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Town of Ponce Inlet
Town Council
Regular Meeting Minutes
May 21, 2020

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

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

11 **3. ROLL CALL:**

12 **Town Council:**

13 Mayor Smith, Seat #1

14 Councilmember Milano, Seat #2

15 Vice-Mayor Hoss, Seat #3

16 Councilmember Perrone, Seat #4

17 Councilmember Paritsky, Seat #5 – attended virtually via Zoom technology

19 **Staff Members Present:**

20 Mr. Baker, Chief Building Official/Floodplain Manager

21 Ms. Cherbano, Human Resource Director/Deputy Clerk

22 Mr. Disher, Assistant Director of Planning & Development

23 Mr. Hooker, Code Compliance Manager

24 Ms. Hugler, Administrative Assistant

25 Mr. Scales, Fire Chief

26 Mr. Shepard, Town Attorney – attended virtually via Zoom technology

27 Mr. Walker, Interim Police Chief

28 Ms. Witt, Town Manager

30 **4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** There were
31 no changes; Mayor Smith opened public comments – hearing none – he closed public comments.

33 Councilmember Paritsky moved to adopt the agenda as presented; seconded by Vice-Mayor
34 Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-
35 Mayor Hoss – yes; Councilmember Milano - yes; Mayor Smith – yes; Councilmember Perrone -
36 yes.

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

40 **A. Presentation by BMC CPAs of the Town’s Annual Financial Report (Audit) of**
41 **Fiscal Year 2018/2019.** Tom Ford, Audit Principal from BMC, CPAs presented the Town’s
42 audit of FY 2018/2019. Mr. Ford commended staff for their assistance to the auditors in this
43 process and commended Council on their improved financial position. Mr. Ford reported no
44 comments for improvements within processes utilized by staff, as the Town’s processes are as

45 they should be. Council accepted the Town’s Annual Financial Report, as presented, 5-0, with
46 the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember
47 Milano - yes; Mayor Smith – yes; Councilmember Perrone - yes.

48
49 **6. CONSENT AGENDA:** Mayor Smith asked if there was any item Council would like to
50 remove from the consent agenda or to discuss – there were none; Mayor Smith asked for public
51 comments – hearing none – he closed public comments.

52 **A. Approval of the Town Council special meeting minutes – March 10, 2020.**

53 **B. Approval of the Town Council regular meeting minutes – March 19, 2020.**

54 **C. Approval of the Town Council special meeting minutes – May 7, 2020.**

55 **D. Authorization to accept the proposal from Bayshore Electric to complete the**
56 **lighting enhancement at the Kay & Ayers Davies Lighthouse Park for**
57 **\$72,850; this amount is within the approved budget for this project.**

58 Councilmember Paritsky moved to approve the Consent Agenda as presented, seconded by Vice-
59 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes;
60 Vice-Mayor Hoss – yes; Councilmember Milano - yes; Mayor Smith – yes; Councilmember
61 Perrone - yes.

62
63 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**
64 **MEETING:**

65
66 **A. Update on Town’s response to COVID-19.** Chief Scales gave a presentation
67 regarding the latest statistics from the Florida Department of Health and provided an update as to
68 the Town’s current status of personnel and facilities, along with the Town’s intended plan for
69 reopening as the Governor advances the State as well.

70 **B. Consideration of the appointment of an alternate member to the Planning**
71 **Board.** Vice-Mayor Hoss expressed her appreciation that a member of the community wishes to
72 serve on a volunteer board. She noted the importance of board membership and their role with
73 assisting the Council. She thanked Mr. White and invited him to speak. Mr. White, 4885 S.
74 Atlantic Avenue, stated he has lived in Ponce Inlet since 2003 and he has worked with the
75 Planning and Building divisions on several projects. He expressed that he felt he would be a
76 good fit for this type of position because he is able to make decisions based upon facts and laws,
77 not personal feelings or outside pressure.

78 Vice-Mayor Hoss moved to appoint Henry “Skip” White as Alternate 2 to the Planning Board
79 with a term expiration of December 2020; seconded by Councilmember Milano. The motion
80 PASSED 5-0, with the following vote: Vice-Mayor Hoss – yes; Councilmember Milano - yes;
81 Councilmember Paritsky – yes; Councilmember Perrone – yes; Mayor Smith – yes.

