



TOWN COUNCIL AGENDA REGULAR MEETING

THURSDAY
OCTOBER 19, 2023 – 6:00 P.M.

TOWN COUNCIL CHAMBERS
4300 S. ATLANTIC AVENUE, PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town’s various boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL.

NOTE: Citizens who wish to speak during Public Participation about any subject that is not on the meeting agenda should fill out the Citizen Participation Request form and submit it to the Town Clerk prior to the start of the meeting.

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA. *None.*
5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:
 - A. FPL Storm Preparedness (rescheduled from September) – Linda Webster Dubea
 - B. Barracks of Hope – Halifax Urban Ministries
 - C. Progress of invasive species removal at Ponce Preserve – Barbara Davis
 - D. Mayor’s report of proclamations

6. CONSENT AGENDA - *Items on the consent agenda are defined as routine in nature that do not warrant detailed discussion or individual action by the Council; therefore, all items remaining on the consent agenda shall be approved and adopted by a single motion, second and vote by the Town Council. Items on the consent agenda are not subject to discussion. **Any member of the Town Council may remove any item from the consent agenda simply by verbal request at the Town Council meeting.** Removing an item from the consent agenda does not require a motion, second or a vote; it would simply be a unilateral request of an individual Council member and this item would then be added as the last item under New Business. As with all agenda items, the public will have the opportunity to comment prior to a motion being placed on the floor and their comment(s) may persuade Council to remove the item from the Consent Agenda and place under New Business for discussion.*

- A. Town Council Regular meeting minutes – September 21, 2023.
7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:

- A. Requesting use of Town property for the Daytona 100 Ultramarathon event on December 9-10, 2023.
 - B. Lien Abatement request: RFM Properties, LLC – 4591 S. Atlantic Avenue.
8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS: *None*.
9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS: *None*.
10. CITIZENS’ PARTICIPATION. *The Town of Ponce Inlet encourages engagement by citizens via a variety of means. This is an opportunity for our citizens to talk to us collectively on any subject that is not identified on the meeting agenda. Please complete the Citizen Participation Request form and submit it to the Town Clerk before the start of the meeting. The Town’s Rules for Conducting Town Council meetings are set forth in Resolution 2021-11 and include the following guidelines:*
- *Citizens are provided with 5 minutes at each meeting to speak on one or more issues that are not otherwise placed on the meeting agenda.*
 - *Please introduce yourself with your name and address clearly for the record.*
 - *Share with us your thoughts, ideas, and opinions; we want to hear them.*
 - *Under our rules, all questions and comments are directed to the Mayor.*
- While some questions may be able to be addressed at this meeting, others may require research or more information than we have readily available from our staff, so we may have to defer the response to you until we have that information. Also, depending on the type of issue, we may place the matter on a properly noticed subsequent meeting agenda. As a Council, we welcome the opportunity to hear from you and hope you will speak with us not only during Citizen Participation but outside of these meetings. We understand the formal nature of this meeting, but rest assured, we want to hear from you, we want to address your concerns, and we are appreciative of your involvement.*
11. ORDINANCES (FIRST READING) AND RESOLUTIONS:
- A. Ordinance 2023-05 – Adding alternate positions to the Essential Services Advisory Board.
12. OLD BUSINESS: *None*.
13. NEW BUSINESS:
- A. Grant of temporary access and construction easements to Volusia County to install “Trap Bags” shoreline protection at Ponce Preserve.
 - B. Support for seeking requests for legislative appropriation.
 - C. Discussion of foreclosure of outstanding code enforcement liens for non-homesteaded properties.
 - D. Support for the City of Debarry in requesting amendments to the Live Local Act.

14. FROM THE TOWN COUNCIL:

- A. Vice-Mayor Smith, Seat #5
- B. Councilmember Villanella, Seat #4
- C. Councilmember Caswell, Seat #3
- D. Councilmember Milano, Seat #2
- E. Mayor Paritsky, Seat #1

15. FROM THE TOWN MANAGER.

16. FROM THE TOWN ATTORNEY.

17. CITIZEN'S PARTICIPATION. *The Town of Ponce Inlet encourages engagement by citizens via a variety of means. This is another opportunity for our citizens to talk to us collectively for 2 **minutes** before closure of this meeting regarding reports provided by the Town Council, Town Manager, or Town Attorney in items **14-16 (only)** of the meeting agenda.*

18. ADJOURNMENT.

Upcoming Council Meetings:

- November 16th – Regular meeting & Inauguration
- December 21st – Regular meeting
- January 18th, 2024 – Regular meeting

Offices Closed:

- Friday, November 10th (Veterans Day)
- Thursday & Friday, November 23rd & 24th (Thanksgiving holiday)

*If a person decides to appeal any decision made by the Town Council with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this meeting should contact the Ponce Inlet Town Hall at 386-236-2150 **at least 48 hours prior to the meeting** in order to request such assistance.*



Meeting Date: 10/19/2023

Agenda Item: 5

Report to Town Council

Topic: Proclamations, Presentations, and Awards.

Summary:

- A. FPL Storm Preparedness.
- B. Halifax Urban Ministries: Barracks of Hope
- C. Presentation from Barbara Davis on invasive species removal at the Ponce Preserve.
- D. Mayor's report of proclamations.

Suggested motion: None required.

Requested by: Ms. Cherbano, HR Director/Town Clerk
Mayor Paritsky

Approved by: Mr. Disher, Town Manager

How we prepare for storm season


Be prepared: FPL.com/storm

Safety is always FPL's first priority. We urge customers to make it their top priority, too.

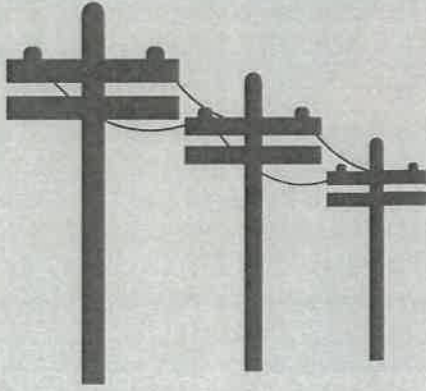


Prior to storm season, we conduct extensive training to prepare our employees to respond safely and as quickly as possible if a storm threatens our service area.

We work closely with local emergency officials to update lists of facilities that are critical to the community, such as hospitals, police and fire stations, communication facilities, water treatment plants and transportation providers.



We secure agreements for assistance from out-of-state utilities and electrical contracting companies in the event that additional restoration personnel are needed. We also order backup supplies and equipment, and we plan staging sites throughout our 35-county service area.



We also prepare and strengthen our infrastructure throughout the year by:

- » **Clearing** tree limbs and branches from power lines.
- » **Inspecting** poles for strength.
- » **Upgrading** poles from wood to concrete or steel.
- » **Inspecting** power lines and equipment with infrared technology to detect issues the naked eye can't see and making any needed repairs.

Please stay safe before the storm

Be prepared: FPL.com/storm

Safety is always FPL's first priority. We urge customers to make it their top priority, too.



Heed the warnings and evacuation orders by local, state and federal officials.

If someone in your home is dependent on electric-powered, life-sustaining medical equipment, **review your family emergency plan** for backup power or **make arrangements to relocate now.**



Most counties suspend trash and debris pickup before a storm. **Please do not trim trees now**, as high winds can turn cut branches into dangerous, flying debris. However, if you already have trimmed trees, **please help to prevent outages by tying down or securing loose branches or other debris.**



If you see a downed power line, call 911 or FPL at **1-800-4OUTAGE (1-800-468-8243)**. Stay away from all power lines.



Adjust refrigerators and freezers to their **coldest settings** ahead of time to keep food fresher longer in the event of a power outage.



Don't venture out in the dark, because you might not see a downed power line that could be energized and dangerous; avoid standing water and debris.



Keep a battery-operated radio on hand with a **two-week supply of fresh batteries**, along with other essentials.



If you plan to use a ladder while preparing your home for the storm, note the location of power lines before you begin. Be sure that ladders or scaffolds are far enough away so that you – and the ends of the tools you're using – stay at least 10 feet away from power lines. Before lowering a TV antenna or satellite dish, make sure to turn off and unplug the TV.

Record your FPL account number in a location that will be readily available. By knowing your account number, you will be able to quickly access your account online at FPL.com. You can also download the FPL app by texting "App" to **MyFPL (69375)**. Also, have our phone number (1-800-4OUTAGE or 1-800-468-8243) handy in the event you need to call to obtain information through our automated system.





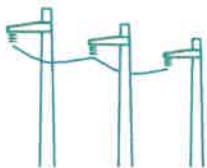
Powering the future of Volusia County

Florida Power & Light Company is working continuously to build a stronger, smarter, more storm-resilient energy grid to serve customers in Volusia County and throughout our service area. We understand how much Floridians count on FPL to deliver America’s best energy value – electricity that’s not just clean and reliable, but also affordable.

We also know that it’s not a matter of if, but when, the next storm will hit our state. While no energy grid is hurricane-proof, our significant investments since the historic 2004-05 hurricane seasons have helped shorten outage times and reduce restoration costs during severe weather – while also helping improve day-to-day reliability 41% since 2006.

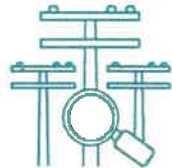
To drive that continuous improvement, we’re always at work strengthening power poles, maintaining trees and vegetation near power lines, regularly inspecting our equipment, installing smart grid technology and undergrounding more neighborhood power lines to serve our customers in Volusia County.

When the planned 2023 work is finished, FPL will have completed the following improvements in Volusia County since 2006:



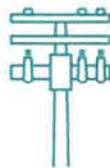
Upgraded and strengthened 129 main power lines.

We have strengthened the power lines serving critical community services, including hospitals, police and fire stations. In 2023, nine main power lines will be strengthened.



Inspected 130,970 power poles for strength.

After inspecting poles, we upgrade or replace any that don’t meet our industry-leading standards for strength. In 2023, 10,644 poles will be inspected as part of an eight-year inspection cycle.



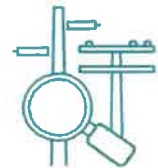
Installed 5,479 smart grid devices,

including automated switches on main and neighborhood power lines to help detect and prevent power issues and get life back to normal faster if outages occur. In 2023, we will install a total of 53 smart grid devices.



Managed vegetation along 8,120 miles of power lines, an average of 478 miles per year.

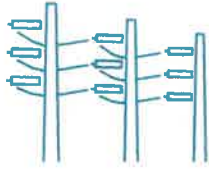
Trees and other vegetation growing near power lines are a common cause of outages and flickers. In 2023, vegetation will be maintained along 1,689 miles of power lines.



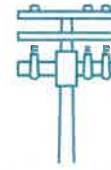
Inspected 271 main power lines

using advanced infrared cameras that help us detect and address potential problems with our equipment – before they cause outages. In 2023, we will inspect nine main power lines.

Some improvements we've made across our 43-county service area ...



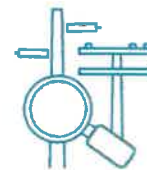
94% of transmission structures are now steel or concrete as we continue replacing all wood structures.



More than 200,000 intelligent devices installed to help prevent power outages or limit their duration.



25,000+ miles of trees and vegetation managed each year to reduce outages.



1.4 million power poles regularly inspected – repairing or replacing those that do not meet our criteria for strength



Undergrounding power lines

FPL launched the Storm Secure Underground Pilot Program in 2018 to replace overhead power lines with more reliable underground lines in neighborhoods hit hardest by hurricane outages and vegetation-related interruptions to improve performance in severe weather and enhance day-to-day reliability. In Volusia County, eight undergrounding projects have been completed since the start of the program.

Award-winning reliable service

The improvements continue to benefit customers across FPL's service area in many ways. FPL has been the state's leader in reliability in 16 of the past 17 years.

FPL in 2022 won the ReliabilityOne® National Reliability Award for the seventh time in eight years.

Presented by PA Consulting, the award is widely regarded as one of the energy industry's most prestigious honors and reinforces FPL's commitment to provide its customers the nation's most reliable service.



MEMORANDUM

Town of Ponce Inlet - Office of the Mayor

The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Town Council
Through: Michael E. Disher, Town Manager
From: Mayor Lois A. Paritsky *LAP*
Date: October 13, 2023
Subject: Proclamation Report

The following Proclamations will be presented after tonight's meeting:

- A Proclamation declaring the week of October 23rd through the 31st as *Red Ribbon Week*; and
- A Proclamation declaring the month of October 2023 as *Breast Cancer Awareness Month*.

Copies of the Proclamations may be viewed at the Town Hall kiosk.

/p

PROCLAMATION

OF THE

TOWN OF PONCE INLET, FLORIDA

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enrique "KiKi" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23rd through the 31st has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment; and

NOW, THEREFORE, I, Lois A. Paritsky, Mayor of the Town of Ponce Inlet, do hereby proclaim October 23rd – 31st, 2023 as

Red Ribbon Week

in the Town of Ponce Inlet and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the Town of Ponce Inlet Florida, to be affixed this 19th day of October 2023.



Town of Ponce Inlet, Florida

Lois A. Paritsky

Mayor Lois A. Paritsky

Attest:

Kim Cherbano

Kim Cherbano, CMC/Town Clerk

PROCLAMATION
OF THE
TOWN OF PONCE INLET, FLORIDA

WHEREAS, breast cancer touches the lives of Americans from every background and in every community across our Nation; and

WHEREAS, though we have made great strides in combating this devastating illness, more than 200,000 women will be diagnosed with breast cancer this year, and tens of thousands are expected to lose their lives to the disease; and

WHEREAS, during the month of October, National Breast Cancer Awareness Month, we honor those we have lost, lend our strength to those who carry on the fight, and pledge to educate ourselves and our loved ones about this tragic disease; and

WHEREAS, though the exact causes of breast cancer are unknown, understanding its risk factors is essential to prevention; and

WHEREAS, early detection is also key in the fight against breast cancer and getting recommended screening mammograms can help to detect breast cancer early.

NOW, THEREFORE, I, Lois A. Paritsky, Mayor of the Town of Ponce Inlet do hereby proclaim the month of October as

National Breast Cancer Awareness Month

FURTHER, I call upon the residents of the Town of Ponce Inlet to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the Town of Ponce Inlet Florida, to be affixed this 19th day of October, 2023.

Town of Ponce Inlet, Florida

Mayor Lois A. Paritsky

Attest:

Kim Cherbano, CMC
Town Clerk



Meeting Date: 10/19/2023

Agenda Item: 6

Report to Town Council

Topic: Consent Agenda

- A. Town Council Regular meeting minutes – September 21, 2023.

Summary:

Staff has prepared the attached set of meeting minutes for Council's review and approval.

Suggested motion:

To approve the Consent Agenda as Presented or as Amended.

Requested by: Ms. Cherbano, HR Director/Town Clerk

Approved by: Mr. Disher, Town Manager



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**Town of Ponce Inlet
Town Council
Regular Meeting Minutes
September 21, 2023**

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1. CALL TO ORDER: Pursuant to proper notice, Mayor Paritsky 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 Paritsky led the Pledge of Allegiance; she reviewed the protocol for filling out the Citizens' Participation request forms for agenda item #10.

3. ROLL CALL:

Town Council:

Mayor Paritsky, Seat #1
Councilmember Milano, Seat #2
Councilmember Caswell, Seat #3
Councilmember Villanella, Seat #4
Vice-Mayor Smith, Seat #5

Staff Members Present:

Ms. Cherbano, Town Clerk
Mr. Disher, Town Manager
Ms. French, Cultural Services Manager
Ms. Gjessing, Permit Technician
Chief Glazier, Police Chief
Mr. Griffith, Public Works Director
Ms. Hall, Accountant/Grants Coordinator
Ms. McColl, Finance Director
Mr. Okum, IT Manager
Chief Scales, Public Safety Director *pro tem*
Attorney Shephard, Town Attorney
Ms. Stewart, Assistant Deputy Clerk

4. ADDITIONS, CORRECTIONS, OR DELETIONS TO THE AGENDA. Mr. Disher stated that item 5-A was being postponed to the October meeting; item 7-B is being pulled from the agenda due to additional concerns; and item 11-D is being added - a Resolution supporting the Volusia League of Cities and the City of Ormond Beach in opposition of the construction of the Belvedere Fuel Farm. [Editor's note: the agenda was re-numbered/re-lettered as appropriate].

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

5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. FPL Storm Preparedness.

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B. Proclamations: Mayor Paritsky reported that she will present two proclamations after tonight's meeting: proclaiming October 2023 as *Community Planning Month*; and proclaiming October 16th – 22nd, 2023 as *Florida City Government Week*.

6. CONSENT AGENDA: Mayor Paritsky asked if there was any item Council would like to remove from the consent agenda; there were no requests. Mayor Paritsky asked for public comments – hearing none, she closed public comments.

A. Town Council Budget Special meeting minutes – August 17, 2023.

B. Town Council Regular meeting minutes – August 17, 2023.

C. Town Council Special meeting minutes – September 6, 2023.

D. Endorsing the HELPER Act to benefit first-time home purchases by public servants.

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

7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING

A. Consideration of appointment to the Essential Services Advisory Board. Ms. Cherbano introduced this item and noted that this seat has been vacant since last year; she added that Ms. Wurst has met the prerequisites established by Council for appointment. Ms. Wurst introduced herself and stated she is ready to serve. Council thanked Ms. Wurst for her interest in serving; there were no Council questions. Mayor Paritsky opened public comment – hearing none, she closed public comment.

Councilmember Villanella moved to approve the appointment of Amy Wurst to Seat #4 of the Essential Services Advisory Board with a term expiration of 12/31/2024; seconded by Councilmember Milano. The motion PASSED 5-0, consensus.

B. ~~Authorizing the renewal of the annual Halifax Humane Society's (HHS) agreement with the Town.~~ Pulled from agenda.

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

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

A. Final Millage Rate and Budget for Fiscal Year 2023/2024.

Mayor Paritsky noted that this item consists of two parts, a Resolution to adopt the final millage rate of 6.2779 mills and an Ordinance to adopt the proposed budget. She asked Attorney Shepard to read each item by title only.

92
93 **1. Resolution 2023-12, adopting a final millage rate for fiscal year**
94 **2023/2024.** Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN
95 OF PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE FINAL MILLAGE
96 RATE FOR THE LEVYING OF AD VALOREM PROPERTY TAXES FOR MUNICIPAL
97 PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE TOWN FOR THE FISCAL YEAR
98 BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; STATING THE
99 PERCENTAGE BY WHICH THE MILLAGE TO BE LEVIED IS ABOVE OR BELOW THE
100 ROLLED BACK RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
101 CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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103 **2. Second reading and adoption of Ordinance 2023-04, incorporating the**
104 **final audited budget of fiscal year 2021/2022, amending the budget for fiscal year 2022/2023,**
105 **and adopting the budget for fiscal year 2023/2024.** Attorney Shepard read the Ordinance by title
106 only. AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA INCORPORATING
107 THE FINAL AUDITED BUDGET FOR FISCAL YEAR 2021-2022 WHICH BEGAN ON
108 OCTOBER 1, 2021 AND ENDED ON SEPTEMBER 30, 2022; AMENDING THE BUDGET
109 FOR FISCAL YEAR 2022-2023 WHICH BEGAN ON OCTOBER 1, 2022 AND ENDS ON
110 SEPTEMBER 30, 2023; ADOPTING THE BUDGET FOR THE FISCAL YEAR 2023-2024
111 WHICH WILL BEGIN ON OCTOBER 1, 2023 AND ENDS ON SEPTEMBER 30, 2024;
112 PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES;
113 AND PROVIDING FOR AN EFFECTIVE DATE.

114
115 Mr. Disher stated that the [budget](#) is the same as the one presented and discussed at the September
116 6, 2023 meeting and is balanced at 6.2779 mills. He noted that the additional \$27,900 shown in
117 the General Revenue is to pay for the evaporator coil for the A/C repairs at Town Hall, the funds
118 for which had to be carried forward to the new fiscal year; the other change is for the creation of a
119 renewal and replacement water reserve fund, essentially a savings account for major periodic water
120 system expenses. Councilmembers had no questions. Mayor Paritsky opened public participation
121 – hearing none, she closed public participation.

122
123 Councilmember Villanella moved to approve Resolution 2023-12 as presented, setting the final
124 millage rate at 6.2779 mills; seconded by Councilmember Milano. The motion PASSED 5-0, with
125 the following vote: Councilmember Villanella – yes; Councilmember Milano – yes; Mayor
126 Paritsky – yes; Councilmember Caswell – yes; Vice-Mayor Smith – yes.

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128 Councilmember Villanella moved to approve and adopt on second reading, Ordinance 2023-04
129 as presented; seconded by Councilmember Milano. The motion PASSED 5-0, with the following
130 vote: Councilmember Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes;
131 Councilmember Caswell – yes; Vice-Mayor Smith – yes.

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133 **10. CITIZENS' PARTICIPATION:** Mayor Paritsky opened citizens' participation. Charles
134 Burge, Harbour Village Links South stated Saturday (the 60th Anniversary Celebration) was a blast
135 and staff did a great job; he spoke of a suspicious incident that recently occurred at Harbour Village
136 and urged a public safety campaign be created to remind residents how to remain safe. Pat Morris,
137 4758 S. Peninsula Drive, joined by Liz Finch, 106 Rains Drive – thanked staff and Council for
138 inviting the Garden Club to collect non-perishable food during the anniversary event, expressed

139 appreciation for the generosity of the residents of Ocean Quest condo and the Town residents for
 140 their donations, and stated that the representatives at Longstreet Elementary School were
 141 overwhelmed with the generosity. Mayor Paritsky closed public participation.

142

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

144

145 **A. [Resolution 2023-13](#).** Attorney Shephard read the resolution into the record by title
 146 only. A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,
 147 VOLUSIA COUNTY, FLORIDA, ACCEPTING AND RATIFYING THE CERTIFICATE OF
 148 THE TOWN OF PONCE INLET ELECTION CANVASSING BOARD AND THE REPORT ON
 149 THE CONDUCT OF THE ELECTION, SAID CERTIFICATE AND REPORT BEING
 150 ATTACHED HERETO AND BEING MADE A PART OF THIS RESOLUTION; ACCEPTING
 151 THE RESULTS OF THE AUGUST 22, 2023 ELECTION AS CANVASSED BY THE TOWN
 152 OF PONCE INLET CANVASSING BOARD WITH THE TOWN CLERK ACTING AS
 153 MUNICIPAL SUPERVISOR OF ELECTIONS; PROVIDING FOR A DETERMINATION AS
 154 TO THE WINNING CANDIDATES IN THE RACE; AND PROVIDING AN EFFECTIVE
 155 DATE. Ms. Cherbano noted that Mayor Seat #1 and Council Seat #5 were unopposed and re-
 156 elected; Council Seat #3 was won by Henry “Skip” White. Councilmember Milano commended
 157 Lisa Lewis, Election Supervisor, for the manner in which she runs and manages each election; her
 158 organization and staff are very professional. There were no other Council comments. Mayor
 159 Paritsky opened public participation – hearing none, she closed public participation.

160 Councilmember Caswell moved to approve Resolution 2023-13 accepting the Town’s election
 161 results, seconded by Councilmember Villanella. The motion PASSED, 5-0 with the following vote:
 162 Councilmember Caswell – yes; Councilmember Villanella – yes; Mayor Paritsky – yes;
 163 Councilmember Milano – yes; Vice-Mayor Smith – yes.

164

165 **B. [Resolution 2023-14](#).** Attorney Shephard read the resolution into the record by title
 166 only. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,
 167 FLORIDA, EXTENDING THE SUNSET DATE OF THE PUBLIC SAFETY DIRECTOR PRO
 168 TEM, AS ESTABLISHED BY RESOLUTION 2022-15; PROVIDING FOR SEVERABILITY;
 169 PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE
 170 DATE. Mr. Disher explained the history of this position and noted that the temporary appointment
 171 was set to expire six months after the hiring of a new Town Manager, which would have been
 172 October 2023. He is proposing to extend this appointment by two years, noting that Chief Scales
 173 is the longest-serving department head in the Town, does a great job working with other
 174 departments and staff, and is invaluable with his knowledge of the budget process. Chief Scales is
 175 in the DROP program so this position is specifically tailored to him. Councilmember Caswell
 176 asked what Chief Scales’ salary is. Mr. Disher stated the Chief’s base salary as Fire Chief is
 177 \$109,000 and with an additional \$21,000 in stipends, equates to approximately \$130,000.
 178 Councilmember Villanella commended Chief Scales for the work he has done over the years;
 179 Mayor Paritsky agreed.

180

181 Mayor Paritsky opened public comment – hearing none, she closed public comment.

182

183 Councilmember Villanella moved to approve Resolution 2023-14 as presented; seconded by
 184 Councilmember Milano. The motion PASSED, 4-1 with the following vote: Councilmember
 185 Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember Caswell –
 186 no; Vice-Mayor Smith – yes.

187
 188 C. **Resolution 2023-15.** Attorney Shephard read the resolution into the record by title
 189 only. A RESOLUTION OF THE TOWN OF PONCE INLET, FLORIDA AMENDING RATES
 190 IN APPENDIX A OF THE TOWN CODE OF ORDINANCES, PART X (WATER SERVICE);
 191 PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING RESOLUTIONS;
 192 PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Mr. Disher
 193 stated the Town hired a Consulting firm (Raftelis Financial Consultants, Inc.) to perform a [Water](#)
 194 [Enterprise Revenue Sufficiency Review](#) since the water rates had not been reviewed or increased
 195 since 2018; he noted that recent shortages in this fund are currently made up by using Reserve
 196 funds, which is not sustainable. For the first time, we have included a fee structure based on
 197 specific years into the fee schedule. Over the next five years, the water rate adjustments will
 198 generate revenue sufficient to: 1) pay all O&M expenses; 2) meet debt service payments and
 199 coverage requirements; 3) cover all non-operating needs; 4) place the Enterprise in a position to
 200 address future R&R and capital improvements if needed; and 5) maintain adequate reserves. In
 201 addition, a fail-safe is written into the Resolution that the rate charged beyond FY 27/28 would
 202 default to 3% *or* 1%+CPI-U, whichever is greater. Council had no questions or comments.

203
 204 Mayor Paritsky opened public comment. Robert Bullard, 4802 S. Peninsula Drive – asked how
 205 much money is allocated to infrastructure upkeep and renovation. Mr. Disher explained that the
 206 renewable and replacement fund is scheduled to be funded with \$177,000 in the next budget year
 207 initially and will continue to be funded annually. There was a brief discussion between Mr. Bullard
 208 and Mr. Rocca (Raftelis Financial Consultants, Inc.) regarding aging infrastructure. Mayor
 209 Paritsky closed public comment.

210
 211 Councilmember Villanella moved to approve Resolution 2023-15 as presented; seconded by
 212 Councilmember Milano. The motion PASSED, 4-1 with the following vote: Councilmember
 213 Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember Caswell –
 214 no; Vice-Mayor Smith – yes.

215
 216 D. **Resolution 2023-16, supporting the City of Ormond Beach and the Volusia**
 217 **League of Cities in opposing the proposed construction of the Belvedere Fuel Farm.** Attorney
 218 Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN COUNCIL OF THE
 219 TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, SUPPORTING THE CITY OF
 220 ORMOND BEACH AND THE VOLUSIA LEAGUE OF CITIES IN OPPOSING THE
 221 PROPOSED CONSTRUCTION OF THE BELVEDERE FUEL FARM NEAR ORMOND
 222 BEACH IN THE UNINCORPORATED AREA OF VOLUSIA COUNTY AT, OR ABOUT 874
 223 HULL ROAD, ORMOND BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.
 224 Mayor Paritsky stated Mayor Partington of Ormond Beach requested support from Volusia
 225 municipalities as well as the Volusia League of Cities to oppose this project. She expressed her
 226 concerns about this project. Chairman Villanella stated he has spoken with several residents in that
 227 area and noted his concerns that there is no site plan available. Councilmember Caswell stated she
 228 has been following this item and stated there are three of these farms planned throughout the state

229 of Florida and around Buc-ee's gas stations; and since Buc-ee's is not going anywhere, we are
 230 going to have a fight on our hands keeping these facilities away from residential properties.
 231 Councilmember Milano concurred and noted that the residents had no idea anything like this was
 232 being considered.

233

234 Mayor Paritsky opened public comment - hearing none, she closed public comment.

235

236 Councilmember Villanella moved to approve Resolution 2023-16 as presented; seconded by
 237 Councilmember Caswell. The motion PASSED, 5-0 with the following vote: Councilmember
 238 Villanella – yes; Councilmember Caswell – yes; Mayor Paritsky – yes; Councilmember Milano –
 239 yes; Vice-Mayor Smith – yes.

240

241 **12. OLD BUSINESS:** None.

242

243 **13. NEW BUSINESS:** None.

244

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

246

247 **A. Vice-Mayor Smith, Seat 5** – Praised the 60th Anniversary event and thanked the
 248 local businesses who participated. He stated that people come to Ponce Inlet because of what we
 249 have and what we offer; he is curious as to why Councilmember Caswell votes “No” on certain
 250 items.

251

252 **B. Councilmember Villanella, Seat #4** – Stated the police chief and town manager
 253 seemed to have the most fun in the dunk tank during the 60th event.

254

255 **C. Councilmember Caswell, Seat #3** – Stated residents need to remain vigilant and
 256 aware of their surroundings and referenced a study that showed Daytona Beach has moved up the
 257 list for violent crimes.

258

259 **D. Councilmember Milano, Seat #2** – Provided an update on the First Step Shelter;
 260 noting that in the next couple of years, several properties and projects will be paid off so they will
 261 be able to put nearly half a million dollars back in the budget; thanked staff for the fun day of
 262 events at the 60th Anniversary party; and spoke regarding residents public safety.

