



CULTURAL SERVICES, HISTORIC PRESERVATION, & TREE ADVISORY BOARD AGENDA

MONDAY

June 3, 2024 - 5:30 PM

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 Council or other Town 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 & PLEDGE OF ALLEGIANCE.**
- 2. ROLL CALL & DETERMINATION OF QUORUM.**
- 3. ADOPTION OF AGENDA.**
- 4. APPROVAL OF THE MINUTES:**
 - A. May 6, 2024
- 5. REPORT OF STAFF:**
 - A. Cultural Services update – *Jackie Alex, Cultural Services Manager*
 - B. Public Works update – *Fred Griffith, Public Works Director*
- 6. OLD BUSINESS:**
 - A. Additional Research on the Athletic Court Reservation System
- 7. NEW BUSINESS:**
 - A. Tree Removal Request – #DEVR 314-2024
Property Address: 112 Inlet Harbor Road
- 8. PUBLIC PARTICIPATION.**
- 9. BOARD/STAFF DISCUSSION.**
- 10. ADJOURNMENT.**

Next Meeting: Monday, July 1, 2024

If a person decides to appeal any decision made by the Cultural Services Board with respect to any matter considered at a meeting, they will need a record of the proceedings and to ensure that a verbatim record of the proceedings is made at their own expense. Persons who require accommodation to attend this hearing should contact the Ponce Inlet Town Hall at 236-2150 at least one week prior to the meeting date to request such assistance.



Meeting Date: June 3, 2024

Agenda Item: 4

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Approval of Meeting Minutes

Summary:

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

Suggested Motion/Action:

To APPROVE the May 6, 2024 meeting minutes:

As Presented - or - As Amended

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Reviewed & Authorized by:

Mrs. Alex, Cultural Services Manager

Approved by:

Mr. Disher, Town Manager



Town of Ponce Inlet
**CULTURAL SERVICES, HISTORIC PRESERVATION,
AND TREE ADVISORY BOARD**
REGULAR MEETING MINUTES

May 6, 2024

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7 **1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Pursuant to proper notice, Chair Bell
8 called the meeting to Order at 5:30 PM in the Council Chambers, located at 4300 S. Atlantic Avenue,
9 Ponce Inlet, Florida and led the attendees in the Pledge of Allegiance.

10
11 **2. ROLL CALL & DETERMINATION OF QUORUM:** A quorum was established with five
12 members and two alternates present.

13
14 Board members present:

15 Ms. LaBarre, Seat 1
16 Ms. Keese, Seat 2
17 Mr. Shaffer, Seat 3
18 Ms. Finch, Seat 4; Vice-Chair
19 Ms. Bell, Seat 5, Chair
20 Ms. Kessler, Alternate Seat 1
21 Mr. Patton, Alternate Seat 2 - Absent
22

23 Staff members present:

24 Ms. Alex, Cultural Services Manager
25 Mr. Disher, Town Manager
26 Ms. Hugler, Fire Department Office Manager
27 Ms. New, Town Attorney
28 Ms. Rippey, Principal Planner
29 Chief Scales, Public Safety Director
30 Ms. Stewart, Assistant Deputy Clerk
31

32 **3. ADOPTION OF AGENDA:** Chair Bell requested switching the order of items 7-A and 7-B
33 swap, therefore hearing the tree removal request prior to the pickleball court discussion.

34
35 Ms. LaBarre moved to approve the agenda as amended; seconded by Mr. Shaffer. The motion PASSED
36 by consensus, 5-0.

37
38 **4. APPROVAL OF MINUTES:**

39
40 **A. April 1, 2024** – Chair Bell asked if there were any changes; there were none.

41
42 Chair Bell moved to approve the April 1, 2024 meeting minutes as presented; seconded by Vice-Chair
43 Finch. The motion PASSED by consensus, 5-0.