82
83 **C. Consideration of a request from Nancy Nashed for the abatement/reduction of the**
84 **\$2,450 code enforcement lien on her property, located at 4870 South Peninsula Drive.**

85 Mr. Hooker reviewed the history of the Code Enforcement case and the Code Enforcement
86 Board's Order. He noted that this owner was treated as a repeat violator because of having a
87 recent previous permit infraction. He stated that the property was in non-compliance for 44 days.
88 Mayor Smith asked if the Nashed's or anyone representing the property owner was present to
89 speak on this matter; there was no one present. Mayor Smith noted his dismay with repeat
90 offenders; Councilmember Milano concurred, adding that there was sufficient time for the
91 owners to bring the property into compliance after being notified of the issue. Councilmember
92 Perrone confirmed that per his conversation with Mr. Hooker, and their communication attempts
93 when they see any perceived violation. Councilmember Paritsky noted that the criteria by which
94 Council could grant a reduction was not met on the form requesting such.

95
96 Councilmember Paritsky moved that Council affirm the \$2,450 code enforcement lien on the
97 property located at 4870 South Peninsula Drive; seconded by Vice-Mayor Hoss. The motion
98 PASSED 5-0, with the following vote: Councilmember Paritsky – yes; Vice-Mayor Hoss – yes;
99 Mayor Smith – yes; Councilmember Perrone - yes; Councilmember Milano - yes.

100
101 **D. Determination of the location for the Volusia League of Cities Dinner, which**
102 **is scheduled to be held in Ponce Inlet on September 24, 2020.** Ms. Witt noted that this item
103 was originally scheduled for the March agenda, pre-corona virus. She stated that quotes were
104 obtained from Off the Hook and Down the Hatch. She reviewed the planning process for these
105 meetings, noting that much time and effort is involved. She stated that two cities (Ormond Beach
106 and Pierson) have each cancelled their dinner meetings in response to Covid-19. Mayor Smith
107 noted that the proposals from our two local venues were submitted with the potential of a large
108 group in attendance; he requested that we find out if these venues would be able to do this dinner
109 if the attendance numbers were smaller. He also suggested that the Volusia League should poll
110 members for attendance figures and find out what the League suggests. Ms. Witt stated that this
111 type of a dinner setup is even more complicated than the basic requirements for dining facilities
112 because in those situations one expects that people at the same table would not require social
113 distancing from one another; this would be different at a League dinner as dining with members
114 is very different from dining with your family. She suggested that if one facility could
115 accommodate such a setup, for social distancing requirements it would be the Ocean Center.
116 Councilmember Milano stated that if Ponce Inlet is hosting a dinner, he would prefer it be held in
117 Ponce Inlet. Councilmember Perrone suggested the League contact the County to request they
118 sponsor the remaining dinners for the year. Council discussed the importance of the meetings
119 (civic engagement) and these possible options available, including canceling the dinner.
120 Councilmember Paritsky stated she will report these discussions and concerns to the League
121 Board.

122
123 Mayor Smith moved to table this item until the June Council meeting so that staff could have
124 discussions with the restaurants regarding how they would manage this if still under pandemic
125 status and for Councilmember Paritsky to have further discussions with the Volusia League of
126 Cities Board of Directors; seconded by Councilmember Milano. The motion PASSED 5-0, with
127 the following vote: Mayor Smith – yes; Councilmember Milano – yes; Councilmember Paritsky –
128 yes; Vice-Mayor Hoss – yes; Councilmember Milano - yes; Mayor Smith – yes; Councilmember
129 Perrone - yes.