263

264 **E. Mayor Paritsky, Seat #1** – Expressed appreciation to the Town's businesses,
 265 organizations, clubs, volunteers, and staff for a successful 60th Anniversary event; reported that the
 266 Volusia Delegation Roundtable hosted by the Volusia League of Cities included presentations by
 267 Senator Wright, Representative Tramont, Representative Barnaby, Representative McCain, and
 268 Representative Leek; she thanked Councilmember-elect White and Mr. Disher for attending. She
 269 reminded residents that on Saturday, September 23rd Volusia County Sheriff Mike Chitwood will
 270 be at the Community Center to answer questions relating to law enforcement, and anticipates
 271 Representative Tramont, County Councilman Reinhart and a representative of Congressman Cory
 272 Mills' office to be present, along with Police Chief Glazier.

273

274 **15. FROM THE TOWN MANAGER** – ([See staff report](#)) Mr. Disher thanked Jackie French
275 and Jennifer LaGreca for the great work on the 60th Anniversary event which welcomed more than
276 300 attendees, 40 staff and volunteers, 18 Ponce Inlet businesses, clubs, and organizations, 16
277 donors for prizes and pizza, seven corporate sponsors, and five dunk tank volunteers. He provided
278 the following updates: the Fire Department has completed its five-year strategic plan (Chief Scales
279 briefly explained the process and thanked Council, residents, and the women and men of the fire
280 department); Public Works personnel excavated and graded the swales along S. Peninsula Drive
281 and installed the white pavement markers at the S. Peninsula Drive and Harbour Village Boulevard
282 intersection, and is now flushing the potable water system; a new Facebook page titled *The Town*
283 *of Ponce Inlet* and a Nextdoor account for the Town will be going live in a few weeks; and Randy
284 Okum, IT Director will be presenting a “Talking Technology with the Town” event on October
285 20th from 10:00 a.m. to 12:00 p.m. at the Community Center.

286
287 **16. FROM THE TOWN ATTORNEY** – Attorney Shephard stated his grandson “Hayes”
288 was born last week.

289
290 **17. PUBLIC PARTICIPATION (on items 14 – 16 only)** – Mayor Paritsky opened public
291 participation. Charles Burge suggested not waiting 10 years until the next anniversary event as it
292 was great for the residents and the Town. Mayor Paritsky closed public comment.

293
294 **18. ADJOURNMENT** – With no further business, Mayor Paritsky adjourned the meeting at
295 7:06 p.m.

296
297 Respectfully submitted by:

298
299 Draft

300 Kim Cherbano, CMC / Town Clerk

301 Prepared by: Peg Hunt, CMC / Deputy Clerk



Meeting Date: 10/19/2023

Agenda Item: 7-A

Report to Town Council

Topic: Request for use of Town property for the Daytona 100 Ultramarathon event on December 9th & 10th, 2023.

Summary: See attached staff report.

Suggested motion:

Based on the application criteria being met and reports from last year's event, staff is requesting Council approval of this request.

Requested by: Ms. French, Cultural Services Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, CULTURAL SERVICES DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar

To: Michael E. Disher, AICP, Town Manager
From: Jackie French, Cultural Services Manager
Date: October 12, 2023
Subject: Request for Use of Town Property: 2023 Daytona 100 Ultramarathon Race

MEETING DATE: October 19, 2023

Mr. Bob Becker of Ultra Sports, LLC has submitted his special event permit application through the Cultural Services Department for the *Daytona 100 Ultramarathon Race*. The 9th annual Daytona 100 Ultramarathon is scheduled for the weekend of December 9-10, 2023. This is an event that includes individual races beginning in Jacksonville with 100 miles, and in Flagler Beach with both 50 miles and 50k races. This is the second year with the requested use of Kay & Ayres Davies Lighthouse Park as the official race finish line for all three races. Over the course of the weekend, runners will be spread out over many miles before they reach the finish line. The runners are expected to cross this finish line in Davies Park over a 20-hour period between late afternoon on Saturday, December 9th until the cutoff at 1:30pm on Sunday, December 10th. Mr. Becker anticipates roughly 300 runners, with an additional 500 support crew and staff arriving over the finish line during this time. Mr. Becker is aware of the Town's Santa Run occurring on the same evenings and does not anticipate any a conflict.

Last year, Mr. Becker requested co-sponsorship in the form of using the Town's means of advertising and waiving the special event application fees, for a total cost of \$225 incurred by the Town. No complaints or negative feedback were received from residents or noted during the staff's after-action discussion from last year's event.

Since then, the Town has updated its Special Event ordinance, which was adopted on August 17, 2023. The new criteria for co-sponsorship approval are below.

Sec. 51-2. – Definitions: Town-sponsored event

Town-sponsored event means that the town, solely or as a co-sponsor of the event, produces and/or coordinates the event, or contributes town services, funds, staff, or aid of any kind as a co-sponsor, after determining that the event:

- (a) Is planned, organized, and conducted by the Ponce Inlet Community Center Board, Inc., or any established not-for-profit organizations and clubs based in Ponce Inlet, such as the Ponce Inlet Veterans Association, Ponce Inlet Lions Club, Ponce Inlet Garden Club, Ponce Inlet Women's Club, and the Ponce Inlet Art Guild, that annually provide a copy of their currently valid IRS tax exemption certificate as an established 501(c)3 organization; and/or

- (b) Has been traditionally co-sponsored by the Town as provided in Sec. 51-8(a).

Sec. 51-8(a). – Co-sponsorship or co-sponsored event criteria and standards:

- (a) Based on the Town’s long tradition of co-sponsoring certain annual events based on repeated findings that they provide a local commemoration of a national holiday or provide historical, educational, cultural enrichment or recreational experiences to the public and town residents, the town council, in its sole discretion, may grant full co-sponsorship to those long-standing events identified and approved via resolution.

Pursuant to *Sec. 51-2.* and *Sec. 51-8(a)*, the *Daytona 100 Ultramarathon Race* **does not** meet the criteria for event co-sponsorship. Although hosted and planned by the non-profit Ultra Sports LLC, this organization is not based in Ponce Inlet. For this event, staff must refer to *Sec. 51-8(d)* below,

- (d) For events that do not meet the definition of *Town-sponsored event* under *Sec. 51-2* described above, a written request shall be delivered to the town’s cultural services department at least 60 days prior to the event by an applicant if use of town facilities, parking on town property, and/or street closures are found to be required for the event based on the findings of the town’s special event review committee. Town staff may provide a report and recommendation to the town council for review.

Acknowledging that the *Daytona 100 Ultramarathon Race* does not meet the current criteria for co-sponsorship request, the applicant has submitted his request for the use of town property during the event (**Attachment 1**), along with the special event permit application packet (**Attachment 2**).

Runners will enter Ponce Inlet on S. Atlantic Avenue, then proceed west along Lighthouse Drive to S. Peninsula Drive to the finish line at the south entrance of Kay & Ayres Davies Lighthouse Park. Provided that runners arrive over a 20-hour period, no road closures will be required.

The off-site parking facilities that are requested from the Town for this event include 8 spaces within the boat ramp trailer parking lot. Additional off-site parking permission has been obtained from Ponce Inlet Community Center, Critter Fleet, and the Ponce Inlet Lighthouse. There will not be a boat ramp closure for this event. The applicant is also requesting placement of temporary signs on Town property.

This request is made before the Town Council for use of town property.

SUMMARY:

Request is for use of town property for the *Daytona 100 Ultramarathon Race* scheduled for December 9 & 10, 2023; the request is for the placement of temporary signs on Town property, use of Davies Park, and use of 8 parking spaces within the boat ramp trailer parking lot.



Jackie French, Cultural Services Manager

October 12, 2023

Date

Attachments:

1. Request Form: Event Use of Town Property from event organizer, Bob Becker
2. Application Packet_2023 Daytona 100



Ultra Running Events

520 Orton Avenue #203
Fort Lauderdale, FL 33304
October 7, 2023

Town Council of Ponce Inlet
Attn: Jackie French, Cultural Services Manager
Special Event Application for *Daytona 100 Ultramarathon*
Race dates: December 9-10, 2023

Dear Jackie:

Attached to this email (and to a supplemental message due to file size) are the various exhibits required for Town Council consideration of our application to host the finish line of the *Daytona 100 Ultramarathon* in Davies Park on December 9-10, 2023. Because I am currently traveling, all documents will be signed (and notarized where appropriate) and originals sent to you upon my return home on or about October 16. I acknowledge that these forms are not "valid" until then.

Please note that there are no substantive* changes to any race-related details associated with our request last year. [*The finish line will remain open an additional 30 minutes until 1:30pm on Sunday.]

Exhibits attached:

- Special event application
- Temporary signs application with location map
- Sound amplification application
- Event use of town property form

I understand that the following exhibits unchanged from last year may be used again since there will be no changes to them:

- Use of 10 X 10 canopies
- Lighting details
- Site plan where items will be set-up at Davies Park

Parking:

The same arrangements made last year have been okayed for this December. That includes approval from Mike Bennett to use space at the "Lighthouse" and from Scott and Danielle

Weber at "Hidden Treasure" to use space in their "overflow" lot and their regular lot after hours when runners will be gradually arriving at the finish line. (Letter to follow.) Peter Finch has again approved use of parking spaces at the Community Center. Finally, we are requesting use of eight (8) parking spaces in the boat trailer lot contiguous to Davies Park. FYI, our post-race awards presentation will happen again on Sunday afternoon beginning at 1:30pm at "Hidden Treasure".

Liability insurance:

Our race is sanctioned and insurance is obtained through *USA Track & Field*. The annual insurance renewal date for USATF is November 1st. We request that this application be approved subject to proof of coverage being received when available to us prior to race weekend.

Application fees:

I will forward a check upon confirmation of the proper amount due.

Finally, my return home from current travels on October 12 will be short-lived. On October 18, I leave again to personally run a 100-mile race in northeast India in the Himalayas. I will not return until November 6, and so will be out of the country when the Town Council meets on October 19. As we have discussed, I will do my best to have a surrogate attend in my stead, but please let me know if it is determined that such a presence is not necessary.

Otherwise, please let me know if there is anything else required (except as noted) to consider this Special Event application. Thank you for your support and assistance along the way.

Bob Becker
Race Director



bob@ultrasportsllc.com

954.439.2800



Town of Ponce Inlet
Cultural Services Department
Request Form: Event Use of Town Property

Pursuant to Chapter 51 of the Code of Ordinances

This co-sponsorship request form must be filled out accurately and completely and submitted along with a special event permit application. Incomplete forms cannot be reviewed.

This form and all supporting documents **may be submitted up to 365 days in advance of the event, but no less than 60 days prior to the event date.** If the applicant desires their co-sponsorship request to be heard at a specific Town Council meeting, these documents must be submitted no less than **20 days prior to the desired Council meeting date.**

Request forms for event use of Town property will be presented to Council for review for events not eligible for co-sponsorship. Regardless of whether the event qualifies as a special event, or is eligible for co-sponsorship, an applicant's co-sponsorship request shall comply with the content requirements below.

For event applicants requesting us of town's means of advertising, email jfrench@ponce-inlet.org

Event Name: Daytona 100 Ultramarathon

Event Date(s): December 9-10, 2023

Event Location: Davies Park

Business/ Organization Hosting Event: Ultra Sports, LLC

Event Applicant/ Contact: Bob Becker

Please provide a brief description of the event and any important details:

Daytona 100 Ultramarathon is a running race of 100 miles beginning in JAX Beach, and of 50-miles and 50-kilometers beginning in Flagler Beach. All events finish in Ponce Inlet at Davies Park. The field of approximately 300 total runners and their support crews are very spread-out along the course--which is primarily A1A. They arrive at the finish line from approximately 3:30pm on Saturday, December 9 until before the cut-off 1:30pm on Sunday, December 10. No road or lane closures are requested and no traffic issues should result from this gradual flow. Requested use of Davies Park is for the actual finish line and the location where we cook and offer burgers, soup and related items to finishing runners and their supporters. Typically runners stay at the park for a relatively short time for some food and relaxation, then leave to go to their hotels or home. We begin set-up on Saturday at roughly 1:00-1:30pm and should be finished and packed-up around 2:00pm or so on Sunday.

Please select and state your event needs that require permission from the Town:

Town permission required:
<input type="checkbox"/> Closure of boat ramp
<input type="checkbox"/> Closure of boat ramp trailer parking lot
<input checked="" type="checkbox"/> Placement of temporary signs on Town property
<input type="checkbox"/> Street closures
<input checked="" type="checkbox"/> Use of Town facilities Davies Park
<input checked="" type="checkbox"/> Parking on Town property Boat parking lot--8 spaces
<input type="checkbox"/> Other:

1. **Estimated number of event participants:**

300 runners

2. **Estimated number of any animals by type:**

N/A

3. **Purpose of the event:**

Running race finish line

4. **Nature and the types of activities that will occur.**

Runners completing an ultramarathon, and some R&R--i.e., food preparation and consumption on site at the Davies Park finish line.

5. **Provide a copy of indemnification in favor of the Town and included as part of the application, which shall be executed by an authorized representative of the applicant.** The organization will not be required to indemnify the Town for the negligent acts of the Town's employees or agents.

Attached

6. **Describe any public right of way, property, buildings, facilities, or equipment utilized:**

Davies Park and parking spaces as described

7. **County roadway is to be used:**

Yes- County right-of-way use permit is attached

No

8. **The event serves a valid public purpose benefiting the town and/ or its residents and the community by either-**

Providing a local commemoration of a national holiday; or

Providing historical, educational, cultural enrichment and/or recreational experiences to Ponce Inlet residents and the public.

Describe how:

This recreational event includes runners from the area and numerous Ponce Inlet volunteers who support the athletes. The event provides economic benefit to town businesses and introduces Ponce Inlet for the first time to many of the runners and volunteers.

As the applicant, I certify that upon request, I will provide event space or facilities to established Ponce Inlet organizations and clubs during the event without cost. (If granting of such space will constitute a bona fide undue hardship to the event organizer, the applicant shall include a waiver of this request in their co-sponsorship request along with the reason for the hardship on the bottom of page one of this form.)

Applicant signature

Date

FOR OFFICE USE ONLY:

Application received by: Jackie French Date: 10/9/23

Event needs requiring permission from Town:

- Closure of boat ramp
- Closure of boat ramp trailer parking
- Placement of temporary signs on Town property
- Street closures
- Use of Town facilities
- Parking on Town property
- Other: _____



Town of Ponce Inlet
Cultural Services Department
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127
 386-322-6703

SPECIAL EVENT PERMIT APPLICATION
Pursuant to Chapter 51 of the Code of Ordinances

Permit #: _____
 Submittal Date: 10/9/23 JF
 FEE PAID: _____

APPLICATIONS MAY BE SUBMITTED UP TO 365 DAYS IN ADVANCE OF THE EVENT, BUT NO LESS THAN 28 DAYS PRIOR TO EVENT DATE, OR 60 DAYS PRIOR IF REQUESTING TOWN CO-SPONSORSHIP.

Please submit the following information with your application:

- A site plan of the event area(s) with all applicable information requested below.
- If the event is on town property, a certificate of insurance showing the town as additional insured in the amount of \$1,000,000 is required.

SECTION 1: EVENT INFORMATION

Event Name: Daytona 100 Ultramarathon	
Event Location: Davies Park--race finish line in Ponce Inlet for running race beginning in Jax Beach	
Date(s) of Event: December 9-10, 2023	Event Hours: Dec. 9: set-up approx. 1:00-1:30pm. End/clean-up Dec. 10 approx. 2:00pm
Brief Event Description: Running race with options of 100-miles, 50-miles and 50-kilometers, beginning in JAX Beach or Flagler Beach. Finish line for all races is Davies Park.	
Estimated Attendance: **300	Repeat Event: <input checked="" type="radio"/> Yes <input type="radio"/> No

SECTION 2: APPLICANT INFORMATION

Business/ Organization Hosting Event: Ultra Sports, LLC	
Authorized Head of Business/ Organization: Robert J. "Bob" Becker	
Phone Number: 954-439-2800	Email Address: bob@ultrasportsllc.com
Event Applicant/ Contact: _____	
Day-of Phone Number: Same	Email Address: Same
Mailing Address: 520 Orton Avenue #203, Ft. Lauderdale, FL 33304	

SECTION 3: ADDITIONAL INFORMATION

Please answer the questions below. If answering "Yes," indicate the location(s) on your site plan, providing any additional details on a separate sheet if needed.

Traffic Control Required? <input type="radio"/> Yes <input checked="" type="radio"/> No	Parade? <input type="radio"/> Yes <input checked="" type="radio"/> No <small>*Provide a map and streets to be closed*</small>
Portable Restrooms? <input type="radio"/> Yes <input checked="" type="radio"/> No	Private Security Firm? <input type="radio"/> Yes <input checked="" type="radio"/> No
Shuttle Transportation? <input type="radio"/> Yes <input checked="" type="radio"/> No	Name of Security Firm
Off-Site Parking Required? <input checked="" type="radio"/> Yes <input type="radio"/> No	

Provide written agreement with property owner(s) and number of spaces needed

Provide a site-plan showing the means of all vehicular (including shuttle) and pedestrian ingress & egress to and from the event.

SECTION 4: TEMPORARY USE - Additional Permits may be required.

Please answer the questions below. If answering "Yes," indicate the location(s) on your site plan, providing any additional details on a separate sheet if needed.

Barricades Required? <input type="radio"/> Yes <input checked="" type="radio"/> No		Traffic Cones Required? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Amplified Sound? ¹ <input checked="" type="radio"/> Yes <input type="radio"/> No		High-Intensity Lighting? ² <input checked="" type="radio"/> Yes <input type="radio"/> No <small>*Provide specifications*</small>	
# of Tents (over 10'x10')? None	# Stages/ Structures? ³ None	# of Signs/ Banners? ⁴ [See supplement]	
Tent Size ³ (if over 10'x10') N/A	Stage Dimensions:	Sign permit application submitted to Building Division? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> N/A If yes, permit #:	
How do you plan to collect and remove trash and litter during and after the event? Self-manage. Use town dumpster, if allowed.			
Food Prepared On-Site? ⁵ <input checked="" type="radio"/> Yes <input type="radio"/> No			
# of Mobile Food Vendors (MFV)? ⁶ N/A	# Parking Spaces Required for MFVs? <small>*Include on your site plan</small>		
DBPR Food Service License # <small>*Attach copy of License</small>	DBPR Alcoholic Beverage License # ⁷ <small>*Attach copy of License</small>		
Supplementary Regulations for Special Events:			
1- See <u>Code of Ordinances Sec. 34-93</u> for sound limitations and <u>Code of Ordinances Sec. 34-94</u> for permit requirements to exceed maximum allowable noise level limits and restricted hours.			
2- See <u>Code of Ordinances Sec. 34-99.1-5</u> for Town policy on nuisance lighting, requirements to reduce light trespass and glare. This section does not prohibit the temporary exterior lighting used for civic celebration and promotion associated with a permitted special event.			
3- Tents larger than 10'x10' and stages require a fire inspection and building inspection in addition to a building permit			
4- See <u>LUDC Sec. 3.30.6 and Resolution 2011-03</u> for temporary sign regulations. To prevent signs from interfering with public utilities, contact Sunshine State One Call at 1-800-561-6720 prior to digging for sign installation.			
5- <u>Code of Ordinances Sec. 46-3.a.4</u> : Use of any portable cooking equipment is prohibited in all Town parks except in designated areas of Davies Lighthouse Park. Within designated areas, only propane and electric portable equipment is permitted – no charcoal.			
6- <u>LUDC Sec. 3.34</u> : Mobile Food vending is the sale of food, either prepared on location or pre-packaged, from a mobile food vending vehicle. Mobile food vendors shall comply with regulations from this section and shall be subject to an inspection pursuant to the NFPA and Florida Fire Prevention Code.			
7- <u>Code of Ordinances Sec. 6-7.a</u> : It is unlawful for any person to consume or possess any alcoholic beverages on public streets, sidewalks within the town, or on any town property or public park located in the town except as provided in the Code or as approved by Town Council.			

I hereby state that the above information is true and accurate to the best of my knowledge. I further understand and agree to any and all conditions and costs of the required permits. I understand that the Town of Ponce Inlet assumes no liability for this event. I hereby agree to defend, hold harmless, and indemnify the Town, at the Town's option, from any and all demands, claims, suits, actions and legal proceedings brought against the Town in connection with this event, whether threatened or otherwise, to the full extent as permitted by the law of the State of Florida. This provision shall survive the term of this agreement and shall remain in full force and effect until the expiration of the time for the institution of any action at law or equity or administrative action against the Town under either federal law or the laws of Florida.

Signature of Applicant _____

Date Signed _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

This document was sworn to (or affirmed) and subscribed before me by me of physical presence or online notarization, this ____ day of _____, 20____, he/she is personally known to me or has presented _____ as identification.

Notary stamp/ seal:

Notary Public, State of Florida

STANDARD CONDITIONS FOR SPECIAL EVENT PERMITS

Per Code of Ordinances Sec. 51-9.

Standards and conditions for issuance of permit. The special event review committee will review the special event permit application based upon the following standards and conditions:

- (a) The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in the vicinity of the event.
- (b) The conduct of the event will not require the diversion of so great a number of public safety personnel or equipment of the town to properly secure the event area and the areas contiguous thereto, as to prevent current level of public safety services from being furnished to other parts of the town.
- (c) The event shall not take place until inspections of the special event site have been conducted by the appropriate departments to determine whether this ordinance and any conditions of the special event permit have been met or satisfied.
- (d) The concentration of persons, animals and/or vehicles at the event will not unduly interfere with proper fire and/or police protection of, or ambulance service to, areas contiguous to the event area or other areas of the town.
- (e) The conduct of the special event is not reasonably likely to cause injury or intended to cause injury to persons or property, create an environment not compatible with a residential neighborhood if within or abutting a residential neighborhood, or to result in disorderly conduct as defined by town ordinance or state statutes, provided that the town may not deny a permit solely on the basis of the proposed content of speech or ideas of the group involved.
- (f) The conduct of the event shall not introduce extraordinary hazards to fire protection and/or life safety in the immediate or adjacent areas.
- (g) Adequate sanitation and other required health facilities are, or will be, made available in or adjacent to the event area. These include restrooms, trash receptacles, or anything normally required by the health department.
- (h) The conduct of the special event must be in accordance with the town's noise ordinance.
- (i) There are sufficient parking places on site and/or written approvals from off-site property owners where off-site parking is to occur, to accommodate the approximate number of automobiles expected to be driven to the special event.
- (j) Precautions will be taken to ensure protection of landscaping and irrigation systems.
- (k) The applicant has secured security personnel or police, fire/emergency medical services protection and public works services, if any, are required under this procedure. If applicant has secured police, fire/emergency medical services, or public works services from the town, (s)he must prepay the expenses thereof.
- (l) The applicant shall obtain public liability and property damage insurance, with the town named as an additionally insured party for any special event that is held on town property or that utilizes town facilities, in an amount approved by the town, as recommended by the town's insurance carrier. The applicant shall place on file with the town a certified insurance policy issued by a company authorized to do business in the state.
- (m) Application for a special event permit shall constitute an agreement by the applicant to pay for town personnel expenses and extraordinary services provided by the town, including any repairs, renovations and/or landscaping and turf restorations or replacement of town property which is necessitated by virtue of the special event.
- (n) Any temporary lighting will not adversely affect adjacent properties.
- (o) No applicant shall be granted a permit for an event that is to occur over a period longer than seven consecutive days.
- (p) No applicant shall be granted more than twelve special events permits in a single calendar year.

NOTE: The town may deny or revoke a permit for failure of the applicant to satisfy the applicable standards set forth in this chapter and the requirements of the permit, pursuant to Code of Ordinances Sec. 51-10(b).



Town of Ponce Inlet
 Cultural Services Department
Special Amplified Sound Permit Application

Pursuant to Section 34-94 of the Code of Ordinances

Please Note: The application must be filled out accurately and completely. Incomplete applications cannot be processed.

Permits may be granted by the Town Manager for the purpose of **entertainment** or **nonentertainment** under the following conditions (see Sec. 34-94 for full list of conditions):

- The special permit may be issued only for **four** hours
- Between **9:00 a.m. and 10:00 p.m.** in one calendar day.

Daytona 100 Ultramarathon

Name of Event	Time	Hours of Amplified Sound
Dec. 9-10, 2023	Sat 6-10pm; Sun 9am-1pm	Sat 4 hours; Sun 4 hours

Name of applicant: Ultra Sports, LLC [Bob Becker, RD] Phone: 954-439-2800

Applicant's street address: 520 Orton Ave. #203, Fort Lauderdale, FL 33304

Description of equipment to be used (ie. stereo, band, etc. Bull horns are not permitted) _____
 Small P.A. system with 1-2 speakers, primarily for announcements and possibly some music.

Description of how the sound will be minimized (mufflers, screens or other sound-attenuating devices) _____
 Volume control and aim of speaker(s). The intent is not to disrupt surrounding areas and to keep sound confined to our footprint to the extent possible.

The issuance of a Special Amplified Sound Permit grants permission to the applicant(s) for the location and type of sound, as per section 34-94 of the Town of Ponce Inlet Ordinances. The Amplified Sound Permit may be revoked by an agent of the Town of Ponce Inlet at any time. The Special Amplified Sound Permit does not waive applicant's responsibility to ensure compliance with all applicable requirements. Applicant(s) agrees to hold the Town of Ponce Inlet, its agents and employees, harmless for any damages that may incur from failure to meet all Town codes.

CERTIFICATION STATEMENT (As required by Chapter 34, Ponce Inlet Code of Ordinances)

As applicant, I understand that I shall monitor the use and operation of all amplified sound equipment to ensure that it is operated within the decibel levels permitted by Chapter 34, §34-93, Ponce Inlet Code of Ordinances.

Dated this 29th day of September 2023.

Applicant's Printed Name: Robert J. Becker

Applicant's Signature: _____

FOR OFFICE USE ONLY:

Fees (License Fee) = \$50.00 Amount Paid: _____

Application received by: Jackie Frende Date: 10/9/23

Town Manager: Approved Denied _____

Previous violations of sound ordinance? Yes No

Conditions: _____

By: _____

Date: _____



Ultra Running Events

October 7, 2023

Jackie French, Cultural Services Manager
Town of Ponce Inlet
Special Event Application for Daytona 100 Ultramarathon

Re: Pop-up canopies and lighting

All pop-up canopies are 10'x10' and none come with sides with the exception of the race timer. The timer will add separate sides to his pop-up to protect electronic gear and himself from the elements as he will be on site for the entire time that runners are finishing.

One of the race canopies will be reserved for the medical team. If weather warrants, we'd like the option to add sides to that one. We will place a canopy in the cooking area if weather dictates. Two others will be placed over tables where runners will be eating if table space beyond what is available in the wooden pavilion is needed. (Last year, none were.) To summarize: the race timer will be erecting a 10x10 canopy and will enclose three sides for protection from the elements. A second 10x10 canopy will be set-up for our medical group, and it may also require side panels on three sides. A 3rd canopy will be available to cover the cooking area, if needed. Finally, 2 additional 10x10s without sides will be used to cover tables where runners are eating if the weather and space dictate.

The floodlights we propose to use are 5,000 lumens. See separate photo, please.
Thank you, Jackie.

