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**Town of Ponce Inlet**  
**Town Council**  
**Regular Meeting Minutes**  
**August 20, 2020**

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 6:01 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 (attended virtually via Zoom technology)

Vice-Mayor Hoss, Seat #3

Councilmember Perrone, Seat #4

Councilmember Paritsky, Seat #5

**Staff Members Present:**

Ms. Cherbano, Human Resource Director/Deputy Clerk

Mr. Disher, Assistant Director of Planning & Development

Ms. Frazier, Senior Planner

Ms. French, Cultural Services Manager

Chief Glazier, Police Chief

Ms. Hugler, Office Manager

Mr. Miller, Interim Public Works Manager

Chief Scales, Fire Chief

Mr. Shepard, Town Attorney (attended virtually via Zoom technology)

Mr. Walker, Police Lieutenant

Ms. Witt, Town Manager

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt stated that Councilmember-elect David Israel requested to add an item "Neighbors Helping Neighbors" to the agenda. Council agreed that Mr. Israel could present the item under the Citizens Participation section of the agenda and more time would be allowed; the agenda adopted as presented.

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

A. Certificate of Appreciation to Lieutenant Mark Walker for his service to the Town as Interim Chief of Police, November 2019 - July 2020.

Mayor Smith read the proclamation aloud and presented it to Lieutenant Walker.

45 **6. CONSENT AGENDA:** Mayor Smith asked if there was any item Council would like to  
46 remove from the consent agenda or to discuss – Councilmember Milano thanked Ms. McColl for  
47 the amount of information provided with item D; Mayor Smith asked for public comments –  
48 hearing none – he closed public comments.

49  
50 **A. Approval of the Town Council special meeting minutes – July 16, 2020.**

51  
52 **B. Approval of the Town Council regular meeting minutes - July 16, 2020.**

53  
54 **C. Authorization to dispose of certain fixed assets, as recommended by the**  
55 **finance manager in her August 10, 2020 memorandum.**

56  
57 **D. Authorization to execute the CARES Act Funding Agreement with Volusia**  
58 **County for reimbursement requests up to \$115,111 for the Town’s COVID-19**  
59 **expenditures.**

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

65  
66 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**  
67 **MEETING:**

68  
69 **A. Amendment to the sewer service interlocal agreement with the City of Port**  
70 **Orange to incorporate a cost-share plan for the Ponce deLeon Circle septic-to-sewer**  
71 **construction project.** Ms. Witt provided a brief summary of the project and noted that this  
72 Amendment formalizes the Agreement between the City of Port Orange and the Town regarding  
73 the Ponce deLeon Circle septic-to-sewer project. She noted the Town has been awarded a 33%  
74 grant match (corrected on page 2, from 34%) from the St. John's River Water Management District,  
75 equating to \$355,174 (corrected on page 2, from \$357,174). She stated the Town aggressively  
76 pursues grants and announced that her intent is to apply for the IRL (Indian River Lagoon) grant  
77 and that the Town will forfeit this grant if awarded the IRL grant, which they may request an up  
78 to 75% match - helping the Town and the City of Port Orange. Mayor Smith opened public  
79 comment - hearing none, he closed public comment.

80  
81 Councilmember Paritsky moved to approve the Fourth Amendment to the sewer services local  
82 agreement with the City of Port Orange to incorporate a cost-share plan for the Ponce de Leon  
83 Circle septic-to-sewer project as corrected; seconded by Vice-Mayor Hoss. The motion PASSED  
84 5-0, with the following vote: Councilmember Paritsky - yes; Vice-Mayor Hoss - yes;  
85 Councilmember Milano - yes; Councilmember Perrone - yes; Mayor Smith.

86  
87 **8. PUBLIC HEARINGS / QUASI-JUDICIAL:** None.

88  
89 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None.

90

91 **10. CITIZENS' PARTICIPATION:** Mayor Smith opened citizen's participation and waived  
92 the five-minute time limit.