130
131 **8. PUBLIC HEARINGS / QUASI-JUDICIAL: None.**

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

134 **A. Second reading and adoption of Ordinance 2020-02, amending the land use**
135 **and development code in compliance with the Town’s comprehensive plan for a text**
136 **amendment to address coastal high hazard area provisions in the B-2 and PWD zoning**
137 **districts.** Attorney Shepard read the ordinance by title only. AN ORDINANCE OF THE
138 TOWN OF PONCE INLET, FLORIDA; AMENDING SECTIONS 2.11 AND 2.15 OF THE
139 LAND USE AND DEVELOPMENT CODE OF THE TOWN OF PONCE INLET TO BRING
140 SAID REGULATIONS INTO AGREEMENT AND CONSISTENCY WITH THE
141 COMPREHENSIVE PLAN AS AMENDED BY ORDINANCE 2020-01, REMOVING THE
142 PROHIBITION ON RESIDENTIAL DEVELOPMENT IN THE RIVERFRONT
143 COMMERCIAL AND PLANNED WATERFRONT DEVELOPMENT ZONING DISTRICTS
144 WHERE THE PROPERTY IS ALSO LOCATED WITHIN THE COASTAL HIGH HAZARD
145 AREA; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR
146 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Mr. Disher stated the
147 purpose of this ordinance is delineated in its title, and revises language in the B-2 and PWD
148 zoning districts that prohibits residential development in the Coastal High Hazard Areas
149 (CHHA). He reviewed how the CHHA is defined and mapped; he stressed that this ordinance
150 does not change allowable density but rather, it removes restrictions that were contradictory to
151 State law. He clarified that the proposed amendments are consistent with the Ponce Inlet
152 Comprehensive Plan, including the Future Land Use Element and Coastal Management Element
153 policies. Mayor Smith asked Mr. Disher if the citizen comments that were received after the first
154 reading were valid or misinformation. Mr. Disher stated there was some understandable
155 confusion in the letter because Coastal High Hazard Area is a term used by different
156 organizations for different purposes and has different meanings. Mayor Smith asked if Mr.
157 Disher was comfortable with what is being proposed; Mr. Disher stated yes. Councilmember
158 Paritsky thanked the public for following up on this matter and staff for its hard work.
159 Councilmember Perrone clarified that the Town is restoring rights to property owners within the
160 CHHA. A brief discussion was held regarding imminent domain. Mayor Smith noted that he has
161 learned that the Town is on target to upgrade its CRS rating from a 5 to a 4. Mayor Smith opened
162 public comments – hearing none, he closed public comments

163
164 Councilmember Paritsky moved to approve and adopt upon second reading Ordinance 2020-02
165 as presented; seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote:
166 Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Mayor Smith – yes; Councilmember
167 Perrone - yes; Councilmember Milano - yes.

168
169 **B. Second reading and adoption of Ordinance 2020-05, establishing procedures**
170 **for the disposition of town-owned real property.** Attorney Shepard read the ordinance by title
171 only. AN ORDINANCE OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY,
172 FLORIDA AMENDING CHAPTER 2, SECTION 2-383 OF THE TOWN CODE OF
173 ORDINANCES TO PROVIDE A PROCEDURE FOR THE DISPOSITION OF TOWN-
174 OWNED REAL PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR
175 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt noted a correction in
176 the 4th *Whereas* clause: add the words “or unanimous” after the word supermajority”. She stated
177 the proposed ordinance now includes a list of specific parks in section 2-383(a)1.i-x and provides
178 for exceptions in section 2-383(c), as requested by Council at its February 20, 2020 meeting.
179 Councilmember Milano thanked Councilmember Paritsky for working on this project and the

180 Council for caring about the Town’s history. Mayor Smith referenced the “triangle” property and
181 stated it is essentially separate from Davies Lighthouse Park, adding his opinion that the only
182 purpose for that property is to attach it to the adjacent property. Mayor Smith suggested the
183 amendment to add the triangle property in the “exceptions” section of the ordinance since it is no
184 longer a part of the park. Councilmember Paritsky asked Mayor Smith what his concern is with
185 keeping it unanimous; he responded that the parcel could be used as a bargaining chip in the
186 future. Councilmember Paritsky noted that residents opposed the proposed sale of this property.
187 Mayor Smith stated that it is barely 4,000 square feet and is not usable for anything else. A
188 discussion continued, including options of short and long term lease agreement. Attorney
189 Shepard cautioned against entering into a long-term lease (i.e. 99 years, etc.); and stated there
190 currently is a use agreement in effect. Mayor Smith opened public comments, hearing none, he
191 closed public comment.

192
193 Councilmember Paritsky moved to approve and adopt upon second reading Ordinance 2020-05
194 as amended with the correction to the 4th Whereas clause; seconded by Councilmember Perrone.