Bob Becker
Race Director

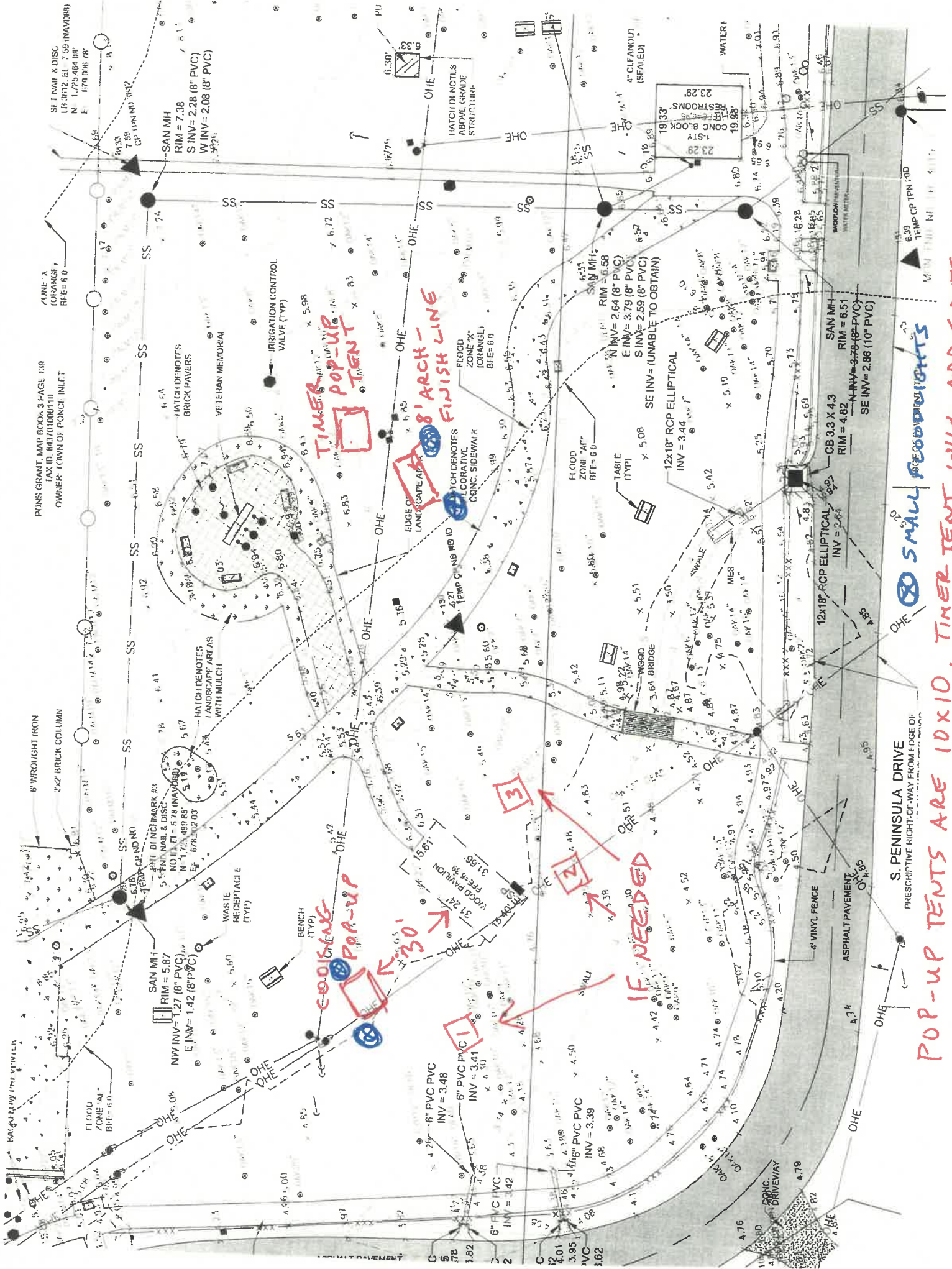


bob@ultrasportsllc.com

954.439.2800

Ultra Sports, LLC
520 Orton Avenue #203
Fort Lauderdale, FL 33304

PONS GRANT, MAP BOOK 3 PAGE 138
TAX ID: 663701000110
OWNER: TOWN OF PONCE INLET



POP-UP TENTS ARE 10X10. TIMER TENT WILL ADD SIDES.
SMALL FLOOD LIGHTS

S. PENINSULA DRIVE
PRESCRIPTIVE RIGHT-OF-WAY FROM EDGE OF

Lot #: 13262
Best By: 09/2015

HDX

1004 471 099

5000 Lumen LED Work Light

- 5000 Lumen LED light
- 5 ft Cord
- Sealed ON/OFF switch
- Indoor/outdoor use
- Suitable for wet locations



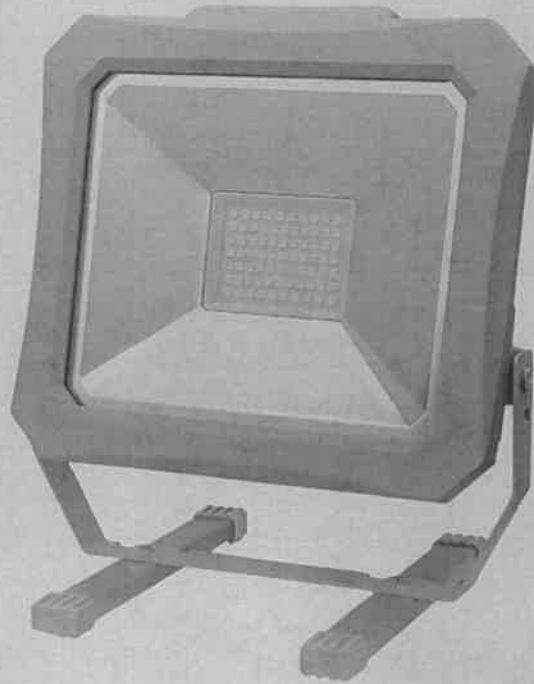
5000 lumen

HDX™

1004 471 099

5000 Lumen LED Work Light

- 5000 Lumen LED light
- 5 ft Cord
- Sealed ON/OFF switch
- Indoor/outdoor use
- Suitable for wet locations



Integrated Carry Handle

5000 lumen



Town of Ponce Inlet
 Planning & Development Dept.
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127
 386-236-2181 (voice)
 386-236-2190 (fax)

TEMPORARY SIGN ON RIGHT-OF-WAY PERMIT APPLICATION
 Pursuant to Article 3, Section 3.30 of the
 Land Use and Development Code and Resolution
 2012-03

Submittal Receipt # and Date: 10/9/23 *JF*

Application #: _____

FEE PAID: _____

Authority to erect temporary signs in the right-of-way is regulated pursuant to Section 3 of the Land Use and Development Code and Resolution 2012-03.

Please Note: Failure to *fully complete* all the applicable items will result in the application being deemed incomplete and no further action will be taken.

SECTION 1: PROPERTY INFORMATION

Address of Adjacent Property: _____
 Frontage of lot: _____
 Written permission of property owner if not applicant? _____

SECTION 2: PROPERTY OWNER INFORMATION

Applicant Name	Ultra Sports, LLC	Mailing Address	520 Orton Avenue #203, Fort Lauderdale, FL 33304
Phone	954-439-2800	Fax	N/A
Agent Name/Title	Bob Becker	Mailing Address	[Same]
Phone	[Same]	Fax	N/A

Owner's authorization for agent to apply attached: Yes No

SECTION 3: SIGN DESCRIPTION

Please provide a description of the proposed sign, including:

Dimensions of Sign (Maximum of 16 square feet or as otherwise noted in Section 5.6.10): 18"x24"
 Maximum Sign Height from grade: 2.5-3 feet Minimum Sign Height from grade: 1-1.5 feet
 Location of Sign (*provide two copies of a survey or site plan with location marked, including distance from sidewalk, roadway, building and other signs*): _____
 Type of material used to construct sign: Chloroplast "yard-type" signs with metal stakes
 Date to be posted: December 9, 2023 Date of removal December 10, 2023

SECTION 4: APPLICATION PROCEDURE

Pursuant to Section 3.30.4.D. *Sign permit applications*, states that a sign permit application for permanent and certain temporary signs shall be prepared and submitted on forms available at the office of the planning and development department. The sign permit application is in addition to any building permit application required by the Florida Building Code.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant or Agent

Date

STATE OF FLORIDA
COUNTY OF VOLUSIA

Affirmed and subscribed before me this _____ day of _____, 20____ by _____,
who is personally known to me or who has produced _____ (type of ID) as identification.

Notary Public

My commission expires:

FOR OFFICE USE ONLY:

Approved by: _____

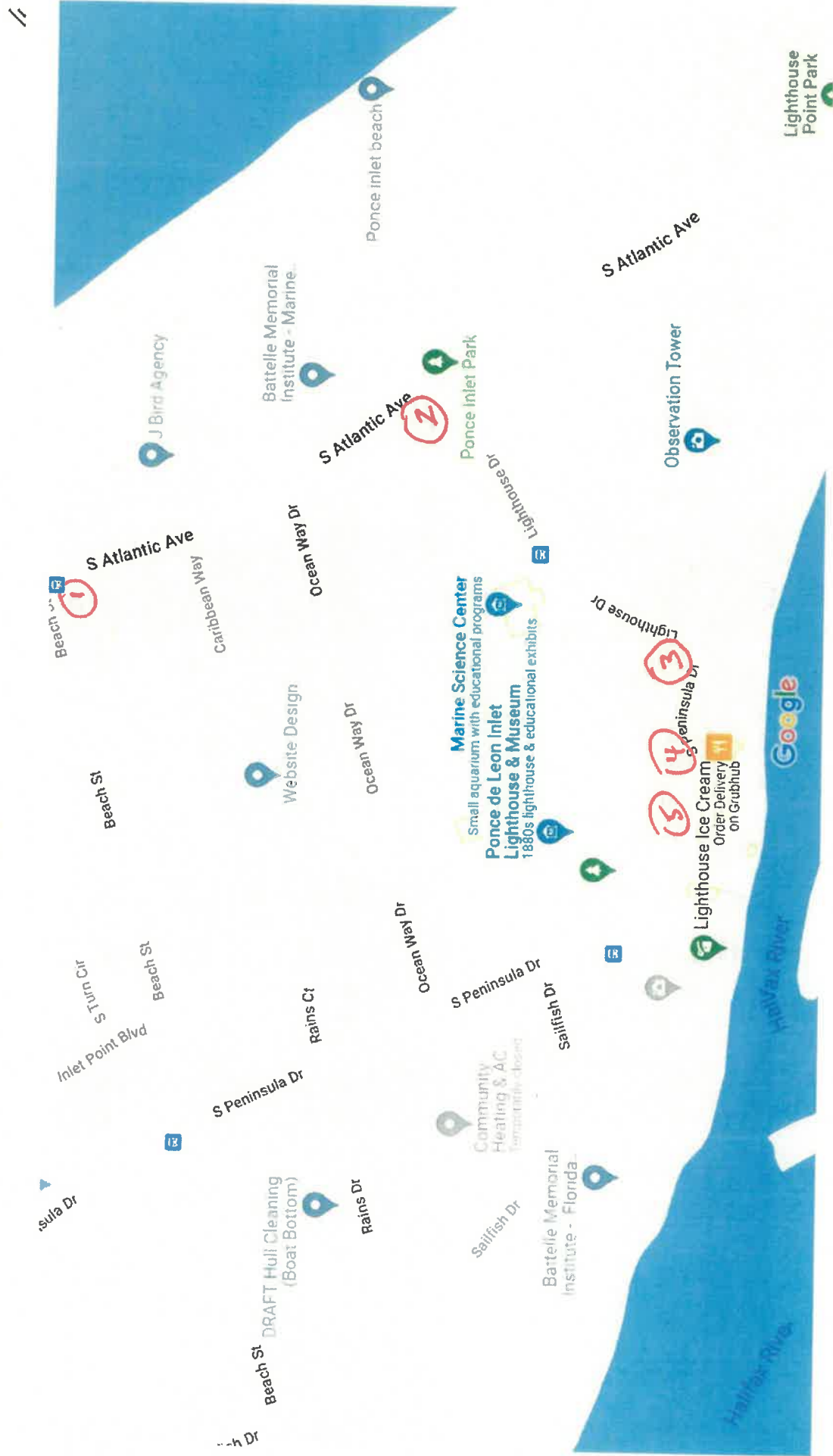
Date: _____

Denied by: _____

Date: _____

Reason for denial: _____

Google Maps Daytona 100 "yard"-type sign locations



- ① STRAIGHT AHEAD ARROW
- ② TWO (2) RIGHT TURN ARROWS
- ③ TWO (2) RIGHT TURN ARROWS
- ④ STRAIGHT AHEAD ARROW AT PARKING LOT
- ⑤ TWO (2) RIGHT TURN ARROWS AT PARK ENTRANCE

Map data ©2022 Google 200 ft



Meeting Date: 10/19/2023

Agenda Item: 7-B

Report to Town Council

Topic: Lien Abatement Request for RFM Properties, LLC –
4591 South Atlantic Avenue.

Summary: Please see the attached staff memorandum.

Suggested motion: At Council's discretion.

Requested by: David Hooker, Code Compliance Manager

Approved by: Mr. Disher, Town Manager

7-B



MEMORANDUM

TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Michael E. Disher, AICP, Town Manager
FROM: David Hooker, Code Compliance Manager
DATE: October 5, 2023
SUBJECT: Code Enforcement Abatement Request
Code Case Number 2023-101
RFM Properties LLC, owner &
Mr. Harold Mills, representative
4591 South Atlantic Avenue

MEETING DATE: October 19, 2023

Mr. Harold Mills, representing the owner of the subject property, is requesting a reduction / abatement of a \$115,000 Code Enforcement lien that was imposed on April 10, 2023. The lien amount includes a fine of \$1,000 per day, accruing for 115 days of noncompliance until July 25, 2023.

Background:

Although the subject property is addressed from S. Atlantic Avenue, it actually fronts directly on Winterhaven Road, and lies immediately south of the Winterhaven Park picnic area and restroom building. The property was originally developed with a single-family home.

In 2019, the property was put under contract, and the contract purchaser at the time submitted a site plan application to redevelop the property with four townhome units. On January 23, 2020, the Town Council found that the proposed development met the criteria of the Land Development Code and approved the final site plan. The Development Order was recorded into the public records of Volusia County on February 11, 2020, with an expiration date of July 23, 2021 (**Exhibit # 1**). The property was sold to the current owner on August 13, 2020 (**Exhibit # 2**).

Since then, the property became vacant but was being maintained. However, after being hit by hurricanes Ian in September 2022 and Nicole in November 2022, the

dwelling and accessory structures sustained exterior damage to the vinyl siding, roof shingles and roof decking **(Exhibit # 3)**.

On February 17, 2023, Staff issued a notice of violation outlining multiple code infractions, including high grass and maintenance issues with the dwelling. A compliance date of March 9, 2023, was scheduled. Staff attempted to contact the owner on several occasions but to no avail **(Exhibit # 4)**.

This case was presented to the Code Enforcement Board on March 27, 2023. The Board found the owner in violation of the cited sections of code and granted 14 days (on or before April 10, 2023) to bring the property into compliance by either submitting a permit application for the repairs needed, or demolishing the structure. The owner's failure to meet these requirements by the deadline resulted in the case being brought back before the Code Enforcement Board on April 24, 2023 **(Exhibit # 5) (Exhibit # 6)**.

During the Code Enforcement Board hearing on April 24, 2023, the Board requested staff to make additional attempts to contact the owner and all potential parties with a vested interest in the property. Consequently, the hearing was continued to the May 22, 2023, Code Enforcement Board meeting to allow time for further communication and to ensure compliance from all relevant parties **(Exhibit # 7) (Exhibit # 8)**.

At the Code Enforcement Hearing on May 22, 2023, Staff reported that they had finally made contact with Mr. Mills and that his firm had pledged to obtain a demolition permit for the structures on or before the May Code Enforcement hearing. However, no application was submitted by that date **(Exhibit # 9)**.

As a result of the application not being submitted by the deadline, the Code Enforcement Board imposed a \$250 per day each separate violation, retroactive to the April 10, 2023, compliance date. This fine would continue to accrue until compliance at the property had been achieved **(Exhibit # 10)**.

On May 26, 2023, Samsula Demolition submitted an application (permit 775-2023), for the removal of the dwelling and structures. The permit was issued on June 6, 2023. On July 25, 2023, the demolition company started the demolition work marking the date of compliance **(Exhibit # 11)**. The request for lien abatement was subsequently filed on August 30, 2023 **(Exhibit # 12)**.

Staff Recommendation:

Florida Statutes 162.09(3) states, "... the lien runs in favor of the local governing body", (Town Council). Any reduction or abatement of the lien is entirely at the Council's discretion.

If Council desires to reduce the lien, Staff would request the reduced amount be paid within 10 business days, or else the full outstanding fine/lien of \$115,000 shall be paid in full.

EXHIBITS

1. **Development Order**
2. **Supporting documents depicting ownership**
3. **Photographs of dwellings**
4. **Notice of Violation and Certified Receipt**
5. **Code Board Minutes**
6. **Code Enforcement Order – Finding of Facts**
7. **Code Board Minutes**
8. **Certified letter sent to other entities and registered agents**
9. **Code Board Minutes**
10. **Code Board Order of Non-Compliance / Imposition of Fine**
11. **Permit History**
12. **Lien abatement request**

Please return to:
Planning and Development Dept.
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127
386-236-2184

Ex # 1
Page 1 of 3

For Recording Purposes Only

DEVELOPMENT ORDER

Final Development Plan Approval for "Condominiums on the Atlantic" Townhomes

DESCRIPTION: 4-unit townhome development with associated site improvements

PROJECT#: FDP 24-2019

APPLICANT: Steve Boyd, P.E., Principal, Boyd Civil Engineering, on behalf of Ralph Spano, President, Spano & Associates, Contract Purchaser

OWNER: Barbara H. Smith

ADDRESS OF PROPERTY: 4591 S. Atlantic Avenue, Ponce Inlet, Florida 32127

PARCEL ID #: 6419-02-01-0140

LEGAL DESCRIPTION: S 30 FT OF LOT 13 & LOTS 14 & 15 BLK A WINTER HAVEN BEACH PER D/C 4158 PG 0809 PER OR 4231 PG 4886 PER OR 6246 PG 1258 PER OR 7283 PG 2359

ZONING DESIGNATION: High-Density Multi-Family (MF-2)

THIS MATTER came before the Town Council on the 23rd day of January 2020, pursuant to Section 6.6.6 of the Land Use and Development Code (LUDC), upon the Applicant's request for approval of a final development plan for the "Condominiums on the Atlantic" townhomes. At a duly noticed public hearing, after having considered the recommendation of the Cultural Services, Historic Preservation, and Tree Advisory Board, the Planning Board, the Development Review Team report, the Applicant's engineering plans, the staff report, having heard testimony, and being otherwise duly advised on the matter, the following findings of fact and conclusions of law are made pursuant to Section 6.6.6 of the LUDC:

Final Development Plan

1. Pursuant to Section 4.10.5.A.1.b of the LUDC, the Cultural Services, Historic Preservation, and Tree Advisory Board on November 4, 2019 reviewed and provided comments on the landscape plan for the "Condominiums on the Atlantic" townhomes development.
2. Pursuant to Section 6.6.6.B.5.b(2) of the LUDC, the Planning Board of the Town of Ponce Inlet held a public hearing on January 8, 2020, on the Applicant's request for approval of a

final development plan for the "Condominiums on the Atlantic" townhomes, and recommended approval 5-0 (unanimous) to the Town Council.

3. The Applicant has met all criteria set forth in Section 6.6.6 of the LUDC for approval of a final development plan.
4. The final development plan is consistent with the *High-Density Multi-Family* future land use designation and the "MF-2" (High-Density Multi-Family) zoning classification.
5. The project meets the Town's concurrency requirements.
6. The final development plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.
7. All other requirements of the Town's LUDC and Code of Ordinances have been satisfied.

NOW THEREFORE, BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS CONCLUDED AND ORDERED that:

8. The Applicant is hereby granted approval of the final development plan attached hereto as Exhibit A, subject to the following conditions:
 - a. The proposed townhomes and associated site improvements shall be permitted and constructed pursuant to all applicable requirements of the LUDC and Florida Building Code;
 - b. Prior to the issuance of building permits, the Applicant shall provide a copy of the Condominium Association documents to the Town for review to ensure on-going maintenance responsibility for all common areas; and
 - c. Prior to commencement of construction, the Applicant shall obtain a permit from the Florida Department of Environmental Protection and provide a copy to the Town and the City of Port Orange;
 - d. The Developer shall execute a private grinder pump agreement with the City of Port Orange prior to placing the pump into service; and
 - e. The exterior lighting plan will be provided to Volusia County Environmental Management prior to installation.
9. This Development Order may be recorded in the Public Records of Volusia County by the Town within fourteen (14) days of its execution. Applicant shall pay costs of recording.
10. The development authorized by this Order shall not be expanded without first obtaining approval of the Town. A modification may be applied for in the same manner as the original application.

11. This Development Order shall expire if the development activity authorized by this Order has not been completed and inspected by July 23, 2021, unless written application is made and granted by Town Council for one or more time-certain extension(s), not to exceed six months in length per extension. This Order shall remain valid only if development commences and continues in good faith according to the terms of this Order.

DONE AND ORDERED this 5th day of February, 2020.



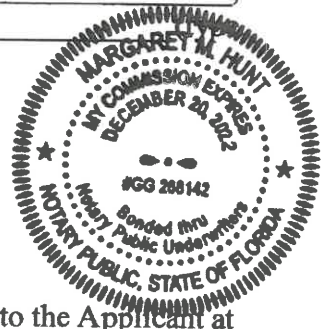
Town of Ponce Inlet
Gary L. Smith
by: Gary L. Smith, Mayor
Town of Ponce Inlet
4300 South Atlantic Avenue
Ponce Inlet, FL 32127

Attest:
Jeanne Witt
Jeanne C. Witt,
Town Manager/Town Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

Affirmed and subscribed before me by means of physical presence or online notarization this 5th day of February, 2020 by GARY L. SMITH, who is personally known to me or who has produced _____ of ID) as identification.

Margaret M. Hunt My commission expires:
Notary Public



I HEREBY CERTIFY that a copy of the foregoing has been sent via U.S. Mail to the Applicant at 6816 Hanging Moss Road, Orlando, FL 32807 on this 5th day of February, 2020.

Kim Cherbano
Kim Cherbano
Deputy Town Clerk



Volusia County Property Appraiser
 123 W. Indiana Ave., Rm. 102
 DeLand, FL 32720
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

2023 - 101

Ex L

Page 1 of 8

Property Summary

Alternate Key: 3767454
Parcel ID: 641902010140
Township-Range-Section: 16 - 34 - 19
Subdivision-Block-Lot: 02 - 01 - 0140
Business Name:
Owner(s): RFM PROPERTIES LLC - FS - Fee Simple - 100%
Mailing Address On File: 11900 LAKE BUTLER BLVD
 WINDERMERE FL 34786 7819
Physical Address: 4591 S ATLANTIC AVE, PONCE INLET 32127
Building Count: 1
Neighborhood: 3155 - OCEAN FRONT PONCE INLET
Subdivision Name:
Property Use: 0100 - SINGLE FAMILY
Tax District: 405-PONCE INLET
2022 Final Millage Rate: 17.8395
Homestead Property: No
Agriculture Classification: No
Short Description: S 30 FT OF LOT 13 & LOTS 14 & 15 BLK A WINTER HAVEN BEACH PE R 4158 PG 0809 PER OR 4231 PG 4886 PER OR 6246 PG 1258 PER O R 7283 PG 2359 PER OR 7894 PG 1201

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation Method:	1-Market Oriented	1-Market Oriented	1-Market Oriented
Improvement Value:	Cost	Cost	Cost
Land Value:	\$9,735	\$8,851	\$7,695
Just/Market Value:	\$987,998	\$987,998	\$973,883
	\$997,733	\$996,849	\$981,578

Working Tax Roll Values by Taxing Authority

Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2022 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	AssessedEx/10CA Value	Exempt Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$997,733	\$997,733	\$0	1.5000	\$1,496.60
0012 DISCRETIONARY	\$997,733	\$997,733	\$0	0.7480	\$746.30
0011 REQ LOCAL EFFORT	\$997,733	\$997,733	\$0	3.2340	\$3,226.67
0050 GENERAL FUND	\$997,733	\$997,733	\$0	4.8499	\$4,838.91
0055 LIBRARY	\$997,733	\$997,733	\$0	0.4635	\$462.45
0520 MOSQUITO CONTROL	\$997,733	\$997,733	\$0	0.1781	\$177.70
0530 PONCE INLET PORT AUTHORITY	\$997,733	\$997,733	\$0	0.0760	\$75.83
0058 VOLUSIA ECHO	\$997,733	\$997,733	\$0	0.2000	\$199.55



NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2022 Real Estate

PROPERTY ADDRESS: 4591 S ATLANTIC AVE, PONCE INLET, 32127
LEGAL DESCRIPTION: S 30 FT OF LOT 13 & LOTS 14 & 15 BLK A WINTER HAVEN BEACH PE
R 4158 PG 0809 PER OR 4231 PG
See Additional Legal on Tax Roll

Ex 2
Page 2 of 8



RFM PROPERTIES LLC
11900 LAKE BUTLER BLVD
WINDERMERE, FL 34786-7819

Table with 2 columns: Field Name and Value. Fields include PARCEL (641902010140), ALTERNATE KEY (3767454), MILLAGE CODE (405), TAX YEAR (2022).

Pay Online

PAY IN U.S. DOLLARS DRAWN FROM A U.S. BANK.

Pay online at vctaxcollector.org/pay
WALK-IN CUSTOMERS PLEASE BRING ENTIRE NOTICE

TAXES BECOME DELINQUENT APRIL 1

Table with 6 columns: If Postmarked By, Nov 30, 2022, Dec 31, 2022, Jan 31, 2023, Feb 28, 2023, Mar 31, 2023. Rows include Discount and Please Pay amounts.

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS

AD VALOREM TAXES

Table with 7 columns: TAXING AUTHORITY, MILLAGE, ASSESSED VALUE, EXEMPTION, TAXABLE VALUE, TAX AMOUNT. Lists various taxing authorities like Volusia County General Fund, Library, etc.

TOTAL MILLAGE RATE: 17.83950 TOTAL TAXES: \$17,783.29

NON-AD VALOREM ASSESSMENTS

Table with 4 columns: LEVYING AUTHORITY, TELEPHONE, RATE PER UNIT, AMOUNT.

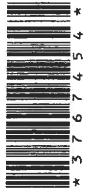
TOTAL ASSESSMENTS: \$0.00

TOTAL COMBINED TAXES AND ASSESSMENTS: \$17,783.29

Will Roberts - Tax Collector
123 W. Indiana Ave., Room 103
DeLand, FL 32720
(386) 736-5938 | taxcollector@vctaxcollector.org
PAY IN U.S. DOLLARS DRAWN ON A U.S. BANK

Pay online at vctaxcollector.org/pay
2022 Real Estate

Table with 2 columns: Field Name and Value. Fields include PARCEL (641902010140), ALTERNATE KEY (3767454), TAX YEAR (2022).



PROPERTY ADDRESS:
4591 S ATLANTIC AVE, PONCE INLET, 32127

RFM PROPERTIES LLC
11900 LAKE BUTLER BLVD
WINDERMERE, FL 34786-7819

Please do not staple, tape, or paperclip your payment to this stub. TAXES BECOME DELINQUENT APRIL 1

Table with 6 columns: If Postmarked By, Nov 30, 2022, Dec 31, 2022, Jan 31, 2023, Feb 28, 2023, Mar 31, 2023. Row for Please Pay amounts.

TaxSys



PLEASE DO NOT WRITE ON THIS STUB

Exh
Page 3 of 8

Prepared by and return to:
Jacob C. Dykxhoorn
R* *Dykxhoorn Law Firm, P.A.*
225 East Stuart Avenue
Lake Wales, FL 33853
863-676-3300

File Number: 20-113

Tax Parcel Identification No. 6419-02-01-0140

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Deed is made this 3rd day of August, 2020, by Barbara H. Smith, a married woman, formerly known as Barbara Claire Henderson Simpson, whose post office address is P.O. Box 302, Winter Haven, FL 33882-0302 ("Grantor"), to and in favor of RFM Properties, LLC, a Florida limited liability company, whose post office address is 11900 Lake Butler Blvd., Windermere, FL 34786-7819 ("Grantee"). [*Grantor and Grantee are used for singular or plural, as context requires. Whenever used herein, the terms "Grantor" and "Grantee" refer to the applicable party and includes such party's heirs, legal representatives, successors, and assigns.*]

Witnesseth: Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable considerations paid or given to Grantor by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs, successors, and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

- ✓ The South 30 feet of Lot 13 and all of Lots 14 and 15 in Block A of Winter Haven Beach, according to the map or plat thereof as recorded in Map Book 11, Page 193, public records of Volusia County, Florida.

Subject to: (a) all restrictions, reservations, conditions, and easements of record, if any, which are not reimposed by this deed; and (b) taxes and assessments for the year 2020 and subsequent years.

Grantor warrants that, at the time of this conveyance, the above described property is not Grantor's homestead within the meaning set forth in the Constitution of the State of Florida, nor is it contiguous to or a part of Grantor's homestead property, and neither Grantor nor Grantor's spouse, nor anyone for whose support the Grantor is responsible, resides on said property or on any land adjacent thereto.

Together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining; to have and to hold the same in fee simple forever.

Grantor does hereby fully warrant the title to said land and will defend the same against lawful claims of all persons whomsoever, except as set forth above.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal as of the day and year first above written.



Ex 2
Page 4 of 8

Signed, sealed and delivered in our presence:

✓ [Signature]

Witness #1: Sign name above

Print Name: ✓ CHARLES C. SMITH II

✓ Barbara H. Smith (Seal)
Barbara H. Smith

✓ [Signature]

Witness #2: Sign name above

Print Name: ✓ JOEL C. SMITH

State of Florida
County of Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ✓ 30 day of ✓ July, 2020 by Barbara H. Smith, a married woman, who is personally known or has produced a driver's license as identification.