93 David Israel, 87 Calumet Avenue introduced a program entitled "Ponce Inlet Emergency Reach  
94 Out Program". He noted that there was a house fire recently and no one from the Town Council  
95 checked on the family. He proposed establishing a procedure that would place a member of  
96 Council and the Town Manager on duty, on a rotational basis, to assist residents during an  
97 emergency. He noted that while campaigning, many residents expressed interest in volunteering  
98 for this group. Councilmember Paritsky asked if there would be a cost to the taxpayers. Mr. Israel  
99 stated yes, but the Council could set a predetermined limit. She thanked Mr. Israel for his ideas  
100 and noted that this could be a topic to consider more fully on an advertised agenda. Council  
101 requested Mr. Israel provide information to the town manager for preparation of an item for  
102 consideration at a future meeting. Mr. Israel stated that he will provide this information to Ms.  
103 Witt tomorrow.

104 Les Thompson, 77 Rains Court referenced the Dog Park survey and encouraged expanding upon  
105 it, to see what other ideas are out there for all the parks and stated the Town may want to consider  
106 purchasing the lot to the south of Pollard Park. He stated his support of surveys as a quick and easy  
107 way to obtain information as part of daily business. He thanked Mr. Perrone for his many years of  
108 service; encouraged residents to step up and step in.

109  
110 Ms. Witt expressed appreciation for the Citizens for Ponce Inlet organization for posting the survey  
111 to their website. Councilmember Milano noted that the Chambers used to be full of residents, but  
112 over the years the attendance has dropped off - and this is a great way to engage the public.

113  
114 Mayor Smith closed public comment.

115  
116 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

117  
118 **A. First reading of Ordinance 2020-08, implementing a supermajority**  
119 **requirement for any changes to the Land Acquisition and Facility Fund.** Attorney Shepard  
120 read the ordinance by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN  
121 OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AMENDING ARTICLE VII, CHAPTER  
122 2, SECTION 2-322 OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR A  
123 SUPERMAJORITY (4/5) VOTE TO AMEND OR WITHDRAW, IN WHOLE OR IN PART,  
124 ANY PROVISION, TERM CONDITION OR SUBSECTION OF SECTION 2-322; PROVIDING  
125 FOR CONFLICTING ORDINANCES; CODIFICATION; SEVERABILITY; AND FOR AN  
126 EFFECTIVE DATE. Ms. Witt noted that this item is in response to discussion at Council's July  
127 16<sup>th</sup>, 2020 meeting when they requested an ordinance for consideration of requiring a  
128 supermajority vote for any changes to the Town's regulations for any changes to the Land  
129 Acquisition and Facility Fund. Mayor Smith opened public participation - hearing none, he closed  
130 public participation.

131  
132 Councilmember Paritsky moved to approve first reading of Ordinance 2020-08 as presented;  
133 seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember

134 Paritsky – yes; Vice-Mayor Hoss – yes; Councilmember Perrone – yes; Mayor Smith – yes;  
135 Councilmember Milano – yes.

136

137 **B. Resolution 2020-08, supporting a one-year extension to the interlocal**  
138 **agreement for distribution of proceeds of local option fuel tax.** Attorney Shepard read the  
139 resolution by title only. A RESOLUTION OF THE TOWN OF PONCE INLET, FL  
140 SUPPORTING A ONE-YEAR EXTENSION TO THE INTERLOCAL AGREEMENT FOR  
141 DISTRIBUTION OF PROCEEDS OF LOCAL OPTION FUEL TAX FOR THE PERIOD  
142 SEPTEMBER 1, 2020 - AUGUST 31, 2021; PROVIDING FOR RATIFICATION OF EXISTING  
143 TERMS AND CONDITIONS OF INTERLOCAL AGREEMENT; PROVIDING FOR  
144 CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE  
145 DATE. Ms. Witt stated that this agreement is similar to the one passed last year, with property  
146 values included in the distribution formula. She noted that the next agreement will be based on  
147 road lane miles, resulting in about a 50% loss to the town. Councilmember Perrone asked if there  
148 are restrictions on the use of these funds. Ms. Witt stated yes, these funds are for road-related work  
149 only. Councilmember Perrone inquired that perhaps “use” should a distribution factor. Ms. Witt  
150 stated that there are roadway classifications like residential and arterial roads, but that wouldn’t be  
151 a helpful factor in determining the town’s portion of these funds. Mayor Smith opened public  
152 participation - hearing none, he closed public participation.

