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Town of Ponce Inlet Charter Review Committee Meeting Minutes January 20, 2022

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Paritsky called the meeting to order at 3:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

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

3. **ROLL CALL:**

Committee Members Present:

Mayor Paritsky, Seat #1
Councilmember Milano, Seat #2
Councilmember Caswell, Seat #3
Councilmember Israel, Seat #4
Vice-Mayor Smith, Seat #5
Chairman Cannon, Planning Board
Chairman Villanella, Code Enforcement Board
Chairperson Bell, Cultural Services Advisory Board

A quorum was established with eight members of the Committee present; Chairman Cox, Essential Services Advisory Board was absent.

Staff Members Present:

Ms. Cherbano, Deputy Clerk
Ms. Frazier, Senior Planner
Ms. Hunt, Assistant Deputy Clerk
Attorney Jacob Schumer, Town Attorney

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

4. **OLD BUSINESS:**

A. **Approval of the minutes of the Charter Review Committee meeting - December 16, 2021.** Ms. Witt noted that Seat 1 and Seat 5 information has been corrected; there were no other changes. Mayor Paritsky asked for public comment, hearing none, she closed public comment.

Chairman Villanella moved to approve the amended December 16, 2021 meeting minutes; seconded by Councilmember Caswell. The motion PASSED 5-0, consensus.

5. **NEW BUSINESS:**

A. **Review of Town Charter - Sections 7.01 through 10.07.**

47 **i. Public Comment.** Mayor Paritsky opened public comment. Skip White, 4885 S.
48 Atlantic, stated he supports the 35’ height limit (as noted in section 7.02) and asked why it is in
49 the Charter; noted that the Charter was in effect prior to Harbour Village being built and it was not
50 followed; he suggested that other building codes should be included in the Charter. Mayor Paritsky
51 closed public comment and stated those questions would be addressed in that section.

52
53 **ii. Board Discussion and Direction.** Attorney Schumer referred to his office’s
54 memorandum and staff’s memorandum, both included as Attachment 1.

55
56 **Article VII - Zoning**

57 **Section 7.01 - Zoning:** Attorney and staff recommended conformity with current process and
58 terminology: removed references to “*Board of Adjustments*” as it no longer exists; and removed
59 the word “*master*” from “comprehensive *master plan*” as that terminology is outdated.

60
61 *The Committee had no questions or comments; accepted suggested changes by consensus, 5-0.*

62
63 **Section 7.02 - Height Limitation:** Attorney and staff recommended conformity with current law:
64 section (b)(4) - added “*the Code of Ordinances*” and removed “*Article VII (Flood Hazard*
65 *Reduction) of*”. Mayor Paritsky referenced Mr. White’s question and asked Attorney Schumer to
66 explain why this appears in the Charter instead of by way of Ordinance. Attorney Schumer stated
67 it is in the Charter so that Council cannot overrule it by Ordinance; it can only be changed by
68 referendum. Mayor Paritsky stated her support of this being in the Charter as it reflects our Vision
69 Statement and that consideration of adding other building codes to the Charter should be discussed
70 at another time, since the Committee is not prepared to discuss those at this meeting. Ms. Bell
71 stated her support of the 35’ height limit remaining in the Charter; Councilmember Milano
72 concurred; Councilmember Caswell agreed and stated that other items of significant public
73 concern may also be considered in the future.

74
75 *The Committee accepted the suggested changes by consensus, 5-0.*

76
77 **Article VIII - Franchises**

78 **Section 8.01 - Franchises:** Attorney had no legal issues, recommendations, or changes.

79
80 *The Committee had no questions or comments; accepted this section by consensus, 5-0.*

81
82 **Article IX - Intoxicating Beverages**

83 **Section 9.01 - Intoxicating Beverages:** Attorney recommended a typographical correction:
84 “*shave*” to “*have*”. Councilmember Israel asked if the Town should consider putting the hours of
85 serving alcoholic beverages in the Charter. Attorney Schumer stated the Charter grants Council
86 the authority to establish the hours by ordinance. Ms. Witt stated the hours of sale is outlined in
87 the Code of Ordinances, Chapter 6, section 6.2, and Council has the ability to change those hours
88 by ordinance.

89
90 *The Committee had no questions or comments; accepted this section by consensus, 5-0.*

91
92 **Article X - Transition Schedule**

93 **Section 10.01 - Continuation of Former Charter Provisions:** Attorney had no suggested
94 changes.

95
96 The Committee had no questions or comments; accepted this section by consensus, 5-0.

97
98 **Section 10.02 - Ordinances Preserved:** Attorney had no recommended changes.

99
100 The Committee had no questions or comments; accepted this section by consensus, 5-0.

101
102 **Section 10.03 - Rights of Officers and Employees:** Attorney had no suggested changes.

103
104 The Committee had no questions or comments; accepted this section by consensus, 5-0.

105
106 **Section 10.04 - Pending Matters:** Attorney had minor punctuation changes.