[Notary Seal]



✓ Kati Lynn Lundy
Notary Public

Printed Name: ✓ Kati Lynn Lundy

My Commission Expires: ✓ 09/19/2023

Ex 2
Page 5 of 8



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
RFM PROPERTIES, LLC

Filing Information

Document Number	L20000219654
FEI/EIN Number	37-1981107
Date Filed	07/24/2020
Effective Date	07/24/2020
State	FL
Status	ACTIVE

Principal Address

13506 SUMMERPORT VILLAGE PKWY
SUITE 331
WINDERMERE, FL 34786

Changed: 09/28/2020

Mailing Address

13506 Summerport Village Pkwy
suite 331
WINDERMERE, FL 34786

Changed: 09/16/2020

Registered Agent Name & Address

CORRIDOR LEGAL HOLDINGS, CHARTERED
5127 S. ORANGE AVE.
SUITE 210
ORLANDO, FL 32809

Authorized Person(s) Detail

Name & Address

Title MGR

VMD ASSET MANAGEMENT, LLC
13506 Summerport Village Pkwy
Suite 331
Windermere, FL 34786

Annual Reports

EX 2
Page 6 of 8

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Profit Corporation

CORRIDOR LEGAL HOLDINGS, CHARTERED

Filing Information

Document Number	P11000038664
FEI/EIN Number	45-1812029
Date Filed	04/20/2011
Effective Date	04/19/2011
State	FL
Status	ACTIVE
Last Event	NAME CHANGE AMENDMENT
Event Date Filed	05/09/2013
Event Effective Date	NONE

Principal Address

5127 S. Orange Ave.
Suite 210
ORLANDO, FL 32809

Changed: 04/30/2015

Mailing Address

5127 S. Orange Ave.
Suite 210
ORLANDO, FL 32809

Changed: 04/28/2016

Registered Agent Name & Address

CLARY, REED RIV
5127 S. Orange Ave.
Suite 210
ORLANDO, FL 32809

Address Changed: 04/28/2016

Officer/Director Detail

Name & Address

Title P

Ex 2
Page 7 of 8

CLARY, REED RIV
443 Harbour Oaks Pointe Dr
ORLANDO, FL 32809

Annual Reports

Report Year	Filed Date
2021	04/29/2021
2022	04/29/2022
2023	04/28/2023

Document Images

04/28/2023 -- ANNUAL REPORT	View image in PDF format
04/29/2022 -- ANNUAL REPORT	View image in PDF format
04/29/2021 -- ANNUAL REPORT	View image in PDF format
06/25/2020 -- ANNUAL REPORT	View image in PDF format
04/23/2019 -- ANNUAL REPORT	View image in PDF format
04/23/2018 -- ANNUAL REPORT	View image in PDF format
04/30/2017 -- ANNUAL REPORT	View image in PDF format
04/28/2016 -- ANNUAL REPORT	View image in PDF format
04/30/2015 -- ANNUAL REPORT	View image in PDF format
04/30/2014 -- ANNUAL REPORT	View image in PDF format
05/09/2013 -- Name Change	View image in PDF format
05/01/2013 -- ANNUAL REPORT	View image in PDF format
04/30/2012 -- ANNUAL REPORT	View image in PDF format
04/20/2011 -- Domestic Profit	View image in PDF format



Ex 2
Page 8 of 8

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
VMD ASSET MANAGEMENT, LLC

Filing Information

Document Number L20000216342
FEI/EIN Number 85-2639540
Date Filed 07/23/2020
Effective Date 07/22/2020
State FL
Status ACTIVE

Principal Address

13506 SUMMERPORT VILLAGE PKWY
SUITE 331
WINDERMERE, FL 34786

Changed: 09/25/2020

Mailing Address

13506 SUMMERPORT VILLAGE PKWY
SUITE 331
WINDERMERE, FL 34786

Changed: 08/31/2020

Registered Agent Name & Address

CORRIDOR LEGAL HOLDINGS, CHARTERED
5127 S. ORANGE AVE.
SUITE 210
ORLANDO, FL 32809

Authorized Person(s) Detail

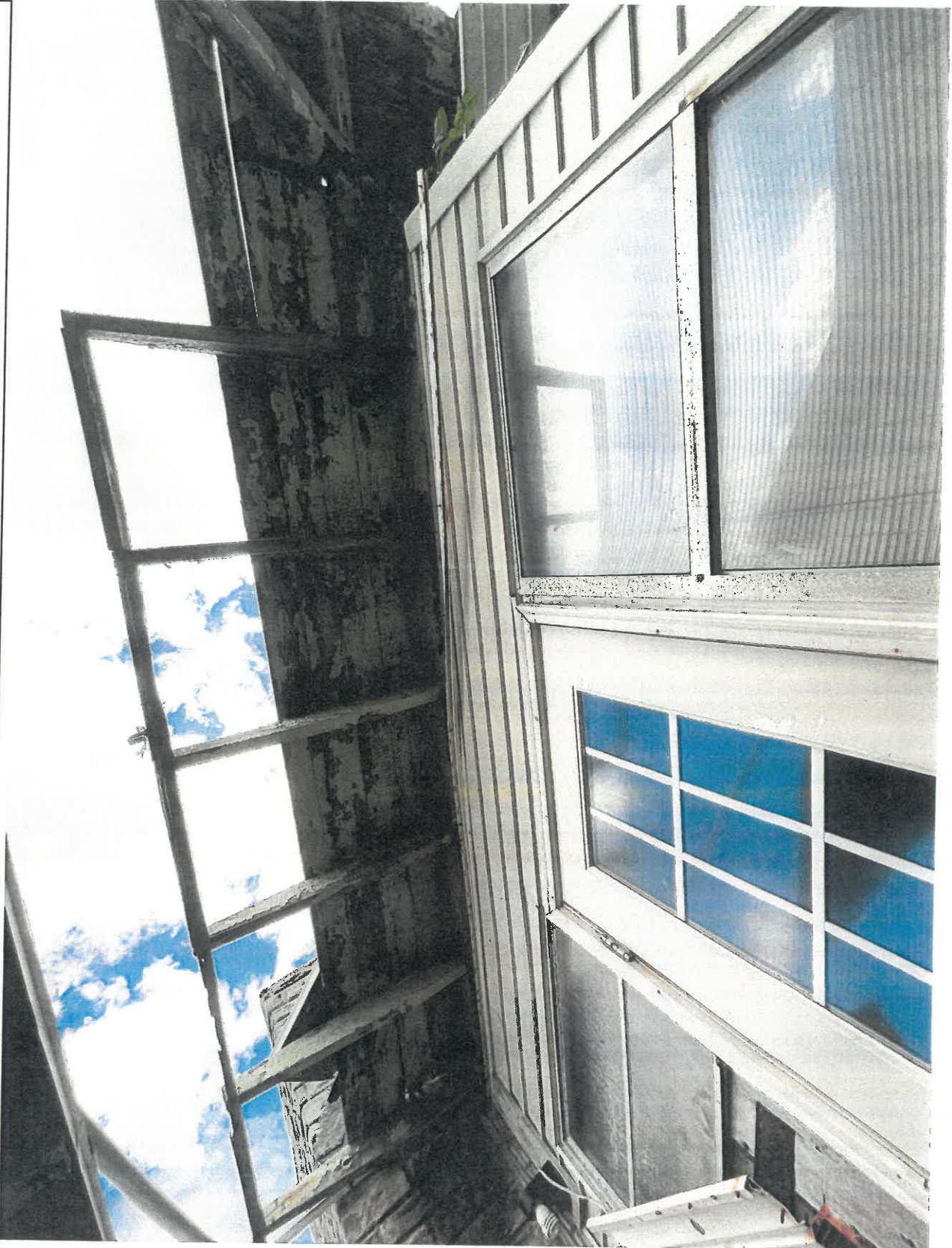
Name & Address

Title MGR

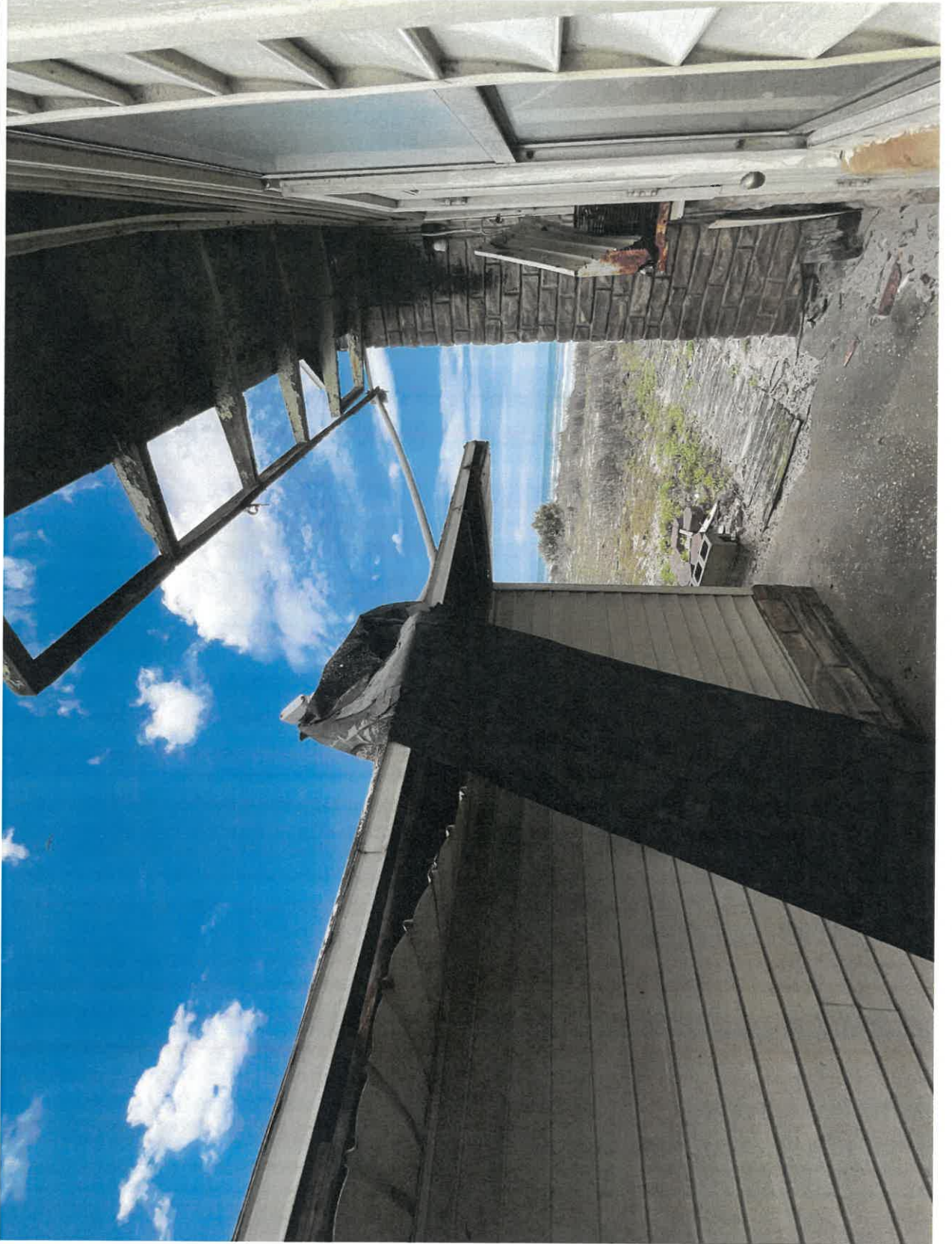
MILLS, HAROLD
13506 SUMMERPORT VILLAGE PKWY
SUITE 331
WINDERMERE, FL 34786

Annual Reports

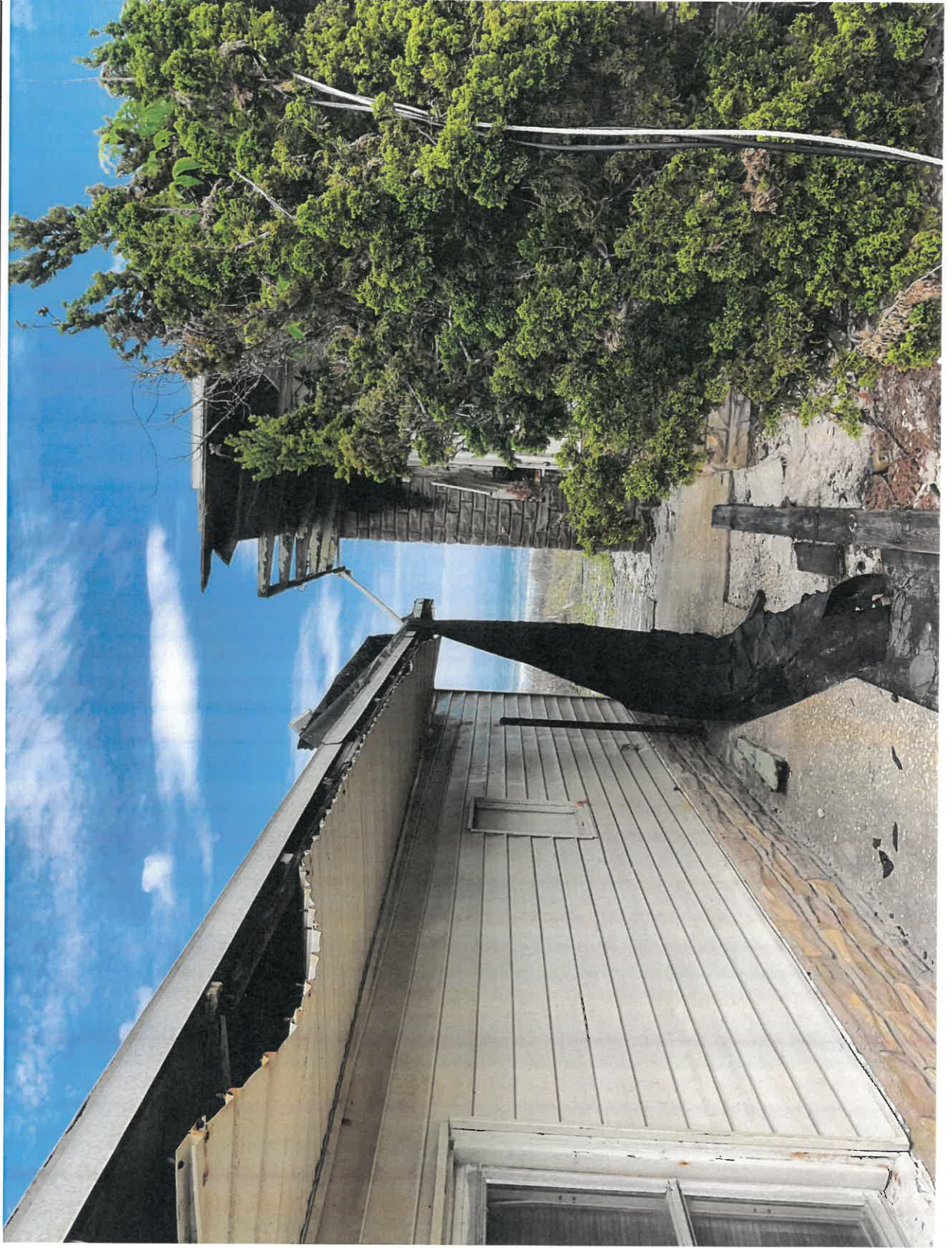
April 13, 2023



April 13, 2023



April 13, 2023





Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Ex # 4
Page 1 of 4

Case Number: **CODE2023-000101**

Case Type: **Code Enforcement**

Date Case Established: **02/17/2023**

Compliance Deadline: **03/09/2023**

Violation Notice

Owner: RFM Properties LLC

Mailing Address

11900 Lake Butler Blvd
Windermere, Florida 34786

Notice of Violation for the following location:

Address

4591 South Atlantic Avenue
PONCE INLET, FL 32127

Parcel

6419-02-01-0140

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraisers Office, is owned by you in Ponce Inlet, Florida.

The violation(s) and how to correct are as follows:

- 1 – Property Maintenance Issues involving the home: (not all inclusive)
 - Roof in disrepair
 - Soffit Repairs needed
 - Mold / Mildew / cracked or chip paint throughout
 - High Grass
 - No utility services connected

How to Correct:

Item number 1

Option number 1 - make all necessary repairs to exterior of home. (please note that some of the work that will need to be performed will require permits and inspection approvals.)

Option number 2 – secure a demolition permit for the removal of the home.

You are hereby cited with the following adopted sections of code.

International Property Maintenance Code

Section 102.2 – Maintenance

Equipment, systems, devices and safeguards required by this code or a provision regulation or under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or disconnected for any occupied dwelling, except for such temporary interruptions as necessary while repairs or alterations are in progress. The requirement of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2023-000101**

Case Type: **Code Enforcement**

Date Case Established: **02/17/2023**

Compliance Deadline: **03/09/2023**

Ex # 4
Page 2 of 4

Violation Notice

International Property Maintenance Code Section 301.3 – Vacant structures and land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety

International Property Maintenance Code Section 302.1 – Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition

International Property Maintenance Code Section 304.1 – General

The exterior of a structure shall be maintained shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare

International Property Maintenance Code Section 304.2 – Protective treatment

All exterior surface, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement

Compliance Date: 03/09/2023

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for March 27, 2023, at 9:30 A.M. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both of these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please do not hesitate to contact my office.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2023-000101**

Case Type: **Code Enforcement**

Date Case Established: **02/17/2023**

Compliance Deadline: **03/09/2023**

Violation Notice

Kindest Regards,

David Hooker, CEP
Code Compliance Manager

Certified Mail
7022-2410-0002-8689-8108

Ex #4
Page 3 of 4

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature
 * *[Signature]* Agent Addressee
 B. Received by (Printed Name) *Samantha Gonzalez* Date of Delivery *8/23/18*

1. Article Addressed to:
 RFM Properties LLC
 11900 Lake Butler Blvd
 Windermere, FL 34786


 9590 9402 7762 2152 4593 54

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

2. Article Number (Transfer from service label)
 7022 2410 0002 8689 8108

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

*Ex # 4
 Page 4 of 4*



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
March 27, 2023**

1
2
3
4
5
6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

8
9 **2. PLEDGE OF ALLEGIANCE:** Led by Chairman Finch.

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Finch, Seat #3

15 Mr. Michel, Seat #4

16 Ms. Cannon, Seat #5

17 Mr. Fuess, Alternate Seat #1

18
19 Mr. VanValkenburgh, Seat #2 and Mr. Young, Alternate Seat #2 were absent. A quorum was
20 established with five members present.

21
22 **A. Oath of Office: Joseph Young** – Removed by staff as Mr. Young was not present.

23
24 **Staff Members Present:**

25 Attorney Smith, Town Attorney

26 Attorney Cino, Code Board Attorney

27 Mr. Hooker, Code Compliance Manager

28 Ms. Hunt, Deputy Clerk

29 Mr. Nieves, Administrative Assistant (Code Division)

30
31 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
32 presented; seconded by Ms. Richards. The motion PASSED 5-0, consensus.

33
34 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

35
36 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
37 *Oath* to the witnesses who intended to provide testimony.

38
39 **7. APPROVAL OF THE MINUTES:**

40
41 **A. February 27, 2023** – Chairman Finch asked if there were any changes; there were
42 none.

43
44 Vice-Chair Cannon moved to adopt the minutes as presented; seconded by Ms. Richards. The
45 motion PASSED 5-0, consensus.

146 difficult to find an affordable general contractor to manage a renovation project. In addition, she
147 has reached out to structural engineers to inspect the structure for integrity. She stated that some
148 of the repairs she could do herself but most of the repairs need to be done by a professional and
149 she does not have the funds to do so. She stated that after the house became uninhabitable, she
150 purchased an investment property and lives in it. She reported that the property is insured with
151 Citizens Insurance. Mr. Hooker noted that Ms. Moore has been diligent in her work and asked if
152 she is an investor. Ms. Moore stated she owns properties in Volusia County and Texas, and
153 operates under the corporate name of Lucky Leverage, LLC. She stated that she decided to sell the
154 property and listed it with a realtor over the weekend.

155
156 Chairman Finch asked if there were any members of the public wishing to speak on this case.

157
158 Roger Rondini, 4735 Riverglen Boulevard – stated that Ms. Moore has a challenge ahead of her,
159 and although she has owned the property for a year, the structure had maintenance issues prior to
160 that. He stated that the roof shingles blow off when there are high winds and his pool screen has
161 been damaged by them; he also expressed concern that the house may collapse due to years of
162 neglect. Ms. Moore apologized to Mr. Rondini for the condition of her property and the damage
163 to his pool screen.

164
165 Mr. Michel moved to find the property in Non-Compliance, granted 30 days to bring property into
166 compliance by completing the following: patch roof, remove vines from the structure, pressure
167 wash and paint exterior, repair fascia, obtain an engineering report on the structural integrity of
168 the structure, and withheld the imposition of the \$250 Administrative Fee; seconded by Chairman
169 Finch. The motion PASSED 5-0, with the following vote: Ms. Richards – yes; Chairman Finch -
170 yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr. Fuess - yes.

171
172 **F. Case #2023-101; Property Address: 4591 South Atlantic Avenue**
173 **Owner(s): RFM Properties, LLC**
174 **Alleged Violation(s):**
175 **Property Maintenance Issues Involving Lot and/or Dwelling(s)**
176

177 Mr. Hooker provided testimony and photographic evidence of the condition of the property
178 including overgrown vegetation, rotting wood, mold and mildew, roof in disrepair, and general
179 maintenance of the home (main structure), the garage, and the grounds. He noted that an
180 investment company purchased this property in 2020 and obtained a Development Order to
181 improve it, but that has since expired. There has been no activity on property, there are no utilities
182 connected to the structures, and it is currently vacant. This property has been neglected for several
183 years and suffered more damage from Hurricanes Ian and Nicole. Numerous attempts to reach the
184 property owner(s) have been unsuccessful and there have been complaints from neighbors about
185 the condition of the property. On February 23, 2023, a Notice of Violation was issued with a
186 compliance date of March 3, 2023 to either: 1) secure a permit to make all repairs and clean-up
187 the grounds; or 2) secure a permit for demolition of the structures and clean-up of the grounds.
188 The NOH was signed for by Samantha Gonzalo on March 8, 2023 but as of today's date there has
189 been no communication with the owners nor have there been permit applications submitted as
190 requested by staff.

191
192 Chairman Finch asked if there was anyone present to speak on this case – there was not; he asked
193 if there were any members of the public wishing to speak on this case.
194

195 Sharone LeMieux, 4590 S. Atlantic Avenue – Stated she lives across the street from this property
196 and that the property has been vacant for several years (except for homeless people). She suggested
197 that the Town intervene by purchasing the property and develop it to complement the historic value
198 of Winterhaven Road, the site of the historic section of the original raceway and Winterhaven Park.
199 Chairman Finch closed public comment.

200
201 Chairman Finch moved to find the property in Non-Compliance, granted 14 days to bring property
202 into compliance by submitting permit application to repair damages or demolish the structures, to
203 bring this case back on April 24th for a status update, and assessed the \$250 Administrative Fee;
204 seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Ms. Richards
205 – yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr. Fuess - yes.

206
207 **10. ATTORNEY DISCUSSION:** None.

208
209 **11. BOARD/STAFF DISCUSSION:** Mr. Hooker announced that the June 26, 2023 meeting
210 will be cancelled as he will be attending a conference and then on vacation.

211
212 **12. ADJOURNMENT:** The hearing was adjourned at 10:34 a.m.

213
214 Respectfully submitted by,

215
216 Peg Hunt

217 Peg Hunt

218 CMC/Deputy Clerk

Ex # 6
Page 1 of 2

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-101

RFM PROPERTIES LLC,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 27TH day of March, 2023 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondent is the owners of property located at 4591 South Atlantic Avenue, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-02-01-0140 (the "Subject Property").
2. On February 17, 2023, the Code Compliance Manager issued a Notice of Violation to Respondent citing a violation of Sections 102.2, 301.3, 302.1, 304.1, 304.2, of the ICC, International Property Maintenance Code, as adopted by the Town of Ponce Inlet for property maintenance issues involving the home.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondent is in violation of Sections 102.2, 301.3, 304.1, 304.2, of the ICC international Property Maintenance Code as adopted by the Town of Ponce Inlet.
4. Respondent shall pay to the Town of Ponce Inlet the administrative costs incurred by the Town in prosecuting this case in the amount of \$250.00.
5. Respondent shall cure the violation within 14 days of the date of this order (on or before April 10, 2023), by securing the required permits for the maintenance and repair of the home. Failure to obtain will result in this case being brought back for further consideration at the April 24, 2023.
6. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 27 day of ~~February~~ ^{March} 2023.

Peter Finch
Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Peg Head
Recording Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 27 day of ~~February~~ ^{March}, 2023.

David Hooker
David Hooker, Code Compliance Manager



Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
April 24, 2023

1
2
3
4
5
6 1. **CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

8
9 2. **PLEDGE OF ALLEGIANCE:** Led by Chairman Finch.

10
11 3. **ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

- 13 Ms. Richards, Seat #1
- 14 Mr. Van Valkenburgh, Seat #2
- 15 Mr. Finch, Seat #3
- 16 Mr. Michel, Seat #4
- 17 Ms. Cannon, Seat #5
- 18 Mr. Fuess, Alternate Seat #1
- 19 Mr. Young, Alternate Seat #2

20
21 A quorum was established with five members present.

22
23 A. **Oath of Office: Joseph Young** – Administered by Attorney Cino.

24
25 **Staff Members Present:**

- 26 Attorney Smith, Town Attorney
- 27 Attorney Cino, Code Board Attorney
- 28 Mr. Hooker, Code Compliance Manager
- 29 Ms. Hunt, Deputy Clerk
- 30 Ms. Stewart, Assistant Deputy Clerk
- 31 Mr. Nieves, Administrative Assistant (Code Division)
- 32 Mr. Disher, Town Manager

33
34 4. **ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
35 presented; seconded by Ms. Richards. The motion PASSED 5-0, consensus.

36
37 5. **DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

38
39 6. **ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
40 *Oath* to the witnesses who intended to provide testimony.

41
42 7. **APPROVAL OF THE MINUTES:**

43
44 A. **March 27, 2023** – Chairman Finch asked if there were any changes; there were
45 none.

47 Vice-Chair Cannon moved to adopt the minutes as presented; seconded by Ms. Richards. The
48 motion PASSED 5-0, consensus.

49 **8. OLD BUSINESS:**

- 50
51 **A. Case # 2023-101; Property Address: 4591 South Atlantic Avenue**
52 **Owner(s): RFM Properties**
53 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**
54

55 Mr. Hooker reviewed the case history, noting that the case was presented to this board on March
56 27, 2023, which found the owners in violation of the cited sections of code. They were granted 14
57 days or until April 10, 2023, to comply with the adopted code. As of today, there has been no
58 contact with ownership and the property remains in non-compliance. The dwelling has been
59 vacant since October 2020. Staff is requesting to reiterate the original order from March 27, 2023,
60 and impose a \$250 fine per day per violation retractive to the April 10, 2023, compliance date and
61 impose the \$250 administrative fee.

62
63 Attorney Smith requested Mr. Hooker describe each of the violations that are being fined; Mr.
64 Hooker explained the violations and provided photos; there are four violations at \$250 each for a
65 total of \$1,000 per day plus the \$250 administrative fee. He reviewed the steps taken to contact
66 the owners and noted there has been no contact from them.

67
68 Chairman Finch asked if there was anyone present to speak on this case; there was not.

69
70 The board postponed this item to the next meeting. The motion PASSED 5-0, with the following
71 vote: Ms. Richards – yes; Chairman Finch 83 - yes; Mr. Michel - yes; Vice-Chair Cannon – yes;
72 Mr. Van Valkenburgh - yes.

73
74 **9. NEW BUSINESS:**

- 75
76 **A. Case # 2022-684; Property Address: 4620 Riverwalk Village Court #7302**
77 **Owner(s): Cynthia House & Rhonda Witwer**
78 **Alleged Violation(s): Expired Rental Permit**
79

80 Mr. Hooker provided evidence and testimony that the property owners have not renewed their
81 rental permit, the fines remain unpaid, and there has been no communication from the owners since
82 November 14, 2022. Staff is requesting the board grant the owner until May 8, 2023, to secure the
83 rental permit or acknowledge they have no intentions of renting the property; impose the \$250
84 administrative fee; and if not in compliance by May 8, 2023, bring this item back to the board at
85 the May 22, 2023.

86
87 Chairman Finch asked if there was anyone present to testify on this case; there was not.

88
89 Chairman Finch moved to continue this case to the next meeting; seconded by Vice-Chair Cannon.
90 The motion PASSED 5-0, with the following vote: Chairman Finch - yes; Mr. Michel - yes; Vice-
91 Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh - yes.

92
93 **10. ATTORNEY DISCUSSION:** Attorney Cino provided a review of the Florida Attorney
94 General Opinion (AGO 2022-01) regarding vacation rentals and the municipal regulation by
95 zoning overlay. There were no questions.



Town of Ponce Inlet

4300 South Atlantic Avenue
Ponce Inlet, Florida 32127
Phone: (386) 236-2150
Fax: (386) 322-6717
www.ponce-inlet.org

RFM Properties LLC
11900 Lake Butler Blvd
Windermere, Florida 34786-7819

Reference: 4591 South Atlantic Avenue
Ponce Inlet, Florida

To Whom it may concern:

This correspondence is to inform you of further code enforcement action for this property, which according to the Volusia County Records, is owned by this limited liability corporation.

The background on this case involves a violation / hearing letter that was issued to the address of record of 11900 Lake Butler Blvd, Windermere, Florida on February 17, 2023, with a compliance date of March 9, 2023. The certified letter was signed by a representative at your company.

Staff has had no contact with any representative from your office on how to remedy the violations, thus, after the compliance date passed, this case was scheduled for the code enforcement hearing for March 27, 2023.

At this hearing, the case was found to be in violation of the cited sections of adopted code and you were granted 14 days (on or before April 10, 2023) to have the property in compliance. A copy of that order was sent to you on March 27, 2023, to the Lake Butler address.

Today, (April 24, 2023), this case was brought back to the code enforcement board for further adjudication. According to Florida Statutes 162, the ownership was properly notified. However, the Code Enforcement Board requested that staff notify all agents associated with this property.


Enclosed is the original notice of violation / hearing letter that was issued to RFM Properties LLC, the code enforcement board order dated March 27, 2023, granting until April 10, 2023, and the information for you to appear at the next scheduled code enforcement board hearing on May 22, 2023.

If you should have any questions related to this matter, please do not hesitate to contact me at 386-236-2187.