153

154 Councilmember Paritsky moved to approve Resolution 2020-08 as presented; seconded by Vice-  
155 Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember Paritsky – yes;  
156 Vice-Mayor Hoss – yes; Mayor Smith – yes; Councilmember Perrone – yes; Councilmember  
157 Milano – yes.

158

159 **12. OLD BUSINESS:** None.

160

161 **13. NEW BUSINESS:**

162

163 **A. Decorative lighting proposal for crosswalks at Harbour Village Boulevard and**  
164 **South Atlantic Avenue.** Ms. Witt stated she was contacted months ago by residents expressing  
165 concerns of crosswalks with no lighting in this general area. She and Mr. Miller met with Florida  
166 Power & Light (FPL) representatives on site to discuss options. FPL agreed to install on an existing  
167 utility pole a turtle friendly light with an extended arm at the crosswalk just south of Winterhaven  
168 Park. The crosswalks near the 7-11 and the Harbour Village Boulevard intersection have no  
169 existing utility poles, so FPL stated they have remedies for areas such as this and recommended a  
170 decorative lighting pole on each of the four corners of South Atlantic Avenue. Ms. Witt suggested  
171 that perhaps they should start with just two poles if they would like to experiment with this option;  
172 the installation cost would be approximately \$1,175 plus a \$50/ month rental per pole for a 10-  
173 year lease. There was a brief discussion regarding this location, which all agreed is one of the  
174 busier crosswalks. Mayor Smith asked for public comments – Liz Caswell, 48 Pompano Drive  
175 asked where the lighting would be located. Ms. Witt clarified that the lights under discussion are  
176 proposed for the northeast and northwest corners of Harbour Village Boulevard at the crosswalk  
177 on South Atlantic Avenue. Les Thompson, 77 Rains Court stated that while this is an operational  
178 decision, he suggested a lighting plan for the entire town. He expressed concerns of tunnel areas  
179 (the lighthouse area) and the stairs between Rains Court and Caribbean Way that need lighting. He

180 suggested the town be proactive and consider what we want the town to look like in five years. On  
181 a separate subject, he thanked Council for installation of the new speed limit signs on S. Peninsula  
182 Drive, adding that they work. David Israel, 87 Calumet Avenue agreed with Mr. Thompson and  
183 expressed concerns of liability and suggested a survey be conducted townwide for lighting needs.  
184 He asked why the town has to pay for the lights if Atlantic Avenue is a County road. Ms. Witt  
185 explained that each municipality is responsible for its own street lighting. Mr. Israel stated that  
186 \$1,200 per year for ten years is a lot of money and we could use the money elsewhere. There was  
187 a brief discussion regarding liability. Attorney Shepard stated that when you take on a duty that  
188 you do not have to do, you have a corresponding duty to do it correctly; there can be liability if  
189 you do not do it correctly. Mr. Israel suggested a comprehensive study to determine how many  
190 lights we need townwide and then act on that. He stated that the area has been dark for years; if  
191 you put a light there and there has been no study, we're going to get sued. A brief discussion was  
192 held regarding the proposed location and previous means of identifying lighting needs. Ms. Witt  
193 stated the police department routinely monitors for lighting needs and reports areas that need  
194 lighting; we then look into each and address these as we can; though the town has never conducted  
195 a professional lighting study. Mayor Smith closed public comments. Councilmember Perrone  
196 expressed concerns about the liability since the town is aware of the need but cannot add lighting  
197 now. Attorney Shepard stated there is a balance between public safety and liability. He stated if  
198 the town chooses to not light this area, there is no liability to the town because it is a County road.  
199 He suggested the town focus on this specific intersection if it chooses to do a study.

200  
201 Council, by consensus, authorized the town manager to obtain a lighting survey of the two  
202 crosswalks at Harbour Village Boulevard and South Atlantic Avenue.