107
108 The Committee had no questions or comments; accepted suggested changes by consensus, 5-0.

109
110 **Section 10.05 - Schedule:** Attorney had no legal issues, recommendations, or changes.

111
112 The Committee had no question or comments; accepted this section by consensus, 5-0.

113
114 **Section 10.06 - Deletion of Obsolete Schedule Items:** Attorney had no legal issues,
115 recommendations, or changes.

116
117 The Committee had no questions or changes; accepted this section by consensus, 5-0.

118
119 **Section 10.07 - Charter Amendment:** Attorney had no legal issues, recommendations, or
120 changes.

121
122 The Committee had no questions or changes; accepted this section by consensus, 5-0.

123
124 **iii. Public Comment** - Mayor Paritsky opened public comment. Skip White, 4885 S.
125 Atlantic Avenue, stated his belief that the Town Council should consider reviewing some of its
126 building codes for inclusion in the Charter, for example, the Oceanfront Setback Line (formerly
127 known as the “Gordis Preston Line”), which is important for beach and dune protection. Mayor
128 Paritsky noted that a strategy planning session for the Town is being rescheduled and this issue
129 could be discussed in conjunction with the resiliency study. Mr. White added that the Charter is a
130 great document and was well-written. Ms. Bell asked if the DEP still controls the coastal permitting
131 process. Mr. White stated yes, this line is east of the DEP line. Mayor Paritsky closed public
132 comment.

133
134 **B. Discussion and decision on “parked” item Section 6.05 - Treasurer/Finance**
135 **Director.** Attorney Schumer stated there was a “parked” item that he was prepared to report on.

136
137 **1. Section 6.05 - Treasurer/Finance Director** - Attorney Schumer stated
138 there was prior discussion regarding what the term “bonded” meant in section 6.05 regarding the
139 Bonding requirement for the Treasurer/Finance Director. The difference between insurance and a
140 bond is that bonds are for specific individuals, while the Town’s insurance policy covers everyone
141 under its umbrella; there is also a difference in the degree/amount which may be obtained under
142 an umbrella policy versus a bonded individual. It can remain in the Charter, may be required by

143 Code, or a matter of policy. Councilmember Caswell stated she supports leaving it in the Charter;
144 one of her concerns was flexibility with an individual bond rather than a large group bond covering
145 a large group of employees, so we do not have specifics on exclusions, but understands the
146 difference and is comfortable with it as it is. Attorney Schumer stated if the Committee would like
147 to address this item, the agenda would have to be amended so public comment, discussion, and a
148 decision may be made.

149
150 **2. Amend the agenda to include discussion and decision on Section 6.05.**

151
152 Mayor Paritsky moved to amend the agenda to include item 5-B, Section 6.05 - Treasurer/Finance
153 Director discussion and decision; seconded by Councilmember Caswell. The motion PASSED 5-
154 0, consensus.

155
156 Attorney Schumer stated there were no legal issues, recommendations, or changes. Mayor Paritsky
157 opened public comment - hearing none, she closed public comment.

158
159 The Committee had no changes; section 6.05 was accepted 5-0, consensus.

160
161 Attorney Schumer stated an ordinance would be prepared for final review by the CRC at its
162 February meeting and sent to Town Council for two readings and if approved, will be placed on
163 the ballot for the next election. Mayor Paritsky and Ms. Witt confirmed the schedule - the first and
164 second readings will be held by Council at its March and April regular meetings. Councilmember
165 Milano noted his conflict with the February CRC meeting time.

166
167 The Committee agreed to reschedule the February CRC meeting time to 1:00 p.m.; 5-0, consensus.

168
169 Ms. Bell asked how the Committee should proceed with Mr. White's suggestion. Mayor Paritsky
170 stated those issues could be discussed during the strategy planning and resiliency meetings; adding
171 that we are not sure at this time what specific building codes would need to be addressed and that
172 it could take a significant amount of time to research. Ms. Frazier, Senior Planner noted that the
173 Town's existing LUDC outlines regulations for construction, including the Oceanfront Setback
174 Line. Mayor Paritsky asked if the issues raised by Mr. White would create a voluminous amount
175 of research. Ms. Frazier stated it depends on what you are seeking to put into the Charter. Ms. Witt
176 stated it is a worthy endeavor and reminded everyone that putting something from the Code into
177 the Charter could cause unintended consequences. Attorney Schumer noted that the State
178 Legislature is very active in monitoring municipal land use regulations.

179
180 **6. Adjournment.** The meeting was adjourned at 3:42 p.m.

181
182 Respectfully submitted by:

183
184 _____
185 Jeaneen Witt, CMC, Town Manager/Town Clerk
186 Prepared by: Peg Hunt, Assistant Deputy Clerk

187
188 Attachment(s):
189 1. Town Attorney's Memorandum Reviewing Article VI, §6.01 - 6.11; and
190 Town Manager's Memorandum Containing Staff's Comments