



TOWN COUNCIL AGENDA REGULAR MEETING

THURSDAY
FEBRUARY 15, 2024 – 2:00 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.

5. 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. 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.

6. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:

A. Proclamation – World Encephalitis Day

7. 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. Approval of the Town Council Regular meeting minutes – January 18, 2024.
 - B. Request for Continued Support for the South Peninsula Drive Sidewalk Project
 - C. Marine Science Center Turtle Day – request for use of Town property.
8. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:
- A. Consideration of a three-year extension of Mead & Hunt’s engineering services contract.
 - B. Lien abatement request: Cynthia House and Rhonda Witwer – 4620 Riverwalk Village Court #7302
9. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS: *None.*
10. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:
- A. Lien foreclosures as recommended by the Code Enforcement Board:
 - Case #2018-148: 42 Jana Drive, Owner: Frank Kohlweiss
 - Case #2021-217: 48 Inlet Harbor Road, Owner: Southern Bell Telephone & Telegraph Company
 - Case #2022-684: 4620 Riverwalk Village Court #7302, Owners: Cynthia House & Rhonda Witwer
 - Case #2022-758: 4505 South Atlantic Avenue #703, Owners: Doris & Jerry Clark, etc.
11. ORDINANCES (FIRST READING) AND RESOLUTIONS: *None.*
12. OLD BUSINESS: *None.*
13. NEW BUSINESS:
- A. Discussion - Proposals for a memorial tribute to Jeff Miller.
 - B. Request to change the May 2024 regular Town Council meeting date. – *requested by Councilmember Milano*
14. FROM THE TOWN COUNCIL:

- A. Vice-Mayor Smith, Seat #5
 - B. Councilmember Villanella, Seat #4
 - C. Councilmember White, Seat #3
 - D. Councilmember Milano, Seat #2
 - E. Mayor Paritsky, Seat #1
15. FROM THE TOWN MANAGER.
16. FROM THE TOWN ATTORNEY.
17. CITIZENS' 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.*
19. ADJOURNMENT.

Upcoming Town Council meeting(s) and Important date(s):

- Thursday, February 29, 2024: 6:00 p.m. – Town Hall meeting
- Thursday, March 21, 2024, 2:00 p.m. – Regular Council meeting

*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 in order to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 **at least 48 hours prior to the meeting** in order to request such assistance.*



Meeting Date: 2/15/2024

Agenda Item: 6

Report to Town Council

Topic: Proclamations, Presentations, and Awards.

Summary:

A. Proclamation – World Encephalitis Day

Suggested motion: None required.

Requested by: Mayor Paritsky

Approved by: Mr. Disher, Town Manager

PROCLAMATION OF THE TOWN OF PONCE INLET, FLORIDA

WHEREAS, encephalitis is inflammation of the brain; and

WHEREAS, encephalitis can strike anyone, anywhere, at any time, and at any age, resulting in a serious and sometimes life-threatening medical emergency; and

WHEREAS, encephalitis impacts an estimated 20,000 people in the United States and 500,000 people globally each year; and

WHEREAS, encephalitis leaves survivors with an acquired brain injury, affecting not only the diagnosed individual but the entire family and community at large; and

WHEREAS, the 501©(3) organization Encephalitis411 strives to improve the quality of life for all those impacted by encephalitis; and

WHEREAS, it is imperative that there be greater public awareness of this serious health issue.

NOW, THEREFORE, I, Lois A. Paritsky, Mayor of the Town of Ponce Inlet do hereby proclaim February 22nd, 2024 as:

“ENCEPHALITIS AWARENESS DAY”

in the Town of Ponce Inlet and encourage residents to support World Encephalitis Day and to learn the symptoms of encephalitis in order to raise awareness and better support early diagnosis and treatment for those who become ill with this neurological condition.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the Town of Ponce Inlet, Florida, to be affixed this 15th day of February 2024.



Town of Ponce Inlet, Florida

Lois A. Paritsky
Lois A. Paritsky, Mayor

Attest:

Kim Cherbano
Kim Cherbano, CMC
Town Clerk



Meeting Date: 2/15/2024

Agenda Item: 7

Report to Town Council

Topic: Consent Agenda

- A. Approval of the Town Council regular meeting minutes – January 18, 2024.
- B. Request for continued support for the South Peninsula Drive Sidewalk Project
- C. Marine Science Center Turtle Day – request for use of Town property.

Summary: See attached staff reports.

Suggested motion:

To approve the Consent agenda as presented.

Requested by: Ms. Cherbano, Town Clerk
Mr. Lear, Planning & Development Director
Ms. Alex, Cultural Services Manager

Approved by: Mr. Disher, Town Manager



Town of Ponce Inlet
Town Council
Regular Meeting Minutes
January 18, 2024

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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.

- 3. ROLL CALL:**
Town Council:
 Mayor Paritsky, Seat #1
 Councilmember Milano, Seat #2
 Councilmember White, Seat #3
 Councilmember Villanella, Seat #4
 Vice-Mayor Smith, Seat #5

Mayor Paritsky shared the news of long-time employee Jeff Miller’s passing, and asked that once comments begin, residents and Council share ideas in ways that his memory may be honored. She then reviewed the protocol for filling out the Citizens’ Participation request forms for agenda item #10.

- Staff Members Present:**
 Ms. Alex, Cultural Services Manager
 Mr. Barber, IT Technician
 Ms. Bressett, Accountant
 Ms. Cherbano, Town Clerk
 Mr. Disher, Town Manager
 Ms. Gjessing, Assistant Deputy Clerk
 Chief Glazier, Police Chief
 Mr. Griffith, Public Works Director
 Ms. Hall, Accountant/Grants Coordinator
 Ms. Hugler, Fire Department Office Manager
 Mr. Lear, Planning & Development Director
 Ms. McColl, Finance Director
 Ms. Rippey, Principal Planner
 Chief Scales, Public Safety Director
 Attorney Shepard, Town Attorney

4. ADDITIONS, CORRECTIONS, OR DELETIONS TO THE AGENDA. There were no changes.

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

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

46
47 **A. Proclamations report.** – Mayor Paritsky announced she signed proclamations for Brittany
48 Shone Day (as Longstreet Elementary Teacher of the Year) and Black History Month.

49
50 **B. Presentation on World Encephalitis Day.** – Ms. Kay Atwood gave a presentation on
51 World Encephalitis Day; she showed a [video](#) that explains what encephalitis is and how it
52 affects people. She explained how encephalitis has impacted her life. She asks that every
53 Mayor proclaim February 22nd as Encephalitis Awareness Day and hopes Volusia County
54 can be the first county in the United States to properly acknowledge the day. She explained
55 how famous landmarks around the world light up red on World Encephalitis Awareness
56 Day. Mayor Paritsky asked for a consensus from Council to approve the creation of a
57 proclamation; Council approved. Mr. Disher stated there has been a discussion to light up
58 Town offices in red, in honor of Encephalitis Awareness Day.

59
60 **C. Recognition of Kim Bressett for being selected as Ponce Inlet Employee of the Year.**
61 Ms. Cherbano explained the process of selecting the Employee of the Year. Mr. Disher
62 provided a summary of Ms. Bressett’s employment history, dedication, and background.
63 Mayor Paritsky presented Ms. Bressett with a vase for Employee of the Year.

64
65 **6. CONSENT AGENDA:** Mayor Paritsky asked if there was any item Council would like to
66 remove from the consent agenda; there were no requests. Mayor Paritsky asked for public
67 comments – hearing none, she closed public comments.

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69 **A. Town Council Regular meeting minutes – December 18, 2023**

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

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

76
77 **A. Appointment to the Code Enforcement Board.** Ms. Cherbano reviewed the staff
78 memorandum which outlined the Board’s membership, attendance log, and applicant’s
79 information. Ms. Rij was present and introduced herself to Council.

80
81 Mayor Paritsky opened public participation – hearing none, she closed public participation.

82
83 Mayor Paritsky moved to appoint Karen Rij to Alternate Seat #2; seconded by Councilmember
84 White. The motion PASSED 5-0, consensus.

85
86 **B. Appointments to the Planning Board.** Ms. Cherbano reviewed the staff
87 memorandum which outlined the Board’s membership, attendance log, and applicant’s
88 information. Mr. Revak and Mr. Young were present. Mayor Paritsky suggested that Mr. Revak
89 be appointed to Alternate Seat #1, and Mr. Young be appointed to Alternate Seat #2.

90 Mayor Paritsky opened public participation regarding the appointments – hearing none, she closed
91 public participation.

92
93 Mayor Paritsky moved to appoint Michael Revak to Alternate Seat #1 and Jospeh Young to
94 Alternate Seat #2; seconded by Councilmember Villanella. The motion PASSED 5-0, consensus.

95
96 **8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS:** *Mayor Paritsky requested
97 Mr. Shepard to review the proceedings on Quasi-Judicial matters relating to the Final
98 Development Plan for the Marine Science Center at this point in the agenda*

99

100 **A. Final Development Plan: #37-2023; review of final site development plan for**
101 **the Learning Center expansion at the Marine Science Center, 100 Lighthouse Dr.; per Sec**
102 **6.6.6 of the LUDC.** – Attorney Shepard reviewed the proceedings of Quasi-Judicial matters.
103 Councilmember White disclosed his *ex-parte* communications as it relates to this item; he attended
104 the Planning Board meeting at which this plan was presented, and discussed the correspondence
105 he had with Marine Science Center Manager Chad Macfie. Vice-Mayor Smith requested
106 clarification on whether he would be able to discuss concerns regarding the area around the Marine
107 Science Center; Mr. Shepard clarified that questions can be asked related to anything what is
108 presented, but approval cannot be conditioned on something outside of what the code requires.
109 Ms. Rippey presented the [final development plan](#) regarding the proposed expansion at the Marine
110 Science Center. The project includes the addition of 2,722 sq ft of new building space to include a
111 new classroom, turtle quarantine deck, and parking lot expansion. Applicant representative John
112 Dillard and Volusia County staff were present to address any questions. The application was
113 reviewed by the Town’s development review team, and the final plan was submitted in October
114 2023. In December 2023, pursuant to LUDC 4.10.5, the landscape plan was reviewed and
115 recommended for approval by the Cultural Services Board and in accordance with LUDC 6.6, the
116 final development plan was reviewed and recommended for approval by the Planning Board. Staff
117 found the FDP in compliance with specific criteria set forth in LUDC 2.16.E.1 for the Lighthouse
118 Overlay District. Ms. Rippey reviewed the parking lot expansion and tree removals and noted tree
119 mitigation is not required given the number and density of trees remaining on the property. Staff
120 recommends Town Council approve the Marine Science Center expansion project.
121 Councilmember White asked if the sewer line replacements could be done at the same time as this
122 project. Mr. Clay Ervin, Director of Growth and Resource Management for Volusia County,
123 explained these are separate projects and the contractors will be working concurrently to minimize
124 disruption. Councilmember White requested clarification on the width of the building once
125 complete. Discussion ensued and Mr. Disher explained the width requirement and clarified that
126 this is being treated as one structure. Vice-Mayor Smith questioned if there would be an increase
127 in traffic; Ms. Rippey explained there will be no additional programs or employees, therefore,
128 there will be minimal additional daily traffic. Councilmember White asked if there are any new
129 stormwater retention areas being developed; Ms. Rippey noted a new retention area is being
130 developed for this project adjacent to the boat ramp parking lot. Mayor Paritsky opened public
131 participation: Mr. Robert Bullard, 4802 S Peninsula Dr, asked who the owner of the land is and if
132 they have been notified of the development; Mr. Disher stated the State of Florida is the owner
133 and they were informed as part of the public notification. Mr. Bullard asked if the Federal
134 Department of Interior has been informed to be sure it is consistent with the original establishment;
135 Mr. Ervin explained this information is detailed in their annual report. Mr. Bullard asked if there

136 will be additional advertising or outreach for this expansion; Mr. Ervin replied not at this time. Mr.
137 Bullard asked if the project was reviewed in any way for LEED (Leadership in Energy and
138 Environmental Design) certification; Mr. Ervin said no. Mr. James Hunt, Port Orange resident,
139 commended everyone for their comments and the presentation from the county. He explained the
140 history of the Marine Science Center land, and developments that were previously proposed.
141 Mayor Paritsky closed public participation.

142
143 Mayor Paritsky made a motion based upon the staff report dated January 8 presented by Patty
144 Rippey, the testimony of County staff, the recommendation of approval of the landscape plan by
145 the Cultural Services Board and review and recommendation for approval of the final
146 Development plan by the Planning Board, and the Town Council finding that LUDC Section
147 2.16.E.1 5 criteria have been met, and that the general criteria applicable to all development plans
148 under Section 6.6.6.B.5.b have been met, that Council approves the Learning Center Expansion
149 Final Development Plan. ;-seconded by Councilmember White. The motion PASSED 5-0, with the
150 following vote: Mayor Paritsky – yes; Councilmember White – yes; Councilmember Villanella –
151 yes; Councilmember Milano – yes; Vice-Mayor Smith – yes.

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

154 **Presented as item 8-A**

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156 **10. CITIZENS PARTICIPATION:** Mayor Paritsky opened citizens participation: Mr.
157 Thomas Magnetti, 5 Beacon Court, addressed his safety concern regarding the signage on
158 Peninsula Drive, north of Inlet Harbor Road. He asked Council to consider two additional signs
159 stating pedestrians have the right-of-way, not bicyclists. Vice-Mayor Smith asked if the bicyclists
160 were adults or children; Mr. Magnetti clarified they are adults. Mr. Disher stated the Police
161 Department could investigate this further. Ms. Jair Kessler, 81 Buschman Drive, requested the
162 Town host an annual paper shredding event at the Community Center. Mr. Jeff Wilner, CSA board
163 representative, 4670 Links Village Dr, and Mr. Rick Gray explained they are appealing to Council
164 for financial assistance in the funding of the demolition and reconstruction of the Harbour Village
165 boardwalk, which is privately owned but open to the public. Vice-Mayor Smith asked if they could
166 gauge the number of residents versus public that use the boardwalk; Mr. Wilner explained that it
167 is difficult to do as people park nearby and walk to the boardwalk. Councilmember White asked if
168 they would be required to receive more than one bid; Mr. Disher explained the applicants would
169 be required to follow the Town’s purchasing procedures once Council makes a decision regarding
170 financial assistance.

171
172 Mayor Paritsky closed public participation.

173
174 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

175
176 **A. Resolution 2024-01 - Attorney Shepard read Resolution 2024-01 by title only.**
177 **A RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA,**
178 **URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2024**
179 **FLORIDA LEAGUE OF CITIES’ LEGISLATIVE PLATFORM; PROVIDING FOR**
180 **SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND**
181 **PROVIDING AN EFFECTIVE DATE. – Mayor Paritsky provided a brief explanation for the**

182 importance of showing support towards the League’s legislative platform. Councilmember Milano
183 had a question regarding the public safety recruitment and retention; he requested Mayor Paritsky
184 obtain more information on why the teacher vacancy statistics were omitted, and what will be done
185 regarding said vacancies. Mayor Paritsky opened public participation; hearing none, public
186 participation was closed.

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188 Councilmember Villanella moved to approve Resolution 2024-01 as presented; seconded by
189 Councilmember Milano. The motion PASSED, 5-0 with the following vote: Councilmember
190 Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember White –
191 yes; Vice-Mayor Smith – yes.

192

193 B. **Resolution 2024-02** - Attorney Shepard read Resolution 2024-02 by title only.

194 **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET,**
195 **FLORIDA AMENDING RESOLUTION 2023-02 GOVERNING THE RULES OF ORDER**
196 **FOR CONDUCTING TOWN COUNCIL MEETINGS TO CHANGE THE TIME SUCH**
197 **MEETINGS BEGIN, UNLESS REQUIRED OTHERWISE BY STATE LAW, AND TO**
198 **MOVE THE “CITIZENS PARTICIPATION (FOR NON-AGENDA ITEMS)” PORTION**
199 **TOWARD THE BEGINNING OF THE AGENDA; PROVIDING FOR SUNSET;**
200 **PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR**
201 **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** – Mr. Disher explained
202 this resolution is a follow up to Council’s discussion last month regarding a trial period for changes
203 to its rules of order. This would be a four-month trial period, changing the meeting start time from
204 6:00 PM to 2:00 PM; the one exception, in accordance with state law, would be for budget
205 meetings or rezonings to be presented after 5:00 PM. A discussion was held on the order of
206 meetings in the past and how the temporary period was determined. Mayor Paritsky stated this will
207 be discussed at the upcoming Town Hall meeting and explained the convenience of moving citizen
208 participation further up in the agenda. Councilmember White commented that the Volusia County
209 Council is currently having a similar discussion. He started a discussion on the difference between
210 conducting meetings on different days of the week. Vice-Mayor Smith explained that if there is a
211 subject brought up earlier in the day, staff can address it within the same day instead of having to
212 wait for the next week. Attorney Shepard began a discussion on days he may have a conflict with
213 scheduling. Councilmember Milano suggested that the original trial should be completed first, and
214 then re-evaluate afterward whether there should be other changes. Mayor Paritsky opened public
215 participation; Ms. Cathy Harvey, 41 Loggerhead Court, expressed her interest in Wednesday
216 meetings, but agreed with Councilmember Milano that too much change at once could be
217 confusing. She requested clarification on the start time; Mayor Paritsky stated the trial will be for
218 a 2:00 PM start. Ms. Jair Kessler, 81 Buschman Drive, stated the trial should only be for the
219 meeting start time; she clarified that citizens participation should be left earlier on the agenda,
220 permanently. Mayor Paritsky conferred with the Council regarding citizens participation and
221 mentioned she would advocate for it to be presented earlier on the agenda. Mayor Paritsky closed
222 public participation.