195
196 Mayor Smith moved to amend the primary motion to exclude the Lighthouse Park Triangle
197 property from this process; seconded by Vice-Mayor Hoss. There was no discussion. The
198 amended motion FAILED 3-2, with the following vote: Mayor Smith – yes; Vice-Mayor Hoss –
199 yes; Councilmember Milano - no; Councilmember Perrone – no; Councilmember Paritsky - no.

200
201 The primary motion PASSED 4-1, with the following vote: Councilmember Paritsky – yes;
202 Councilmember Perrone – yes; Councilmember Milano – yes; Vice-Mayor Hoss – yes; Mayor
203 Smith – no.

204
205 **C. Second reading and adoption of Ordinance 2020-06, establishing criteria for**
206 **the Town Council’s consideration of the co-sponsorship of special events.** Attorney Shepard
207 read the Ordinance by title only. AN ORDINANCE OF THE TOWN OF PONCE INLET,
208 FLORIDA; AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES OF THE TOWN
209 OF PONCE INLET TO PROVIDE STANDARDS AND CRITERIA GOVERNING
210 REQUESTS FOR THE TOWN TO CO-SPONSOR SPECIAL EVENTS OR OTHER EVENTS;
211 AMENDING SECTION 51-2 OF THE CODE OF ORDINANCES TO PROVIDE FOR
212 DEFINITIONS; AMENDING SECTION 51-8 TO PROVIDE CO-SPONSORSHIP CRITERIA
213 AND RENUMBERING FORMER SECTIONS 51-8 THROUGH 51-17 OF THE CODE OF
214 ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;
215 AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt provided a summary of the history
216 of this this item. She stated that this item was approved on first reading with amendments by
217 Council at its February 20, 2020 meeting. She confirmed that proposed amendments are
218 incorporated into this final version. There were no comments from Council. Mayor Smith
219 opened public comments – hearing none, he closed public comments.

220
221 Councilmember Paritsky moved to approve and adopt upon second reading Ordinance 2020-06
222 as presented; seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote:
223 Councilmember Paritsky – yes; Vice-Mayor Hoss – yes; Mayor Smith – yes; Councilmember
224 Milano - yes; Councilmember Perrone - yes.

226 **10. CITIZENS' PARTICIPATION:** Mayor Smith opened citizen's participation. Hearing
227 no requests, Mayor Smith closed citizen's participation.
228

229 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**
230

231 **A. Resolution 2020-06, authorizing continued participation in the partnership**
232 **agreement with Volusia County to approve a Local Mitigation Strategy (LMS) to meet**
233 **certain criteria of FEMA's Community Rating System (CRS).** Attorney Shepard read the
234 resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
235 PONCE INLET, VOLUSIA COUNTY, ADOPTING RESOLUTION FOR PARTICIPATION
236 IN THE LOCAL MITIGATION STRATEGY (LMS); PROVIDING FOR SEVERABILITY;
237 PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN
238 EFFECTIVE DATE. Ms. Witt noted a correction in the 4th *Whereas* clause: remove the word
239 "unincorporated". Mr. Baker explained that the Town is required to review and renew its
240 membership in the LMS every five years, and this resolution is proposed for that purpose. Ms.
241 Witt thanked and acknowledged Mr. Baker for his work and that of Ms. Pierce to ensure the
242 Town residents' insurance rates continue to be reduced. Councilmember Perrone stated that the
243 information compiled in this study is fascinating but inquired as to whether there is any real
244 solution to sea level rise other than buying up all the properties. Mr. Baker stated there have been
245 many meetings and discussions on this matter and there are no easy solutions; they are pursuing
246 a separate study for more specifics in that. Mr. Baker explained the procedures the Town has in
247 place regarding construction and mitigation in flood prone areas. Councilmember Milano stated
248 his support for maintaining membership in the LMS and expressed his concerns that sand was
249 removed from our beach ramp after one of the hurricane events. Mayor Smith asked for public
250 comments – hearing none, he closed public comments.
251

252 Councilmember Paritsky moved to approve Resolution 2020-06 with correction to 4th Whereas
253 clause; seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote:
254 Councilmember Paritsky – yes; Vice-Mayor Hoss - yes; Mayor Smith - yes; Councilmember
255 Perrone – yes; Councilmember Milano - yes.
256

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

259 **13. NEW BUSINESS:**

260 **A. Consideration of an interlocal agreement with Volusia County for certain**
261 **types of animal control assistance that may be needed, to include availability of low-cost**
262 **spay/neuter services.** Chief Walker introduced this item, explaining that this agreement is for
263 services on an as-needed / as-requested basis from Volusia County Animal Control, similar to
264 existing mutual aid agreements they have in place for other areas. Ms. Witt stated that the Town
265 budgeted \$500 in the current budget for assistance with spay/neuter services, dependent upon the
266 approval of this agreement. She requested Council's support of a voucher program that would be
267 administered by our police department for Trap-Neuter-Return requests. Mayor Smith asked for
268 public comments – hearing none, he closed public comments.