44
45 **5. REPORT OF STAFF:**

46 **A. Cultural Services Update** – Mrs. Alex announced that May 7, 2024 is a volunteer
47 workday in Ponce Preserve to remove invasive plants; approximately 22 volunteers will be
48 participating. An update will be posted on the Town’s Facebook page following the event.
49

50 **B. Public Works Update** – Chief Scales reported that Public Works is continuing research
51 on the kayak launch discussed last month. The department is in the process of creating their budget for
52 next year and reviewing a multitude of maintenance projects that involve the parks and cultural services
53 offerings the Town has. If Board members have suggestions or questions for Public Works, please
54 contact them.
55

56 **6. OLD BUSINESS:** *None.*
57

58 **7. NEW BUSINESS:**
59

60 **B. A. Tree Removal Request – 4716 South Peninsula Drive:** - Ms. Rippey provided a [presentation](#)
61 and noted that the applicant/property owner is in attendance if there are any questions after the
62 presentation. The tree in question is one Live Oak measuring 18” diameter at breast height (DBH); if
63 approved, the applicant will be allowed to remove the specimen tree from his lot and will be required
64 to replace it with one shade tree on the property. She reviewed the authority and process of a tree
65 removal permit application, noting that for trees of this size, the Cultural Services Board has the
66 authority to approve, approve with conditions, or deny the request. Ms. Rippey provided an overview
67 of the property and the adjacent properties, including an aerial photograph of the property and images
68 of the tree that show it is leaning towards the home. The applicant is concerned about the tree damaging
69 the home during storm events and indicated in his narrative that due to the tree’s proximity to the house,
70 the tree requires frequent trimming. She reviewed the vegetation protection and removal standards and
71 stated that based on the findings of this report, staff finds the application meets the criteria to support
72 the requested removal of the 18” DBH Live Oak tree and recommends approval subject to the following
73 condition: the applicant shall mitigate the tree removal with one specimen-species native shade tree
74 that is a minimum of 6-feet in height and 2.5” caliper at the time of planting. She noted that after the
75 application was submitted and this staff report was distributed to the Board, the arborist report was
76 received and provided to the Board; she reviewed the report which also recommends removal.
77

78 *Vice Chair Finch moved to recommend approval of the tree removal request for 4716 South Peninsula*
79 *Drive subject to the stated condition; seconded by Ms. LaBarre. The motion PASSED 5-0, with the*
80 *following vote: Vice-Chair Finch - yes; Ms. LaBarre – yes; Ms. Keese – yes; Mr. Shaffer – yes; Chair Bell*
81 *- yes.*
82

83 **A. B. Athletic Court Reservation System** – Ms. Alex explained that issues were recently brought to
84 the attention of staff regarding the Town’s court reservation system; these issues include potential
85 improvements, as well as compliance with the Americans with Disabilities Act (ADA). She provided
86 background on the Town’s current online court reservation system and noted that the Volusia ECHO
87 grant requires access to the public without discrimination. In March, after intermittent and temporary
88 closures for renovations of the courts in Daytona Beach Shores, Ponce Inlet residents requested a
89 meeting with staff to discuss concerns about losing their reservations to which they had become
90 accustomed; at the meeting, 13 requests were provided to staff to change various aspects of the Town’s
91 online reservation system. A separate request was made by one resident for advanced reservations as a
92 special accommodation under the ADA. While the Town Attorney determined the request for advanced
93 reservations did not meet the legal requirements of a reasonable modification request, the request did
94 make the Town aware of potential liabilities of its current online reservation system. Under the ADA
95 law, the Town is legally required to provide a reasonable modification to an ADA request.

96

97 Ms. Alex explained that Town staff conducted research and consulted with the Town Attorney
98 and other municipalities regarding online reservation system and found two options that provide a
99 reasonable modification for individuals with a disability to make a court reservation. The first option
100 is a staffed telephone line; however, the Department of Justice (DOJ) does not believe this provides a
101 realistic, equal opportunity to all disabilities and states the Town is not under a legal obligation to
102 provide this option. The second option is to remove the online court reservation system for all Town
103 athletic courts and establish the courts as open play on a first-come, first-served basis. This option
104 provides a solution to the resident's requests regarding the online system and the most feasible option
105 to legally provide an ADA reasonable modification.