203  
204 **B. Merit increase vs. annual adjustment increase for town employees in FY 20/21.**

205 Ms. Witt explained the current process for pay increases and their association with evaluations,  
206 which is an imperfect mechanism for providing feedback; she encouraged that an annual  
207 adjustment may be more appropriate and suggested 3 options. Mayor Smith noted he has an option  
208 4, in appreciation for all staff working through this pandemic, he felt they deserve a 2% across the  
209 board raise effective October 1<sup>st</sup>. Vice-Mayor Hoss referred to her experience in the teaching  
210 profession and supported the proposal for an annual adjustment increase instead of the merit.

211  
212 Councilmember Paritsky moved to authorize the town manager to utilize option 4, an annual  
213 adjustment each October 1<sup>st</sup>, calculated in lieu of the current merit system, with an adjustment of  
214 2.0% adjustment on October 1, 2020; seconded by Councilmember Perrone. The motion PASSED  
215 5-0, with the following vote: Councilmember Paritsky - yes; Councilmember Perrone - yes;  
216 Councilmember Milano - yes; Vice-Mayor Hoss - yes; Mayor Smith - yes.

217  
218 **C. Request for increase to hourly billing rate for town attorney.**

219 Mayor Smith noted that this rate has been in effect since 2008 and that a request for a ten dollar per hour increase  
220 is more than reasonable. Councilmember Paritsky asked if there would be a new retainer. Attorney  
221 Shepard stated he could provide a new agreement or an amendment, whichever the town prefers.  
222 Councilmember Perrone noted that the new rate would apply to all attorneys within the firm.  
223 Attorney Shepard confirmed that the rate applies “across the firm” and is still under market for the  
224 attorneys they provide. Councilmember Paritsky suggested preparation of a fourth amendment,

225 effective September 1<sup>st</sup> for ease of transition. Ms. Witt suggested the fourth amendment be a clean  
226 document with previous strikethroughs and other edits removed.

227  
228 Councilmember Paritsky moved to approve the request by the town attorney for an increase in the  
229 hourly rate to \$200 per hour, for all attorneys within the firm, commencing September 1, 2020  
230 and to authorize the preparation and execution of a Fourth Amended Legal Services Agreement;  
231 seconded by Vice-Mayor Hoss. The motion PASSED 5-0, with the following vote: Councilmember  
232 Paritsky - yes; Vice-Mayor Hoss - yes; Councilmember Perrone, Mayor Smith, Councilmember  
233 Milano - yes.

234  
235 **14. FROM THE TOWN COUNCIL:**

236  
237 **A. Councilmember Paritsky, Seat #5** – Acknowledged Councilmember-elect David  
238 Israel and recognized his wife for her hard work; she thanked Councilmember Perrone for his  
239 many years of service to the Town and its residents. She stated she attended the Florida League of  
240 Cities conference (virtually) and there are new officers, including Tony Ortiz, a Commissioner in  
241 Orlando, who was elected President. She stated she has been appointed to the Utilities, Natural  
242 Resources & Public Works Committee which focuses on coastal management. She stated the  
243 Volusia League of Cities’ officers remained the same, and that she will continue to serve as second  
244 vice-president. She stated the town continues in the lead in animal welfare regulations as  
245 referenced by the anti-tethering law and Ponce’s Law. She noted that some of the ordinances may  
246 need modification and amplification and asked for Council consensus for her to work with staff  
247 on improvements to our animal welfare ordinances. Council concurred.

248  
249 **B. Councilmember Perrone, Seat #4** – Congratulated David Israel on winning the  
250 election; he offered his assistance to Mr. Israel should he need anything; he noted Ms. Witt has  
251 information on the cell tower/radiation issue. Ms. Witt reported that staff has obtained a quote for  
252 a radiation study of the cell tower. She has placed funds in next year’s budget if the town wishes  
253 to pursue a study. Mr. Perrone reported that several street signs are bent or twisted and are very  
254 hard to read (washed-out). Ms. Witt stated she will ask Mr. Miller to inspect the street signs and  
255 replace as needed. He stated that the TPO is beginning to meet in person, and he will discuss the  
256 sidewalk project with Mr. Joulani prior to the TPO meeting.