Kindest Regards,

David Hooker, CEP
Code Compliance Manager


The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens the greatest value for their dollar.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>M. Atherton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Rfm Properties LLC 11900 LAKE BUTLER BLVD Windermere, Fl 34786</p>  <p>9590 9402 7762 2152 4594 77</p>	<p>B. Received by (Printed Name) MARY ATHERTON</p>	<p>C. Date of Delivery 04-27</p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) 7022 2410 0002 8689 8184</p>	<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>M. Atherton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Rfm Properties, LLC 13506 Summerport Vill Pkwy Suite 331 Windermere, Fl 34786</p>  <p>9590 9402 7762 2152 4595 52</p>	<p>B. Received by (Printed Name) MARY ATHERTON</p>	<p>C. Date of Delivery 4-27</p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) 7022 2410 0002 8689 8139</p>	<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Mary Atherton</i></p>	
<p>1. Article Addressed to:</p> <p>RFM Properties, LLC c/o VMD Asset Mange, LLC 13506 Summerport Village Suite 331 Windermere, FL 34786</p>  <p>9590 9402 7762 2152 4595 14</p>	<p>B. Received by (Printed Name)</p> <p>MARY ATHERTON</p>	<p>C. Date of Delivery</p> <p>4-27</p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0002 8689 8115</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>	


PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Samantha Ciomfalu</i></p>	
<p>1. Article Addressed to:</p> <p>RFM Properties LLC VMD Asset Management c/o Harold Mills 13506 Summerport Village #331 Windermere, FL 34786</p>  <p>9590 9402 7762 2152 4594 84</p>	<p>B. Received by (Printed Name)</p> <p>Samantha Ciomfalu</p>	<p>C. Date of Delivery</p> <p>4-28-23</p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0002 8689 8177</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Ex # 8
Page 4 of 4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p><i>[Signature]</i></p>	
<p>1. Article Addressed to:</p> <p>RFM Properties, LLC c/o Corridor Legal Holdings att: Reed Clary 5127 S. Orange, Ave #210 Orlando, Fl 32809</p>  <p>9590 9402 7762 2152 4595 07</p>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0002 8689 8153</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restrict Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>		
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		

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<p>1. Article Addressed to:</p> <p>RFM Properties LLC c/o Corridor Legal Holdings 5127 S Orange - #210 Orlando, Fl 32809</p>  <p>9590 9402 7762 2152 4595 21</p>	<p>B. Received by (Printed Name)</p> <p>LISA SEBAALI</p>	<p>C. Date of Delivery</p> <p>4/26/2</p>
<p>2. Article Number (Transfer from service label)</p> <p>7022-2410-0002-8689-8160</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restrict Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		

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<p>1. Article Addressed to:</p> <p>RFM Properties LLC Corridor Legal Holdings c/o Reed Clary, RA 443 Harbour Oaks Pointe Drive Orlando, Fl 32809</p>  <p>9590 9402 7762 2152 4594 91</p>	<p>B. Received by (Printed Name)</p> <p>LISA SEBAALI</p>	<p>C. Date of Delivery</p> <p>4/26/2</p>
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0002 8689 8146</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restrict Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>		
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>		



Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
May 22, 2023

1
2
3
4
5
6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.
8

9 **2. PLEDGE OF ALLEGIANCE:** Led by Chairman Finch.
10

11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

- 13 Ms. Richards, Seat #1
- 14 Mr. Van Valkenburgh, Seat #2
- 15 Mr. Finch, Seat #3
- 16 Mr. Michel, Seat #4
- 17 Ms. Cannon, Seat #5
- 18 Mr. Young, Alternate Seat #2

19
20 A quorum was established with five members present.
21

22 **Staff Members Present:**

- 23 Attorney Smith, Town Attorney
- 24 Attorney Cino, Code Board Attorney
- 25 Mr. Hooker, Code Compliance Manager
- 26 Mr. Mincey, Rental Property Maintenance and Housing Inspector
- 27 Ms. Hunt, Deputy Clerk
- 28 Ms. Stewart, Assistant Deputy Clerk
- 29 Mr. Nieves, Administrative Assistant (Code Division)

30
31 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
32 presented; seconded by Mr. Michel. The motion PASSED 5-0, consensus.
33

34 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.
35

36 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
37 *Oath* to the witnesses who intended to provide testimony.
38

39 **7. APPROVAL OF THE MINUTES:**

40
41 **A. April 24, 2023** – Chairman Finch asked if there were any changes; there were none.
42

43 Chairman Finch moved to adopt the minutes as presented; seconded by Vice Chair Cannon. The
44 motion PASSED 5-0, consensus.
45

46 **8. OLD BUSINESS:**
47

97 Discussion between Ms. Moore and the Board ensued regarding when she bought the property,
98 what has been done to the property, what equity she has in her other properties, and what she is
99 asking for the property. Staff is requesting an order to impose a fine for failure of compliance by
100 April 26, 2023, of \$100 per day, retroactive to April 26, 2023, and reiterate the \$250 administrative
101 fee. A structural engineering inspection report is still required. Attorney Smith explained the Board
102 can issue an order to demolish the decks or to repair them. They continued to discuss the possible
103 sale of the property. Ms. Moore again requested two months to procure estimates on the remaining
104 repairs and/or to sell the property. Attorney Smith explained the board could table the item until
105 the July 24, 2023 hearing, to allow her time to remedy the violations; the Board can factor that into
106 any fines that may be imposed. She was directed to obtain estimates from licensed contractors, be
107 ready to apply for the required permits, get the property into compliance or sell the property to
108 someone who can make the required repairs; to bring back measurable action.

109
110 Mr. Van Valkenburgh moved to withhold imposition of fines or fees until the July 24, 2023, Code
111 Enforcement Board meeting, grant the owner a 60-day reprieve to allow time to develop a
112 measurable action plan, update on what repairs have been completed and a budget for any
113 remaining repairs; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote:
114 Ms. Richards – yes; Chairman Finch 83 - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr.
115 Van Valkenburgh - yes.

116
117 **C. Case # 2023-101; Property Address: 4591 South Atlantic Avenue**
118 **Owner(s): RFM Properties LLC**
119 **c/o Corridor Legal Holdings – Reed Clary, Registered Agent**
120 **c/o VMD Asset Management – Harold Mills, Registered Agent**
121 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**
122

123 Mr. Hooker reviewed the case history, noting that the case was presented to this board on March
124 27, 2023, which found the owners in violation of the cited sections of code. The owner had 14
125 days or until April 10, 2023, to secure permits for the necessary repairs or demolition of the
126 property. Registered letters were issued to all registered agents regarding what transpired in the
127 last meeting. He spoke to Mr. Mills, Registered Agent, twice; his firm decided to demolish the
128 home, has hired a demolition company, and would acquire a permit prior to today's meeting;
129 however, no permit application has been submitted. Staff is requesting to impose fines for failure
130 to comply with the April 10, 2023, compliance date, order a \$250 fine for each of the four
131 violations totaling \$10,250 as of today; and assess the \$250 administrative fee. Attorney Smith
132 explained the \$10,250 is the accrued fine. Chairman Finch asked if there was anyone present to
133 testify on this case.

134
135 Ms. Sharone LeMieux, 4590 S Atlantic Avenue, stated she has lived across from this property for
136 21 years and full time for the past four years and has never seen anyone except the homeless come
137 and go from the property being discussed. The owner is absentee and does not maintain or visit
138 the property; she tried to find the owner herself and discovered the property is owned by an LLC.
139 It has been in this condition for the past four years; the hurricane exacerbated the condition by
140 removing parts of the roof. She is concerned about the condition of the property as it is beachside
141 and is adjacent to Winterhaven Park. She is concerned about this board delaying action while living
142 next door to an abandoned property that is inviting the homeless and criminal activity while
143 decreasing property values. Mr. Hooker explained that the owner has the right to appear before
144 Town Council to ask for an abatement of the lien.
145

146 Ms. Richards moved to impose fines of \$250 per violation per day, retroactive to the April 10,
147 2023, compliance date and continue to accrue until the property is brought into compliance; and
148 to assess the \$250 administrative fee; seconded by Mr. Michel. The motion PASSED 5-0, with the
149 following vote: Ms. Richards – yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon
150 – yes; Mr. Van Valkenburgh - yes.

151

152 **9. NEW BUSINESS:**

153

154 **A. Case # 2023-144; Property Parcel: 6313-19-00-0590**
155 **Owner(s): CONFIDENTIAL – FLORIDA STATUTES 119.071**
156 **Alleged Violation(s): Work Without Permits**

157

158 Mr. Hooker provided evidence and testimony that the property owners have not applied for a
159 permit for the work conducted. The case was established on March 20, 2023, with a compliance
160 date of April 12, 2023, for interior work without permits. Staff requested that permits be obtained,
161 and final inspection be completed; a stop work order was imposed on March 20, 2023. The owner
162 is here to speak on her behalf.

163

164 The owner (confidential) stated her townhome sustained significant damage during Hurricane Ian.
165 The wind insurance company informed her at the end of November that much of the damage was
166 not caused by the hurricane; so she chose a public adjuster. She had to vacate the premises due to
167 the damage. She began cleaning out damaged materials. She has the documents from the public
168 adjuster and was told it could take up to 60 days from the time the estimate was submitted for the
169 insurance company to reply; her 60 days is May 23, 2023; however, it is still under review. She
170 has a summary of what they say is fair for the repairs. Her uncle suggested that they remove the
171 drywall by a licensed contractor, removed the carpet, and ordered a dumpster. She cannot have
172 any work done until she receives a reply from the wind insurance company. She is aware that the
173 repairs will need to be completed by a licensed contractor.

174

175 Mr. Ben Walker, 87 Jana Drive, the owner’s uncle, noted there was water intrusion from the
176 hurricanes in the back of the home. Pictures were taken after the storm for the insurance company;
177 after a few weeks, they removed the drywall, insulation and carpet before mold began to grow,
178 and so that the owner could continue to live at the property. He did not realize a dumpster is only
179 allowed in conjunction with a building permit. Mr. Hooker replied that a permit is required for any
180 work being done to the interior by a licensed contractor. Attorney Smith explained that a single-
181 family homeowner can apply for a permit as an owner-builder, but a multi-unit townhome owner
182 must have a licensed contractor apply for the permit. He noted they are not looking to impose a
183 fine at this time but to allow the owner time to cure the violation.

184

185 Chairman Finch moved to find the property in non-compliance, allow 60 days to secure a building
186 permit and to bring this back at the July 24, 2023, meeting for further adjudication if necessary;
187 seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Chairman
188 Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh
189 - yes.

190

191 **B. Case # 2023-201; Property Address: 97 Maura Terrace**
192 **Owner(s): Barney & Susan Brookshire**
193 **Alleged Violation(s): Work Without Permits**

194

Ex # 10
Page 1 of 2

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-101

RFM PROPERTIES LLC,

Respondent.

SCANNED

ORDER OF NON-COMPLIANCE AND IMPOSITION OF FINE

This cause was heard on the 22nd day of May, 2023 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondent are the owners of property located at 4591 South Atlantic Avenue, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-02-01-0140 and is more particularly described as:

S 30 FT OF LOT 13 & LOTS 14 & 15 BLK A WINTER HAVEN BEACH PER OR 4158 PG 0809 PER OR 4231 PG 4886 PER OR 6246 PG 1258 PER OR 7283 PG 2359 PER OR 7894 PG 1201

(the "Subject Property")

2. On February 17, 2023, the Code Compliance Manager issued a Notice of Violation to Respondent citing a violation of Sections 102.2, 301.3, 302.1, 304.1, 304.2 of the ICC, International Property Maintenance Code, as adopted by the Town of Ponce Inlet.
3. On March 27, 2023, the Code Enforcement Board entered an order finding Respondents in violation of the cited code sections and ordering Respondents to cure the violation no later than April 10, 2023.
4. Respondent has not cured the violations as of the date of the hearing.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

5. The Respondent remain in violation of sections 102.2, 301.3, 304.1, 304.2 of the ICC, International Property Maintenance Code as adopted by the Town of Ponce Inlet.
6. Respondent have failed to comply by the April 10, 2023, deadline.
7. A fine in the amount of two hundred fifty (\$250.00) each for each of the four violations that have not been cured per day for each day the Respondent remains in noncompliance with the Order to cure the violation is hereby imposed. The period of accrual of said fines begins as of April 10, 2023, and shall continue to accrue on a daily basis until each violation is cured. As of May 22, 2023, the fine has accrued to \$42,000.
8. Upon recording by the Town of a certified copy of this Order in the Official Records of Volusia County, Florida, this Order shall constitute a lien in the amount of the fines accrued together with the \$250 administrative fee assessed by the Code Enforcement Board. The lien shall attach to the subject Property and any other real property owned by the Respondents.
9. Any violation of the same code section by any Respondents within five (5) years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida statutes.
10. In accordance with Florida Statutes 162.09(3), this recording into the public records shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

ORDERED at Ponce Inlet, Volusia County, Florida on this 22nd day of May 2023.

Peter Finch

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Peg Skud
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 23 day of May, 2023.

David Hooker
David Hooker, Code Compliance Manager

Ex #11

Permit Details

Permit Type: Demolition
 Work Class: Residential
 Permit Status: Complete
 Description: Demo single story residential structure, main building, enclosed
 Project: **#1**
 District: Ponce Inlet
 Assigned To: Pierce, Ami
 Square Feet:
 Valuation: **#3**
 Application Date: 5/26/2023
 Issue Date: 6/6/2023
 Expiration Date: 2/5/2024
 Last Inspection Date: 8/8/2023
 Finalized Date: 8/8/2023

+ Add Contact

Drag a column header and drop it here to group by that column

Company Name	First Name	Last Name	Contact Type	Billing Contact	Pending Confirmation
Samsula Demolition	Kelley	Biederman	Contractor	#4	N/A
RFH Properties, LLC			Owner		N/A

#1 - Application Date = 5/26/2023
 #2 - Issue Date = 6/6/2023
 #3 - Valuation of work performed = \$11,104.00
 #4 - Contractor = Samsula Demolition

Ex 12
Page 1 of 4

Request for Waiver or Reduction of Code Enforcement Fines

CEB Case Number 2023-101

Property Address with Fine 4591 S. Atlantic Ave. Ponce Inlet, FL 32127

Owner's Name RFM Properties

Owner's Mailing Address (if different from Property Address) 13506 Summerport Village Pkwy Suite 331 Windermere, FL 34786

Owner's Contact Information (phone and e-mail) swright@vmdventures.com/352.242.7817

Agent's Name (if other than the owner) Samantha Gonzalez/Aaron Sausedo
(Please fill out attached Owner Authorization Form)

Agent's Mailing Address 13506 Summerport Village Pkwy Suite 331 Windermere, FL 34786

Agent's Contact Information (phone and e-mail) swright@vmdventures.com/352.242.7817

Nature of Violation Property fines

Date Fine Began April 10, 2023 Date Fine Ended July 25, 2023

Daily Amount of Fine Imposed \$1,000 Total Amount of Fine \$115,000

This request is to be provided to Code Enforcement staff at least two weeks prior to the Ponce Inlet Town Council meeting.

I swear or affirm that the written or typed information for this request is true and correct.

Samantha Gonzalez 8.30.23
Signature of Owner Agent, and Date

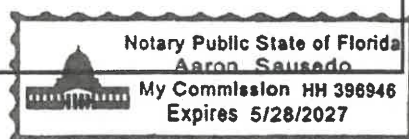
State of Florida, County of Orange

The foregoing instrument was acknowledged by physical presence or online notarization before me this 23 day of August, 2023 by Samantha Gonzalez, who is personally known to me or has produced _____ as identification.

Aaron Sausedo
Notary Public Signature

Notary Stamp/Seal

Commission Expires: 5/28/27





Town of Ponce Inlet
Planning & Development Department
AGENT AUTHORIZATION

TO: TOWN OF PONCE INLET, PLANNING & DEVELOPMENT DEPARTMENT

FROM: (PLEASE PRINT)

NAME: Samantha Gonzalez/Aaron Sausedo

STREET ADDRESS: 13506 Summerport Village Pkwy Suite 331

CITY: Windermere STATE: FL ZIP: 34786

PHONE: () 352.242.7817 E-MAIL: swright@vmdventures.com

I, legal property owner(s) of land parcel(s) located at:
4591 S Atlantic Ave. Ponce Inlet, FL

Hereby Authorize: Samantha Gonzalez & Aaron Sausedo

As my Agent(s)/Representative(s) to act on my behalf in all aspects of the application process for my request to the Town of Ponce Inlet. My Agent/Representative is delegated my authority to submit all documents, exhibits and fees necessary for this application. I understand and agree that I am solely responsible for the accuracy of information submitted and for compliance with all requirements of this application, in my name.

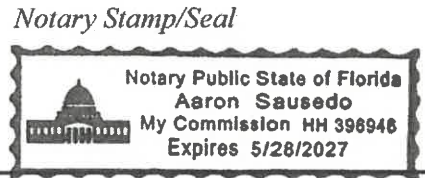
By signing below, I authorize my designated agent(s) to drop off, pick up and sign all documents as necessary on my behalf, upon presentation of a notarized copy of this letter.

Signature of Property Owner(s): [Handwritten Signature]

State of Florida, County of Orange

The foregoing instrument was acknowledged by physical presence or online notarization before me this 30 day of August, 2023 by Harold Mills, who is personally known to me or has produced _____ as identification.

Notary Public Signature [Handwritten Signature]
Commission Expires: 5/28/27



Ex 12
Page
3 of 4

Written Explanation and Justification – The Town Council will not consider any waiver or reduction of fines without justification. Please provide an explanation in the space provided on the next page, along with back-up documentation, of how and why your request meets one or more of the situations below. Please feel free to attach additional pages if necessary.

Financial Hardship

Medical Hardship

See attached

Mitigating Circumstances

To Whom it May Concern:

I hope this letter finds you well. I am writing to request an exemption from the fines I have incurred as a result of negligence to my property. I humbly appeal for your understanding and consideration of my circumstances.

The reason for my appeal is the significant health challenges that my 87-year-old mother in law is currently facing. Her health issues require constant care, attention, and frequent visits to medical facilities. I have assumed the role of the primary caregiver, responsible for ensuring her well-being and providing the necessary financial support during this difficult time.

The demands of caregiving have created unforeseen time constraints, making it challenging for me to fulfill my obligations promptly. The financial resources that would otherwise be allocated for such unforeseen expenses have been directed towards medical bills, medications, and essential caregiving supplies.

I understand the importance of adhering to rules and regulations, and I deeply regret any violations on my part. I assure you that this situation is an exception rather than a representation of my usual conduct. I kindly request your empathy and understanding in considering my appeal for exemption from the fines.

It is my responsibility to ensure her privacy is maintained and that her medical history and current conditions are not disclosed to any individuals, agencies, or organizations unless it is necessary for her care.

I want to assure you that this request is made in the best interest of my mother in law's well-being and privacy. I believe that maintaining the confidentiality of her medical information is essential for her peace of mind and for ensuring that her personal health matters remain confidential.

I hope you will find it in your heart to grant me the exemption I am seeking. Your understanding in this matter would bring significant relief during this already taxing period. I deeply appreciate your consideration and the time taken to review my appeal.

Thank you for your attention and understanding.

Sincerely,

Harold Mills
Case # 2023-101



Meeting Date: 10/19/2023

Agenda Item: 11-A

Report to Town Council

Topic: Ordinance 2023-05, Adding alternate positions to the Essential Services Advisory Board (ESAB).

Summary:

The ESAB currently consists of seven members (five regular members and two alternate positions), each with experience in specific disciplines. The attached Ordinance allows for the creation of three additional Alternate positions, to ensure that there is an Alternate for each regular seat.

Suggested motion:

To approve first reading of Ordinance 2023-05, as presented.

Requested by: Chief Scales, Public Safety Director
Ms. Cherbano, Town Clerk.

Approved by: Mr. Disher, Town Manager.



MEMORANDUM
Office of the Public Safety Director

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Michael E. Disher, AICP, Town Manager
From: Kim Cherbano, Town Clerk and Daniel Scales, Public Safety Director
Date: October 10, 2023
Subject: Ordinance 2023-05 – Amending the Essential Services Advisory Board

MEETING DATE: October 19, 2023

1 Staff is requesting approval of Ordinance 2023-05, which updates the Code of Ordinance
2 provisions for the Essential Services Advisory Board (ESAB). The Board was created in 2021¹ to,
3 “...research, analyze, and provide recommendations to the town council on matters related to
4 police, fire, and public works...” The Board currently consists of five regular members and two
5 alternates, with each regular member having experience in either law enforcement, fire-rescue and
6 EMS, engineering, CPA/finance, and public relations, outreach, or human resources.

7
8 At its meeting on December 15, 2022, the Town Council directed staff to add to its list of goals, a
9 “...modification of the number of Alternate members to the Essential Services Advisory Board,
10 increasing it from two to five, one for each Regular seat and professional specialty.” The additional
11 alternate positions will ensure that all disciplines are represented at every ESAB meeting, allowing
12 the board to provide the most informed recommendations to the town council. This change is made
13 under Sections 2-121 and 2-122.f (see page 2 of the ordinance).

14
15 The ordinance also proposes to clarify certain powers and duties of the Board. First, under Section
16 2-124.e, the Board currently has authority to review and provide recommendations to the Town
17 Council on contracts and services within the police, fire, and public works. A literal interpretation
18 of this provision would mean that the ESAB must review any and all contracts within those
19 departments. However, this appears to run counter to the Town’s purchasing policies, which allow
20 purchases and contracts of \$25,000 or less to be executed at the staff level. Rather, the Board’s
21 review and recommendation should be clarified to apply only to contracts and agreements that
22 require approval by the Town Council. Additionally, the ordinance clarifies that the ESAB would
23 not be required to review contracts or projects previously approved by the Town Council. The
24 intent is to maximize the value of the Board’s input to the Council for items the Council has not
25 yet reviewed or discussed.

¹ Ord. No. 2021-01. Adopted 2-18-202

26 Second, the ordinance clarifies under Sections 2-124.d and 2-125.d that the Board’s review of
27 proposed changes to staffing levels applies only to those departments under its purview, namely
28 the police, fire, and public works departments.

29
30 Finally, the ordinance corrects minor grammatical mistakes, such as changing “essential works”
31 to “public works” in several locations.

32

33 **Recommendation**

34 Staff recommends approval of ordinance 2023-05.

ORDINANCE 2023-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A CORRESPONDING ALTERNATE SEAT FOR EACH REGULAR SEAT OF THE ESSENTIAL SERVICES ADVISORY BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council enjoys and appreciates the assistance of its current regulatory and advisory boards and all of the citizen participation that this process is intended to generate; and

WHEREAS, the Town Council seeks to obtain advisory board recommendations on matters related to the provision of current needs for essential services and master planning to ensure the Town's long-term well-being via infrastructure improvements and staffing; and

WHEREAS, the Town Council created the Essential Services Advisory Board to research, analyze, and provide recommendations to the Town Council on matters related to police, fire, public works, and other essential Town services as described more fully in this ordinance; and

WHEREAS, the regular seats on the Essential Services Advisory Board are filled by those with experience in five specific disciplines related to the aforementioned essential services; and

WHEREAS, the Town Council desires to increase the number of alternate seats on the Essential Services Advisory Board to ensure that each discipline is represented at all times.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Ponce Inlet, Florida as follows:

NOTE: Underlined words constitute additions to the Code of Ordinances, ~~striketrough~~ constitutes deletions, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

SECTION 1. Chapter 2, Article IV, Division 3 – “ESSENTIAL SERVICES ADVISORY BOARD” of the Town's Code of Ordinances is hereby amended as follows:

Division 3. ESSENTIAL SERVICES ADVISORY BOARD

Section 2-120. Established. An essential services advisory board is created that has the powers, duties, and responsibilities set forth in this division, to be carried out in accordance with this code.

Section 2-121. *Membership and terms of office.* The essential services advisory board shall consist of five regular members and five alternates appointed by the town council. Each regular member shall be appointed for a three-year term, in staggered sequence, with the exception for the initial terms of members on this five-member board: terms for seats one and three shall expire December 2023, terms for seats two and four shall expire December 2022, and the term for seat five shall expire December 2021. Alternate members shall be appointed to an annual term ending in December of each year.

Section 2-122. *Qualifications.* The essential services advisory board shall be composed of qualified electors of the town with specified qualifications for each seat as herein described. Preference shall be given to full-time residents. Members cannot be employees of the town. Board member seats shall be filled by those with experience in a specified discipline as follows:

- a. Seat One – Law enforcement background;
- b. Seat Two – Fire-rescue & EMS background;
- c. Seat Three – Engineering background;
- d. Seat Four – CPA / financial background;
- e. Seat Five – Public relations, outreach, or human resources background;
- f. Alternates – shall be representatives of one of the five disciplines above; alternates may only progress to a regular seat if their specified discipline is available.

Section 2-123. *Rules of procedure.*

- a. The essential services advisory board shall normally meet quarterly, at a minimum of twice per year, including the annual budget meeting as required by Section 2-125. All meetings of the board shall be duly advertised for public notice and participation. If there is no meeting for the board to conduct, the meeting can be canceled.
- b. The essential services advisory board shall regularly receive assistance and relative expertise from the police department, fire department, and public works department in the performance of the board's responsibilities. Assistance and relative expertise from other departments shall be provided as needed for subject-specific items.
- c. The town council may assign a matter not addressed by this division to the essential services advisory board for review and advice at any time.
- d. No actions by the town may be invalidated solely due to failure to submit the action to the essential services advisory board for review.

Section 2-124. *Powers and duties.* The essential services advisory board shall research, analyze, and provide recommendations to the town council on matters related to police, fire, and public works, as hereby set forth:

- a. Strategic master planning of infrastructure improvements: water, sewer, stormwater, roadways, sidewalks, and street lighting;
- b. Operational facility planning;

- c. Capital purchase requests in excess of \$50,000 prior to submittal for budget preparation related to the Town's infrastructure improvements, fleet management, and equipment. Emergency purchases, as defined in the town's code, exceeding \$50,000 related to infrastructure improvements, fleet management, and equipment need not be reviewed by the board before purchase but shall be reported to the board at its next meeting;
- d. Additions or deletions to operational staffing levels in the police, fire, and public works departments; and
- e. Contracts and interlocal agreements related to the provision of services within these departments that are subject to town council approval. The board will not be required to review contracts or projects previously approved by the town council.

Operational activities required by the Volusia County code, Florida State Statute, or Florida Administrative Rule are not the responsibility of the essential services advisory board.

Section 2-125. Annual Budget Meeting. In March of each year, the board shall meet to review and advise regarding major budgetary items for the upcoming fiscal year. The heads of the various departments of the Town shall submit the following budgetary requests for consideration at the annual meeting when the expenditures would occur in the following fiscal year and the specific expenditures or staffing changes have not yet been reviewed by the board or approved by the Town Council:

- a. Initial expenditures commencing a new phase or project of an approved master plan;
- b. Initial expenditures for the planning of a new Town facility;
- c. Capital purchase requests of greater \$50,000.00 related to the Town's infrastructure improvements, fleet management, and equipment; and
- d. Additions or deletions to operational staffing levels in the police, fire, and public works departments, excluding independent contractors.

The town manager or designee shall incorporate or address the board's recommendations when submitting a proposed budget to the town council.

SECTION 2. All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity portion thereto.

SECTION 4. It is the intention of the town council of the Town of Ponce Inlet, Florida, that this Ordinance shall be codified into the Code of Ordinances of the Town of Ponce Inlet. The Code's codifier is hereby granted that authority as necessary for that purpose.

SECTION 5. This ordinance shall become effective immediately upon its adoption.

It was moved by _____ and seconded by _____ that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Paritsky, Seat #1 _____
Councilmember Milano, Seat #2 _____
Councilmember Caswell, Seat #3 _____
Councilmember Villanella, Seat #4 _____
Vice-Mayor Smith, Seat #5 _____

Passed on first reading this _____ day of _____ 2023.

It was moved by _____ and seconded by _____ that said Ordinance be passed on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Paritsky, Seat #1 _____
Councilmember Milano, Seat #2 _____
Councilmember White, Seat #3 _____
Councilmember Villanella, Seat #4 _____
Vice-Mayor Smith, Seat #5 _____

Passed and adopted on second reading this _____ day of _____ 2023.

Town of Ponce Inlet, Florida

Lois A. Paritsky, Mayor

ATTEST:

Kim Cherbano, CMC
Town Clerk



Meeting Date: 10/19/2023

Agenda Item: 13-A

Report to Town Council

Topic: Grant of temporary access and construction easement for “Trap Bag” installation at the Ponce Preserve.

Summary:

The Town has been notified that temporary Trap Bags and sand are still available for coastal cities to protect public infrastructure along the beach. These bags are used to create barriers and prevent erosion.

Suggested motion:

Staff requests the Town Council grant the five-year access and construction easement to Volusia County to enable the installation of Trap Bags along the coastline of the Ponce Preserve.

Requested by: Mr. Disher, Town Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM

OFFICE OF THE TOWN MANAGER

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Town Council
From: Michael E. Disher, AICP, Town Manager
Date: October 12, 2023
Subject: Grant of temporary access and construction easement for “Trap Bag” installation at Ponce Preserve

MEETING DATE: October 19, 2023

We have recently been notified by the Volusia County Manager and Coastal Division Director that temporary Trap Bags and sand are still available for coastal cities to protect public infrastructure along the beach. Trap Bags are essentially large sandbags filled with beach-quality sand that can be used to create barriers to prevent erosion. The County has used Trap Bags since March of this year to protect vulnerable coastal properties that were not already protected with their own seawall.

To receive the Trap Bags, a property owner must provide the County with a five-year temporary access and construction easement. The easement document and supplemental information is attached to this memo.

The Town-owned property in need of protection is Ponce Preserve, with a shoreline of approximately 875 feet. Like many properties, Ponce Preserve suffered heavy erosion during last year’s hurricanes. The temporary barrier is needed to protect against further erosion until the County’s long-term beach restoration project can be completed.

As a point of information, Volusia County has installed Trap Bags on all but six eligible private properties in Ponce Inlet. For three of those properties, installation was delayed due to the presence of sea turtle nests, and the County is now waiting on favorable coastal conditions to install. The three other properties have yet to provide the temporary easements. The County also will be installing Trap Bags at the Oceanview public beach access as soon as the nearby turtle nest hatches.

Recommendation

Staff recommends the Town Council grant the five-year access and construction easement to Volusia County to enable the installation of Trap Bags along the coastline of Ponce Preserve.



**Public Works Department
Administrative Division**

March 6, 2023

Property Owner
Street Address
City, State Zip

Parcel ID:

Re: Volusia County Beach Recovery – Grant of Temporary Access and Construction Easement

Dear Property Owner:

In January 2023, Governor Ron DeSantis allocated \$37.6 million to Volusia County for beach restoration due to damage from Hurricanes Ian and Nicole. This is in addition to the \$5 million the County received for emergency sand placement through the Florida Department of Environmental Protection.

The County has been actively identifying areas along the coast with the greatest need for temporary armoring and/or sand renourishment. If you are receiving this correspondence, your property has been identified as eligible in our first phase of emergency sand placement. The benefits you may receive will be based on certain eligibility criteria set forth by the Volusia County Coastal Division.

Should you seek interest in receiving this assistance, eligible property owners must sign and return the enclosed "Temporary Access and Construction Easement" document. The easement agreement must be signed by the current property owner(s) or their authorized legal representative and two witnesses in the presence of a notary.

This easement is limited in scope and will allow the County and its contractors to place temporary armoring and/or sand only within a specified area, as depicted in Attachment A. The County has submitted for an area wide FDEP permit to place temporary armoring along the shoreline. Installation of the temporary armoring will begin upon receipt of the FDEP permit. Placement of loose sand for dune restoration is anticipated to commence in late 2023 with sand placement taking multiple months thereafter.

This is a time sensitive project, and your prompt response is greatly appreciated. Once executed, return the signed easement agreement to Volusia County Public Works, Attention Shannon Minchew, 123 W. Indiana Ave., Room 402, DeLand, FL 32720. Priority will be given to completed and valid easements received on or before April 1, 2023. This will allow time for review and notification of resources that may be available to you.