106

107 Ms. Alex noted that recent updates to the ADA will affect the Town's overall approach to digital
108 inclusivity in future years. A federal rule published April 26th cites that state and local governments
109 must follow specific technical standards for web content and mobile apps, including content provided
110 by a third party such as a reservation system. The DOJ has set a compliance deadline of three years for
111 the Town and other smaller communities to comply with the updated standards. There are two separate
112 aspects of the ADA requirements that the Town must comply with: 1) the new technical standards that
113 third-party vendors must provide on web and mobile app content; and 2) the *current* requirement to
114 provide reasonable modifications to all ADA requests when made. Staff is requesting a
115 recommendation from the Board on whether to keep, modify, or remove the online court reservation
116 system; and a recommendation from the Board on whether to research potential locations and cost
117 estimates for additional pickleball courts within the Town. She introduced the Town Attorney, Holli
118 New, for any questions.

119

120 Chair Bell stated many written comments have been received regarding this issue, with most in
121 favor of keeping the current system. She opened Board discussion. Ms. Keese asked what the ADA
122 problem is with the reservation system. Attorney New explained a request was received for an
123 accommodation; if someone who has a disability cannot use the reservation system because of their
124 disability, they have the right to call the Town and request an accommodation to have an equal
125 opportunity. She explained the ADA law in more detail and provided examples. Vice Chair Finch asked
126 if the reservation system is not ideal, and if the Town chose option 2 would we be following the ADA.
127 Attorney New explained the ADA encourages the most inclusive approach to any sort of public service
128 or program. The ADA is on an individualized basis and gives governments the flexibility to analyze
129 for an inclusive approach. Members discussed the current system and the ADA. Option 1, staffed phone
130 line, was discussed and how it may not meet serve the needs of all disabilities. Option 2, an open play
131 system, was discussed at length; the benefits and drawbacks to open play were also discussed at length.
132 It was suggested holding a court open just for disabilities and if that would fulfill the ADA. Attorney
133 New reiterated that the Town's obligation is to offer everyone the same opportunity to benefit from the
134 system. Chair Bell opened public comment.

135

136 Mary Comfort, 85 Ocean Way Drive, stated her understanding of the web accessibility
137 guidelines is that if the reservation system complies with the guidelines, you have met the standard for
138 inclusivity. She would like to better understand why this is not the same thing as the example of the
139 parking space payment system. Attorney New explained the web content accessibility standards are
140 separate from the reasonable accommodation or modification requirement. The technical standards
141 were newly implemented this year in April, and state and local governments must abide by those within
142 a timeframe determined by population. Even if the Town found a reservation system that adheres to the
143 technical requirements, there is still an ongoing requirement under the ADA to provide reasonable
144 accommodation if someone with a disability still cannot access the reservation system. Ms. Comfort
145 suggested the Town require proof of disability from a doctor on a letterhead for a reasonable