269 Councilmember Paritsky moved to approve the interlocal agreement with Volusia County for
270 supplemental operational assistance and voluntary cooperation for animal control services and
271 approved a TNR voucher program to be administered by the Town's police department;
272 seconded by Councilmember Perrone. The motion PASSED 5-0, with the following vote:
273 Councilmember Paritsky – yes; Councilmember Perrone – yes; Councilmember Milano – yes;
274 Mayor Smith – yes; Vice-Mayor Hoss – yes.

275 **B. Discussion of preparing regulations relating to 5G networking equipment**
276 **placement.** Councilmember Paritsky explained the possible impacts to the Town's aesthetics
277 with the placement and style of the 5G towers. She explained that the Town cannot prohibit 5G,
278 but can dictate the appearance of the towers – albeit a limited window of opportunity. She asked
279 for Council's suggestions and support to request the Planning staff begin formulating standards
280 and plans, while working with the Planning Board and town attorney's office. Mayor Smith
281 expressed concerns with the number of towers necessary in a four-mile stretch, and supported
282 Councilmember Paritsky's suggestion. Councilmember Milano stated that nearly 3,000 antenna
283 would be needed to do what 4G has already done; he asked if a tower could be located in an
284 attic; no one knew the answer to that at this time. Councilmember Perrone noted that there are
285 many developments in Town with underground utilities and asked how this technology might
286 work with that; he also expressed concern about radiation exposure, which is referenced in some
287 literature on this subject. Attorney Shepard noted that municipalities cannot regulate anything
288 other than "how the structure looks". A discussion was held regarding placement, aesthetics, and
289 construction of the towers. Mr. Disher stated that the Planning Department is aware of this issue
290 and the City of Orlando has done a great job with managing the aesthetics, and he is researching
291 and working on this.

292 *Council directed staff to research this topic, utilizing the town attorney as needed, for*
293 *preparation of an ordinance to minimize the aesthetic impact that 5G will have on the town.*

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

295

296 **A. Councilmember Paritsky, Seat #5** – She wished everyone to remain safe.

297

298 **B. Councilmember Perrone, Seat #4** – Stated that interest rates are at an all-time
299 low, and recommended that if we are able, we should review our budget "wish lists" and move
300 forward with borrowing and purchasing; he commended staff for their hard work during these
301 "trying times" and the public for pulling together and complying with regulations and
302 suggestions from the CDC; he expressed his continued frustration that the Town has no vote in
303 the TPO and stated that participation is frustrating.

304

305 **C. Vice-Mayor Hoss, Seat #3** – Discussed the impacts and origins of COVID-19, a
306 strain of Corona viruses; she urged everyone to follow the suggestions and regulations.

307

308 **D. Councilmember Milano, Seat #2** – Reported that the Shelter administration will
309 meet on May 28th to determine when to re-open; he noted that the 2020 students who graduate
310 under Covid-19 restrictions were born in the aftermath of 9/11; he wished everyone to remain
311 safe and healthy.

312

313 **E. Mayor Smith, Seat #1** – Nothing to report.

314
315 **15. FROM THE TOWN MANAGER** – Ms. Witt provided the pre-preliminary property
316 value and rolled-back rate information that she had received from the Volusia County Property
317 Appraiser’s office for next year; final preliminary information will come by July 1st and will be
318 used in the budget preparation process; she advised that there was no calendar for Council at this
319 meeting because there are no events currently scheduled, though they are getting back to having
320 board meetings in a hybrid-style as needed.

321
322 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated he had no report.

323
324 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 9:16 p.m.

325
326 Respectfully submitted by:

327
328
329 _____
330 Jeaneen Witt, CMC, Town Manager/Town Clerk
331 Peg Hunt, Board Secretary