Should you choose not to grant the easement, your property will not be eligible for the County's assistance in this program.

For more information on this beach restoration project, direction on how to properly execute the easement document or assistance with obtaining the services of a notary, please visit volusia.org/beachcleanup or call **Shannon Minchew at 386-736-5967, ext. 12236**. Notary services are available from the County for this purpose at no cost.

As a reminder, the county is asking coastal property owners to have all storm debris removed from the beach and dune prior to the beginning of sea turtle nesting season, which begins May 1.

Respectfully,



Benjamin Bartlett
Director, Public Works Department

Enclosures: Temporary Access and Construction Easement; Property Owner Questionnaire

TEMPORARY ACCESS AND CONSTRUCTION EASEMENT

This Temporary Easement is made and (hereafter, the "Easement") entered into this _____ day of _____, 20____ by and between the **County of Volusia**, a political subdivision of the State of Florida whose principal address is 123 W. Indiana Ave., DeLand, FL 32720, (hereafter, the "County") and _____, the owner(s) of certain real property (hereafter, the "Grantor") located at _____, _____ Florida, _____, with a parcel identification number of _____ - - - (hereafter, the "Property").

1. GRANT OF TEMPORARY EASEMENT FOR TEMPORARY ARMORING. The Grantor hereby grants a right of access for the benefit of County, their employees, agents, successors and assigns, over, under, upon and across the described area seaward of the toe of the existing escarpment as of execution of this Easement to the eastern most limit of the Property (or a lesser amount as necessary) as set forth in Exhibit A attached hereto, for use by the County, its representatives, agents, or contractors to access and install sand containment erosion control devices (hereafter, the "Temporary Armoring"). As may be needed to perform the installation of the Temporary Armoring, the County shall also have the right to traverse, store and remove equipment and supplies, remove debris, to erect temporary structures and for designing, permitting, constructing, installing, placing and inspecting the Temporary Armoring within the limits of the right of access.

2. GRANT OF TEMPORARY EASEMENT FOR SAND PLACEMENT. The Grantor hereby grants a temporary, non-exclusive easement for the benefit of County, their employees, agents, successors and assigns, over, under, upon and across the described area seaward of the sea wall or, where no sea wall exists, the toe of dune, to the eastern most limit of the Property (or a lesser amount as necessary) as set forth in Exhibit A attached hereto, for use by the County, its representatives, agents, or contractors to access and place sand for dune reconstruction. As may be needed to place sand for dune reconstruction, the County shall also have the right to traverse, store and remove equipment and supplies, to erect temporary structures and for designing, permitting, constructing, installing, placing and inspecting the sand placement within the limits of the temporary easement.

3. TERMS AND CONDITIONS. If the Grantor has not applied for a permit for permanent armoring to the FDEP pursuant to s. 163.053, Fla. Stat., the Grantor has the obligation and duty to remove the Temporary Armoring, including, but not limited to any pieces of geotextile fabric, in accordance with the Florida Department of Environmental Protection (FDEP) permit, Permit Number AW-36, prior to the expiration of the FDEP permit on March 21, 2025. Upon placement of the Temporary Armoring on the Property, an undivided fee simple ownership of the Temporary Armoring or sand placement as provided by Florida Law shall be vested in the Grantor to the extent the Temporary Armoring is on the Grantor's Property. If Grantor has not removed Temporary Armoring in compliance with the permit, County has the authority to enter the easement area to remove the geotextile fabric of the Temporary Armoring.

The temporary easement being granted by the Grantor is for the right, but not obligation, of the County to place sand for dune restoration as described in Item 2 above. The County shall have neither a maintenance obligation for the product of the dune reconstruction nor the obligation to perform future shoreline protection projects or dune reconstruction on the Grantor's Property.

4. HARMONIOUS USE BY GRANTOR. The Grantor reserves the right and privilege to use the Property for any purpose consistent with and subservient to the County's use or enjoyment thereof, including the right to use portions of the Property for access to Grantor's property adjacent to the Property, so long as such access otherwise complies with any postings of the County's contractor and applicable governmental regulations. This Easement shall not prevent the Grantor from constructing a seawall or dune reconstruction on the Property.

5. TERM; AUTOMATIC TERMINATION. The term of this Easement shall commence upon execution and shall be recorded in the Public Records of Volusia County, Florida. Once either the fee simple

ownership of the Temporary Armoring has been vested in the Grantor, or the Grantor fails to meet their permit application obligations outlined above, then the County's temporary easement for Temporary Armoring as outlined in Item 1 above shall be released, vacated, and automatically terminated by the County. The Temporary Easement for sand placement granted to County by the Grantors east of the sea wall or, where no seawall exists, the toe of dune, as outlined in Item 2 above shall be released, vacated, and automatically terminated five (5) years after execution of this easement. The Temporary Easement for sand placement shall be automatically terminated, released, and vacated in the area of the Property landward of any seawall constructed in the future.

6. NO WARRANTIES, EXPRESS OR IMPLIED; CUSTOMARY USE. County makes no warranty, guaranty, or representation, expressed or implied, as to the fitness, character, effectiveness, or use of the Temporary Armoring. Nothing in this Easement shall constitute a waiver, modification, or abandonment of any rights based on Customary Use held by the public. Nor shall this Easement constitute a waiver of any right, easement, or dedication, or ownership held by the public.

7. DEBRIS REMOVAL; AVOIDANCE OF DUPLICATION OF BENEFITS; REPORTING. Grantor has an obligation to file an insurance claim for debris removal if coverage is available. Grantor understands and acknowledges that receipt of compensation for performance of the aforementioned activities from any source, including Small Business Administration, private insurance, and individual and family grant program or any other public or private assistance program could constitute a duplication of benefits prohibited by federal law. If the Grantor receives any compensation from any source for debris removal activities on the Property the Grantor will report it to: Mr. Arden Fontaine, Deputy Director, Volusia County Public Works, 123 W Indiana Av., Room 402, DeLand, FL 32720. Office phone: (386) 736-5965.

8. REPRESENTATIONS AND AUTHORITY. By executing this Easement, Grantor certifies that nothing prevents Grantor from entering into this Easement and that no encumbrance would impede or prohibit the installation of the Temporary Armoring or dune restoration as described herein.

9. GRANTOR INDEMNIFICATION AND RELEASE. Grantor waives any actual or future claim against the County related directly or indirectly from the installation the Temporary Armoring or dune restoration as described herein.

10. SOVEREIGN IMMUNITY. County expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the Grantor executed this Easement by their duly authorized representatives on the dates set forth below.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF: (Two Witnesses as
Required by Florida Law)**

GRANTOR

Witness

Signature

(Print or Type Name)

(Print or Type Name)

Witness

Signature

(Print or Type Name)

(Print or Type Name)

STATE OF _____

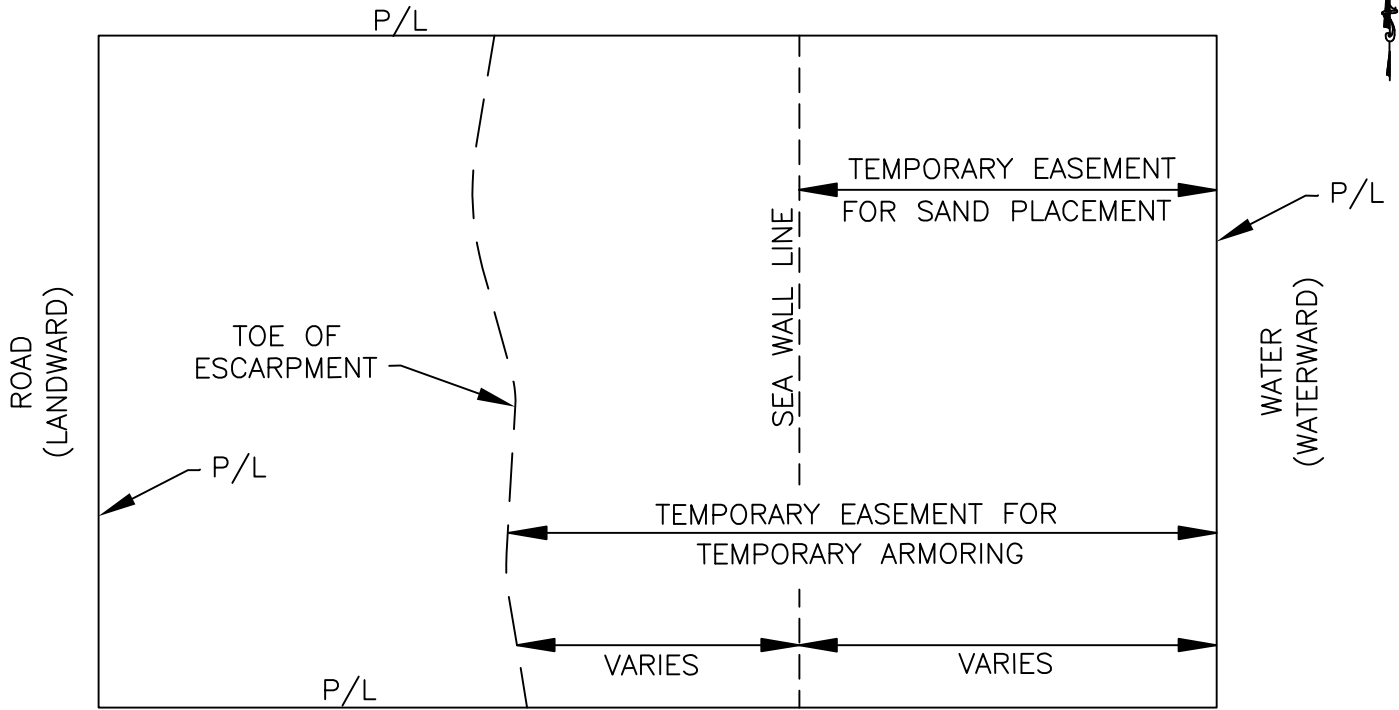
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____, by means of physical presence or online notarization, who is personally known to me or who has produced a driver's license as identification.

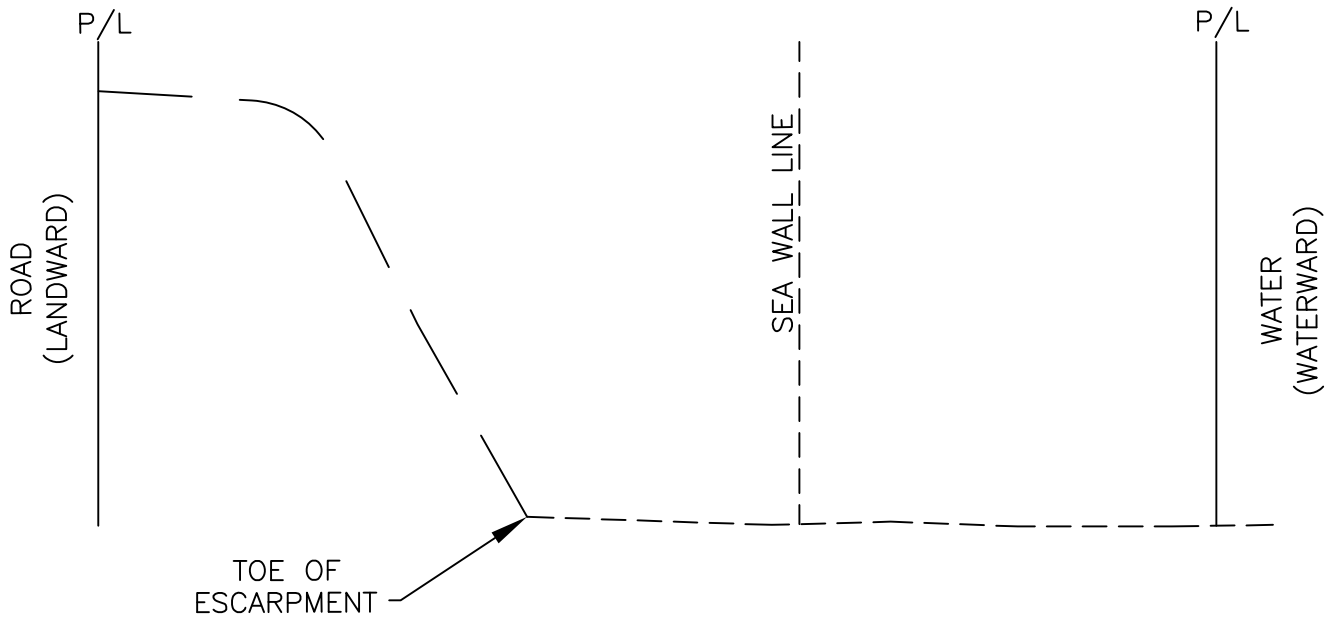
SEAL:

Notary Public

EXHIBIT A



PLAN



PROFILE



PUBLIC WORKS DEPARTMENT
ENGINEERING & CONSTRUCTION
123 WEST INDIANA AVENUE
DELAND, FL. 32720-4262
(386) 736-5967

PLAN/PROFILE

PROPERTY OWNER QUESTIONNAIRE

Please complete the following questions and return to:

Volusia County Public Works
Attn: Shannon Minchew
123 W. Indiana Ave., Room 402
Deland, FL 32720

Is the property currently under contract for sale or purchase? _____

If so, please explain:

Current Contact Info:

Name: _____

Address: _____

Email: _____

Phone No: _____

Other than myself, I share ownership of this property with:

Name: _____

Address: _____

Email: _____

Phone No: _____

Is there an ongoing business on the site? _____

If yes, who owns the business?

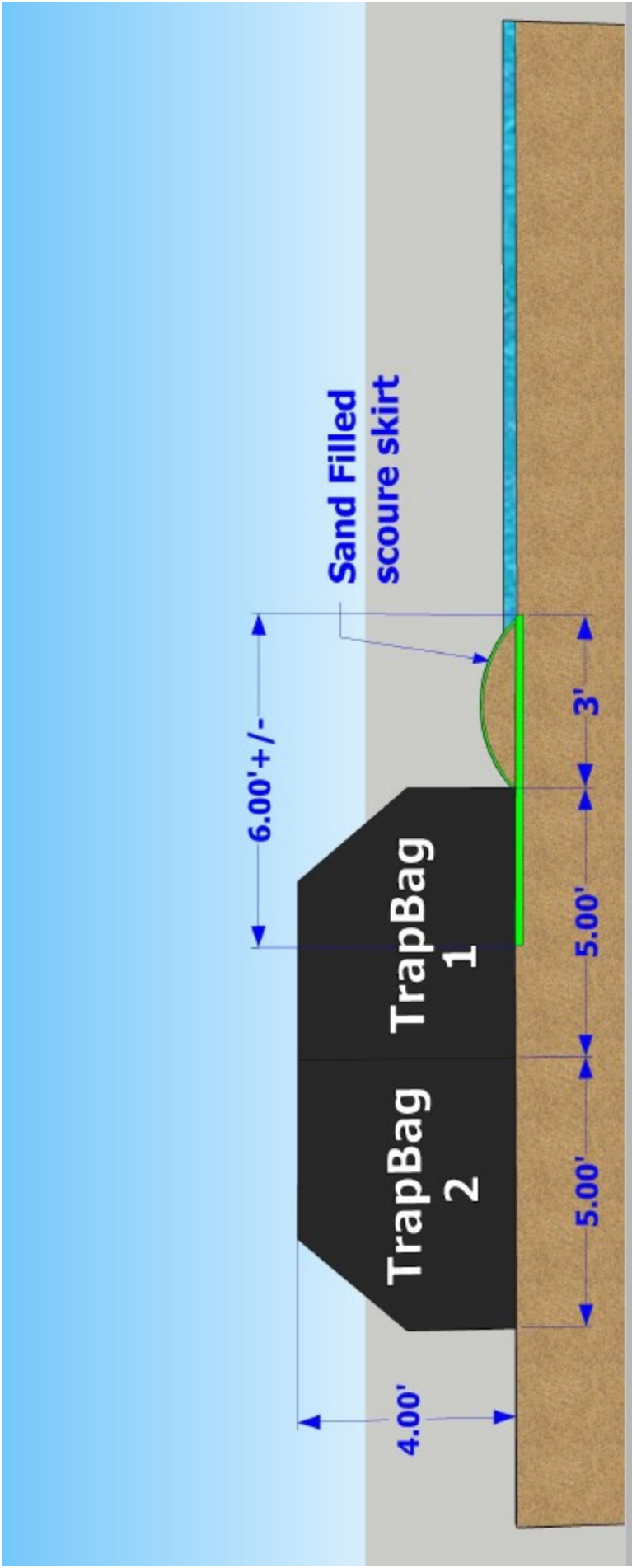
Name: _____

Address: _____

Email: _____

Phone No: _____

Additional Comments: _____





Meeting Date: 10/19/2023

Agenda Item: 13-B

Report to Town Council

Topic: Support for seeking requests for legislative appropriation.

Summary: The Town is proposing to submit/resubmit requests for two generators and the first phase of a septic-to-sewer project.

Suggested motion:

Staff requests direction and approval to submit these projects for the 2024 legislative session.

Requested by: Chief Scales, Public Safety Director

Approved by: Mr. Disher, Town Manager



MEMORANDUM

Office of the Public Safety Director

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Michael E. Disher, AICP, Town Manager
From: Daniel Scales, Public Safety Director
Date: October 10, 2023
Subject: Approval to submit Town projects for funding through the 2024 Legislative appropriations process

MEETING DATE: October 19, 2023

Staff is proposing to submit requests for funding of equipment and projects as part of the upcoming legislative appropriations process. Two of the three items, back-up generators for the Fire station and Public Works facility, were previously submitted to the legislature through our elected representatives, Senator Wright, and Representative Tramont as part of the 2023 legislative session. Those two items were approved by the state legislature for the state's FY 23-24 budget but were later vetoed by the Governor. However, the Town did receive \$20,000 to help with a new back-up generator for the community center.

For the 2024 legislative session, the Town is proposing to resubmit requests for the two generators, along with a new request for the first phase of the septic-to-sewer project. All of these requests will be for 50% funding, with the Town responsible for the remaining 50%. Descriptions of the projects are attached to this report and are summarized below:

1. Replacement generator for the fire station – \$37,500 request based on \$75,000 total estimated cost.
2. Replacement generator for the public works facility - \$27,500 request based on \$55,000 total estimated cost.
3. Lighthouse Shores septic to sewer project – \$1,051,430 request based on \$2,102,861 estimated cost. Note that staff will be seeking additional funding from the City of Port Orange, St. Johns River Water Management District, and other sources.

The State's fiscal year runs from July 1 through June 30. If the requested appropriations are approved in the State's FY 24/25 budget, the money would not become available until after July 1, 2024. The financial arrangements must then be finalized through a grant agreement between the Town and the appropriate state agency. Once budgeted, the money must be spent or encumbered in the state fiscal year in which it was awarded. The Town's match for funded projects would therefore need to be budgeted for the fiscal year 24/25 beginning October 1, 2024.

Staff is seeking direction and approval to submit these projects for the 2024 legislative session, which this year runs from January 9th through March 8th, 2024 (see legislative calendar, attached). If approved, Staff is proposing to briefly present these requests in person to the Volusia Legislative Delegation at its meeting in DeLand on October 24th. The application deadline to submit the complete application package for appropriation requests is November 14, 2023.

Attachments

1. Fire Station replacement generator
2. Public Works replacement generator
3. Lighthouse Shores septic-to-sewer project
4. 2024 Florida legislative calendar

ATTACHMENT 1

PROJECT INFORMATION

Project Name: Replacement Emergency Power Generator – Ponce Inlet Fire Station

City: Town of Ponce Inlet

County: Volusia

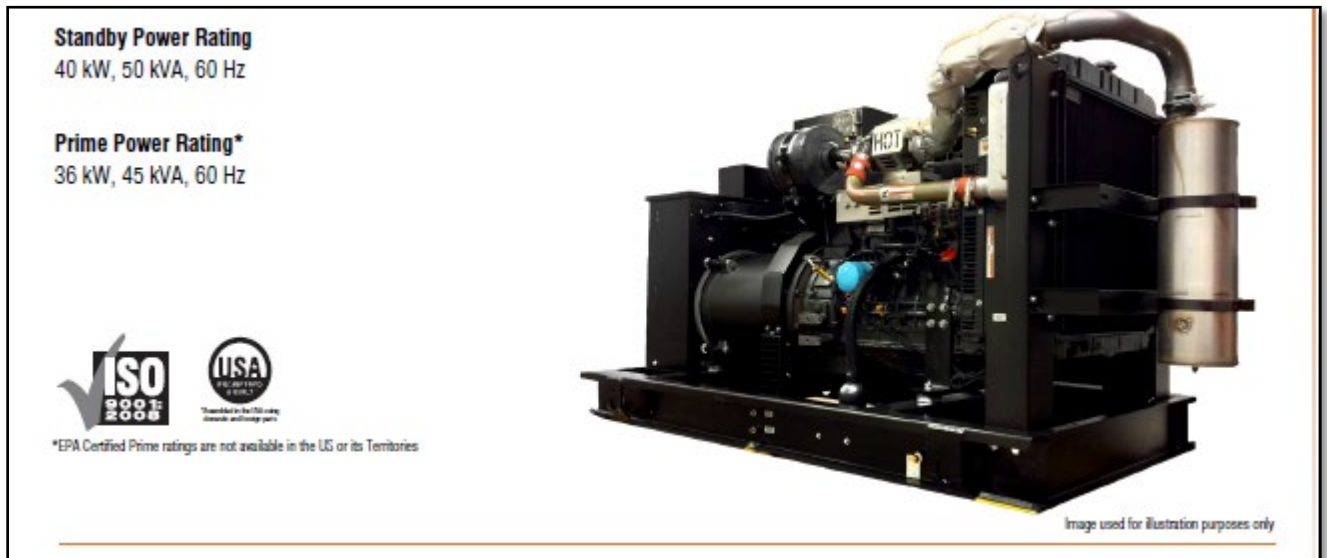
Amount Requested: \$35,000

Total Cost: \$70,000

General Overview

The Town of Ponce Inlet is requesting matching funds to replace an emergency power generator, transfer switch, and associated electrical service work for the Town's single fire station. The fire station is a 6,500 sq. ft. critical facility that houses the Town's only fire suppression and EMS response elements. The fire station is currently staffed full time by up to 14 personnel. The Fire Department serves a population of 3,400 (permanent) to 7,000 (seasonal) and responds to an average of 1,200 calls per year. The current generator is approximately 26 years old and requires frequent repairs. The new unit is a Generac Diesel SD 040 40 KW Backup Generator (specs attached).

The reliability of the unit is in question due to its age and the Town's location on the barrier island, exposing it to salt air and extreme weather conditions. There have been numerous times of the past 20 years that the Town of Ponce Inlet suffered extended power outages impacting the Fire Department. A reliable, robust, modern back-up generator is critical to assure uninterrupted Fire/EMS services are provided to the community.



Example of Replacement Generator

ATTACHMENT 1

Current Generator – 26 years old



Exterior of Current Generator



Specification Plate of Current Generator

ATTACHMENT 3

PROJECT INFORMATION

Project Name: Replacement Emergency Power Generator – Ponce Inlet Public Works

City: Town of Ponce Inlet

County: Volusia

Amount Requested: \$27,500

Total Cost: \$55,000

General Overview

The Town of Ponce Inlet is requesting matching funds for a replacement generator and transfer switch to provide standby power for the Town's Public Works facility. The 4,000 sq. ft. Public Works building is a critical facility that houses all of the Town's Public Works assets (personnel, equipment, tools, etc.) and functions as the primary base of operations for all public works employees. The facility is essential to the public safety mission of the Town. The Public Works facility is currently staffed full time by 10 personnel. The current generator is more than 10 years old, and repairs are becoming more frequent. The Public Works Department serves 3,400 full-time residents year-round, with the seasonal increase doubling the number of residents.

The reliability of the unit is in question due to the age of the unit and its location on the barrier island, exposing it to salt air and extreme weather conditions. A reliable, robust, modern back-up generator is critical to assure uninterrupted Public Works services are provided to the community, especially in response to flooding, downed trees, and other hazards following hurricanes or severe weather storms. The total cost of the project includes acquisition of the generator, site modifications, updating of the transfer switch, and all associated permits.

Current Generator



ATTACHMENT 3

PROJECT INFORMATION

Project Name: Ponce Inlet Septic-to-Sewer – Lighthouse Shores

City: Town of Ponce Inlet

County: Volusia

Amount Requested: \$1,051,430.50

Total Cost: \$2,102,861.00

General Overview

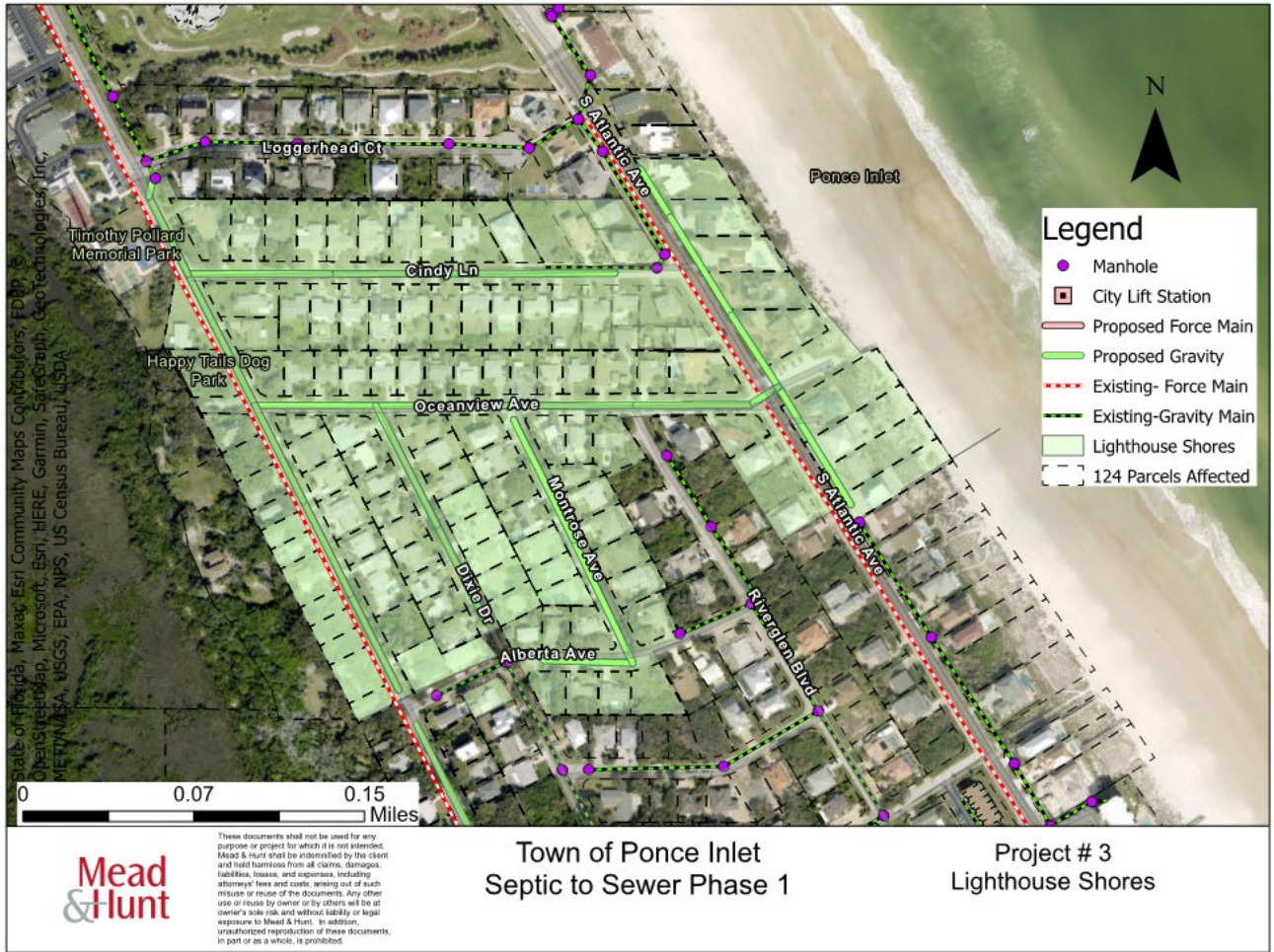
The Town of Ponce Inlet is requesting matching construction funds to install 8" gravity sewer lines to replace aging on-site septic systems for 124 single-family homes in the Lighthouse Shores neighborhood (see attached project map). The project is intended to reduce nutrient loading to the Halifax River, which is part of the Indian River Lagoon National Estuary Program. The project is fully designed and engineered and is currently being permitted through state agencies.

According to the Town's 2022 Vulnerability Assessment, the properties closest to the Halifax River are subject to flooding and will be increasingly at risk for future storm surge and sea level rise. The Ponce Inlet Comprehensive Plan calls for the Town to prioritize septic-to-sewer conversions in areas most vulnerable to flooding and storm surge, including those in the 100-year flood plain.

The sanitary sewer system is owned and operated by the City of Port Orange. The Town will be partnering with the City to seek additional funding for construction and to assist property owners with the connection costs.