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224 Councilmember Villanella moved to approve Resolution 2024-02 as presented; seconded by
225 Councilmember Milano. The motion PASSED, 5-0 with the following vote: Councilmember
226 Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember White –
227 yes; Vice-Mayor Smith – yes.

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C. **Resolution 2024-03** - Attorney Shepard read Resolution 2024-03 by title only.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE GOALS OF THE TOWN FOR FISCAL YEARS 2023-2024 AND 2024-2025; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. – Mr. Disher explained the completed goals have been removed, and the new goals are provided with the resolution. Mayor Paritsky opened public participation; hearing none, public participation was closed.

Councilmember Villanella moved to approve Resolution 2024-03 as presented; seconded by Councilmember Milano. The motion PASSED, 5-0 with the following vote: Councilmember Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember White – yes; Vice-Mayor Smith – yes.

12. OLD BUSINESS: *None.*

13. NEW BUSINESS: *None.*

14. FROM THE TOWN COUNCIL:

Mayor Paritsky requested there be a meaningful dialogue on the passing of long-time employee, Jeff Miller, to discuss ways in which his memory may be honored. Mr. Disher began by reading his [obituary](#). Mayor Paritsky requested that this topic be brought back as an agenda item in the future, so that residents may give their input as well. Councilmember White asked that the Town honor Mr. Miller with a memorial in front of the oak tree at the entrance of the Public Works building. Vice-Mayor Smith suggested a plaque be dedicated to him posted on the Public Works building, or the oak tree. Mayor Paritsky suggested a bench. Ms. Karen Rij, Ponce Inlet citizen, said the Public Works building should be named after Mr. Miller. Mr. Mark Oebbecke, 4758 S Peninsula Drive, agreed and he also suggested the back of the Community Center could be dedicated to him, and a bench be placed. Mr. Disher stated he received an email from Ms. Nancy Epps who suggested planting a tree in his honor at Timucuan Oaks Park.

A. Vice-Mayor Smith, Seat #5 – Vice-Mayor Smith requested an item be placed on the next agenda to discuss the maintenance responsibilities of S Atlantic Avenue. He explained that in 1987, the Town received a letter stating that S. Atlantic Avenue starting at the northern edge of Beach Street, was to be maintained by the Town; he gave a brief history of the area. Mr. Disher explained this has been ongoing and staff will continue to try and have this addressed. He briefly explained what steps have been taken to address this in the past. Vice-Mayor Smith added that when the County recently paved S. Atlantic Avenue, they stopped at Beach Street. The County manager at that time promised they would pave it, but never did.

B. Councilmember Villanella, Seat #4 – Councilmember Villanella requested consideration to reappoint Mr. Wayne Josvai to the Transportation Planning Organization Citizens Advisory Committee. He provided a brief history of Mr. Josvai’s appointment to the organization.

274 **C. Councilmember White, Seat #3** – Councilmember White asked if any
275 correspondence has been received regarding the Riverside Conservancy organization; Mr. Disher
276 stated he will follow up with his contact. He attended the Volusia County Council meeting and
277 provided an update on the easement agreements. He has put his neighbor, Mr. George Butler, in
278 contact with Council Member Matt Reinhart regarding the dune renourishment project which was
279 recently proposed at the County Council meeting; he provided an update on this as well. He
280 explained there are only two residents with which there has been zero contact: Ms. Sowers, 4713
281 S Atlantic Avenue and Mr. Lyons, 4911 S Atlantic Avenue.

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283 **D. Councilmember Milano, Seat #2** – Councilmember Milano acknowledged the
284 Soup & Salad event, as well as the attendants. He reminded everyone that the First-Step Shelter
285 gala banquet is in February. The First-Step Shelter served over 5,000 meals in the last month.

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287 **E. Mayor Paritsky, Seat #1** – Mayor Paritsky discussed a debate tournament that she
288 attended at the Bolles School in Jacksonville. She explained what was presented at the Roundtable
289 of Elected Officials. A request was made at the Florida League of Cities advocacy meeting for
290 very specific data from each city for purposes of providing legislators with the data they need to
291 advocate the negative impacts for several bills that have been filed. Mayor Paritsky explained the
292 bills further.

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294 **15. FROM THE TOWN MANAGER** – Mr. Disher stated that Public Works will begin
295 cleaning the pipes in the northern half of Town beginning the week of February 5. He discussed
296 updates to the stormwater system analysis around the Las Olas subdivision and the neighborhoods
297 to the north and south. He explained that staff are working with FPL to provide additional lights
298 in some of the darker areas on S Peninsula Drive. Mr. Disher provided an update to the Live Local
299 Act legislation amendments being proposed. He reminded everyone of the upcoming Legends
300 Parade.

301
302 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard discussed the Live Local Act and
303 Form 6. Vice-Mayor Smith asked how someone could argue an individual's Form 6 report, and
304 Mr. Shepard stated that it would be an ethics issue.

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306 **17. PUBLIC PARTICIPATION (on items 14 – 16 only)** – Mayor Paritsky opened public
307 participation; hearing none – she closed public comment.

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309 **18. ADJOURNMENT** – With no further business, Mayor Paritsky adjourned the meeting at
310 8:22 p.m.

311
312 Respectfully submitted by:

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314 _____
315 Kim Cherbano, CMC, Town Clerk
316 Prepared by: Stephanie Gjessing, Assistant Deputy Clerk



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND 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: Darren Lear, AICP, Planning & Development Director
Date: February 5, 2024
Subject: Request for Continued Support for the S. Peninsula Drive Sidewalk Project

MEETING DATE: February 15, 2024

1 **Introduction**

2 Local governments that have applied for grant funding through the River-to-Sea Transportation
3 Planning Organization (TPO) must annually provide a letter of continued support for their projects.
4 These support letters reaffirm to the TPO that the local government sponsor of the project is still
5 committed in terms of political and financial support. The Town’s S. Peninsula Drive sidewalk project
6 involves the reconstruction and widening of the existing sidewalk along the entire length of the town
7 into an 8-foot-wide concrete path which can be utilized by both cyclists and pedestrians.

8
9 The Essential Services Board recommended approval to forwarding this request to Town Council on
10 January 11, 2024.

11
12 **Background**

13 The inspiration for this project was first conveyed in the Town’s 2017 Bicycle-Pedestrian Master Plan.
14 This plan states, “An efficient bicycling and pedestrian network is also a critical element to realizing
15 the potential economic benefits to be gained from non-motorized forms of transportation. Individually,
16 walking and bicycling is much less expensive than operating a motorized vehicle and ultimately can
17 contribute to a healthier population, resulting in reduced health care costs for both the individual and
18 community. A well-connected bicycling and pedestrian network with sidewalks as wide as eight feet
19 help make a community a more attractive place to live, work, and play....”

20
21 The Town applied to the TPO for grant funding to conduct a feasibility study for this project in 2017,
22 which is the first step in the design and construction process through the TPO.

23
24 In 2019, the Town Council adopted Res. No. 2019-01, authorizing staff to submit a grant application
25 for design and construction to the TPO through the TPO’s annual Priority Projects program.

26
27 In 2021, the Town Council voted unanimously to increase the Town’s local match contribution to 15%
28 to improve the project’s score and rank. The stronger score, in combination with other projects coming
29 off the project list, moved the Town’s sidewalk project up into the top 3 of 17 bicycle and pedestrian

30 projects awaiting funding. The 2021 Priority Project list was approved by the TPO Board on June 23,
31 2021. The project is currently incorporated into FDOT's draft Five-Year Work Program and is in the
32 2023 Priority Project list adopted by the TPO on June 28, 2023.

33
34 FDOT is the steward of Federal-aid transportation funds and is responsible for oversight of federally
35 funded projects on behalf of the Federal Highway Administration. Projects using federal transportation
36 dollars allocated through state DOTs and TPOs can only be administered by qualified agencies known
37 as Local Agency Program (LAP) certified agencies that have the in-house engineering and fiscal
38 capacity to oversee large-scale construction. The LAP is FDOT's primary delivery mechanism for
39 local agency projects to develop, design, and construct transportation facilities with Federal-Aid funds.

40
41 Without its own in-house engineering staff, the Town does not qualify as a LAP-certified agency, and
42 so has asked Volusia County Public Works to administer the project on the Town's behalf. The Town
43 Council approved a Joint Project Agreement with Volusia County on May 18, 2023, to provide design,
44 construction, and administration services on behalf of the Town. Volusia County also approved said
45 agreement on June 20, 2023. Under this arrangement, the Town will reimburse the County for the costs
46 to design and build the project. The Town will be able to meet its 15% match obligation for paying for
47 100% of the design costs. The Town will also get credit for the survey work for the south half of the
48 project that was performed in conjunction with the septic-to-sewer design plans. Funding for
49 construction will be arranged between FDOT and Volusia County as the LAP-certified agency. The
50 Town will still be responsible for reimbursing Volusia County staff for its costs to administer the
51 project.

52
53 **Update**
54 In October 2023, Town staff was informed by the TPO that the construction of the project would need
55 to be split up into phases over a three-year period between 2026-2028 based on future funding
56 availability. A map of the three phases is provided on **Attachment 1**.

57
58 As part of the support letter, applicants are required to provide an updated engineer's cost estimate
59 (**Attachment 2**). Details of this updated estimate include:

- 60
61
 - Phase 1 = costs increased by over 48%
 - Phase 2 = costs decrease by 4.5%
 - Phase 3 = costs decrease by 5.5%

62
63
64
65 The Town's engineering consultant, Mead and Hunt, has confirmed that while several materials have
66 come down in cost slightly over the past year, the unit cost of trench drainage has risen significantly.
67 The Phase 1 segment is the only one with trench drains. Additionally, excavation and fencing costs
68 have also risen.

69
70 For now, and each year until design begins, the Town is required to submit a letter to the TPO
71 reaffirming its commitment to the project (see this year's draft letter, **Attachment 3**).

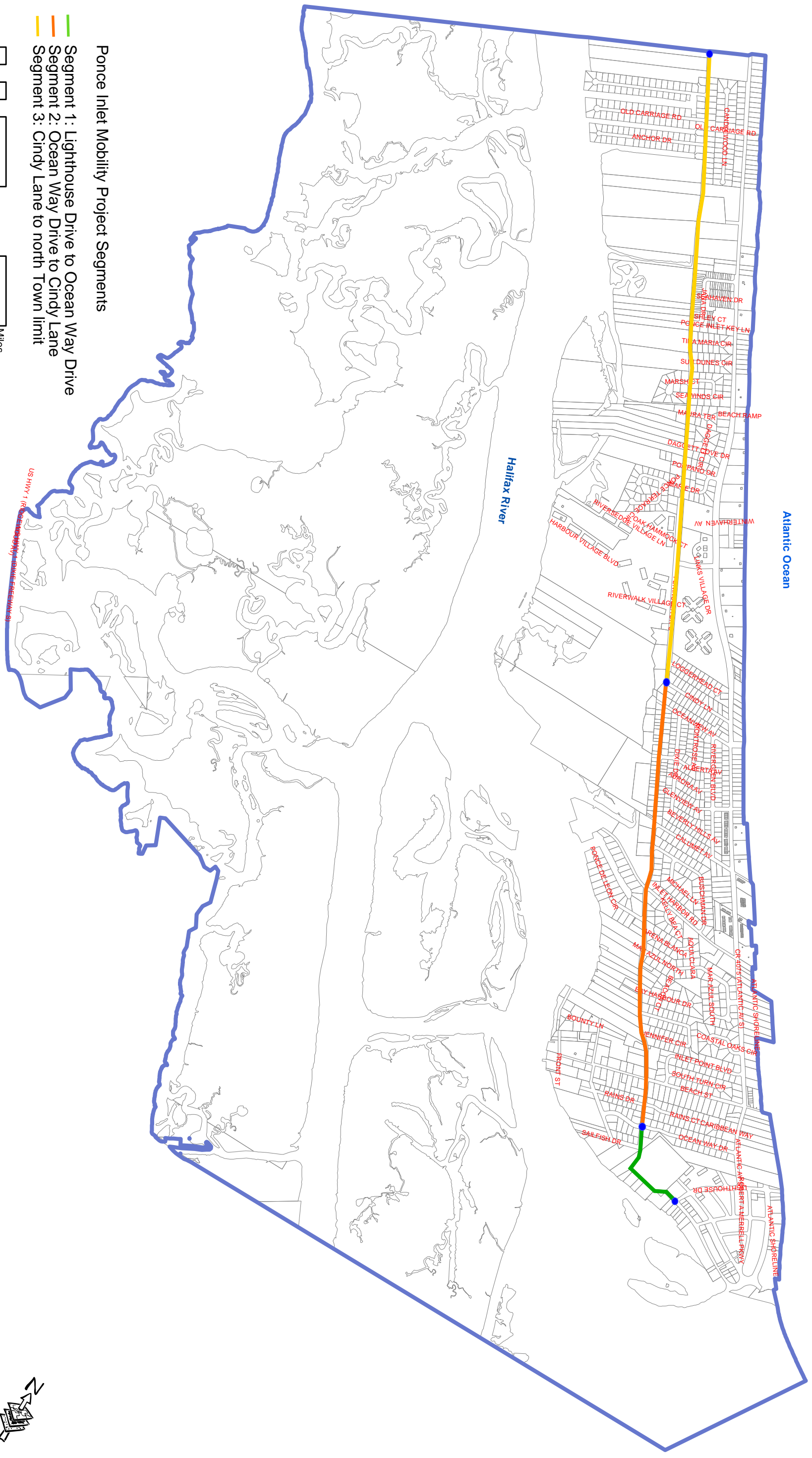
72
73 **Recommendation**
74 Staff recommends the Board forward the request for continued support of the S. Peninsula sidewalk
75 project to the Town Council with a recommendation of **approval**.

Request for Continued Support
S. Peninsula Sidewalk Project

Attachments

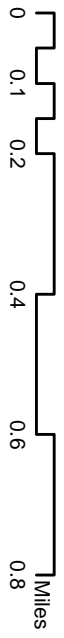
1. Project phasing map
2. Updated cost estimates
3. Draft letter of support

TOWN OF PONCE INLET STREETS



Ponce Inlet Mobility Project Segments

- Segment 1: Lighthouse Drive to Ocean Way Drive
- Segment 2: Ocean Way Drive to Cindy Lane
- Segment 3: Cindy Lane to north Town limit



Attachment 2

TABLE 5-1. South Peninsula Drive Quantities and Cost Estimate (Segment 1 - Updated December 2023 by Mead & Hunt)

PRELIMINARY OPINION OF PROBABLE COST FOR CONSTRUCTION (SEGMENT 1)					
Ponce Inlet Mobility Project					
FDOT Pay Item No .	Description	Unit	Unit Cost	Quantity	Cost
0101 1	MOBILIZATION(10% x sum of all items)	LS	10%	1	\$ 163,148.43
0102 1	MAINTENANCE OF TRAFFIC(10% x sum of all items)	LS	10%	1	\$ 163,148.43
0104 10 3	SEDIMENT BARRIER	LF	\$ 2.62	1,500	\$ 3,930.00
0104 18	INLET PROTECTION SYSTEM	EA	\$ 187.92	6	\$ 1,127.52
0110 2 2	SELECTIVE CLEARING AND GRUBBING, TREES R	AC	\$ 35527.83	0.5	\$ 17,763.92
0110 4 10	REMOVAL OF EXIST CONC	SY	\$ 38.84	1,000	\$ 38,840.00
0120 1	REGULAR EXCAVATION	CY	\$ 15.43	5,748	\$ 88,691.64
0120 2 2	BORROW EXCAVATION, TRUCK MEASURE	CY	\$ 35.55	417	\$ 14,824.35
0327 70 1	MILLING EXIST ASPH PAVT, 1" AVG DEPTH	SY	\$ 3.83	583	\$ 2,232.89
0337 7 80	ASPH CONC FC,TRAFFIC B,FC-9.5,PG 76-22	TN	\$ 186.45	32	\$ 5,966.40
0400 0 11	CONC CLASS NS, GRAVITY WALL	CY	\$ 1200.00	55	\$ 66,000.00
0425 1351	INLETS, CURB, TYPE P-5, <10'	EA	\$ 11000.00	6	\$ 66,000.00
0425 6	VALVE BOXES, ADJUST	EA	\$ 850.00	2	\$ 1,700.00
0436 1 1	TRENCH DRAIN, STANDARD	LF	\$ 630.20	1,500	\$ 945,300.00
0520 1 10	CONCRETE CURB & GUTTER, TYPE F	LF	\$ 51.25	1,500	\$ 76,875.00
0522 1	CONCRETE SIDEWALK AND DRIVEWAYS, 4"	SY	\$ 76.21	1,333	\$ 101,587.93
0527 2	DETECTABLE WARNINGS	SF	\$ 43.68	252	\$ 11,007.36
0550 10218	FENCING, TYPE B, 0.0-5.0', RESET EXIST	LF	\$ 250.00	600	\$ 150,000.00
0570 1 2	PERFORMANCE TURF, SOD	SY	\$ 4.53	1,333	\$ 6,038.49
0580 2 2	LANDSCAPE- RELOCATE TREE, PALMS >14'	EA	\$ 6200.00	3	\$ 18,600.00
0700 1 11	SINGLE POST SIGN, F&I GM, <12 SF	AS	\$ 507.54	4	\$ 2,030.16
0700 1 50	SINGLE POST SIGN, RELOCATE	AS	\$ 279.80	8	\$ 2,238.40
0711 11123	THERMOPLASTIC, STD, WHITE, SOLID, 12"	LF	\$ 4.03	1,400	\$ 5,642.00
0711 11125	THERMOPLASTIC, STD, WHITE, SOLID, 24"	LF	\$ 6.86	75	\$ 514.50
1644800	FIRE HYDRANT, RELOCATE	EA	\$ 4573.70	1	\$ 4,573.70
A	SUBTOTAL				\$ 1,957,781.11
B	CEI (15%) (A x 0.15)				\$ 293,667.17
C	ENGINEERING AND DESIGN (30%) (A x 0.30)				\$ 587,334.33
D	SURVEY AND ROW MAPPING (\$0.52 per sq. ft x 38,000 sf)				\$ 19,760.00
E	ROUNDED TOTAL (SUM A..D)				\$ 2,858,543.00

*Construction cost estimate does not include utility relocation costs or right-of-way costs.

