope to be operational by mid-September;
220 operational costs are estimated at \$13,000 per month, and they are seeking donations and funding
221 opportunities. He provided copies of the First Step Shelter brochures and noted that he plans to
222 review the proposed program in-depth, with an emphasis on self-worth programs, career training,
223 educational and GED opportunities, and job placement services.

224

225 E. **Mayor Smith, Seat #1** – Stated he had nothing else to report.

226

227 **15. FROM THE TOWN MANAGER** – Ms. Witt reviewed the Council's Calendar: the

228 Museum Painting Party is sold out for Jan 19th; the Volusia League of Cities Dinner Meeting on
229 Jan 24th at 6:00 p.m.; a Pickleball Clinic on Jan 30th at 9:00 a.m.; PICCI is hosting a Dinner &
230 Show - “A Tribute to Frank Sinatra and Elvis” on Feb 2nd at 5:00 p.m.; Preschoolers in the Parks
231 - “Sea Turtles” is being held on Feb 8th at 11:00 a.m. in the Ponce Preserve; the Historic North
232 Turn Legends Beach Parade is Feb 9th at 2:30 p.m.; the Art Guild of Ponce Inlet Fine Art Show is
233 Feb 16th and 17th; and “Raptor and Migratory Birds” is Feb 16th at 10:00 a.m. at the Historical
234 Museum; she stated the FLOW mobile was coordinated by the Town and PICCI and she thanked
235 the members of PICCI for hosting this monthly event.

236

237 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated Pacetta’s reply brief to the
238 5th DCA is due in the next couple weeks; stated the Motion to Dismiss on the Federal Case, should
239 be decided by the next Council meeting; stated if this is not granted then a Case Management
240 Report (CMR) with deadlines should be expected and may include an order requiring us to return
241 to mediation and they have agreed upon using Darryl Bloodworth, as he is familiar with the case.

242

243 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 7:31 p.m.

244

245 Respectfully submitted by:

246

247

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

249 Peg Hunt, Board Secretary