ATTACHMENT 3

Project Location Map



ATTACHMENT 4

IMPORTANT LEGISLATIVE DATES FOR THE 2024 REGULAR SESSION

91st House, 126th Regular Session Since Statehood in 1845

2023

- September 18-22 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. September 11-15
- October 16-20 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. October 9-13
- November 6-9 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. October 30-November 2
- November 13-17 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. November 6-10
- November 14 **Member Bill Request Submission Deadline:** All bill draft requests, including requests for companion bills, must be submitted electronically through Leagis to House Bill Drafting no later than **5 p.m.**
- November 14 **APR (Appropriations Project Request) Form Submission Deadline:** All Member APR forms must be submitted through the APR system for review no later than **5 p.m.**
- November 21 **Early Member Bill Filing Deadline:** At least 2 of the 7 bills subject to the Member bill filing limit must be filed no later than **NOON**. To meet a filing deadline, a bill must be **APPROVED FOR FILING** in Leagis by the applicable deadline.
- December 4-7 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. November 27-December 1
- December 10 **Publication of Notice for Local Bills Deadline:** For local bills to be available (filed) for opening day introduction.
- December 11-15 Interim Committee and Subcommittee Meetings---**Notice Deadline:** no later than 4:30 p.m. December 4-8

2024

- January 5 **Member Bill Final Draft Form Deadline:** All Member bill requests must be in final draft form, including requests for companion bills no later than **5 p.m.**
- January 9 **First Day of Session:** [91st House since Statehood: 126th Regular Session since Statehood; 28th House since 1968 Constitutional Revision]
- January 9 **Final Member Bill Filing Deadline:** No general bill, local bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial shall be given first reading unless approved for filing with the Clerk no later than **noon** of the first day of the regular session. **NOTE:** To meet a filing deadline, the bill must be **APPROVED FOR FILING** in Leagis by the applicable deadline.
- January 9 **APR Form Publication Deadline:** All Member approved APR forms must be published on the House website no later than **5 p.m.**
- January 9 **Committee or Subcommittee Notice Deadlines During Session:** During the first 45 days of a regular session, notice shall be provided no later than **4:30 p.m.** of the 2nd day (excluding Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting for the purpose of considering legislation.
- January 9 **Special Order Calendar:** During the first 55 days of a regular session, the Special Order Calendar shall be published in three Calendars of the House, and it may be taken up on the day of the third published Calendar.
- January 9 **Filing Deadlines for Floor Amendments:** During the first 55 days of a regular session: Main floor amendments must be submitted to the House Bill Drafting Service by **3 p.m.** and approved for filing with the Clerk by **4 p.m.** of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be submitted to the House Bill Drafting Service by **6:30 p.m.** and approved for filing by **7 p.m.** of the same day.

ATTACHMENT 4

- January 16 **Attestation Form Deadline for Appropriations Project Requests:** The sponsoring Member of an APR Form must submit the completed and signed attestation form through the APR system no later than **5 p.m.**
- February 8 **Ceremonial Resolution Request Submission Deadline:** By **5 p.m.**, ceremonial resolutions to be submitted to Rules Committee.
- February 18 **Reconsideration in Committee or Subcommittee:** No bill may be retained for the purpose of reconsideration in committee or subcommittee after the 40th day (**February 17**) of a regular session.
- February 22 **Ceremonial Resolution Filing Deadline:** No ceremonial resolution shall be given first reading unless approved for filing with the Clerk before the 46th day (**February 23**) of the regular session. **NOTE:** To meet a filing deadline, the ceremonial resolution must be APPROVED FOR FILING in Leagis by the applicable deadline.
- February 23 **Committee or Subcommittee Notice Deadlines During Session:** After the 45th day (**February 22**) of regular session, notice shall be provided no later than 4:30 p.m. on the day (including Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting.
- February 23 **Daily Order of Business:** After the 45th day (**February 22**) of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules Committee, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders.
- February 24 **Immediate Certification of Bills:** Unless otherwise directed by the Speaker, during the last 14 days of a regular session, all measures acted on by the House shall be transmitted to the Senate without delay.
- March 4 After the 55th day (**March 3**) of a regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.
- March 4 After the 55th day (**March 3**) of a regular session: Main floor amendments must be approved for filing with the Clerk not later than 8:00 a.m. on the day session is scheduled to convene on the day the bill appears on the Special Order Calendar in the Calendar of the House or 2 hours before session is scheduled to convene on the day the bill appears on the Special Order Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.
- March 4 After the 55th day (**March 3**) of a regular session, no House bills on second reading may be taken up and considered by the House.
- March 7 After the 58th day (**March 6**) of a regular session, the House may consider only: Returning Messages, Conference Reports, and Concurrent Resolutions.
- March 8** **Last day of Regular Session, if Legislature completes work in 60 days.**

Source: www.myfloridahouse.gov



Meeting Date: 10/19/2023

Agenda Item: 13-C

Report to Town Council

Topic: Discussion of foreclosure on outstanding code enforcement liens.

Summary: Please see attached staff report.

Suggested motion(s): As determined by Council.

Requested by: David Hooker, Code Compliance Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Michael E. Disher, AICP, Town Manager
FROM: David Hooker, Code Compliance Manager
DATE: October 11, 2023
SUBJECT: Discussion of foreclosure on outstanding code enforcement liens

MEETING DATE: October 19, 2023

The purpose of this memorandum is to update the Town Council on recent discussions before the Code Enforcement Board about the collection of outstanding liens. The liens represent the fines imposed by the Board for uncorrected violations and continue to accrue until compliance is achieved. The fines become liens on the property once the Board's written order is recorded in the public records of Volusia County. The liens must be paid if the property or any other property owned by the same entity is sold. If that does not occur, the lien expires after 20 years, unless the lienholder renews the lien.

The Local Code Enforcement Board Act, or Florida statute 162, grants local code boards and special masters a wide range of authority. It allows the Town's Code Enforcement Board to adopt its own procedures, have administrative powers, set fines, and even authorize the local governing body attorney to foreclose on a lien or to sue to recover the amount of lien, plus accrued interest. However, in accordance with Section 4 Article 10 of the State Constitution, only liens on non-homesteaded properties can be foreclosed; homesteaded properties are exempt.

Since the inaugural meeting of the Town's Code Enforcement Board on January 31, 1984, the Town has never asked the local governing body attorney (Town Attorney) to foreclose on properties that had any outstanding liens. However, the amount of unpaid liens to date has prompted Staff to consider how this money might be collected.

As of the date of this memorandum, the Town has outstanding code enforcement liens on 11 properties, amounting to \$247,885. Of these, eight properties are non-homesteaded, accounting for the majority of the liens, which total \$196,160.

Staff monitors all outstanding liens and is proactive in attempts for collection. Periodically, (2 to 4 times a year), staff will send out courtesy letters reminding the owners about the

outstanding lien. Usually, a courtesy reminder will result in either the lien being paid, or the owner(s) of the outstanding lien requesting an abatement by the Town Council.

Address	Total Lien Amount	Lien Started	Comments
42 Jana Drive	\$15,910	April 22, 2019 (783 days)	Town Council denied abatement request on August 17, 2023
48 Inlet Harbor	\$4,250	November 9, 2021 (80 days)	Owned by a Public Utility
13 Arena Blanca	\$2,200	December 17, 2021 (39 days)	Town Council reduced lien amount on March 17, 2023
4670 Links Village #B-202	\$850	September 6, 2022 (6 days)	In compliance, lien unpaid
5 Marsh Court	\$750	September 6, 2022 (25 days)	In compliance, lien unpaid
4620 Riverwalk Village Avenue #7302	\$3,450	June 5, 2023 (128 days as of October 11, 2023)	Remains in violation, lien still accruing
4505 South Atlantic Avenue # 703	\$53,500	March 13, 2023 (213 days as of October 11, 2023)	Remains in violation, lien still accruing
4591 South Atlantic Avenue	\$115,250	April 10, 2023 (115 days)	In compliance, lien unpaid
Total	\$196,160		

Since 2017, The Town has collected \$157,400 from 67 separate properties that had code enforcement liens attached to them.

Florida Statutes 162.09(3) reads, "...after 3 months from filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest."

All the liens referenced above have remained "unpaid" for over 90 days. This allows the Code Enforcement Board to initiate foreclosure proceedings on the lien if desired.

If the Board's decision is to have the Town Attorney to start collection proceedings, staff would first notify the owners by certified mail that the outstanding lien had been unpaid for over the 90-day period and that after an additional 60 days, the Town would start official foreclosure proceedings.

This additional time provided to the owners offers them an opportunity to either settle the outstanding amount or request a reduction or abatement of the lien to the Town Council.

The objective is to address the outstanding code enforcement liens on the non-homesteaded properties. While foreclosure on a property itself is an option, the preferred approach is to pursue a monetary judgement for collection of the lien.

Note that per F.S. 162.10, the local governing body is entitled to collect all costs incurred in recording and satisfying a valid lien. Copies of the F.S. 162.09 and 162.10 are provided at the end of this report for reference.

Summary of Steps

The steps to initiate lien foreclosure proceedings on eligible properties are as follows:

1. Send certified letter to property owners with notice that:
 - a. the outstanding lien has not been paid for over 90 days;
 - b. the owners have 60 days to either pay the lien or request and abatement or reduction with the Town Council; and
 - c. if neither action is taken after 60 days; the Town will start official foreclosure proceedings on the lien.
2. Hold Code Enforcement Board hearing to authorize the Town Attorney to proceed with foreclosure of the lien.

This item was presented to the Code Enforcement Board on September 25, 2023. Following discussion, the Board requested staff to send letters to owners of the properties with unpaid fines explaining they have the option to pay or appear before the Town Council with a request for reduction or abatement, informing them that foreclosure is possible.

Staff is requesting feedback from the Town Council before moving forward with this process.

162.09 Administrative fines; costs of repair; liens.—

* * *

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

162.10 Duration of lien.—No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to s. [162.09](#)(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. **The local governing body shall be entitled to collect all costs incurred in recording and satisfying a valid lien.** The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.



Meeting Date: 10/19/2023

Agenda Item: 13-D

Report to Town Council

Topic:

Supporting the City of DeBary in proposing amendments to the Live Local Act.

Summary:

The City of DeBary has begun to analyze the potential impact of the Live Local Act on its infrastructure and tax base and has asked other Volusia local governments to support its proposed amendments during the 2024 legislative session. This memo provides a summary of the Act and its potential impact on Ponce Inlet.

Suggested motion(s): As determined by Council.

Requested by: Mr. Disher, Town Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM
OFFICE OF THE TOWN MANAGER

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Town Council
 From: Michael E. Disher, AICP, Town Manager
 Date: October 12, 2023
 Subject: Supporting the City of Debarry in proposing amendments to the Live Local Act

MEETING DATE: October 19, 2023

1 Introduction

2 This year, the Florida Legislature passed SB 102, known as the Live Local Act, as a means to
 3 remove barriers to and incentivize the development of affordable housing throughout the state.
 4 While more affordable housing is certainly needed, the Act attempts to achieve it in ways that
 5 may be highly impactful to local governments. In particular, small- to mid-size cities with a high
 6 percentage of land zoned for commercial and industrial use are at risk of losing out on
 7 employment opportunities and tax base and being asked to accommodate many new residents
 8 and changes to community character, while being deprived of the revenue to support them. In
 9 Volusia County, the City of Debarry has begun to analyze the potential impact to the Act on its
 10 infrastructure and tax base, and has asked other Volusia local governments to support its
 11 proposed amendments during the 2024 legislative session. This memo provides a summary of the
 12 Act and its potential impact on Ponce Inlet. The recommended amendments from Debarry are
 13 also provided at the end. The case study by Debarry is included as an attachment.

15 Impacts

16 The Act creates several significant preemptions, exemptions, and requirements as follows:

- 17 1. It preempts local comprehensive plans and zoning codes by allowing affordable
 18 multifamily and mixed-use housing by right on commercial and industrial land, provided
 19 at least 40% of the units are rented as “affordable” for 30 years. For cities with less than
 20 20% land area designated as commercial or industrial, all affordable multifamily units
 21 must be part of a mixed-use development, with at least 65% of the total square footage
 22 used for residential purposes. Lands defined as recreational and working waterfronts are
 23 exempt from the Act;
- 24 2. Affordable units may be built up to the highest density allowed within a jurisdiction, and
 25 up to the highest allowable height within a one-mile radius within the jurisdiction, or 3
 26 stories, whichever is higher.

- 27 3. It mandates that approval of affordable housing developments must occur at the
28 administrative staff level, without input or review by the public, advisory boards, or the
29 city council, and that such developments must be approved if all local development
30 requirements are met; and
- 31 4. Exempts all units rented at affordable rates from 75%-100% ad valorem property taxes
32 for up to 30 years.

33
34 The Act therefore has the potential to undermine the careful planning of cities by:

- 35 • Allowing such development where it has not been previously anticipated and where
36 necessary infrastructure may not exist;
- 37 • Altering community character;
- 38 • Circumventing the public hearing process; and
- 39 • Shifting the tax burden needed to support new development onto existing properties and
40 new market-rate homes.

41
42 The term “affordable” under the Act means that monthly rents or mortgage payments, including
43 taxes, insurance, and utilities, do not exceed 30% of household income. This applies not only to
44 low-income households, but also to moderate-income households, defined as those with a
45 household income between 80%-120% of the median income within the same metropolitan
46 statistical area (MSA).

47
48 In the Deltona-Daytona-Ormond Beach MSA, the median household income is \$65,889. The
49 80%-120% range still defined as “affordable” equates to annual household incomes between
50 \$52,711 and \$79,067. To be affordable at moderate income levels, monthly rents and utilities
51 would need to range from \$1,318 to \$1,977. Rents at this level are the same as market-rate rents
52 in many parts of Volusia County, yet would qualify as “affordable” under the Act.

53
54 The number of affordable units that can be built under the Act will be limited somewhat by local
55 government’s multifamily development regulations, as well as by the amount of commercial and
56 industrial land. The Act does not apply to land already zoned for residential use. New affordable
57 multifamily developments under the Act are still required to abide by the same regulations as
58 market-rate multifamily developments (other than density, height, and land use), such parking,
59 setbacks, stormwater retention, landscaping, tree preservation, concurrency, etc. that reduce the
60 developable area and thus the number of units.

61
62 A summary of the Act is provided with this report. A detailed analysis of the bill from the
63 Florida Senate is found at:

64 <https://www.flsenate.gov/Session/Bill/2023/102/Analyses/2023s00102.ap.PDF>.

65
66 **Potential Impacts to Ponce Inlet**

67 In Ponce Inlet, the impacts of the Act would be relatively limited, in terms of the number of new
68 residential units that could potentially be built. Only 26 acres, or 1% of the total land area is
69 designated as commercial, and no areas of the Town are designated as purely industrial. With
70 less than 20% of lands designated as commercial or industrial, any affordable multifamily units

71 would be required to be part of a mixed-use development, with at least 65% of the total square
 72 footage used for residential purposes¹. Of the commercial lands in Ponce Inlet, the 16.5 acres
 73 located along the Halifax River have a future land use and zoning of “Riverfront Commercial,”
 74 which is intended to support “recreational and working waterfronts.” These commercial
 75 properties along the river are therefore exempt from the Act. That leaves 9.5 acres of commercial
 76 land that could be developed or redeveloped under the Act. These include the properties zoned
 77 B-1 on Inlet Harbor Road, at Fisherman’s Harbor Village, and the North Turn restaurant
 78 property. Note the parking lot for this restaurant has a residential zoning and would not be
 79 subject to the Act.

80

Property	Size	Max Density	Theoretical Max Unit Yield
Inlet Harbor Road	3.5 ac	40 units/acre	140
Fisherman’s Harbour Village	5.5 ac	40 units/acre	220
North Turn Restaurant	0.5 ac	40 units/acre	20
Total	9.5 ac	--	380

81

82 The maximum allowable residential density in Ponce Inlet is 40 units per acre, which would
 83 yield a theoretical maximum of 380 multifamily units on the 9.5 developable acres. However, the
 84 maximum height limit is 35 feet, as embodied in the Town’s LUDC, comprehensive plan, and
 85 charter. The LUDC also contains dimensional standards that further limit the building envelope,
 86 and requires a minimum size for individual units. In contrast to the existing legal non-
 87 conforming seven-story condo towers in Ponce Inlet, new shorter multifamily developments
 88 would likely yield far less units than the theoretical maximum density.

89

90 As for rents, according to Realtor.com, the median monthly rent in Ponce Inlet today is \$3,900,
 91 while the median rent in the 32127 ZIP code as a whole is \$2,500. From a developer’s
 92 standpoint, any units rented as affordable would need to be offset by higher rates for the
 93 remaining units.

94

95 **Proposed Amendments to the Act**

96 The City of Debarry is affected greatly by the Act, given that it has over 1,000 acres of vacant
 97 commercial and industrial land that could be developed with affordable apartments under the
 98 Act. Debarry is therefore proposing seven amendments, provided below in full, to the Act to
 99 minimize the negative impacts.

100

- 101 1. Clarification is needed for commercial, industrial and mixed use within PUDs. PUDs are
 102 contractual agreement between the developer, the residents who invested in the PUD and the
 103 City. We recommend this language be added to the revised bill, “This statute does not apply
 104 to commercial, industrial or mixed uses within an existing Planned Unit Development.”
 105
- 106 2. Exempt small cities from this statute who cannot afford the infrastructure costs to support
 107 these projects. Infrastructure costs are the same for every city, however, it is proportionately
 108 more burdensome for smaller cities. We recommend cities with a population of less than
 109 30,000 and/or annual General Fund revenues of less than \$50 million be exempt. If not,

¹ A maximum percentage of residential uses in a mixed-use development is not defined.

110 municipalities will significantly have to raise property taxes to accommodate this untaxed
111 growth. This will become the largest tax increase bill ever passed by the Florida Legislature.
112 Affordable housing needs to be in larger cities, as this is where the jobs are located.

- 113
- 114 3. The burden on infrastructure improvements have been placed on citizens, causing
115 municipalities to raise taxes. Eliminate the tax exemption. The incentives are too great and
116 this law will become a commercial/industrial redevelopment bill. The tax exemption creates
117 an unfair competitive advantage in the apartment industry, as new apartments will enjoy the
118 exemption, existing apartments will not.
 - 119
 - 120 4. Restore home rule and eliminate the administrative approval on a proposed, hypothetical
121 business plan or model. This administrative approval prior to construction will lead to bait-
122 n-switch practices and abuse in process.
 - 123
 - 124 5. Qualifying properties and rental rates exceed or are at current market rates in DeBary and
125 other cities. Rental rate percentage range (80%-120%) should be adjusted to 60%-80%. If not
126 adjusted, the 75% tax exemption will become automatic for charging current market rate.
 - 127
 - 128 6. The criterion that allows apartment complexes to be able to use the highest density in the city
129 destroys decades of comprehensive planning. The City of DeBary is being penalized for
130 having the SunRail Station (mass-transit system located in Central Florida). The small area
131 around the SunRail Station is 32 units per acre. Allowing this density, which is customized
132 for mass transit systems, to be used in areas not designed for this type of density will destroy
133 communities. Other cities have customized higher densities in specialized areas of their cities
134 due to specific attractions or amenities. This statute unfairly penalizes cities with special
135 attractions or amenities, such as mass-transit, beaches, and other attractions.
 - 136
 - 137 7. This statute has limited audit authority to verify household income and rental rates. A
138 revision is required to grant the local government audit authority on an annual basis to verify
139 qualification of the tax exemption. Requiring just an affidavit will lead to abuse. Local
140 governments can use contract auditors. The Florida Department of Revenue and other
141 agencies, such as local governments that enforce tourist development tax, have the authority
142 to use contract auditors.

143

144

145 **Conclusion**

146 The amendments proposed by the City of DeBary will also minimize any potential impact to
147 Ponce Inlet, and are thus supported by Staff.

148

149

150 Attachments

- 151 1. Summary of Live Local Act
- 152 2. Case study from City of DeBary

Summary of Live Local Act

Live Local Act (SB 102) – Effective July 1, 2023

The Act uses a combination of funding, tax credits, tax exemptions, and land use controls to create incentives for affordable housing.

(1) Zoning and Land Use Controls & Local Government Requirements:

- Prohibits cities and counties from enacting rent control requirements.
- For a ten-year period, requires cities and counties to allow multifamily rental and mixed use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40% of the units are affordable to income-eligible households for at least 30 years.
 - For mixed use projects, at least 65% of the total square footage must be used for residential purposes.
- The local government may not require the proposed project to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the height, densities, and zoning authorized by this bill.
 - May not restrict the height of an eligible project below the tallest currently allowed height for a commercial or residential development in the jurisdiction within 1 mile of the proposed project, or 3 stories, whichever is higher.
 - May not restrict the density of an eligible project below the highest allowable density in the jurisdiction where residential development is allowed.
 - Applications for eligible projects must be administratively approved by the local government with no further action by the governing body if the project satisfies applicable land development regulations and 7 comprehensive plan requirements for mixed-use residential developments (other than height, density, and zoning).
 - A local government must consider reducing parking requirements for eligible projects if the proposal is located within ½ mile of a “major transit stop” (as defined by the local government).
 - Cities and certain counties with less than 20% of land zoned for commercial or industrial uses are only subject to these requirements for mixed-use developments, exclusively residential projects would not be eligible.
 - Recreational and commercial working waterfront areas are exempt.
 - The proposed project must otherwise comply with applicable state and local laws.
- Requires cities and counties, as well as independent special districts within local governments, to post annually an inventory of city- and county-owned lands appropriate for use as affordable housing on their websites.
- Requires cities and counties to post on their websites policies for implementing state laws that require expedited processing of building permits and development orders.
- Sections 125.01055 (6) and 166.04151 (6) currently authorize local governments to allow affordable housing developments on any parcel zoned residential, commercial, or industrial notwithstanding any other law to the contrary. The bill removes areas zoned residential from this provision.

(2) Tax Exemptions:

- Requires a new property tax exemption for newly constructed multifamily developments of over 70 affordable units that serve up to 120% AMI (Area Median Income) and do not have a Land Use Restriction Agreement with the Florida Housing Finance Corporation (FHFC).
 - The exemption applies only to affordable housing units.
- Authorizes cities and counties to implement additional property tax exemptions for developments that serve households at 60% AMI or below.
 - Eligible projects must have at least 50 units and dedicate at least 20% of the units for affordable housing.
- Creates a new sales tax refund on building materials for affordable housing developments subject to an agreement with the FHFC.

(3) Funding and Tax Credits:

- Proposes \$811 million for affordable housing programs, including:
 - \$252 million for SHIP (State Housing Initiatives Partnership program),
 - \$259 million for SAIL (State Apartment Incentive Loan),
 - \$100 million for the Florida Hometown Hero Housing Program,
 - \$100 million for a competitive loan program for new construction projects that have not yet commenced construction and are experiencing verifiable cost increases due to market inflation; and
 - Up to \$100 million for a new Live Local Tax Donation Program whereby taxpayers can direct payments to the FHFC for use as SAIL funds in exchange for tax credits against corporate or insurance premium tax.

ATTACHMENT 2

**FACT SHEET
Live Local Act
SB 102**

Directory

Executive Summary/Talking Points..... Page 2

Effect on Authorization..... Page 4

Effect on Land Development Code..... Page 6

Effect on Affordable..... Page 9

Effect on Property Tax Exemption..... Page 13

Effect on Exemption Process..... Page 17

Recommended Revisions..... Page 17

Executive Summary/Talking Points

1. The Broad Stroke of this law has an adverse effect on Unique Communities.

- a. DeBary has over 900 acres of vacant commercial, industrial and mixed use property, most in PUD's. The highest density is 32 units/acre around the SunRail Station.
- b. Expansion of the highest density within city limits destroys 20 years of local comprehensive planning and threatens unique communities with an overwhelming amount of apartments.

2. Affordable definition in the law is actually current market rate.

- a. Affordable median income definition (80%-120% of median income) is at or above current market in DeBary. If 40% of the units meet the affordable definition, it guarantees a 75% - 100% property tax exemption. DeBary's 2023 Median Income is \$80,000. The Deltona-Daytona Beach-Ormond Beach statistical area's median income is \$65,889. Using HUD's 30% rule, the rental rates are at current market. See the chart on page 10 of this document.

3. This law creates an unfair competitive advantage in the apartment industry.

- a. New apartments qualify for tax exemption, will be saving \$1 -2 million annually.
- b. Existing apartments are not entitled to the same property tax exemption.

4. This law will be one of the largest tax increases for local governments (487 jurisdictions) in the State of Florida.

- a. Tax exemption is too high, proportionate share too low, causing DeBary citizens to pick up tab for infrastructure costs, increase public safety services and other costs.
- b. We anticipate this law will cause DeBary, because of our exposure, to double our property tax rate.

5. Because of its large tax incentives, this law will become a commercial redevelopment act.

- a. The same law that was to provide housing for our workforce is now taking away the very jobs they need.
- b. Apartment developers will leverage tax savings into accelerating the purchase of more commercial and industrial properties, both vacant and developed.
- c. Currently, commercial/industrial developments are purposely letting their PUDs expire to enter into contracts with apartment builders. Currently apartment projects are delaying their start, letting their current PUD expire, to become eligible for the tax exemptions.

6. This law will devastate the school system.

- a. DeBary has one school that is already overcrowded. Volusia County Schools does not own any other property in DeBary. DeBary is almost built-out. I met with Volusia County Schools. It will severely impact their ability to handle all the children this bill creates.

7. This law conflicts with the State's Comprehensive Plan regulations and unfairly burdens local government's land planning and development code processes.

- a. This law may violate the PUD contracts between the developers, HOAs and the City. We are already losing an approved critical commercial/industrial project to an apartment complex that can build up to 759 apartments.
- b. This law violates the City's home rule and requires administrative approval on a proposed business model or plan.

EFFECT ON AUTHORIZATION

Section 166.0451 (6) Affordable Housing

Notwithstanding any other law or ordinance or regulation to the contrary, the governing body of a municipality **may** approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to a mixed-use residential development, on any parcel zoned for commercial and industrial use. So long as at least 10 percent of the units included in the project are housing that is affordable.

Section 166.0451(7)(a)

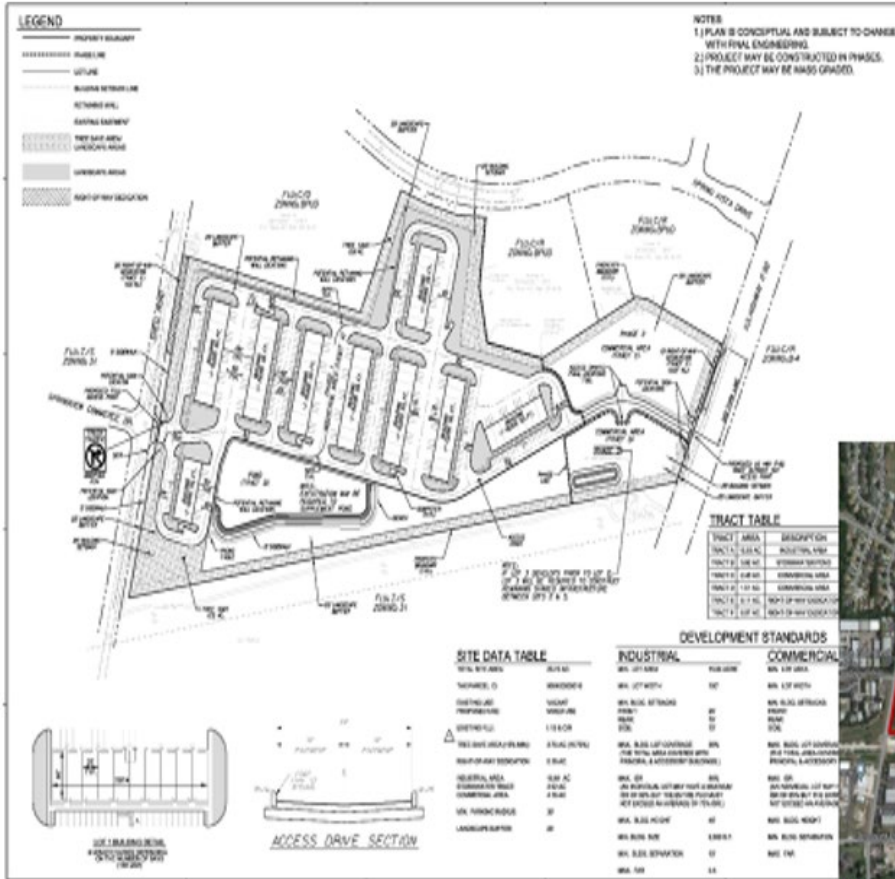
A municipality **must** authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

Section 166.0451(7)(d)

A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

- Comment
 - If the housing development has 40% of the residential units as affordable housing for a period of 30 years, the City **must** authorize the development in any area zoned for commercial, industrial or mixed use zoning.
 - If the housing development has 40% of the residential units as affordable and it satisfies the City's LDC for multifamily, the approval must be done administratively without City Council approval.

- It is the position of the City, lands within a PUD, even though they may be designated for commercial, industrial and/or mixed use, are zoned PUD and does not qualify under the Live Local Act. However,



**Industrial Commerce
Center
Mixed Use Development**
 Industrial - 123,000 s.f
 Commercial Outparcels - 2
 Fully Approved



EFFECT ON LAND DEVELOPMENT CODE

Section 166.0451 (a)

A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004

Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

Section 166.0451(7)(b)

A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowable density on any land in the municipality where residential development is allowed.

Section 166.0451(7)(c)

A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

Section 166.0451(7)(e)

A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

Section 166.0451(7)(f)

A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

Section 166.043 1(a); (2)

(1)(a) Except as hereinafter provided, a no county, municipality, or other entity of local government may not shall adopt or maintain in effect an ordinance or a rule that which has the effect of imposing price controls upon a lawful business activity that which is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

Section 166.043 (2)

No municipality, county, or other entity of local government may not shall adopt or maintain in effect any law, ordinance, rule, or other measure that which would have the effect of imposing controls on rents

- Comments
 - Density
 - In 2010, the City created the Transit Oriented Develop (TOD) District surrounding the SunRail station. In this District, the maximum density allowed is 32 units per acre. It was designed to support mass transit and the SunRail system.
 - Given Section 166.0451(7)(b), an affording housing developer may build on any mixed-use, commercial and industrial property with a density up to 32 units per acre. For example, a 24-acre industrial parcel can be developed into an affordable housing development, without Council approval, with up to 759 apartments.
 - According to the latest ITE Trip Generation Manual, a Mid Rise Multifamily is defined 3-10 floors. This size development will generate up to 4100 trips per day.
 - It appears by this law, the City may impose reasonable proportionate share costs to this affordable housing developer, however, all of the impacts are proportioned. The City will be responsible to pay for all of the additional infrastructure impacts not covered by the proportionate share.
 - It appears that the School Board concurrency regulations are still intact, and may have an option to accept or deny the project do to school capacity.
 - Under Section 166.0451(7)(e), the City must consider reducing parking if the development is within ½ mile of major mass transit stop.