TABLE 5-2. South Peninsula Drive Quantities and Cost Estimate (Segment 1 - Updated December 2023 by Mead & Hunt)

FDOT Inflation-Adjusted Estimate	Inflation Factor	Multiplier	Adjusted Cost Estimate
Year 1 Inflation-Adjusted Estimate (2024)	3.70%	1.04	\$2,964,309.09
Year 2 Inflation-Adjusted Estimate (2025)	3.60%	1.07	\$3,071,024.22
Year 3 Inflation-Adjusted Estimate (2026)	3.60%	1.11	\$3,181,581.09
Year 3 Inflation-Adjusted Estimate (2027)	3.40%	1.15	\$3,289,754.85
Year 3 Inflation-Adjusted Estimate (2028)	3.20%	1.19	\$3,395,027.00

TABLE 5-3. South Peninsula Drive Quantities and Cost Estimate (Segment 2 - Updated December 2023 by Mead & Hunt)

PRELIMINARY OPINION OF PROBABLE COST FOR CONSTRUCTION (SEGMENT 2)					
Ponce Inlet Mobility Project					
FDOT Pay Item No .	Description	Unit	Unit Cost	Quantity	Cost
0101 1	MOBILIZATION(10% x sum of all items)	LS	10%	1	\$108,048.07
0102 1	MAINTENANCE OF TRAFFIC(10% x sum of all items)	LS	10%	1	\$108,048.07
0104 10 3	SEDIMENT BARRIER	LF	\$2.34	7,000	\$16,380.00
0104 18	INLET PROTECTION SYSTEM	EA	\$187.92	4	\$751.68
0110 2 2	SELECTIVE CLEARING AND GRUBBING, TREES R	AC	\$35,527.83	2.4	\$85,266.79
0110 4 10	REMOVAL OF EXIST CONC	SY	\$38.84	4,667	\$181,266.28
0120 1	REGULAR EXCAVATION	CY	\$15.43	691	\$10,662.13
0120 2 2	BORROW EXCAVATION, TRUCK MEASURE	CY	\$35.55	1,944	\$69,109.20
0327 70 1	MILLING EXIST ASPH PAVT, 1" AVG DEPTH	SY	\$3.83	417	\$1,597.11
0337 7 80	ASPH CONC FC,TRAFFIC B,FC-9.5,PG 76-22	TN	\$186.45	23	\$4,288.35
0425 5	MANHOLE, ADJUST	EA	\$1,402.53	6	\$8,415.18
0522 1	CONCRETE SIDEWALK AND DRIVEWAYS, 4"	SY	\$76.21	6,222	\$474,178.62
0522 2	CONCRETE SIDEWALK AND DRIVEWAYS, 6"	SY	\$119.30	1,150	\$137,195.00
0527 2	DETECTABLE WARNINGS	SF	\$43.68	180	\$7,862.40
0550 10218	FENCING, TYPE B, 0.0-5.0', RESET EXIST	LF	\$250.00	100	\$25,000.00
0570 1 2	PERFORMANCE TURF, SOD	SY	\$4.53	6,222	\$28,185.66
0700 1 50	SINGLE POST SIGN, RELOCATE	AS	\$279.80	11	\$3,077.80
0711 11123	THERMOPLASTIC, STD, WHITE, SOLID, 12"	LF	\$4.03	1,000	\$4,030.00
0711 11125	THERMOPLASTIC, STD, WHITE, SOLID, 24"	LF	\$6.86	75	\$514.50
0751 37	TRASH RECEPTACLE	EA	\$1,200.00	1	\$1,200.00
0751 36 12	BICYCLE RACK, FURNISH & INSTALL, 2-6 BI	EA	\$1,500.00	1	\$1,500.00
0751 38 11	BENCH, F&I, ALUMINUM	EA	\$5,000.00	4	\$20,000.00
A				SUBTOTAL	\$1,296,576.84
B				CEI (15%) (A x 0.15)	\$194,486.53
C				ENGINEERING AND DESIGN (30%) (A x 0.30)	\$388,973.05
D				SURVEY AND ROW MAPPING (\$0.52 per sq. ft x 175,000 sf)	\$91,000.00
E				ROUNDED TOTAL (SUM A..D)	\$ 1,971,036.00

*Construction cost estimate does not include utility relocation costs or right-of-way costs.

Table 5-4 South Peninsula Drive FDOT Inflation-Adjusted Estimate (Segment 2 Updated December 2023 by Mead & Hunt)

FDOT Inflation-Adjusted Estimate	Inflation Factor	Multiplier	Adjusted Cost Estimate
Year 1 Inflation-Adjusted Estimate (2024)	3.70%	1.04	\$2,043,964.33
Year 2 Inflation-Adjusted Estimate (2025)	3.60%	1.07	\$2,117,547.05
Year 3 Inflation-Adjusted Estimate (2026)	3.60%	1.11	\$2,193,778.74
Year 3 Inflation-Adjusted Estimate (2027)	3.40%	1.15	\$2,268,367.22
Year 3 Inflation-Adjusted Estimate (2028)	3.20%	1.19	\$2,340,954.97

TABLE 5-5. South Peninsula Drive Quantities and Cost Estimate (Segment 3 - Updated December 2023 by Mead & Hunt)

PRELIMINARY OPINION OF PROBABLE COST FOR CONSTRUCTION (SEGMENT 3)					
Ponce Inlet Mobility Project					
FDOT Pay Item No .	Description	Unit	Unit Cost	Quantity	Cost
0101 1	MOBILIZATION(10% x sum of all items)	LS	10%	1	\$ 144,390.80
0102 1	MAINTENANCE OF TRAFFIC(10% x sum of all items)	LS	10%	1	\$ 144,390.80
0104 10 3	SEDIMENT BARRIER	LF	\$2.34	10,000	\$ 23,400.00
0104 18	INLET PROTECTION SYSTEM	EA	\$187.92	10	\$ 1,879.20
0110 2 2	SELECTIVE CLEARING AND GRUBBING, TREES R	AC	\$35,527.83	3.4	\$ 120,794.62
0110 4 10	REMOVAL OF EXIST CONC	SY	\$38.84	7,133	\$ 277,045.72
0110 7 1	MAILBOX, F&I SINGLE	EA	\$357.54	2	\$ 715.08
0120 1	REGULAR EXCAVATION	CY	\$15.43	988	\$ 15,244.84
0120 2 2	BORROW EXCAVATION, TRUCK MEASURE	CY	\$35.55	2,778	\$ 98,757.90
0327 70 1	MILLING EXIST ASPH PAVT, 1" AVG DEPTH	SY	\$3.83	500	\$ 1,915.00
0337 7 80	ASPH CONC FC, TRAFFIC B, FC-9.5, PG 76-22	TN	\$186.45	28	\$ 5,220.60
0425 1521	INLETS, DT BOT, TYPE C, <10'	EA	\$7,002.84	5	\$ 35,014.20
0425 5	MANHOLE, ADJUST	EA	\$1,402.53	4	\$ 5,610.12
0520 1 10	CONCRETE CURB & GUTTER, TYPE F	LF	\$51.25	250	\$ 12,812.50
0522 1	CONCRETE SIDEWALK AND DRIVEWAYS, 4"	SY	\$76.21	8,889	\$ 677,430.69
0522 2	CONCRETE SIDEWALK AND DRIVEWAYS, 6"	SY	\$119.30	625	\$ 74,562.50
0527 2	DETECTABLE WARNINGS	SF	\$43.68	216	\$ 9,434.88
0570 1 2	PERFORMANCE TURF, SOD	SY	\$4.53	8,889	\$ 40,267.17
0580 2 2	LANDSCAPE- RELOCATE TREE, PALMS >14'	EA	\$5,230.98	6	\$ 31,385.87
0700 1 11	SINGLE POST SIGN, F&I GM, <12 SF	AS	\$507.54	4	\$ 2,030.16
0700 1 50	SINGLE POST SIGN, RELOCATE	AS	\$279.80	18	\$ 5,036.40
0711 11123	THERMOPLASTIC, STD, WHITE, SOLID, 12"	LF	\$4.03	1,200	\$ 4,836.00
0711 11125	THERMOPLASTIC, STD, WHITE, SOLID, 24"	LF	\$6.86	75	\$ 514.50
A	SUBTOTAL				\$ 1,732,689.54
B	CEI (15%) (A x 0.15)				\$ 259,903.43
C	ENGINEERING AND DESIGN (30%) (A x 0.30)				\$ 519,806.86
D	SURVEY AND ROW MAPPING (\$0.52 per sq. ft x 250,000 sf))				\$ 130,000.00
E	ROUNDED TOTAL (SUM A..D)				\$ 2,642,400.00

*Construction cost estimate does not include utility relocation costs or right-of-way costs.

Table 5-6 South Peninsula Drive FDOT Inflation-Adjusted Estimate (Segment 3 Updated December 2023 by Mead & Hunt)

FDOT Inflation-Adjusted Estimate	Inflation Factor	Multiplier	Adjusted Cost Estimate
Year 1 Inflation-Adjusted Estimate (2024)	3.70%	1.04	\$2,740,168.80
Year 2 Inflation-Adjusted Estimate (2025)	3.60%	1.07	\$2,838,814.88
Year 3 Inflation-Adjusted Estimate (2026)	3.60%	1.11	\$2,941,012.21
Year 3 Inflation-Adjusted Estimate (2027)	3.40%	1.15	\$3,041,006.63
Year 3 Inflation-Adjusted Estimate (2028)	3.20%	1.19	\$3,138,318.84

Attachment 3

February __, 2024

Ms. Colleen Nicoulin, Executive Director
River to Sea Transportation Planning Organization
1 Deuce Court, Daytona Beach 32124

RE: Letter of Continued Support for the Town of Ponce Inlet's S. Peninsula Drive Sidewalk Mobility Project on FDOT's Five-Year Work Program and the River to Sea TPO's Priority Project List

Dear Colleen:

The Town of Ponce Inlet is pleased to indicate its continued support of its previously submitted Mobility Project and wishes for it to remain on the FDOT Five-Year Work Program and the River to Sea TPO's Priority Project list for 2024. The project consists of replacing the existing sub-standard sidewalk on S. Peninsula Drive with an 8-foot concrete sidewalk along the entire length of the Town. The goal of the project is to enhance mobility and safety for residents and visitors by providing an ADA-compliant route for pedestrians and cyclists connecting the Town's homes, local businesses, cultural centers, and public parks.

The Ponce Inlet Town Council affirmed the Town's continued support, including a local match pledge of 15%, at its regular meeting on _____, 2024.

Please direct any questions or concerns about this project to me at mdisher@ponce-inlet.org or (386) 236-2150.

Sincerely,

Michael E. Disher, AICP
Town of Ponce Inlet
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 Alex, Cultural Services Manager
 Date: February 5, 2024
 Subject: Request for Use of Town Property: 2024 Turtle Day

MEETING DATE: February 15, 2024

The Volusia County Marine Science Center's Annual *Turtle Day* celebration is scheduled for Saturday, April 6, 2024. This is an educational event held at the Marine Science Center to showcase the marine life of Volusia County and the work the Marine Science Center performs at its animal hospital. Organizers expect approximately 2,500 attendees throughout the event's five-hour timeframe. To assist with traffic and safety concerns, organizers have confirmed there will not be a turtle release as part of the event, however there may be one the day prior. Mr. Chad Macfie, Marine Science Center Manager, has submitted the special event permit application through the Cultural Services Department.

In years past, Mr. Macfie has requested event co-sponsorship in the form of using the Town's means of advertising, waiving the special event application fees, waiving Town personnel fees, and permission to place temporary right-of-way signs at pre-approved locations at Town Hall on Atlantic Avenue and Peninsula Drive. The Marine Science Center was responsible for the cost of off-duty Public Works and Police services and provided proof of insurance.

Since the last *Turtle Day* was held, the Town has updated its Special Event ordinance and criteria for event co-sponsorship approval:

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 *Turtle Day* event **does not** meet the criteria for event co-sponsorship. 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 *Turtle Day* event 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 along with the special event permit application packet (**Attachment 1**). This request includes closure of both the boat ramp and boat ramp trailer parking lot for this event, as well as the placement of temporary signs on Town property.

SUMMARY:

The request is for use of town property for the *Turtle Day* event scheduled for April 6, 2024, including closure of the boat ramp and boat ramp trailer parking lot and placement of temporary signs on Town property.



Jackie Alex, Cultural Services Manager

February 5, 2024

Date

Attachments:

1. Application Packet_2024 *Turtle Day*



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: Turtle Day

Event Date(s): 100 Lighthouse Dr. Event Location: 100 Lighthouse Dr.

Business/ Organization Hosting Event: Marine Science Center

Event Applicant/ Contact: Chad Macfie

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

Turtle Day is a yearly event that features free admission to the Marine Science Center (MSC), environmental exhibitors, and educational presentations to teach the visitors about Volusia County’s marine and terrestrial habitats. There are no charges for environmental organizations to present educational information at the event.

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

Town permission required:
<input checked="" type="checkbox"/> Closure of boat ramp
<input checked="" 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 type="checkbox"/> Use of Town facilities
<input type="checkbox"/> Parking on Town property
<input type="checkbox"/> Other:

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

2500

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

0

3. **Purpose of the event:**

Educate visitors about the rehabilitation work and environmental learning at the Marine Science Center. Provide a fun learning atmosphere for children attending the event.

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

Educational programs, environmental vendors, children's games, and music.

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:**

The event will utilize Marine Science Center property.

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

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

No *df*

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:

Turtle Day provides visitors with programs and educational learning opportunities that are focused on reducing human impacts on our local habitats. The event also focuses its message on the stories of the animals we receive for rehabilitation and how we can help reduce impacts to local wildlife.

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.)