257  
258 **C. Vice-Mayor Hoss, Seat #3** – Spoke of COVID-19 noting that the terminology  
259 seems to confuse the public. She noted RNA (Ribonucleic Acid) is the cause of the virus that  
260 allows it to move rapidly. She stated that it has been proven that children are carriers of this virus.  
261 She urged everyone to pay attention and to wash hands, wear masks, and social distance.

262  
263 **D. Councilmember Milano, Seat #2** – Wished everyone a safe and happy Labor Day;  
264 urged everyone to use common sense; reported that as of August 13<sup>th</sup>, the First Step Shelter placed  
265 36 clients in working jobs and independent housing; there are 11 clients still in the shelter;  
266 recognized the Wholesale Lighting family for donating the \$250,000 for the Pottinger Safe Zone.

267  
268 **E. Mayor Smith, Seat #1** – Shared a COVID-related story where the Mayors of this  
269 County requested rapid-test facility. The facility is located at the Volusia County fairgrounds and  
270 the tests are free; suggested that everyone go to Volusia.org for more information. He referenced

271 the recent fire, occurring in the early morning hours, the police arrived first followed by the fire  
272 department; three minutes later, another fire department arrived at the scene. By the end of the  
273 event, there were four fire departments and three ambulances on the scene. He noted that the town  
274 is a small part of a larger community and we all assist each other in the time of need.

275  
276 **15. FROM THE TOWN MANAGER** – Ms. Witt provided the following report and updates:  
277 The Kay & Ayres Davies Lighthouse Park Improvements Project - decorative pole lighting has  
278 been installed along the location where the new 8 ft sidewalk will be poured; the sidewalk  
279 installation is planned for next week; the playground equipment installation will also begin next  
280 week, followed by the artificial turf, and then new tables and swings will be installed. We are  
281 currently ahead of schedule for completion of this project and we will open the park back up as  
282 soon as possible.

283 Potential improvements to Ponce’s Happy Tails Dog Park were discussed at the August Cultural  
284 Services Board meeting. Everyone agreed that more information was needed, and as we began to  
285 gather this, we decided to try a citizen survey to get more feedback about the types of  
286 improvements that could be done in a dog park. So far, 31 responses have been submitted to the  
287 survey. We are very appreciative to Citizens for Ponce Inlet (C4PI) for assisting us with this via  
288 an electronic survey. Our original goal was to submit a grant application to ECHO this Winter for  
289 a possible FY 20/21 project. We can modify that timeline though, if needed and submit this later  
290 next year for a FY 21/22 project.

291 The Town learned last week that we did not get selected to receive the Department of Economic  
292 Opportunity grant for the sea level rise vulnerability study, which was disappointing because we  
293 know that others have received this grant for this type of study. We will continue our plan to work  
294 with the East Central Florida Regional Planning Council on this, as proposed in the FY 20/21  
295 budget.

296 Due to a variety of competing priorities in the planning & development department we have not  
297 been able to direct our efforts toward the issue that was raised at the June meeting regarding  
298 commercial use of the boat ramp just yet. Staff will be researching regulations of other cities  
299 regarding the boat ramp and parking, as it relates to commercial use. We will also look at any  
300 relevant deed restrictions for consideration of limiting parking, use of meters, and time limits that  
301 might be considered.

302 The Chiefs will hold the 9/11 Memorial Service virtually this year, beginning at 8:45 a.m.

303 Congratulations to Councilmember Paritsky who was selected by the Florida League of Cities for  
304 the Home Rule Hero, her second consecutive year for being selected.

305 A monthly calendar of events / meetings was provided; a Special Council meeting to adopt the  
306 millage rate is scheduled for September 10<sup>th</sup> and the regular meeting is scheduled for September  
307 17<sup>th</sup>.

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

309  
310 **17. ADJOURNMENT** - Mayor Smith noted that in the town’s 57-year history, there have  
311 been 67 Councilmembers, and Mr. Israel is number 68. Mayor Smith adjourned the meeting at  
312 8:05 p.m.

313 Respectfully submitted by:

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Jeaneen Witt, CMC, Town Manager/Town Clerk

318 Peg Hunt, Board Secretary