- Height
 - The City may not restrict height of the proposed development. The affordable housing developer may use any height regulation within 1 mile of the development or 3 stories whichever is less.
 - In the City, we have a height restriction of 50' which allows for up to 4-5 stories dependent on the project.

- Mixed Use
 - Pursuant to Section 166.0451(a), “For mixed-use residential projects, at least 65 projects of the total square footage must be used for residential purposes.”

 - Pursuant to Section 166.0451(7)(f), a City may require a mixed use development if less than 20% of its land area is commercial or industrial use.

EFFECT ON AFFORDABLE

Section 166.0451(7)(a)

A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years affordable as defined in s. 420.0004.....

- Comment
 - § 166.04151(7)(a), Florida Statutes, states that a qualifying multifamily rental development must have 40% of its residential units be “affordable” for a period of at least 30 years. The Live Local Act cites § 420.0004, Florida Statutes, for the definition of affordable.
 - § 420.0004(3), Florida Statutes, states that “Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), subsection (11), subsection (12), or subsection (17). These categories include “extremely-low income persons,” “low-income persons,” “moderate-income persons,” and “very-low-income persons.”
 - § 420.0004(9), Florida Statutes, states that “Extremely-low-income persons” are one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.
 - § 420.0004(11), Florida Statutes, states that “Low-income persons” are one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.”

- § 420.0004(12), Florida Statutes, states that “Moderate-income persons” are one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.
- § 420.0004(17), Florida Statutes, states that “Very-low-income persons” are one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.
- Section 196.1978(3)(d)(1) states homes between 80% - 120% of the medium income within a metropolitan statistical area qualifies the property as affordable.
- The Florida Housing Corp publishes the following chart each year using HUD data. According to their calculations, 120% of the median income of the Deltona-Daytona MSA equates to the following, depending on number of persons in the household.
- This chart can be found at *Florida-housing-rental-programs---2023-income-and-rent-limits-(eff-5-15-2023)-revised-usda-eligible-addresses.pdf* (floridahousing.org).
- Utilizing this chart and the 80%-120% range, will qualify if their salary is between \$43,360 and \$65,040. The rental range for a 1 bedroom apartment is between \$1,162 and \$1,743.
- Integra Apartments begin at \$1,424 per month for a 1 bedroom, 1 bath apartment. **It appears that affordable housing criteria is already in line with the current market rate.**

Affordability Analysis

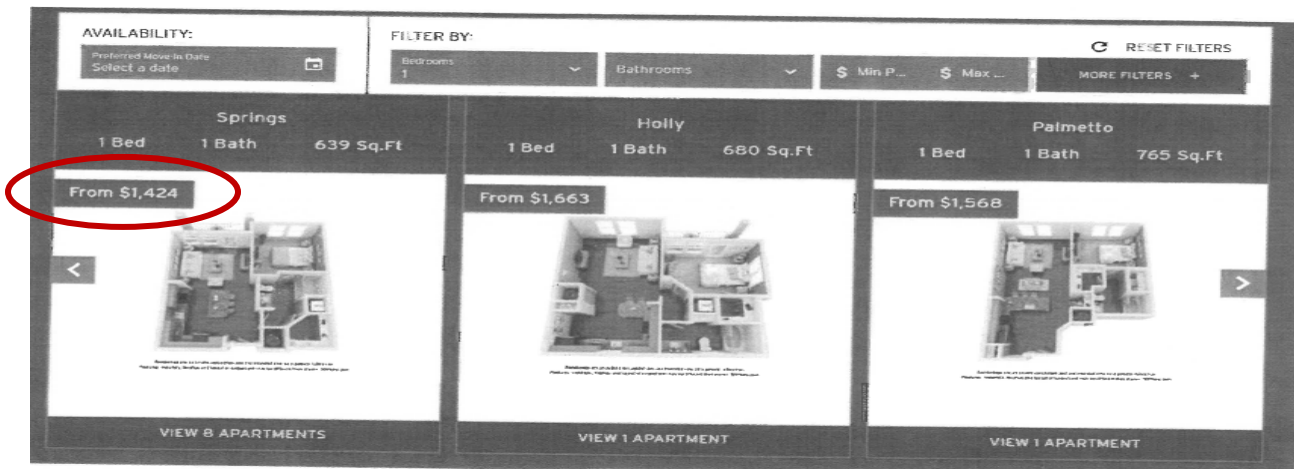
Deltona-Daytona Beach-Ormond Beach MSA

2023 Median Income \$78,700

HUD release: 5/15/2023
 Effective: 5/15/2023
 Implement on/before: 6/28/2023

2023 Income Limits and Rent Limits
 Florida Housing Finance Corporation
 Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit						
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5	
Volusia County (Deltona-Daytona Beach-Ormond Beach HMFA)	20%	10,840	12,400	13,940	15,480	16,720	17,960	19,200	20,440	21,672	22,910	271	290	348	402	449	495	
	25%	13,550	15,500	17,425	19,350	20,900	22,450	24,000	25,550	27,090	28,638	338	363	435	503	561	619	
	28%	15,176	17,360	19,516	21,672	23,408	25,144	26,880	28,616	30,341	32,075	379	406	487	563	628	693	
	30%	16,260	18,600	20,910	23,220	25,080	26,940	28,800	30,660	32,508	34,366	406	435	522	603	673	743	
	33%	17,886	20,460	23,001	25,542	27,588	29,634	31,680	33,726	35,759	37,802	447	479	575	664	740	817	
	35%	18,970	21,700	24,395	27,090	29,260	31,430	33,600	35,770	37,926	40,093	474	508	609	704	785	867	
	40%	21,680	24,800	27,880	30,960	33,440	35,920	38,400	40,880	43,344	45,821	542	581	697	805	898	991	
	45%	24,390	27,900	31,365	34,830	37,620	40,410	43,200	45,990	48,762	51,548	609	653	784	905	1,010	1,114	
	50%	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100	54,180	57,276	677	726	871	1,006	1,122	1,238	
	60%	32,520	37,200	41,820	46,440	50,160	53,880	57,600	61,320	65,016	68,731	813	871	1,045	1,207	1,347	1,486	
	70%	37,940	43,400	48,790	54,180	58,520	62,860	67,200	71,540	75,852	80,186	948	1,016	1,219	1,408	1,571	1,734	
	80%	43,360	49,600	55,760	61,920	66,880	71,840	76,800	81,760	86,688	91,642	1,084	1,162	1,394	1,610	1,796	1,982	
	Median: 78,700	120%	65,040	74,400	83,640	92,880	100,320	107,760	115,200	122,640	130,032	137,462	1,626	1,743	2,091	2,415	2,694	2,973
		140%	75,880	86,800	97,580	108,360	117,040	125,720	134,400	143,080	151,704	160,373	1,897	2,033	2,439	2,817	3,143	3,468
HERA Special Limits per Section 142(d)(2)(E) (est. 2022)	25% - HS	13,775	15,750	17,725	19,675	21,250	22,825	24,400	25,975	27,545	29,119	344	369	443	511	570	629	
	28% - HS	15,428	17,640	19,852	22,036	23,800	25,564	27,328	29,092	30,856	32,613	385	413	496	572	639	705	
	30% - HS	16,530	18,900	21,270	23,610	25,500	27,390	29,280	31,170	33,054	34,943	413	442	531	613	684	755	
For use by projects that placed in service at least one building on or before 12/31/2008	33% - HS	18,183	20,790	23,397	25,971	28,050	30,129	32,208	34,287	36,359	38,437	454	487	584	675	753	831	
	35% - HS	19,285	22,050	24,815	27,545	29,750	31,955	34,160	36,365	38,563	40,767	482	516	620	716	798	881	
	40% - HS	22,040	25,200	28,360	31,480	34,000	36,520	39,040	41,560	44,072	46,590	551	590	709	818	913	1,007	
	45% - HS	24,795	28,350	31,905	35,415	38,250	41,085	43,920	46,755	49,581	52,414	619	664	797	920	1,027	1,133	
	50% - HS	27,550	31,500	35,450	39,350	42,500	45,650	48,800	51,950	55,090	58,238	688	738	886	1,023	1,141	1,259	
	60% - HS	33,060	37,800	42,540	47,220	51,000	54,780	58,560	62,340	66,108	69,886	826	885	1,063	1,227	1,369	1,511	



Integra 289 Apartments - DeBary

Integra at Ivey's Lake (Orange City, FL) – 4 miles from City Hall

Rooms	Size	Price/Month
1-bed / 1-bath	822 sq. ft.	\$1,695
1-bed / 1-bath	992 sq. ft.	\$1,705
2 bed / 2 bath	1119 sq. ft.	\$1,780
2 bed / 2 bath	1143 sq. ft.	\$1,845

The prices are also listed online here: [Orange City, FL 1, 2 & 3 Bedroom Luxury Apartments near Deltona \(integralandings.com\)](http://integralandings.com)

Allure on Enterprise (DeBary, FL) – 2 miles from City Hall

Rooms	Size	Price/Month
1 bed / 1 bath	730 sq. ft.	\$1,595
2 bed / 2.5 bath	1150 sq. ft.	\$1940-\$1960
3 bed / 2.5 bath	1585 sq. ft.	\$2,205-\$2,215

The prices are also listed online here: <https://allureonenterprise.com/floorplans/>

Grandville on Saxon (Orange City, FL) – 3 miles from City Hall

Rooms	Size	Price/Month
2-bed / 2-bath	1132 sq. ft.	\$1,765
2-bed / 2-bath	1244 sq. ft.	\$1,244
3 bed / 2 bath	1291 sq. ft.	\$1,945

EFFECT ON PROPERTY TAX EXEMPTION

196.1978(3)(d)(1) Affordable Housing Property Exemption

Qualified property used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, must receive an ad valorem property tax exemption of 75 percent of the assessed value.

2. Qualified property used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.

Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption

196.1979 County and municipal affordable housing property exemption.

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board of county commissioners of a county or the governing body of a municipality **may** adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:
 - a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; or
 - b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides;
2. Must be within a multifamily project containing 50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section;

3. Must be rented for an amount no greater than the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of subsection (4), whichever is less;

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application;

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application; and

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

- **Comment.** It does not appear that this law allows for existing apartment projects to apply for an exemption even though they meet the affordable housing criteria.
- In DeBary, the Integra 289 Apartments sold for \$71.25 million in 2021. This equates to \$246,539 per unit. Their ad valorem property taxable value is \$51,034,779 or \$180,051 per unit. Integra pays \$812,393 annually in state and local ad valorem taxes.
- In January 2023, the City approved a MPUD for DeBary Commerce Center which consists of 2 commercial outparcels and 125,000 square feet of light industrial space in 9 separate buildings. Because they have not started construction, the MPUD zoning will expire in January 2024. The zoning will revert back to the split zoning of commercial/light industrial which will make it eligible for an affordable housing project.
- We have received notification that the property owner will indeed allow the MPUD expire and is currently under contract with Hillpointe Development.
- When totally built out and leased, DeBary Commerce Center estimated value of \$50 million generating nearly 500 jobs and nearly \$500,000 in state and local taxes annually.
- Hillpointe Development is planning 375 apartment units which will allow up to 759 apartments. It appears at this point, they will qualify for a 100% tax exemption.
- It appears Section 196.1979 encourages county and municipal governments to pass proactive approaches to the tax exemption and provides an opportunity to partition it by the number of units.

Volusia County Property Card

Integra 289 Apartments

Across from SunRail Station



Property Summary

Alternate Key: 8000009
Parcel ID: 90000000013
Township-Range-Section: 19 - 30 - 09
Subdivision-Block-Lot: 00 - 00 - 0013

Business Name: INTEGRA 289 EXCHANGE
Owner(s): AUTUMN LAKES ASSOCIATES L P - TIC - Tenancy in Common - 46.3%
 WEAVER DRIVE ASSOCIATES L P - TIC - Tenancy in Common - 28.37%
 SPANNANAH AT INTEGRA LLC - TIC - Tenancy in Common - 25.33%
 160 BUSINESS PARK DR STE 200
 VIRGINIA BEACH VA 23462

Mailing Address On File: 115 INTEGRA RESERVE LN, DEBARY 32713

Physical Address: Same As Addresses
Additional Address: 10
Building Count: 0
Living Units: 7000 - APARTMENTS - NEW / CLASS A
Neighborhood: 0300 - 4FTR - 10 UNITS
Subdivision Name: 015-DEBARY
Property Use: 15-3526
Tax District: No
2023 Proposed Millage Rate: No
Homestead Property: No
Agriculture Classification: 4, 6, 9 - 19-30 BRAC PARCEL AS DESCRIBED IN PER OR 7506 PG 0451
Short Description: EXC 18800 PARCEL BEING 26.90 ON THE E/L AND 38.00 ON THE N/L AS DESCRIBED IN OR 7909 PG 4818 PER OR 2998 PG 1665 PER OR

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$46,254,776	\$49,355,429	\$23,853,720
Land Value:	\$5,780,000	\$4,652,900	\$3,655,850
Just/Market Value:	\$52,034,776	\$49,058,329	\$27,509,570

Working Tax Roll Values by Taxing Authority

Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2023 PROPOSED MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	Ex/SDCAP	Taxable Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$52,034,776	\$52,034,776	\$0	\$52,034,776	1.5000	\$78,052.16
0012 DISCRETIONARY	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.7480	\$38,922.01
0011 REQ LOCAL EFFORT	\$52,034,776	\$52,034,776	\$0	\$52,034,776	3.1610	\$164,481.93
0050 GENERAL FUND	\$52,034,776	\$52,034,776	\$0	\$52,034,776	3.3958	\$176,699.69
0055 LIBRARY	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.4209	\$21,901.44
0053 PUBLIC SAFETY FUND	\$52,034,776	\$52,034,776	\$0	\$52,034,776	1.4541	\$75,663.77
0058 VOLUSIA ECHO	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.2000	\$10,406.96
0057 VOLUSIA FOREVER	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.2000	\$10,406.96
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.0288	\$1,498.60
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$52,034,776	\$52,034,776	\$0	\$52,034,776	0.1793	\$9,329.84
0070 WEST VOLUSIA HOSPITAL AUTHORITY	\$52,034,776	\$52,034,776	\$0	\$52,034,776	1.1400	\$59,319.64
0190 DEBARY	\$52,034,776	\$52,034,776	\$0	\$52,034,776	2.9247	\$152,186.11

Non-Ad Valorem Assessments

Project	#Units/Rate	Amount	Estimated Ad Valorem Tax
015C-DEBARY STORMWATER-COVM	84.53	\$160,0613,524.80	\$798,869.10

Estimated Non-Ad Valorem Tax: \$13,524.60
Estimated Taxes: \$812,393.90
 Estimated Tax Amount without SDCAP (0) \$812,393.90

Volusia County Property Appraiser
 123 W. Indiana Ave., Rm. 102
 Deland, FL 32720
 Phone: (386) 736-5901 Web: volpa.org/vcpa

		Taxable Value	Millage Rate	Estimated Taxes
0017	CAPITAL IMPROVEMENT	\$52,034,776	1.5000	\$78,052.16
0012	DISCRETIONARY	\$52,034,776	0.7480	\$38,922.01
0011	REQ LOCAL EFFORT	\$52,034,776	3.1610	\$164,481.93
0050	GENERAL FUND	\$52,034,776	3.3958	\$176,699.69
0055	LIBRARY	\$52,034,776	0.4209	\$21,901.44
0053	PUBLIC SAFETY FUND	\$52,034,776	1.4541	\$75,663.77
0058	VOLUSIA ECHO	\$52,034,776	0.2000	\$10,406.96
0057	VOLUSIA FOREVER	\$52,034,776	0.2000	\$10,406.96
0065	FLORIDA INLAND NAVIGATION DISTRICT	\$52,034,776	0.0288	\$1,498.60
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	\$52,034,776	0.1793	\$9,329.84
0070	WEST VOLUSIA HOSPITAL AUTHORITY	\$52,034,776	1.1400	\$59,319.64
0190	DEBARY	\$52,034,776	2.9247	\$152,186.11

Estimated Ad Valorem Tax: \$798,869.10

2023 Tax Analysis

DeBary

Apartment/Stat	Integra 289	Hillpointe 372 Estimated Ratio	Hillpointe 759 Estimated Ratio
Property Value	\$71,250,000	\$91,698,750	\$187,123,101
Property Value/Unit	\$246,539		
Taxable Value	\$52,034,779	\$66,968,760	\$136,658,709
Taxable Value/Unit	\$180,051		
Annual Tax Paid	798,869	\$1,028,144	\$2,097,876
Tax Paid/Unit	\$2,764		

Note:

- Using the Same Taxable Value Ratios as Integra 289 Apartments, we can calculate the estimated taxable value and annual tax due for the Hillpointe Apartments.
- Assuming Hillpointe qualifies for the tax exemption, which is an almost certainty, they will save over \$1 million annual at minimum. The larger the apartment, the larger the savings. Leveraging the tax savings over 30 years, Hillpointe will utilize \$30-\$60 million buy more commercial and industrial property. Each property purchased and built under this law, the tax savings will be leveraged and consumption of commercial and industrial property will accelerate. All of it tax exempt.
- Since proportionate share is so restrictive, it will be the citizens of DeBary will be responsible for all of the infrastructure improvements, increase in police and fire services and other municipal costs.
- City of DeBary has over 1000 vacant acres of commercial, industrial and mixed-use property. As once thought as a viable tax base for our community, will not become tax exempt and burden. At 32 units per acre, the potential for 32,000 apartments is real.
- The tax incentives are too great. What was meant to house our workforce, will in fact, eliminate the jobs they are seeking.

EFFECT ON EXEMPTION PROCESS

- It does not appear to be any audit authority to verify the tax exemption. Without oversight, affidavits will certainly be abused and it is extremely difficult to prosecute for perjury. Audit resources need to be created with adequate authority to properly regulate this law and prevent abuse.

RECOMMENDED REVISIONS

1. Clarification is needed for commercial, industrial and mixed use within PUDs. PUDs are contractual agreement between the developer, the residents who invested in the PUD and the City. We recommend this language be added to the revised bill, “ This statute does not apply to commercial, industrial or mixed uses within an existing Planned Unit Development.”
2. Exempt small cities from this statute who cannot afford the infrastructure costs to support these projects. Infrastructure costs are the same for every city, however, it is proportionately more burdensome for smaller cities. We recommend cities with a population of less than 30,000 and/or an annual General Fund revenues of less than \$50 million be exempt. If not, municipalities will significant have to raise property taxes to accommodate this untaxed growth. This will become the largest tax increase bill ever passed by the Florida Legislature. Affordable housing needs to be in larger cities, as this is where the jobs are located.
3. The burden on infrastructure improvements have been placed on citizens, causing municipalities to raise taxes. Eliminate the tax exemption. The incentives are too great and this law will become a commercial/industrial redevelopment bill. The tax exemption creates an unfair competitive advantage in the apartment industry, as new apartments will enjoy the exemption, existing apartments will not.
4. Restore home rule and eliminate the administrative approval on a proposed, hypothetical business plan or model. This administrative approval prior to construction will lead to a bait-n-switch practices and abuse in process.
5. Qualifying properties and rental rates exceed or at current market rates in DeBary and other cities. Rental rate percentage range (80%-120%) should be adjusted to 60%-80%. If not adjusted, the 75% tax exemption will become automatic for charging current market rate.

6. The criteria that allows apartment complexes to be able to use the highest density in the city destroys decades of comprehensive planning. The City of DeBary is being penalized for having the SunRail Station (mass-transit system located in Central Florida). The small area around the SunRail Station is 32 units per acre. Allowing this density, which is customized for mass transit systems, to be used in areas not designed for this type of densities will destroy communities. Other cities have customized higher densities in specialized areas of their cities due to specific attractions or amenities. This statute unfairly penalizes cities with special attractions or amenities, such as mass-transit, beaches, and other attractions.
7. This statute has limited audit authority to verify household income and rental rates. A revision is required to grant the local government audit authority on an annual basis to verify qualification of the tax exemption. Requiring just an affidavit will lead to abuse. Local governments can use contract auditors. The Florida Department of Revenue and other agencies, such as local governments that enforce tourist development tax have the authority to use contract auditors.



Meeting Date: 10/19/2023

Agenda Item: 15

Report to Town Council

Topic: From the Town Manager

Summary: Please see attached report.

Requested by: Mr. Disher, Town Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM OFFICE OF THE TOWN MANAGER

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Town Council
From: Michael E. Disher, AICP, Town Manager
Date: October 12, 2023
Subject: Town Manager's Report

MEETING DATE: October 19, 2023

1. On October 5, 2023, I had the honor of attending the Commission for Florida Law Enforcement Accreditation's annual conference with Chief Glazier and his staff to receive the Police Department's 5th consecutive accreditation, known as the Excelsior Award. Attached is a memo from the Chief with additional information about this distinctive recognition.
2. County Council updates, October 3, 2023 meeting:
 - The owners of the North Turn applied to Volusia County to host the [12th Annual Historic North Turn Legends Beach Parade](#). The event is to take place on February 10, 2024 and will include approximately 70 cars on the non-driving portion of the beach. The parade route will be start on the beach by Winterhaven Park, travel south to Beach Street, then north on S. Atlantic Avenue to the North Turn restaurant. The County requires the applicant have insurance for the event, and all drivers must abide by environmental conditions.
 - The County has passed an [ordinance](#) requested by the Sheriff's office requiring tents and temporary structures on the beach to be left open for observation of any occupants.
 - The County approved the [Transform 386 CDBG-DR Action Plan](#). The plan follows the allocation of \$328.9 million from Congress to Volusia County for recovery from Hurricane Ian. To make use of the money, the County first had to conduct an analysis of community needs unmet by FEMA and insurance by soliciting substantial public input. The plan proposes how to spend the federal money to address these unmet needs. Over 60% of the money (\$200 million) will be used toward housing, including single-family housing rehab and replacement, rental housing repair, and new multifamily housing. Another \$93 million will be used to partner with local governments and non-profits to repair and create infrastructure to mitigate against future storms. The plan must be approved by US HUD for the money to be released.

3. County Council updates, October 17, 2023 meeting:

- The County will be hiring a firm for the [design and permitting of 700,000 cubic yards of sand](#) to be deposited on the beach in Ponce Inlet for the County to use in its beach restoration efforts. The material will be dredged from the Inlet waterway by the US Army Corps of Engineers starting late 2024. The dredged sand is to be stockpiled along the first mile of beach north of the Inlet and then distributed between the inlet and the north end of Daytona Beach. The project is being funded with the \$37 million awarded to the County by the State of Florida this past January.
- The County Council will be providing direction on creating a new [Low Impact Development \(LID\) ordinance](#). The term “Low Impact Development” refers to, “systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.” Examples include rain gardens, bioretention gardens, bioswales, pervious pavement, and green roofs. Earlier this year, the Town approved comprehensive plan amendments recommended as part of the 2022 Vulnerability Assessment. These new policies call for the Town to consider developing its own LID ordinance.

4. Senior Planner Patty Rippey and I attended the East Central Florida Regional Resilience Collaborative’s Leadership Summit at the Kenedy Space Center on October 10-11. The summit offered two full days of speakers and panelists from the State of Florida and across the country highlighting the interdisciplinary nature of resilience. We heard from speakers representing the U.S. Department of Defense, Florida’s Departments of Environmental Protection and Emergency Management, local cities, and many others.

5. The Volusia Legislative delegation will be holding a public meeting on October 24th in DeLand. This meeting is held every year before the start of the next legislative session, and provides an opportunity to engage with our elected state officials. The Mayor and I will be attending, along with Public Safety Director Scales.

6. Building permit update: Permit volume remains high. Typical average is 100 permits issued per month or 1,200 per year. Total permit applications year-to-date by the end of September is already at 1,286.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Avg.
Permit applications	119	176	186	133	159	164	120	121	108	143
Permits issued	144	104	160	141	138	144	148	114	108	133
Plan reviews	87	166	183	138	152	134	157	115	117	139
Inspections	295	235	403	319	289	323	233	320	293	301

7. IT Director Randy Okum will be hosting the first “Talking Technology with the Town” event on October 20th at the Community Center, from 10AM-12PM. This will be an open forum style event where IT Staff will discuss general technology topics with the public.



MEMORANDUM

PONCE INLET POLICE DEPARTMENT – OFFICE OF THE POLICE CHIEF

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Michael E. Disher, AICP / Town Manager
FROM: Jeff Glazier / Police Chief
DATE: October 6, 2023
SUBJECT: Staff Report / Ponce Inlet Police Department Accreditation

Meeting Date: October 19, 2023

An accreditation program has long been recognized as a means of maintaining the highest standards of professionalism. Accreditation is the certification by an independent reviewing authority that an entity has met specific requirements and prescribed standards. Law enforcement agencies can attain accredited status through the Commission for Florida Law Enforcement Accreditation, Inc.

On August 15th, 2023 Assessors from across Florida arrived in Ponce Inlet to conduct a 3-day review of the Ponce Inlet Police Department's (PIPD) policies and procedures. They reviewed files, proofs of compliance, interviewed officers, conducted ride-a-longs, and inspected equipment. The PIPD was responsible for complying with over 200 standards to achieve re-accreditation.

On October 5, 2023, Town Manager Mike Disher, Police Chief Jeff Glazier, Accreditation Manager Gina Manchester, and Lt. Corey Mead traveled to Fort Myers, Florida to receive their 5th re-accreditation certificate also known as the Excelsior Award. This is a rare accomplishment which shows an exceptional commitment to the Florida accreditation program. The Excelsior Recognition program is the highest level of achievement a criminal justice agency can receive from the Commission for Florida Law Enforcement Accreditation.



Ponce Inlet Police Department
4301 S. Peninsula Drive, Ponce Inlet, FL 32127

Upcoming Events
Cultural Services Department

(OCTOBER)

Scavenger Hunt @the Park

Come look for spooky treasure and make a memory with your little one on a tiny tot park adventure craft project! Parents and children 2 and up.

Wednesday, October 18, 2023 @ 9:00 AM

Timucuan Oaks Garden

4550 S. Peninsula Dr., outside on the lawn.

Free; RSVP by 10/11 required:

Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408

Ghosts of Ponce Past

Come hear spooky tales about Ponce Inlet and take a walking ghost tour of the Pacetti Cemetery.

Saturday, October 21, 2023 @ 6:00 PM-7:30 PM

Ponce Inlet Historical Museum

143 Beach Street, meet outside on the lawn.

Questions? contact Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408 RSVP not required but greatly appreciated.

Children's Halloween Party

Come in costume and have spooktacular fun with children's games, haunted hayrides and more!

Saturday, October 28, 2023 @ 5:30 PM

Kay & Ayres Davies Lighthouse Park

4931 S. Peninsula Dr.

Free; Jackie; Jfrench@ponce-inlet.org or (386)322-6703

(NOVEMBER)

Painting at the Museum - Reflections of Fall

Acrylic Canvas Painting Class for ages 7 and up. No experience necessary, instructor will guide you step by step.

Saturday, November 4, 2023 @ 9:30 AM

Ponce Inlet Historical Museum

143 Beach Street, outside on the lawn.

\$10. per person, all supplies included.

Space is limited to 12 people. Pre-payment required at Town Hall by 10/27. 386-236-2150

Questions? Contact Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408

Veterans Day Ceremony in Ponce Inlet

Friday, November 10, 2023 @ 10:00 AM

Kay & Ayres Davies Lighthouse Park

4931 S. Peninsula Dr.

Free; Jackie; Jfrench@ponce-inlet.org (386)322-6703

Upcoming Events Cultural Services Department

Scavenger Hunt @ the Park

Come look for treasure and make a memory with your little one on a tiny tot park adventure craft project! Parents and children 2 and up.

Wednesday, November 15, 2023 @ 9:00 AM

Timucuan Oaks Garden

4550 S. Peninsula Dr., outside on the lawn.

Free; RSVP by 11/8 required:

Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408

Painting at the Museum - Beach Resin on canvas board

Acrylic Canvas Painting Class for ages 7 and up. No experience necessary, instructor will guide you step by step.

Saturday, November 18, 2023 @ 9:30 AM

Ponce Inlet Historical Museum

143 Beach Street, outside on the lawn.

\$15. per person, all supplies included.

Space is limited to 12 people. Pre-payment required at Town Hall by 11/9. 386-236-2150

Questions? Contact Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408

(DECEMBER)

Town Tree Lighting and Children's Christmas Party

Friday, December 1, 2023 @ 6:00 pm

Pollard Park

4680 S. Peninsula Dr.

Free; Jackie; Jfrench@ponce-inlet.org or (386)322-6703

Christmas Parade

Saturday, December 2, 2023

Breakfast with Santa @ 9:00 AM

Parade starts @ 2:00 PM

Hosted by the Ponce Inlet Veterans Memorial Association. Breakfast with Santa will begin at 9:00 am at the Ponce Inlet Community Center (4670 S. Peninsula Dr.).

The parade begins at 2:00 pm and the route proceeds north along S. Peninsula Dr. from Davies Lighthouse Park to Harbour Village Blvd.

For more information contact:

Mark Oebbecke: moebbecke@yahoo.com

Cherise Wintz: cherises39@yahoo.com

Merry Old-Fashioned Christmas!

Celebrate with live holiday music, old fashioned games, memorable crafts and tour the Museum!

Saturday, December 9, 2023 @ 10:00 AM - 1:00 PM

Upcoming Events
Cultural Services Department

Ponce Inlet Historical Museum
143 Beach Street, outside on the lawn.
Free; RSVP by 12/2 required:
Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408

Painting at the Museum - Rockefeller at Christmas

Acrylic Canvas Painting Class for ages 7 and up. No experience necessary, instructor will guide you step by step.

Saturday, December 16, 2023 @ 9:30 AM

Ponce Inlet Historical Museum
143 Beach Street, outside on the lawn.
\$10. per person, all supplies included.
Space is limited to 12 people.

Pre-payment required at Town Hall by 12/8. 386-236-2150

Questions? Contact Jennifer; Jlagreca@ponce-inlet.org or (386)761-2408