Chadwick S. Macfie
Applicant signature

1/24/24
Date

FOR OFFICE USE ONLY:

Application received by: Jackie Alex

Date: 1/29/24

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: 1/25/24 *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: Turtle Day	
Event Location: 100 Lighthouse Dr	
Date(s) of Event: April 6th, 2024	Event Hours: 10:00 AM - 3: PM
Brief Event Description: Educational events and vendors showcasing the marine life of Volusia County and the work that the MSC performs at our animal hospitals.	
Estimated Attendance: 2,500	Repeat Event: <input checked="" type="radio"/> Yes <input type="radio"/> No

SECTION 2: APPLICANT INFORMATION

Business/ Organization Hosting Event: Marine Science Center	
Authorized Head of Business/ Organization: Chad Macfie	
Phone Number: 386-304-5543	Email Address: cmacfie@volusia.org
Event Applicant/ Contact:	
Day-of Phone Number: 386-804-3529	Email Address: cmacfie@volusia.org
Mailing Address: 100 Lighthouse Dr Ponce Inlet, FL 32127	

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 checked="" type="radio"/> Yes <input 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 checked="" type="radio"/> Yes <input 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 checked="" type="radio"/> Yes <input type="radio"/> No	Traffic Cones Required? <input checked="" type="radio"/> Yes <input type="radio"/> No
Amplified Sound? ¹ <input checked="" type="radio"/> Yes <input type="radio"/> No	High-Intensity Lighting? ² <input type="radio"/> Yes <input checked="" type="radio"/> No *Provide specifications*
# of Tents (over 10'x10')? <i>20 10 10</i>	# Stages/ Structures? ³ 0
Tent Size ³ (if over 10'x10') 0	Stage Dimensions: N/A
# of Signs/ Banners? ⁴ 4	
Sign permit application submitted to Building Division? <input checked="" type="radio"/> Yes <input type="radio"/> N/A If yes, permit #:	
How do you plan to collect and remove trash and litter during and after the event? Staff and volunteers will remove trash and litter after the event.	
Food Prepared On-Site? ⁵ <input checked="" type="radio"/> Yes <input type="radio"/> No	
# of Mobile Food Vendors (MFV)? ⁶ 1	# Parking Spaces Required for MFVs? *Include on your site plan ¹
DBPR Food Service License # *Attach copy of License <i>Attached</i>	DBPR Alcoholic Beverage License # ⁷ N/A *Attach copy of License

Supplementary Regulations for Special Events:

- 1- See [Code of Ordinances Sec. 34-93](#) for sound limitations and [Code of Ordinances Sec. 34-94](#) for permit requirements to exceed maximum allowable noise level limits and restricted hours.
- 2- See [Code of Ordinances Sec. 34-99.1-5](#) 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 [LUDC Sec. 3.30.6](#) and [Resolution 2011-03](#) 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- [Code of Ordinances Sec. 46-3.a.4](#): 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- [LUDC Sec. 3.34](#): 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- [Code of Ordinances Sec. 6-7.a](#): 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.

Chadwick S. Murphy
Signature of Applicant



1/24/24
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 *24* day of *January*, 20*24*, he/she is personally known to me or has presented *drivers license* as identification.

Stephanie E. Harris
Notary Public, State of Florida

Notary stamp/ seal:

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\(b\)](#).



Public Parking

Public Parking

Food Service

Event Location

Handicapped Parking

Special Event Traffic/Parking Plan



Sign directing cars west on Beach Street to satellite lot if event parking is full

Signs here will direct traffic down Lighthouse Dr. and to the event parking at the end of the street.

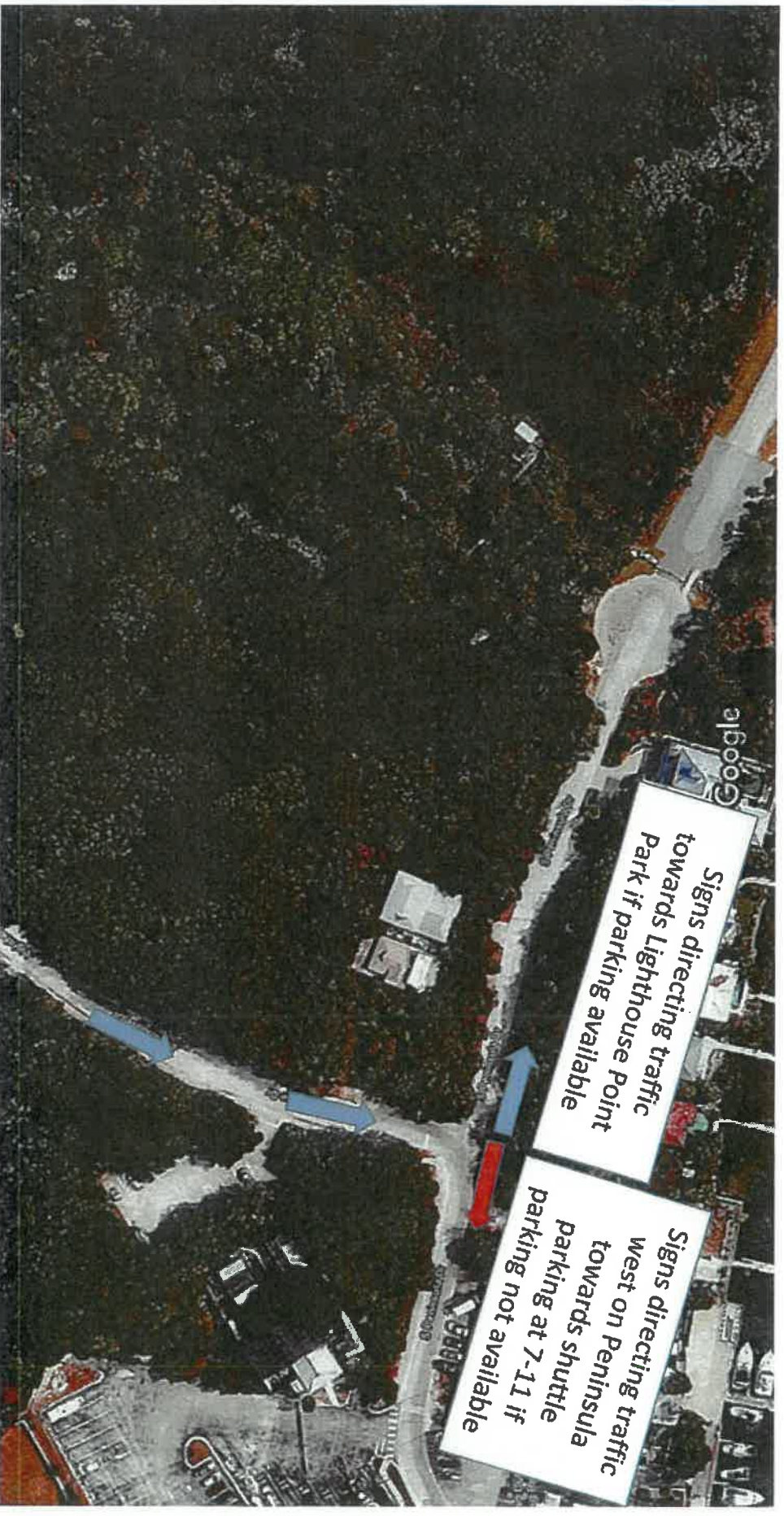
Parking in the past has utilized both sides of Lighthouse Dr.

Parking Attendants Red Stars

Signs directing traffic west on Peninsula towards shuttle parking at 7-11 if parking not available

Signs directing traffic towards Lighthouse Point Park if parking available

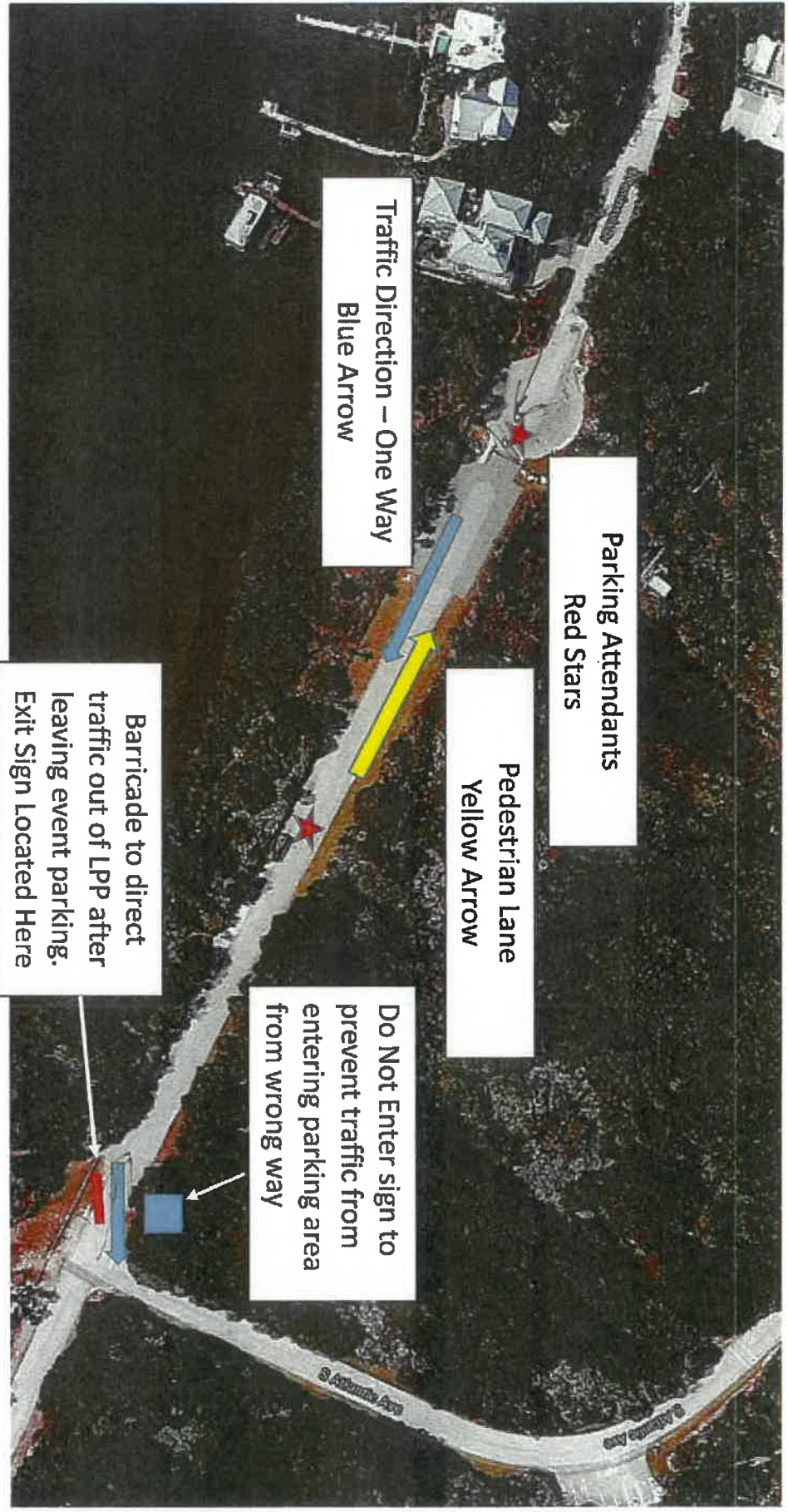
Do Not Enter sign to prevent traffic from entering parking area from wrong way



As cars come down Lighthouse Dr., they are directed to event parking or to the 7-11 if parking is full. Refer to next slide for LPP Event Parking.



The following slides detail the usual traffic pattern at events in the past. Refer to the next slide for the traffic pattern at the end of Lighthouse Dr.



This slide details the event parking at the rear entrance of LPP. Parking Attendants (Red Stars) help park cars diagonally and caution pedestrians. Cars leaving the event are guided east and out of the park by the barricade. A Do Not Enter sign dissuades cars from entering the event parking area from the wrong direction.

7-11
4618 S. Atlantic Ave
Ponce Inlet

Turtle Day Shuttle Route

Turtle Day Shuttle Route
Pick Up/Drop Off at 7-11

Marine Science Center
100 Lighthouse Dr
Ponce Inlet

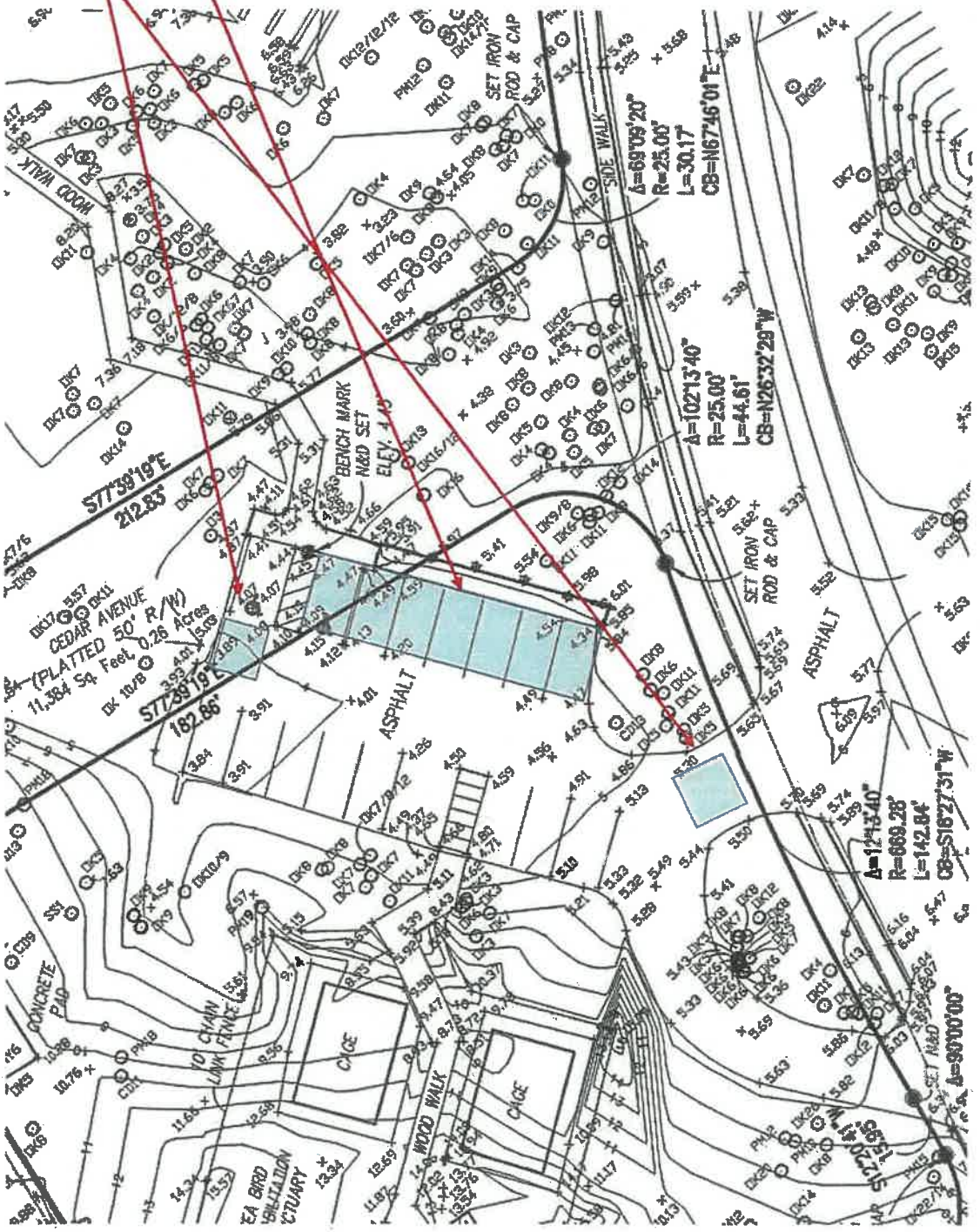
© 2015 Google
Imagery © 2015 TerraMetrics

Google earth

Imagery Date: 1/15/2014 29°05'17.87" N 80°55'56.83" W Elev 10 ft eye alt 13799 ft

10' x 10' x 2

10' x 10' x 7





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.

Turtle Day

Name of Event	10:30 - 2:30 PM	
4/6/2024	10:00AM - 3:00 PM	4
Date of Event	Time	Hours of Amplified Sound

Name of applicant: Marine Science Center Phone: 386-304-5542

Applicant's street address: 100 Lighthouse Dr Ponce Inlet, FL 32127

Description of equipment to be used (ie. stereo, band, etc. Bull horns are not permitted) _____

One-person band/DJ - amplifier and speaker

Description of how the sound will be minimized (mufflers, screens or other sound-attenuating devices) Sound will be kept minimum with volume control. The sound will not be excessive

to consider families' and guest's comfort levels.

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 23 day of January 2024.

Applicant's Printed Name: Chadwick S. Macfie

Applicant's Signature: Chadwick S. Macfie

FOR OFFICE USE ONLY:

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

Application received by: Jackie Aley Date: 1/25/24

Town Manager: Approved Denied _____

Previous violations of sound ordinance? Yes No

Conditions: _____

By: _____ Date: _____



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: 1/25/24

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:	Town Hall of Ponce Inlet
Frontage of lot:	1. Peninsula Drive 2. Atlantic Avenue
Written permission of property owner if not applicant?	

SECTION 2: PROPERTY OWNER INFORMATION

Applicant Name	Marine Science Center	Mailing Address	100 Lighthouse Dr Ponce Inlet, FL 32127
Phone	386-304-5543	Fax	
Agent Name/Title	Chad Macfie	Mailing Address	Same
Phone	386-304-5543	Fax	

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): 4' x 4'

Maximum Sign Height from grade: 6' Minimum Sign Height from grade: 2'

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: 4" x 4" wooden posts with attached metal sign

Date to be posted: March 25th Date of removal April 7th

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.

Chadwick S. Macfie
Signature of Applicant or Agent

1/24/24
Date



STATE OF FLORIDA
COUNTY OF VOLUSIA

Affirmed and subscribed before me this 24 day of January, 2024 by Chadwick Macfie who is personally known to me or who has produced drivers license (type of ID) as identification.

Stephanie E. Harris
Notary Public

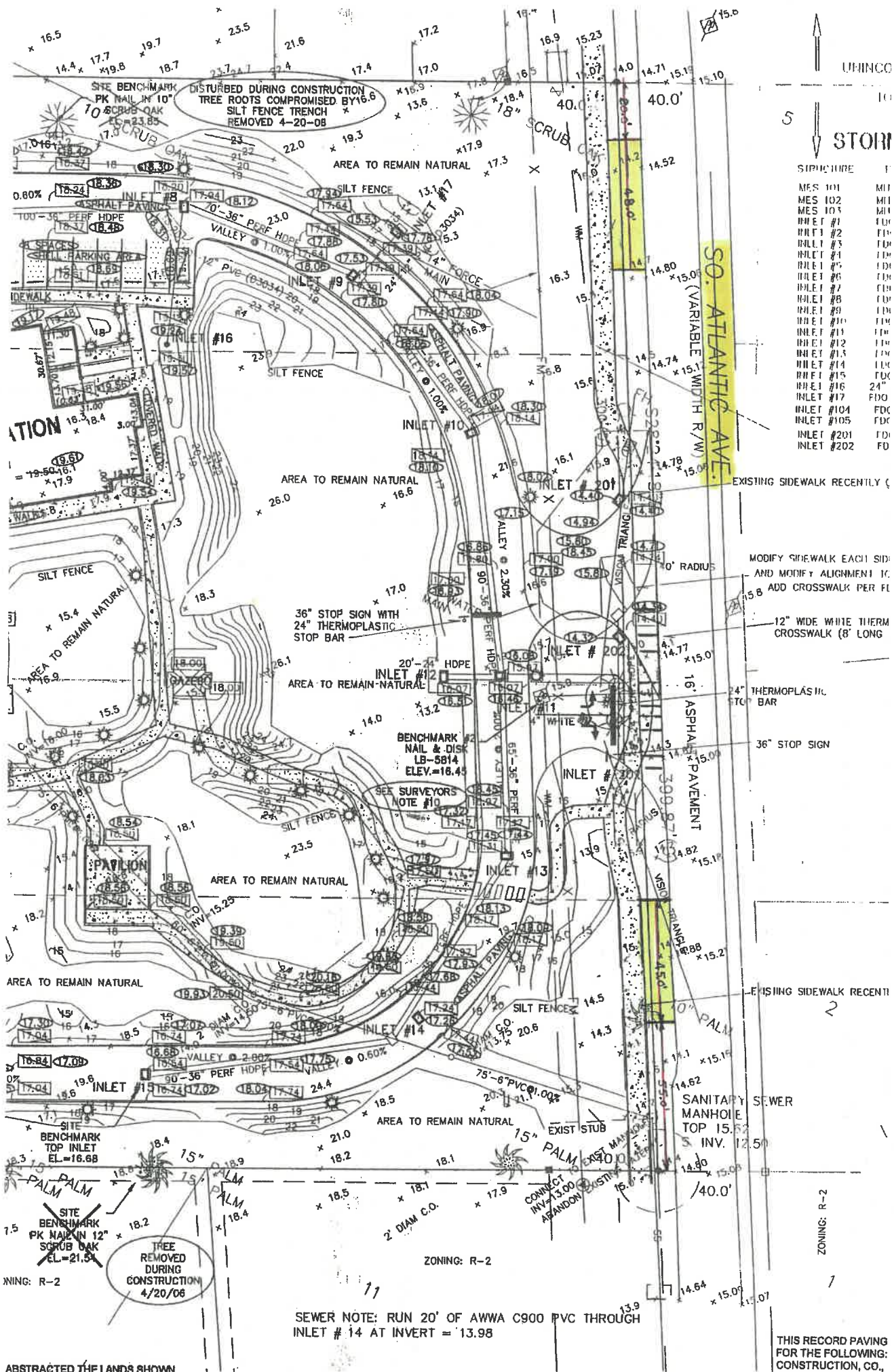
05/05/2025
My commission expires:

FOR OFFICE USE ONLY:

Approved by: _____ Date: _____

Denied by: _____ Date: _____

Reason for denial: _____



UNINCO
5
STORM

STRUCTURE	TYPE
MES 101	MI
MES 102	MI
MES 103	MI
INLET #1	FD
INLET #2	FD
INLET #3	FD
INLET #4	FD
INLET #5	FD
INLET #6	FD
INLET #7	FD
INLET #8	FD
INLET #9	FD
INLET #10	FD
INLET #11	FD
INLET #12	FD
INLET #13	FD
INLET #14	FD
INLET #15	FD
INLET #16	24" FDC
INLET #17	FDC
INLET #104	FDC
INLET #105	FDC
INLET #201	FD
INLET #202	FD

SO. ATLANTIC AVE.
(VARIABLE WIDTH R/W)

EXISTING SIDEWALK RECENTLY
MODIFY SIDEWALK EACH SIDE
AND MODIFY ALIGNMENT TO
ADD CROSSWALK PER FL
12" WIDE WHITE THERM
CROSSWALK (8' LONG)

24" THERMOPLASTIC
STOP BAR
36" STOP SIGN

EXISTING SIDEWALK RECENTLY

SANITARY SEWER
MANHOLE
TOP 15.52
INV. 12.50

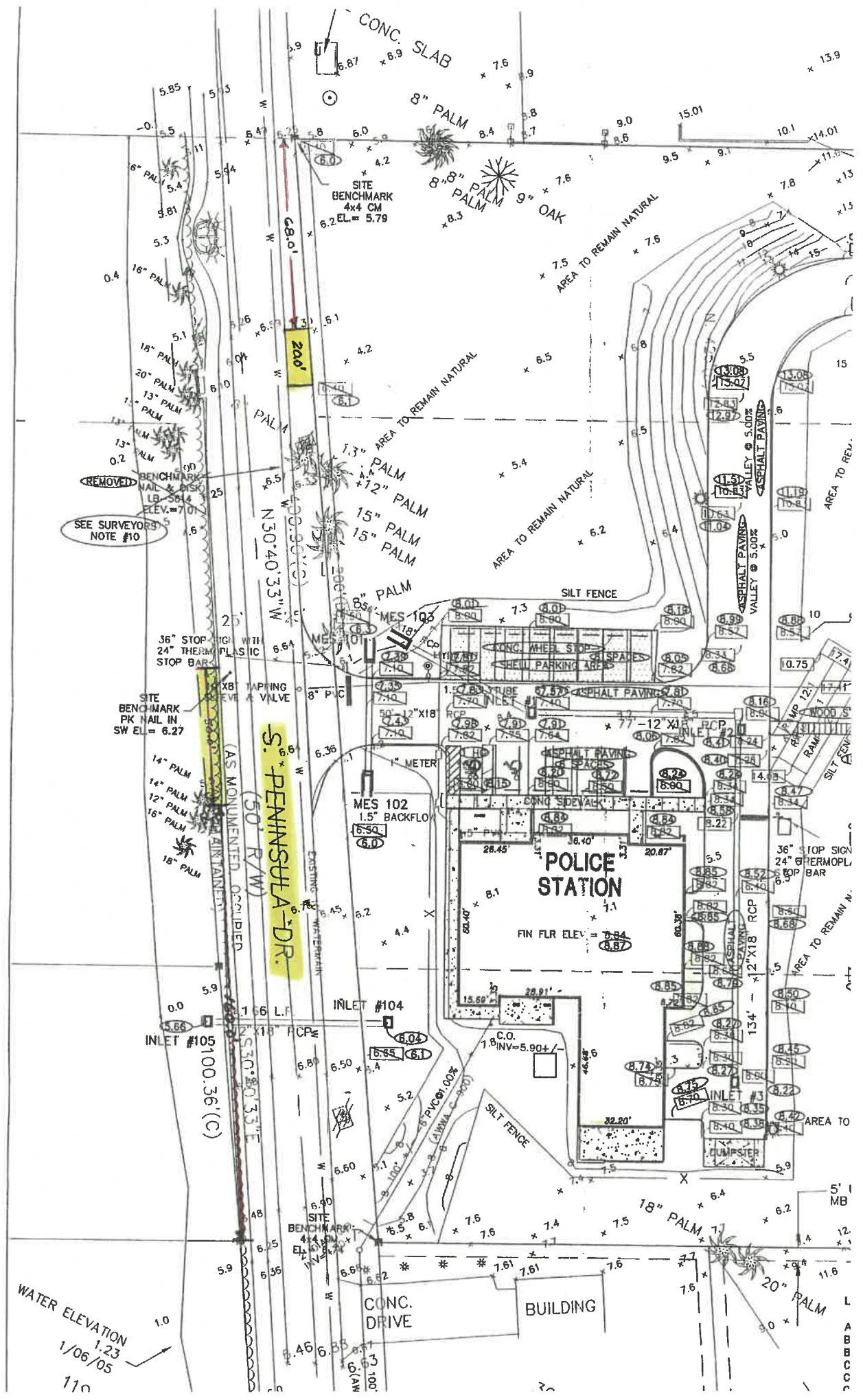
ZONING: R-2

ZONING: R-2

SEWER NOTE: RUN 20' OF AWWA C900 PVC THROUGH
INLET # 14 AT INVERT = 13.98

THIS RECORD PAVING
FOR THE FOLLOWING:
CONSTRUCTION, CO.,

ABSTRACTED THE PLAN AND SHOWN



SEE SURVEYORS NOTE #10

SITE BENCHMARK PK NAIL IN SW EL. = 6.27

WATER ELEVATION 1.23
1/06/05
110

L
A
B
B
C
C



Human Resources Division – Risk Management
An Equal Opportunity Employer

February 2, 2022

RE: Volusia County Self-Insurance Program

Volusia County maintains a self-insurance program (“Program”) for the purpose of general liability, auto liability, and worker’s compensation losses. The Program is established pursuant to Resolution 82-99.

The Program will respond to general liability and auto liability losses arising directly or indirectly from the negligent acts or omissions of the County’s employees, subject to the provisions and limitations imposed under section 768.28 Florida Statutes. The Program does not provide for a waiver of sovereign immunity beyond the statutory limitations on liability provided in section 768.28 Florida Statutes. Any state court judgment in excess of \$200,000.00 per claimant or \$300,000.00 per incident must be approved by the Florida Legislature through the legislative claims bill process.

This letter is a summary statement of the Program and is not intended to convey additional insured status.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Spencer", with a long horizontal line extending to the right.

Charles Spencer, M.B.A., J.D.
Risk Manager
Volusia County
386-736-5963



Meeting Date: 2/15/2024

Agenda Item: 8-A

Report to Town Council

Topic: Consideration of a three-year extension of Mead & Hunt's engineering services contract.

Summary: Please see the attached letter from Mead & Hunt, a copy of the proposed contract and fee schedule, and a comparison of the current and proposed fees.

Suggested motion: Staff recommends approval of the proposed three-year extension to the engineering services contract with Mead & Hunt.

Requested by: Brad T. Blais, P.E., Vice President/Client Manager

Approved by: Mr. Disher, Town Manager

February 5, 2024

Mike Disher
Town Manager
Town of Ponce Inlet
4300 South Atlantic Avenue
Ponce Inlet, Florida 32127

Email: mdisher@ponce-inlet.org

Subject: Engineering Services Contract – Amendment 2024

Dear Mr. Disher,

As you are aware, Mead & Hunt's Engineering Services Contract with the Town of Ponce Inlet expires on February 21, 2024. We appreciate the Town's willingness to extend the contract for an additional three (3) years as stated in the attached contract amendment. We enjoy working with the Town's staff and hope to continue. Please advise us of when the amendment will be presented to the Council so that we may be present to respond to any questions or concerns.

We appreciate this opportunity to continue our service to the Town. If you have any questions or require further assistance, please do not hesitate to call.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brad T. Blais".

Brad T. Blais, P.E.
Vice President/Client Manager

A handwritten signature in blue ink, appearing to read "Cassandra Cissell".

Cassandra Cissell, P.E.
Project Manager

BTB/CC:dp

**ADDENDUM TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
CONTRACT BETWEEN
TOWN OF PONCE INLET, FLORIDA AND
MEAD & HUNT, INC.
Dated February 21, 2002**

THIS AGREEMENT made and entered into this _____ day of _____ 2024 by and between TOWN OF PONCE INLET, FLORIDA, a Florida municipal corporation (hereinafter referred to as "the TOWN") and MEAD & HUNT, INC., a Wisconsin Corporation, (hereinafter referred to as "the CONSULTANT").

WHEREAS, the TOWN and the CONSULTANT entered into an Agreement on February 21, 2002 with an initial term of ten (10) years; which has been mutually agreed upon for several additional three (3) year term extensions – the most recent of which will expire on February 21, 2024.

WHEREAS, the continuing services contract allows for direct hourly billing rate adjustments approved by the Town Council.


NOW THEREFORE, be it resolved that both the TOWN and the CONSULTANT agree to execute this agreement for an additional three (3) year term extension, expiring February 21, 2027.

WHEREFORE, the parties have executed the agreement this day and date first written above.

Witness

MEAD & HUNT, INC.

D. Pigott
Doris Pigott

By: 
Brad T. Blais, P.E., Vice President

Witness

TOWN OF PONCE INLET

By: _____
Town Manager

Attest: _____
Town Clerk

MEAD & HUNT, Inc.
Standard Billing Rate Schedule
Effective January 1, 2024

Standard Billing Rates

Clerical	\$93.00 / hour
Technical Editor	\$133.00 / hour
Senior Editor	\$217.00 / hour
Registered Land Surveyor	\$169.00 / hour
Accounting, Administrative Assistant.....	\$114.00 / hour
Technician I, Technical Writer	\$119.00 / hour
Technician II, Surveyor - Instrument Person	\$137.00 / hour
Technician III	\$159.00 / hour
Technician IV	\$177.00 / hour
Senior Technician	\$188.00 / hour
Engineer I, Scientist I, Architect I, Interior Designer I, Planner I	\$146.00 / hour
Engineer II, Scientist II, Architect II, Interior Designer II, Planner II	\$172.00 / hour
Engineer III, Scientist III, Architect III, Interior Designer III, Planner III	\$195.00 / hour
Senior Engineer, Senior Scientist, Senior Architect, Senior Interior Designer, Senior Planner, Senior Economist.....	\$217.00 / hour
Project Engineer, Project Scientist, Project Architect, Project Interior Designer, Project Planner	\$239.00 / hour
Senior Project Engineer, Senior Project Scientist, Senior Project Architect, Senior Project Interior Designer, Senior Project Planner	\$276.00 / hour
Senior Associate	\$309.00 / hour
Principal	\$340.00 / hour
Senior Client/Project Manager.....	\$309.00 / hour

Expenses

Geographic Information or GPS Systems	\$110.00 / day
Total Station Survey Equipment	\$120.00 / day
Charges for other equipment may appear in a proposal	
Out-Of-Pocket Direct Job Expenses.....	cost plus 15%
Such as reproductions, sub-consultants / contractors, etc.	

Travel Expense

Company or Personal Car Mileage	IRS rate / mile
Air and Surface Transportation.....	cost plus 15%
Lodging and Sustenance	cost plus 15%

Billing & Payment

Travel time is charged for work required to be performed out-of-office. A minimum of two hours will be billed for any work out-of-office.

Invoicing is on a monthly basis for work performed. Payment for services is due within 30 days from the date of the invoice. An interest charge of 1.5% per month is made on the unpaid balance starting 30 days after the date of invoice.

This schedule of billing rates is effective January 1, 2024, and will remain in effect until December 31, 2024, unless unforeseen increases in operational costs are encountered. We reserve the right to change rates to reflect such increases.

MEAD & HUNT, Inc.
Municipal Billing Rate Schedule
Effective January 1, 2021

Standard Billing Rates

Clerical.....	\$75.00 / hour
Registered Land Surveyor.....	\$140.00 / hour
Technical Editor, Biologist.....	\$112.00 / hour
Technician I, Technical Writer, Administrative Assistant.....	\$92.00 / hour
Technician II, Surveyor - Instrument Person.....	\$112.00 / hour
Technician III.....	\$127.00 / hour
Technician IV.....	\$143.00 / hour
Senior Technician.....	\$156.00 / hour
Engineer I, Scientist I, Architect I, Interior Designer I, Planner I.....	\$124.00 / hour
Engineer II, Scientist II, Architect II, Interior Designer II, Planner II.....	\$142.00 / hour
Engineer III, Scientist III, Architect III, Interior Designer III, Planner III.....	\$153.00 / hour
Senior Engineer, Senior Scientist, Senior Architect, Senior Interior Designer, Senior Planner, Senior Economist.....	\$160.00 / hour
Project Engineer, Project Scientist, Project Architect, Project Interior Designer, Project Planner.....	\$169.00 / hour
Senior Project Engineer, Senior Project Scientist, Senior Project Architect, Senior Project Interior Designer, Senior Project Planner.....	\$183.00 / hour
Senior Associates, Principal.....	\$201.00 / hour

Expenses

Geographic Information or GPS Systems.....	\$100.00 / day
Total Station Survey Equipment.....	\$110.00 / day
<i>Charges for other equipment may appear in a proposal</i>	
Out-Of-Pocket Direct Job Expenses.....	cost plus 15%
<i>Such as reproductions, sub-consultants / contractors, etc.</i>	

Travel Expense

Company or Personal Car Mileage.....	IRS rate / mile
Air and Surface Transportation.....	cost plus 15%
Lodging and Sustenance.....	cost plus 15%

Billing & Payment

Travel time is charged for work required to be performed out-of-office.

Invoicing is on a monthly basis for work performed. Payment for services is due within 30 days from the date of the invoice. An interest charge of 1.5% per month is made on the unpaid balance starting 30 days after the date of invoice.

This schedule of billing rates is effective January 1, 2021, and will remain in effect until December 31, 2021, unless unforeseen increases in operational costs are encountered. We reserve the right to change rates to reflect such increases.

Previous Rate & Fee Structure

MEAD & HUNT, Inc.
Municipal Billing Rate Schedule Comparison
Town of Ponce Inlet
Effective January 1, 2021

Applicable Position Work Type	Mead & Hunt Billing Classifications	Billing Rate
Clerical	Clerical	\$75.00/hour
Administrative Assistant	Technician I, Technical Writer, Administrative Assistant	\$92.00/hour
Construction Project Representative (Inspector), CAD Technician,	Technician II	\$112.00/hour
GIS Technician, Federal Grant Compliance Specialist,	Technician III	\$127.00/hour
Construction Services Supervisor, Grant/Funding Coordinator,	Technician IV	\$143.00/hour
	Senior Technician	\$156.00/hour
Engineer Intern, Assistant Project Engineer	Engineer I, Scientist I, Architect I, Interior Designer I, Planner I	\$124.00/hour
	Engineer II, Scientist II, Architect II, Interior Designer II, Planner II	\$142.00/hour
	Engineer III	\$153.00/hour
Professional Engineer	Senior Engineer, Senior Scientist, Senior Architect, Senior Interior Designer, Senior Economist	\$160.00/hour
Project Engineer	Project Engineer, Project Scientist, Project Architect, Project Interior Designer, Project Planner	\$169.00/hour
Project Manager, Senior Project Engineer	Senior Project Engineer, Senior Project Scientist, Senior Project Architect, Senior Project Interior Designer, Senior Project Planner	\$183.00/hour
Principal	Senior Associate, Principal	\$201.00/hour

Expenses

Geographic Information or GPS Systems.....	\$100.00 / day
Total Station Survey Equipment	\$110.00 / day
<i>Charges for other equipment may appear in a proposal</i>	
Out-Of-Pocket Direct Job Expenses.....	cost plus 15%
Such as reproductions, sub-consultants / contractors, postage, permit application fees, etc.	

Travel Expense

Company or Personal Car Mileage.....	IRS rate / mile
Air and Surface Transportation.....	cost plus 15%
Lodging and Sustenance	cost plus 15%

Billing & Payment

Travel time is charged for work required to be performed out-of-office.

Invoicing is on a monthly basis for work performed. Payment for services is due within 30 days from the date of the invoice. An interest charge of 1.5% per month is made on the unpaid balance starting 30 days after the date of invoice.

This schedule of billing rates is effective January 1, 2021, and will remain in effect until December 31, 2021, unless unforeseen increases in operational costs are encountered. We reserve the right to change rates to reflect such increases. This schedule is subject to annual increases.



Meeting Date: 2/15/2024

Agenda Item: 8-B

Report to Town Council

Topic: Lien Abatement Request: Cynthia House and Rhonda Witwer – 4620 Riverwalk Village Court #7302

Summary: Please see the attached staff report.

Suggested motion: At Council's discretion.

Requested by: Mr. Hooker, Code Compliance Manager
Mr. Lear, Planning & Development Director

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
Through: Darren Lear, AICP, Planning & Development Director
Date: February 5, 2024
Subject: Code Enforcement Abatement Request
Code Case Number 2022-684 Cynthia House & Rhonda Witwer
4620 Riverwalk Village Court #7302

MEETING DATE: February 15, 2024

INTRODUCTION:

Ms. House and Ms. Witwer, the owners of the subject property, are seeking a reduction or abatement of a \$5,750 Code Enforcement lien imposed on June 5, 2023. This amount comprises a \$5,500 fine, which accumulated at a rate of \$25 per day for 220 days, along with an additional \$250 administrative fee, resulting in a total of \$5,750. **(EXHIBIT #1)**

It should be noted that the property achieved compliance on January 11, 2024.

BACKGROUND:

On November 1, 2022, staff was alerted to the expiration of the rental permit. A formal notice of violation was issued, with a compliance date of November 21, 2022. **(EXHIBIT #2)**

November 11, 2022, Ms. House emailed Travis Mincey, Rental Housing Inspector, confirming that she had received the certified notice of violation and had obtained the new permit application. **(EXHIBIT #3)**

March 28, 2023, after several months of non-compliance, a formal notice of hearing was issued to the property owners. **(EXHIBIT #4)**

The Code Enforcement Board (CEB) heard this case at its meeting on April 24, 2023, at which the CEB ordered that the case be continued to the next scheduled meeting on May 22, 2023. **(EXHIBIT #5)**

The CEB subsequently heard this case on May 22, 2023, which found the owner in violation with the cited sections of adopted code. The CEB granted the owner 14 days (on or before June 5, 2023) to have the property in compliance. **(EXHIBIT #6, 7 & 8)**

At the July 24, 2023, CEB hearing, the Board confirmed that the property remained in violation of its order and issued the Order of Non-Compliance and Imposition of Fine, retroactive to the original compliance deadline (June 5, 2023). **(EXHIBIT # 9 & 10)**

On September 25, 2023, the CEB authorized staff to collect outstanding code enforcement lines for non-homesteaded properties that were due to the Town. This authorization was affirmed by the Town Council on October 19, 2023. This particular property was identified to be one such non-homestead parcel with an outstanding lien of over 90 days, making it eligible for foreclosure in accordance with Florida Statute 162.09(3).

On October 25, 2023, staff sent certified letters to the owners addresses on file, advising them of the potential foreclosure proceedings and how to avoid said proceedings. **(EXHIBIT # 11)**

Options to avoid foreclosure proceedings include:

- Bring the property into compliance (pay for the expired rental permits);
- Pay the outstanding lien;
- Once in compliance with the adopted regulations, request a reduction/abatement of the outstanding lien.

The certified letter was received by the owners on November 2, 2023.

On January 11, 2024, staff spoke with Ms. House about the outstanding lien and what was required for compliance. On January 13, 2024, the outstanding permits were paid for in full therefore ceasing the accrual of the lien.

Staff received the request of reduction/abatement request from the owner on January 15, 2024 **(EXHIBIT #1)**.

STAFF RECOMMENDATION:

Per Florida Statutes Section 162.09(3), "...the lien runs in favor of the local governing body", i.e. Town Council. Any reduction or abatement of said lien is entirely at the Council's discretion. If Council desires to reduce the lien, staff would request such

reduction be conditioned on the reduced amount being paid within 10 business days, or else the full outstanding fine/lien of \$5,750 shall be paid.

EXHIBITS

1. **Lien Abatement Request**
2. **Notice of Violation and Certified Receipts**
3. **Email from Ms. House**
4. **Notice of Hearing and Certified Receipt**
5. **Code Board Minutes**
6. **Code Board Minutes**
7. **Copy of Rental Agreement**
8. **Copy of the code Enforcement Board Order**
9. **Code Board Minutes**
10. **Code Board Order of Non-Compliance / Imposition of Fine**
11. **Certified letter of potential foreclosure and certified receipts**

EXHIBIT 1

Request for Waiver or Reduction of Code Enforcement Fines

CEB Case Number # 2022-684

Property Address with Fine 4620 RIVERWALK VILLAGE COURT #7302

Owner's Name CYNTHIA M. HOUSE PONCE INLET, FL 32127

Owner's Mailing Address (if different from Property Address)

131 CENTER STREET, CLINTON, NJ 08809

Owner's Contact Information (phone and e-mail) M: 267-368-2660

Agent's Name (if other than the owner) N/A (Please fill out attached Owner Authorization Form)

Agent's Mailing Address N/A

Agent's Contact Information (phone and e-mail) N/A

Nature of Violation Rental without valid permits

Date Fine Began March 13, 2023 Date Fine Ended January 11, 2024

Daily Amount of Fine Imposed \$250 Total Amount of Fine \$5,750

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.

Cynthia M. House Signature of Owner Agent, and Date

Notary Public section with fields for State of Florida, County of Warrick, and Notary Public Signature Navneet Kaur. Commission Expires Dec 23, 2026.

⊗ given the personal nature of such financial information.

Thank you for your consideration. Sincerely, Cindy House
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

I am a divorced mother of two young adult children ^(my youngest, my son graduated college in May 2022) who works full time and has sole responsibility for my NJ home & my Florida condo. The total monthly operating expenses for FL average approx \$4,150/mo. including my mortgage (\$2,165/mo), electric bills which run ~\$300/mo, renters insurance of >\$1,300/yr, and combined HOA fees of ~\$1,270/mo; excluding additional expenses for HVAC maintenance, occasional appliance replacement, storm damage repair, etc. My NJ residential operating expenses (house mrtg + utilities, etc.)

Medical Hardship

run close to \$3,500/mo - which doesn't include things such as food, clothing, car (maint, gas), etc. - both together total more than my monthly take home. I charge a current monthly rent of \$2,200, which doesn't cover my FL mortgage. My tenants have been challenged with steady employment and prompt payment during the past 2 yrs, & instead of removing them or having them evicted (the husband is the sole provider; the wife doesn't work outside of the house but cares for their autistic teenage son), I have allowed them to remain even though I have been very financially squeezed. At the end of

Mitigating Circumstances

2023, my tenants were >\$7,000 arrears in rent. Additionally, I am scheduled to be let go from my employer (in what has been a long downsizing program) so I will lose my job in the beginning of May 2024. I am requesting leniency in my rental fines since as I have been similarly lenient with my tenants. They have been my long-term tenants since the fall of 2020 (initially via Ponce Inlet Realty). They are good people that have experienced extended hard times with Covid, health issues, and stable employment. I am not trying to circumvent any system - in fact, when I first became aware of this requirement, I paid my initial permit fee for 2021-2022 cycle (which was before my tenant lost his job). I can provide copies of my HOA mortgage statements, HOA invoices, utility bills etc. with them

EXHIBIT 2



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

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

Owner: Cynthia House & Rhonda Witwer

Mailing Address

131 Center Ave
Clinton, NJ 08809

Notice of Violation for the following location:

Address

4620 RIVERWALK VILLAGE CT #7302
PONCE INLET, FL 32127

Parcel

641937007302

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

The violation and how to correct is:

1 – expiration of your rental permit

How to correct:

Item number 1

Option 1 - renew rental permit by filling out an application in full.

Option 2 – If no longer renting, a written letter stating that the property is no longer being offered and not being advertised for rent.

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

Land Development Code

Section 2.40-1 – Interpretation of Uses and structures permitted

A use or structure that is not expressly permitted in a zoning district is prohibited.

Residential Use	Commercial				
	R-1	R-2	R-3	MF-1	MF-2
Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use					P



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Date Case Established: **11/01/2022**

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Violation Notice

**Land Development Code
Section 3.18.1 - Applicability.**

A. Definitions.

Dwelling, rental. A residential building leased by its owner to one or more tenants for their use and occupancy on a temporary basis.

Rental, rent, rented, or renting. Includes the arranging of, contracting or advertising for, or the making available of the use of a dwelling unit for a finite period of time for any legal consideration. A rental arrangement is evidenced by the existence of a financial, business, barter, or employee/employer relationship between the legal or equitable owner of a dwelling unit and temporary occupant(s). Rental does not include the use of a dwelling unit by family members, friends or house-sitters, unless legal consideration is provided to the owner or usual occupant.

B. How permitted. See section 2.40, Table 2-5 (Table of Permitted Uses).

**Land Development Code
Section 3.18.2 - Applicability.**

Rental of a dwelling is prohibited unless the owner of a rented dwelling holds a rental permit and fully satisfies all other requirements of this code. A rental permit allows the rental of a dwelling consistent with the requirements of this section.

**Land Development Code
Section 3.18.3 - Rental permit application process.**

A. A rental permit application is filed with the director, and must include the information required by article 10.

B. Within five business days, the director shall:

1. Issue the rental permit if it complies with this section, or
2. Return the application as incomplete if it does not include the required information, or
3. Deny the application if it does not comply with this section.

**Land Development Code
Section 3.18.4 - General regulations.**

The following regulations shall pertain to the rental of dwellings:

- A. A contact person must be available 24 hours per day, seven days per week to respond to complaints regarding the conduct of the occupants of the subject dwelling.
- B. Occupancy of individual units shall conform to the occupancy limits of all applicable building codes.
- C. The owner or manager shall maintain a tenant and vehicle registration that includes the name and address of each unit's tenant and the make, year and tag number of the tenant's vehicle.
- D. There shall be a written lease between the owner and tenant and that includes an explicit statement that the tenant agrees to follow these regulations.



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

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

A. A person or entity who is applying for or holds a rental permit shall pay an annual rental permit fee in an amount as established from time to time by resolution of the town council upon the filing of the rental permit application.

B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town, and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

C. All holders of a rental permit who continue to rent the subject dwelling shall submit a renewal application containing all the information required for the original rental permit application and pay the required rental permit fee by no later than October 1 of each year, or shall be subject to a late fee to be established by the resolution of the town council.

Land Development Code

Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public upon request.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

7. Violation of this requirement subjects violators to prosecution before the code enforcement board and other penalties in section 3.18.6.

B. Record keeping.

1. Annual record keeping is required for any of the entities listed in subsection 3.18.7.A above.
2. These entities shall maintain records indicating:
 - a. The name and address of each tenant during this period;
 - b. Each tenant's vehicle registration, which shall include the make, year and tag number of the tenant's vehicle; and
 - c. The written lease between the owner and tenant for inspection by the code enforcement officer upon request.

Land Development Code

Section 10.1.10. - Rental permit applications.

A rental permit application must include the following information:

- A. The complete street address and parcel number of the property;
- B. Proof of ownership, including the name, mailing address, e-mail address, and telephone number of each person or entity with an ownership interest in the property;
- C. The gross square footage of the dwelling, including the number of rooms, bedrooms, kitchens, and on-site parking spaces attributable to the rental;
- D. A valid and current federal employer tax identification number or Social Security number for the property owner(s);
- E. The name, mailing address, e-mail address, and 24-hour phone number of the rental property manager;
- F. The signatures of all owners, authorized agents or authorized property managers;
- G. For short-term rentals (renting less than four consecutive weeks), a current, approved inspection report from the fire marshal in accordance with Chapter 69A-43 of the Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshares and Timeshare Unit Facilities; and
- H. For short-term rentals and long-term rentals of six months or less, a valid and current Florida Department of Revenue sales tax identification number under F.S. ch. 212, and a valid and current license under F.S. ch. 509.

Compliance Date: 11/21/2022



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

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 January 23, 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 these charges will be recorded into the public records of Volusia County and will constitute a lien pf your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

7021-2720-0003-5162-0509- 131 Center Ave Clinton, NJ 08809

7021-2720-0003-5162-0516- 4620 Riverwalk Village Ct #7302

VN OF PONCE INLET
S. ATLANTIC AVENUE
E INLET, FLORIDA 32127



ORLANDO FL 328
6 NOV 2022 PM 6 L

NEOPOST FIRST-CLASS MAIL
11/07/2022
US POSTAGE \$008.06



ZIP 32127
041M11458940

7021 2720 0003 5162 0514

NR
11-11-22
hjb
9:14
MB

CYNTHIA HOUSE & RHONDA WITWER
4620 RIVERWALK VILLAGE CT., #7302
PONCE INLET FL 32127

REXIE 339 DE 1 0612/03/22

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC BC: 32127690400 *0674-03656-08-4

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:
Cynthia House ; Rhonda Witwer
131 Center Ave
Clinton, NJ 08809



9590 9402 7762 2152 4582 96

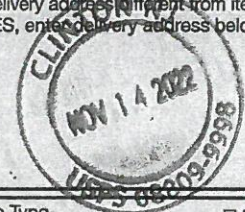
2. Article Number (Transfer from service label)
7021 2720 0003 5162 0509

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Rhonda Witwer* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
C. HOUSE 11/14/22

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



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery
- red Mail
red Mail Restricted Delivery (\$500)

EXHIBIT 3

Travis Mincey

From: House, Cindy <cindy.house@novartis.com>
Sent: Monday, November 14, 2022 3:54 PM
To: Travis Mincey
Subject: RE: Town of Ponce Inlet

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Hi Travis,

Just confirming that I received your email & attachment, plus I also received your USPS certified mail on Saturday Nov. 13. I will complete the online form (since that is easiest ;)) & get it back you later tonight, or tomorrow at the latest. Once you review & let me know if anything is missing, please let me know how I can remit this coming year's fee. I'll also re-share the name/contact info of my tenant for unit inspection (once your Nicole assessment slows and you have a chance to pick up your normal business again...).

Thanks & Best Regards,
Cindy

From: Travis Mincey <tmincey@ponce-inlet.org>
Sent: Friday, November 11, 2022 12:10 PM
To: House, Cindy <cindy.house@novartis.com>
Subject: Town of Ponce Inlet

This Message is from an External Sender. Do not click links or open attachments unless you trust the sender.

Please see the attached, kind regards.

Travis Mincey,
Rental Property Maintenance & Housing Inspector
Town of Ponce Inlet, Florida
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127
386-267-6676
tmincey@ponce-inlet.org





Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, Florida 32127
Phone: (386)236-2182
Fax: (386) 322-6717

NOTICE OF HEARING

Cynthia House & Rhonda Witwer
131 Center Ave
Clinton, NJ 08809

March 28, 2023

Method of Delivery: Via USPS Certified Mail

RE: CODE ENFORCEMENT BOARD – NOTICE OF HEARING – CASE NUMBER 2022-684
PROPERTY LOCATION: 4620 Riverwalk Village Ct #7302

Dear Mr.& Mrs. King:

The Ponce Inlet Code Enforcement Board was created pursuant to Florida Statutes, Chapter 162 and Chapter 2, Article V of the Town's Code of Ordinances with the purpose of facilitating the enforcement of the town's code and rendering quick and fair decisions concerning violations of this code.

You are hereby notified that Case Number 2022-684 will be heard at a public hearing to be held at 9:30 am on Monday, April 24, 2023, before the Town of Ponce Inlet Code Enforcement Board, in the Council Chambers located at 4300 S Atlantic Avenue, Ponce Inlet, Florida.

Failure to attend this hearing shall be deemed as a waiver of the violator's right to contest the imposition of fines. **The fines could be up to \$250 per day per violation and they will be recorded into the public record and establish a lien against this property and any other properties that you own in the State of Florida.** You have the right to obtain an attorney at your own expense to represent you before the board should you desire.

If you wish to appeal any decision of the Board you will need a recorded copy of the proceedings, and, therefore, may need to ensure that a verbatim record of the proceedings, including all testimony and evidence, is made. The entire proceedings will be recorded. Should you desire, you may employ a court reporter, but it must be at your expense.

If you have any further questions, please contact the Code Enforcement office within five (5) days of receipt of this notice at (386) 267- 6676.

Kind Regards,

Travis Mincey
Rental Housing Inspector



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

Owner: Cynthia House & Rhonda Witwer

Mailing Address

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1 – expiration of your rental permit

How to correct:

Item number 1

Option 1 - renew rental permit by filling out an application in full.

Option 2 – If no longer renting, a written letter stating that the property is no longer being offered and not being advertised for rent.

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

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Violation Notice

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B. How permitted. See section 2.40, Table 2-5 (Table of Permitted Uses).

Land Development Code

Section 3.18.2 - Applicability.

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A. A rental permit application is filed with the director, and must include the information required by article 10.

B. Within five business days, the director shall:

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Case Number: **CODE2022-000684**

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E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

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B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town, and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

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Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

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Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

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2. These entities shall maintain records indicating:
 - a. The name and address of each tenant during this period;
 - b. Each tenant's vehicle registration, which shall include the make, year and tag number of the tenant's vehicle; and
 - c. The written lease between the owner and tenant for inspection by the code enforcement officer upon request.

Land Development Code

Section 10.1.10. - Rental permit applications.

A rental permit application must include the following information:

- A. The complete street address and parcel number of the property;
- B. Proof of ownership, including the name, mailing address, e-mail address, and telephone number of each person or entity with an ownership interest in the property;
- C. The gross square footage of the dwelling, including the number of rooms, bedrooms, kitchens, and on-site parking spaces attributable to the rental;
- D. A valid and current federal employer tax identification number or Social Security number for the property owner(s);
- E. The name, mailing address, e-mail address, and 24-hour phone number of the rental property manager;
- F. The signatures of all owners, authorized agents or authorized property managers;
- G. For short-term rentals (renting less than four consecutive weeks), a current, approved inspection report from the fire marshal in accordance with Chapter 69A-43 of the Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshares and Timeshare Unit Facilities; and
- H. For short-term rentals and long-term rentals of six months or less, a valid and current Florida Department of Revenue sales tax identification number under F.S. ch. 212, and a valid and current license under F.S. ch. 509.

Compliance Date: 11/21/2022



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

(386) 267-6676

Case Number: **CODE2022-000684**

Case Type: **Code Enforcement**

Date Case Established: **11/01/2022**

Compliance Deadline: **11/21/2022**

Violation Notice

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 January 23, 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 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 you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:
7021-2720-0003-5162-0509- 131 Center Ave Clinton, NJ 08809

7021-2720-0003-5162-0516- 4620 Riverwalk Village Ct #7302

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

CYNTHIA HOUSE & RHONDA WITMER
 131 CENTER AVE
 CLINTON, NJ 08809



9590 9402 7474 2055 1760 73

7022 2410 0002 8689 7606

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

4/4

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



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

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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.
46

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 retroactive 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
Code Enforcement Board
Meeting Minutes
May 22, 2023

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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:**

48 **A. Case # 2022-684; Property Address: 4620 Riverwalk Village Court #7302**
49 **Owner(s): Cynthia House & Rhonda Witwer**
50 **Violation(s): Expired Rental Permit**
51

52 Mr. Mincey reviewed the case history, noting that the case was presented to this board on April
53 24, 2023, which found the owners in violation of the cited sections of code. They were granted 14
54 days or until April 10, 2023, to comply with the adopted code. He reviewed steps taken to contact
55 the owners regarding the permitting process; as of today, there has been no contact with ownership
56 and the property remains in non-compliance. The dwelling has a current tenant with a lease from
57 September 1, 2020 to August 31, 2023. Staff is recommending an order of non-compliance, to
58 impose the \$250 administrative fee and granting 14 days or until June 5, 2023, to obtain the
59 required rental permit. Failure to do so will result in this case coming back to the Board on July
60 24, 2023, for further adjudication. Ms. Richards asked why the fee is not being assessed today as
61 it has been confirmed there is a tenant at the residence. Attorney Smith explained that by state
62 statute, time must be allowed to cure after the first order of the board. If it is not cured, fines will
63 begin to accrue, and be brought back to impose those fines. Chairman Finch asked if there was
64 anyone present to speak on this case; there was not.

65
66 The board found this property to be in non-compliance, assessed the \$250 administrative fee and
67 granted 14 days to obtain the required permit. The motion PASSED 5-0, with the following vote:
68 Ms. Richards – yes; Chairman Finch 83 - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr.
69 Van Valkenburgh - yes.

70
71 **B. Case # 2023-076; Property Address: 4734 South Atlantic Avenue**
72 **Owner(s): Aisha Moore**
73 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**
74

75 Mr. Hooker reviewed the case history, noting that the case was first presented to this board on
76 March 27, 2023, which found the owner in violation of the cited sections of code. She was granted
77 30 days or until April 26, 2023, to comply with the adopted code. He reviewed the six items that
78 needed to be completed. He explained what the property owner has completed and what must still
79 be done including a structural engineering inspection for stability of the dwelling. A home
80 inspection report was received on May 19, 2023, which was 22 days after the compliance date; it
81 was not the required structural engineering inspection report, having been completed by a home
82 inspector rather than a structural engineer. The remaining required repairs are the replacement of
83 the balconies; all other repairs have been completed.

84
85 Ms. Moore, 4734 South Atlantic Avenue, asked for two months to either sell the property or
86 complete the required repairs. She thought she had until today to complete the repairs. She was
87 unable to make any repairs before May due to her budget; she reviewed the repairs that have been
88 completed. A stability inspection was conducted by a home inspector; the decks are unstable and
89 have been roped off. The property is listed to be sold but offers were too low to be accepted. She
90 will have to accept a lower offer if it does not sell within the next two months. Estimates have been
91 received for the repairs; however, the front deck estimate was \$30,000 which she feels is excessive.
92 She plans to demolish the back decks. She is requesting two months for the opportunity to
93 hopefully break even on the property. She may be able to get a hard loan of \$100,000 to make the
94 final repairs but she does not feel she will be able to recoup that money from the sale of the
95 property. She wants to comply with the minimum requirements and avoid any fines.
96

EXHIBIT 7

DocuSign Envelope ID: 6CCC414C-D674-49AC-A8DA-233E89E87597


RENTAL CONFIRMATION AGREEMENT – #7302 HVG&YC

This signed agreement confirms the intent of Tenant (named below) to rent the property located at Harbour Village Golf & Yacht Club, 4620 Riverwalk Court, Unit #7302, Ponce Inlet, FL, (hereinafter referred to as 'Property') from the dates of **September 1, 2020 to August 31, 2023** (hereinafter defined as the 'Rental Period'). The Tenant agrees that the rent for the Property will be (including all taxes and utilities) **\$2,100.00/month USD (U.S. Dollars)** for the Rental Period. The Security Deposit has been waived for this Rental Agreement. This agreement shall supersede the previous signed agreement between the parties.

Owner or a designated agent thereof, has the right to enter the Property in case of emergency or as may be required providing reasonable notice is given to Tenant. Tenant agrees not to sublet and to have no more than a total of six (6) people occupying the Property at any one time without the express prior consent of Owner. Check in-time and Check-out times are flexible in accordance with agreement between Tenant and Owner. Make checks payable to 'Cynthia M. House' or other arrangements for electronic transfer of funds as mutually agreed. Return the original copy of this signed agreement to address cited below. Tenant shall not make any additional copies of any keys without prior written permission from Owner. Unless otherwise instructed, Tenant shall return all keys (condo unit, mailbox, common) and remotes to Owner.

Tenant is allowed to own and keep pets within the Property with Owner's prior agreement.

Smoking is not permitted inside the Property, but on balcony areas only. **INITIAL HERE:**



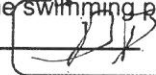
PROPERTY FACILITIES, NATURAL HAZARDS

Tenant is hereby advised that the Property has swimming pools & hot tubs with no Lifeguard, and exercise and other facilities (hereinafter "Facilities") that are available for use on an at-risk basis and use of which may pose hazard to Tenant or guests thereof. By signature below and initialing this paragraph, Tenant acknowledges and accepts sole liability of the potential risk of injury or death associated with correct or incorrect use of the Property and its Facilities. Tenant further acknowledges that Tenant is responsible for the conduct and behavior of any guest on the Property whose presence is at the invitation of Tenant. **INITIAL HERE:**



WAIVER OF RIGHT TO FILE CLAIM

Tenant acknowledges that he/she agrees to fully hold harmless and waive any rights to make any claim against the Owner, its Agent, or the Property and its Facilities in the event of any injury or fatality to the Tenant or any guests thereof, which may result directly or indirectly from the use of the swimming pools, hot tubs, the Property, its Facilities, or any appurtenances of the Property. **INITIAL HERE:**



If Tenant is not comfortable with accepting the risks associated with the use of the Property, Tenant is advised to not rent this property.

Cancellation Policy: In the event Tenant must cancel this agreement, Tenant must provide Owner, or its agent, notice within Forty Five (45) days prior to the first day of the Rental Period as defined above. Cancellation notice received less than Forty Five (45) days may result in forfeiture of the Security Deposit. In the event Owner must cancel this agreement, Owner will provide as much advance notice as possible and refund any and all monies received.

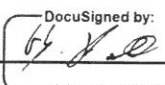
TENANT NAME (s): Brendan Poutre & family

ADDRESS: 4620 Riverwalk Village Court #7302, Ponce Inlet, FL 321237

PHONE: m: 386-248-5352 E-MAIL ADDRESS: brendanpoutre@outlook.com

DRIVERS LICENSE NUMBER: P360-060-71-465-0 STATE: Florida

VEHICLE MAKE: Hyundai YEAR: 2019 MODEL: Sonata

TENANT(S) SIGNATURE: 

DocuSigned by:
A8E84354E52F47E...

Owner endorsement: 

DocuSigned by:
F81696CBEA1147

Return the signed Original of this Rental Confirmation to: Cynthia M. House
131 Center Street
Clinton, NJ 08809
Cell: 201-274-6434
E-mail: cindy.m.house@gmail.com

EXHIBIT 8

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

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2022-684

CYNTHIA HOUSE & RHONDA WITWER,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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 Respondents 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. Respondents are the owners of property located at 4620 Riverwalk Village Court #7302, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-37-00-7302 (the "Subject Property").
2. On November 1, 2022, the Rental Housing Inspector issued a Notice of Violation to Respondents citing a violation of Sections 2.40.1, 3.18.1, 3.18.2, 3.18.3, 3.18.4, 3.18.5, 3.18.6, 3.18.7 and 10.1.10. of the Town of Ponce Inlet Land Development Code for offering a rental without a valid permit.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondents are in violation of Sections 2.40.1, 3.18.1, 3.18.2, 3.18.3, 3.18.4, 3.18.5, 3.18.6, 3.18.7 and 10.1.10 of the Town of Ponce Inlet Land Development Code.
4. Respondents 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. Respondents shall cure the violation within 14 days of the date of this order (on or before June 5, 2023), by obtaining required rental permit through the Town of Ponce Inlet. Failure to obtain will result in this case being brought back for further consideration at the July 24, 2023 hearing.

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 22nd day of May 22, 2023.

Peter Finch

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Dea. Hunt

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



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

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

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

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

Board Members Present:

- Ms. Richards, Seat #1
- Mr. Van Valkenburgh, Seat #2
- Mr. Finch, Seat #3
- Mr. Michel, Seat #4
- Ms. Cannon, Seat #5 – excused
- Mr. Fuess, Alternate #1
- Mr. Young, Alternate #2

A quorum was established with four members and two alternates present.

Staff Members Present:

- Attorney Smith, Town Attorney
- Attorney Cino, Code Board Attorney
- Mr. Hooker, Code Compliance Manager
- Ms. Stewart, Assistant Deputy Clerk
- Mr. Nieves, Administrative Assistant (Code Division)

4. **ADOPTION OF THE AGENDA:** *Ms. Richards moved to adopt the agenda as presented; seconded by Chairman Finch. The motion PASSED 5-0, consensus.*

5. **DISCLOSURE OF EX-PARTE COMMUNICATION:** Mr. Fuess referred to Case 2023-144 and noted that he is the Sea Gull Landing HOA President where this property is located. He has been aware of the situation but not the details; he has had general discussions with the owner about the issue and referred her to the town. The property has no issues with the HOA, he has no details of the matter, and it will not affect his vote.

6. **ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the Oath to the witnesses who intend to provide testimony.

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7. APPROVAL OF THE MINUTES:

A. May 22, 2023 – Chairman Finch asked if there were any changes; there were none.

Chairman Finch moved to adopt the minutes as presented; seconded by Ms. Richards. The motion PASSED 5-0, consensus.

8. OLD BUSINESS:

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

Mr. Hooker reviewed the violations and noted that this case was presented to the board on May 22, 2023; the owner was found in violation of the cited sections of code and was granted 14 days (on or before June 5, 2023) to obtain the required rental permit. Last month, Mr. Mincey presented evidence confirming that the property has a long-term lease from September 1, 2020, through August 31, 2023. The permit is still expired and there has been no contact with the property owners. Staff is requesting to reiterate the order of non-compliance, impose a \$250 per day fine retroactive to June 5, 2023, and impose the \$250 administrative fee. Chairman Finch noted that would be 49 days which totals to \$11,500 plus the \$250 administrative fee; he is not comfortable with that amount. Mr. Hooker explained the \$500 permitting fee was due October 1, 2022; the lease is valid for three years and the owner is collecting \$2,100 per month in rent according to the lease. It is a non-homesteaded parcel; there are no encumbrances on the property and no mortgage or outstanding liens. A new rental cycle begins soon, and the rental permit will be due again in October; the owners have received a full year of rental income without a valid permit. They have rented the property for three years and obtained the rental permit for the first two years but did not for this year. Mr. Michel asked if there are any mitigating circumstances regarding this matter; Mr. Hooker is not aware of any. The board discussed the case, the steps staff has taken, and what recourse there is.

Ms. Richards moved to find this property to be in non-compliance, imposed a \$250 per day fine retroactive to June 5, 2023 and assessed the \$250 administrative fee; seconded by Chairman Finch. The motion FAILED 2-3, with the following vote: Ms. Richards – yes; Chairman Finch - yes; Mr. Michel - no; Mr. Van Valkenburgh – no; Mr. Fuess - no.

Mr. Van Valkenburgh moved to find this property to be in non-compliance, imposed a \$25 per day fine retroactive to June 5, 2023 and assessed the \$250 administrative fee; seconded by Mr. Michel. The motion PASSED 3-2, with the following vote: Mr. Van Valkenburgh – yes; Mr. Michel - yes; Chairman Finch – no; Ms. Richards – no; Mr. Fuess - yes.

B. Case # 2023-076; Property Address: 4734 South Atlantic Avenue
Owner(s): Aisha Moore
Violation(s): Property Maintenance Issues Involving Lot or Dwelling

Mr. Hooker noted this case was presented to the board on March 27, 2023; the property was found to be in non-compliance and the owner was granted 30 days (on or before April 26, 2023) to perform a de-general clean-up of the property, including pressure-washing and painting the home, and to obtain an engineer’s report for the exterior decking. This case was brought back on May 22,

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

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2022-684

CYNTHIA HOUSE and
RHONDA WITWER,

Respondents.

ORDER OF NON-COMPLIANCE AND IMPOSITION OF FINE

This cause was heard on the 24th day of July, 2023 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents 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. Respondents are the owners of property located at 4620 Riverwalk Village Court # 7302, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-37-00-7302 and is more particularly described as:

UNIT 7302 BLDG 700 HARBOUR HOUSE AT HARBOUR VILLAGE CONDO PER OR 4871 PGS 3300-3397 INC PER OR 4897 PGS 4553-4554 PER OR 5938 PG 4576
(the "Subject Property")
2. On November 1, 2022, the Rental Housing Inspector issued a Notice of Violation to Respondents citing a violation of Sections 2.40.1, 3.18.1, 3.18.2, 3.18.3, 3.18.4, 3.18.5, 3.18.6, 3.18.7 and 10.1.10. of the Town of Ponce Inlet Land Development Code for offering a rental without a valid permit.
3. On May 22, 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 June 5, 2023.
4. Respondents has not cured the violations as of the date of the hearing.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:


5. The Respondents remain in violation of sections 2.40.1, 3.18.1, 3.18.2, 3.18.3, 3.18.4, 3.18.5, 3.18.6, 3.18.7 and 10.1.10 of the Town of Ponce Inlet Land Development Code.
6. Respondents have failed to comply by the June 5, 2023, deadline.
7. A fine in the amount of twenty-five (\$25.00) per day, for each day the respondents remain in noncompliance with the Order to cure the violation is hereby imposed. The period of accrual of said fines begins as of June 5, 2023 and shall continue to accrue on a daily basis until the violation is cured.
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 25TH day of July 2023.



Peter Finch, Chairperson
Code Enforcement Board

ATTEST:



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 _____ day of July, 2023.



David Hooker, Code Compliance Manager



Town of Ponce Inlet

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

October 25, 2023

Cynthia House & Rhonda Witwer
131 Center Avenue
Clinton, New Jersey 08809

IMMEDIATE ATTENTION REQUIRED

**Reference: Outstanding Code Enforcement Lien
Case Number 2022-684**

This letter is to inform you of an outstanding Code Enforcement lien that remains unpaid and attached to your property address of **4620 Riverwalk Village court # 7302**. The violation that caused this lien was for **advertising, offering, or renting the property without a valid rental permit**.

As you are aware, there is a current lien accruing on this property in the amount of **\$25 per day since June 5, 2023**. To stop the lien from accruing, you must first obtain your required rental permit from the Town.

Once the violation has been cured, you may either.

- 1 – pay the outstanding lien
- 2 – apply to Town Council for a reduction / abatement of the outstanding lien amount

The outstanding amount of the lien as of the date of this letter is \$3,800

Please be directed to Florida Statutes 162.09(3) which states “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 judgement for the amount of the lien plus accrued interest.”

On October 19, 2023, Ponce Inlet Town Council authorized the Town to begin the process to foreclose all outstanding liens over 90 days old. *This letter serves as notification for our final attempts to collect before your formal proceedings begins.*

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



Town of Ponce Inlet

You must have your property in compliance and either pay the full amount owed or make arrangements with the Town to request a reduction / abatement of the outstanding lien no later than January 15, 2024.

If you should have any further questions, do not hesitate to contact me at 386-236-2187.

David Hooker, CEP
Code Compliance Manager

Certified Mail

9589-0710-5270-0449-0233-91

(4620 Riverwalk Village Court #7302, Ponce Inlet, Florida 32127)

9589-0710-5270-0449-0234-07

(131 Center Avenue, Clinton, New Jersey 08809)

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

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Latest Update

Your item was delivered to an individual at the address at 12:10 pm on November 1, 2023 in PORT ORANGE, FL 32127.

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USPS Tracking Plus®

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Delivered, Left with Individual

PORT ORANGE, FL 32127

November 1, 2023, 12:10 pm

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Latest Update

Your item was delivered to an individual at the address at 4:39 pm on November 2, 2023 in CLINTON, NJ 08809.

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USPS Tracking Plus®

Delivered

Delivered, Left with Individual

CLINTON, NJ 08809

November 2, 2023, 4:39 pm

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

[Text & Email Updates](#) 

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[Product Information](#) 

[See Less ^](#)

Track Another Package

Enter tracking or barcode numbers



Meeting Date: 2/15/2024

Agenda Item: 10-A

Report to Town Council

Topic: Lien foreclosures as recommended by the Code Enforcement Board:

- Case #2018-148: 42 Jana Drive, Owner: Frank Kohlweiss
- Case #2021-217: 48 Inlet Harbor Road, Owner: Southern Bell Telephone & Telegraph Company
- Case #2022-684: 4620 Riverwalk Village Court #7302, Owners: Cynthia House & Rhonda Witwer
- Case #2022-758: 4505 South Atlantic Avenue #703, Owners: Doris & Jerry Clark, etc.

Summary: See attached staff report and supporting document.

Suggested motion: As determined by Council.

Requested by: Mr. Hooker, Code Compliance Manager
Mr. Lear, Planning & Development Director

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
THROUGH: Darren Lear, Planning & Development Director
DATE: February 5, 2024
SUBJECT: Request to start formal foreclosure proceedings on non-homesteaded properties with outstanding liens.

MEETING DATE: February 15, 2024

DISCUSSION:

The purpose of this memorandum is to request Town Council approval to start formal foreclosure proceedings on non-homesteaded properties with outstanding liens. The liens represent the fines for uncorrected violations and continue to accrue until compliance is achieved. The fines become liens on the property once the CEB'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 F.S. Chapter 162, grants local code boards and special masters a wide range of authority. It allows the Town's CEB to adopt its own procedures, have administrative powers, and set fines, F.S. Chapter 162 also authorizes the local governing body's attorney to foreclose on a lien or to sue to recover the amount of lien, plus accrued interest. However, in accordance with Article 10, Section 4 of the State of Florida Constitution, only liens on non-homesteaded properties can be foreclosed; homesteaded properties are exempt.

Per Florida statutes 162.09(3) (**see attachment 1**) "... after 3 months form 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.

The CEB voted to authorize foreclosure proceedings to be brought before the Town Council for approval on January 22, 2024. The process for foreclosure is outlined below:

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.

Staff identified eight non-homesteaded properties that qualified for foreclosure within the Florida statutes. Following the October 19, 2023, Town Council meeting, Staff sent certified letters to each of the eight properties notifying them of their options and providing a payment deadline to avoid foreclosure proceedings. All eight properties are now in compliance with the adopted regulations. Four properties have paid the outstanding liens to avoid legal action. One owner has requested a reduction/abatement hearing after bringing the property into compliance.

On January 22, 2024, the CEB gave approval to start foreclosure proceedings on the following four properties listed below, with the understanding that proceedings could be delayed for one property pending a request for a lien reduction/abatement hearing.

Address	Lien Started / Lien stopped	Daily fine	Total lien amount	Comments
42 Jana Drive	April 22, 2019 June 14, 2021 (784 days)	\$20 per day	\$15,910	In Compliance. Town Council denied abatement request on August 17, 2023
48 Inlet Harbor Road	November 9, 2021 December 17, 2021 (80 days)	\$50 per day	\$4,250	In Compliance. Owned by a Public Utility
4620 Riverwalk Village Avenue #7302	June 5, 2023 January 12, 2024 (221 days)	\$25 per day	\$5,775	In Compliance. Requesting reduction/abatement
4505 South Atlantic Avenue # 703	March 13, 2023 January 25, 2024 (318 days)	\$250 per day	\$53,500	In Compliance.
		Total	\$79,435	

All the liens referenced above have remained unpaid for over 90 days. Additionally, per F.S Chapter 162.10, the local governing body is entitled to collect all costs incurred in recording and satisfying a valid lien.

RECOMMEDATION:

Staff recommends the Town Council authorize the Town Attorney to start foreclosures on all non-homesteaded properties in accordance with Florida Statutes 162.09(3).

ATTACHMENT 1

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: 2/15/2024

Agenda Item: 13-A

Report to Town Council

Topic: Discussion - Proposals for a memorial tribute to Jeff Miller.

Summary: Council and staff will share ideas on ways that Mr. Miller's memory may be honored.

Suggested motion: 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: February 7, 2024
Subject: Discussion – Proposals for a memorial tribute to Jeff Miller

MEETING DATE: February 15, 2024

The Town was greatly saddened last month by the sudden death of our longest-serving employee, Jeff Miller. Mr. Miller first started with the Town in 1992 in the Public Works Department, and for a time served as its Director. He was a highly valued member of our team and was known for how much he cared about the town and people of Ponce Inlet. At the January 18, 2024 Town Council meeting, Council members and the public discussed different ways to honor him, and directed Staff to bring back options for further discussion at the next meeting.

Ideas from the Council and public at the January meeting included:

- A memorial in front of the large oak tree in front of the Public Works facility
- Naming or dedicating the Public Works facility after him
- Planting a tree, with a bench and plaque at one of the Town parks.

Jeff's family, in his [obituary](#), requested, "...that in lieu of flowers, consider planting a tree in his honor or making a donation to a charity of your choice. This gesture will ensure his love for nature and helping others continues to thrive in our hearts and in the world."

The Ponce Inlet Lions Club has also expressed interest in planting a tree in Jeff's memory or contributing to the cost of the Town's memorial.

Following the meeting, I requested input from all Town Departments, whose ideas are just as varied. Half suggested naming or dedicating the Public Works facility in his honor, while the others suggested planting a tree with a bench and plaque in one of the Town parks or other public space where the community can visit and enjoy it. Two staff members have offered additional thoughts and perspectives (see attached), including dedicating one of the trails or creating a new trail in Ponce Preserve or other park.

As a point of reference, there is a difference between “dedicating” and “naming.” Dedicating the facility would include a plaque to commemorate Jeff Miller’s memory and importance to the organization, but would **not** include naming the building after him. This is what was done for the Fire Station in honor of former volunteer firefighter Carolyn Sprague.

Naming the building would be just that – actually naming the building the “Jeffrey Miller Public Works Facility” or something similar. The building would get a new sign with that name, and would be referred to that way in all official usage thereafter, just like with Timothy Pollard Park or Kay and Ayers Davies Park.

Staff has begun to explore costs for several of these options. Once the Council has reached a decision of which option to pursue, Staff will develop a proposal for further refinement and direction.

Additional Thoughts from Town Staff Members

From Heather Lill, Utility Billing/Accounting Specialist

I believe a dedication to an existing nature trail in Ponce Preserve or creation of a new trail (or in any one of Jeff's favorite Parks to work in), would be nice. Something like "Miller's Path/trail /passage," with a little podium/stand (like you see at the beginning of nature trails describing the foliage in that section) - it could mention years of service, etc. Also maybe at the beginning of the path a directional symbol in the form of a guitar. I think a small trail captures the essence of Jeff as it aligns more with his love of outdoors. This is a low-key yet subtle impact - much like Jeff. He was a very spiritual man, a non-conformist, and stayed true to himself.

Ponce Preserve is one of the gems of Ponce Inlet, and so was Jeff.

From Lieutenant Corey Mead

I've known Jeff Miller since I started working in Ponce Inlet (my original start date was Sept. 1993!). While I appreciate the sentiment, I don't think the building naming is appropriate for him. I don't think he would like that. I know he wasn't a huge fan of that building, and he was very much looking forward to his pending retirement. I think the tree-planting is a great idea.

Also, when I first started walking the Ormond bridge as part of my exercise routine, I discovered these memorial benches: <https://the59club.blog/2022/05/16/benches-on-the-halifax-river/>. I wouldn't know what quote to say about him [on the bench]- maybe that could be the family's idea(?)

I would love to see a tree planted behind one of these memorial benches in one of our parks – as the tree grew and produced shade we could imagine it would be a place for him to chill out, maybe play one of his bass guitars, and relax after so many years of hard work for the Town of Ponce Inlet. A few years ago, I bought a bass guitar from Jeff (he had over a hundred) – it was his passion. It's been sitting in a corner/collecting dust, I'm thinking he might motivate me to pick it up and learn again.

Jeff was a good guy, and he will be missed.



Meeting Date: 2/15/2024

Agenda Item: 13-B

Report to Town Council

Topic: Request to change the May 2024 Town Council regular meeting date.

Summary: A change of date will be proposed for May's Town Council meeting.

Suggested motion: As determined by Council.

Requested by: Councilmember Milano

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: February 7, 2024
Subject: Request to change the May 2024 regular Town Council meeting date

Meeting Date: February 15, 2024

Council member Milano will be out the week of the regular Town Council meeting in May and has requested the meeting to be rescheduled. The attached calendar shows dates and times of known board meetings and other potential conflicts. Note that the proposed budget workshop on May 24th is tentative and has not been officially scheduled. Note also that I will be attending two budgeted training conferences that month and will not be available at those times.

Remaining days available for May include:

- Tuesday, May 7th
- Monday, May 20th through Friday, May 24th

Per Resolution 2024-02, the meeting time will be at 2:00 p.m., unless the Council selects a different time.

As always, if you are aware of any other conflicts, you may request a change now or in the coming year, so long as it is made no later than the regularly scheduled meeting immediately preceding the rescheduled meeting. The greater the notice, the better for scheduling future agenda items. Thank you.

May 2024

Item 13-B

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 Cultural Services Board Meeting 5:30 PM	7	8th - 10th APA National Virtual Conference			11
12	13	14	15	16 Town Council Meeting 2:00 PM	17	18
19	20	21	22	23	24 First Budget Workshop	25
26	27 Town Offices Closed - Memorial Day	28 Planning Board 10:00 AM or 5:30 PM	29th - 31st City Managers Conference			31
				Volusia League of Cities Dinner 6:00 PM		



Meeting Date: 2/15/2024

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: February 8, 2024
Subject: Town Manager's Report

MEETING DATE: February 15, 2024

1. The Town continues to work diligently with staff from the Volusia County Coastal Division to secure temporary easements from select beachfront property owners to support the upcoming dredging and beach restoration project. At this time, only 7 properties out of the 50 properties have not yet provided easements to the County. The County's deadline with the U.S. Army Corps of Engineers to secure all necessary easements is February 29, 2024.
2. County Council updates, [February 6, 2024](#) meeting:
 - [Item Q](#) – The County has hired Taylor Engineering to conduct a thorough County-wide beach feasibility and risk assessment as part of its long-term effort to restore the beach. The assessment is a requirement from FDEP before the County can make use of its multimillion dollar grant following Hurricane Ian. The study will evaluate different options such as, “no action, flood proofing/structural elevation, relocation, beach nourishment, groins, breakwaters, seawalls, revetments, submerged artificial reefs, and nearshore placement.” Public outreach will be a major component, including multiple public meetings and a virtual survey. The end product will be a beach management plan *for each of the coastal communities* that can be then used to source additional funding mechanisms and partnerships. Note that this is for long-term projects occurring after the US Army Corp of Engineers upcoming dredging project later this year.
 - [Item 4](#) – The County denied on 2nd reading a nine-month moratorium on development applications in Heavy Industrial (I-2) zoned properties. This action was related to the proposed Belvedere Fuel Farm near Ormond Beach, in an effort to provide County staff time to evaluate and amend permitted and special exception uses to minimize impacts on surrounding properties. The company had filed a lawsuit in response.

3. Building permit update: The number of permits and applications is down slightly from the typical average of 100 permits per month, and much lower than this time last year, when hurricane repair permit applications started coming in.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg
Permit applications	94												94	94
Permits issued	85												85	85
Plan reviews	85												85	85
Inspections	243												243	243

4. The Town’s annual audit for Fiscal Year 22-23 is in progress. The Finance Department has submitted all required documents to the auditors, who are now preparing their draft report. Once complete, the auditors will present their report to the Town Council, which usually occurs in April or May.
5. Over the next few months, Staff will be working on an update to the Town’s 30-year franchise agreement with FPL. The agreement establishes the franchise fee charged by the Town to FPL. The current agreement was adopted in 1994 and expires this year. Staff is taking this opportunity to discuss with FPL how to improve its services to the Town and address other important issues. The draft agreement will come to the Council in the form of an ordinance, which will need to be adopted at two separate public hearings.
6. Staff is beginning its budget process for Fiscal Year 24-25. So far, initial budget proposals have been submitted by the Cultural Services Board for further research. The Essential Services Advisory Board was presented with an initial list of items from Police, Fire, and Public Works in January, and will be reviewing them again at its March meeting. Staff is considering holding its first budget workshop with the Town Council in May, or June at the latest.
7. Volusia County’s Transform 386 disaster relief project is still underway. The majority of this money will be used for housing, either to repair or rebuild homes that were damaged by Hurricane Ian. Interested homeowners should contact the County by phone at 386-943-7029 or by e-mail at transform386@volusia.org. The remaining funds will be used for infrastructure. There will be public workshops at the end of February about the infrastructure application process. For more information, visit www.transform386.org.