146 accommodation request. Mr. Shaffer asked if the reservation system could be kept and have something
147 in place for handicapped people to have an option to reserve the court ahead of time. Attorney New
148 explained the Town would have to ensure that whatever modification or accommodation being offered
149 is equally effective for everyone. Steve Hollinger, 4670 Lynx Village Drive, B-204, asked if a disabled
150 person has ever complained about the reservation system; he believes the reservation system is a benefit
151 to a disabled person because they can get a court, know when they can get a court, and show up and
152 play. He loves the reservation system here; when he goes to the Shores to play, depending on how many
153 people are there, you may have to wait 30 minutes between games. Four people play pickleball; if he
154 cannot access a computer, he will ask a friend so one of the other four can make the reservation. He
155 asked if we are chasing a problem that does not exist; there was an issue a few weeks ago when the
156 Shores closed their courts for remodeling, so their players came here to play. Ponce Inlet is the only
157 place he knows that has a reservation system; he listed the open play cities. Ms. Kessler commented
158 that pickleball is a sport and it seems to her that you cannot be visually impaired or immobile to play;
159 she does not understand why anyone would not be able to access the reservation system. Attorney New
160 explained it is not within the Town's scope to determine whether a particular service is available or
161 determining disabilities because some are seen and unseen. It may not look like a typical game of
162 pickleball but be their way of benefiting from this amenity. Jan Shaw, 4358 Candlewood Lane, stated
163 they have played on the new courts and reservation system for the last five years without an issue; the
164 problem started with the frustration over the Shores players taking up court time. She attended the
165 meeting that was requested with staff to discuss this frustration; up until then, no one had complained
166 about the system or that they were disabled and having trouble getting a court. The special
167 accommodation request also came from the frustration caused by the Shores players. They were not
168 fast enough to reserve the courts before the Shores players. The ADA was mentioned at that meeting;
169 she asked if anyone has approached the Town that reserving a court is still a problem, because it is not.
170 She has assisted those people that were having an issue with the system and booked courts for them;
171 there has not been an issue for the last several weeks. She referenced an email she sent to the Board,
172 showing the reservation system for the week and all the available capacity. She agrees with the
173 gentleman that this is much ado about nothing.

174
175 Lisa Genovese, 4628 Riverwalk Village Lane, stated she has a group that plays and has reserved
176 two courts for the last two years; starting in January, she could only book one court because people
177 were booking the court but not showing up to play. She asked the town several months ago if they could
178 send an email that if people are not going to play, to please cancel the court but nothing was done. Her
179 husband is the one is disabled; when it was busy, he could not book a court. The ADA problem could
180 go away because a person could appoint someone to reserve a court for them. She noted that it is not
181 just disabled people that have problems with the reservation system; older people do as well. She added
182 that the older players do not want to play with much younger players. We need the reservation system,
183 and it works for everyone. She asked at the last meeting if there was a way to make a standing
184 reservation; maybe form a league and block out times for the league so no one must make a reservation
185 unless you are a newbie or a visitor. She apologized for bringing up the ADA, but it is unfair that her
186 husband cannot book a reservation; however, it is not stopping him from getting a court as he can
187 appoint someone to book it for him. Chair Bell asked for clarification that Ms. Genovese's husband is
188 the one who called with the ADA issues. Ms. Genovese explained her husband has Parkinson's disease
189 and pickleball is the only thing he can still do. She noted that the younger people do not want to play
190 with the older people and the older people do not want to play with them; someone could get hurt. The
191 reservation system is beautiful but needs to be tweaked; she volunteered to help with it. She clarified
192 that three weeks in a row on a Tuesday at 10:00, the same person booked a court, but did not show up
193 to play. Her friend made a list and in 13 days there were 43 no-shows; this is an issue that needs to be
194 addressed; there are reservation systems that keep track of no-shows.

195

196 Vice Chair Finch commented that there have been complaints that people take advantage of the
197 reservation system by using multiple email addresses which ties up the court; there are also complaints
198 about people signing up for other people. She understands that is an accommodation for the disabled,
199 but she is not sure it fair to the public. She appreciates that Ms. Genovese brought up the ADA as it
200 needs to be reviewed. Mary Lou Fillingame, 33 Ocean Way Drive, stated she has been playing
201 pickleball in Ponce Inlet for 10 years; she was one of the ones that went to the town and begged for
202 pickleball courts. She does not want to do away with the reservation system; however, if we do remove
203 it, where will people park? There are only six parking spots on South Peninsula Drive and a few down
204 the side. Staff parks there during the week; there is also the tennis court, the basketball court, and the
205 racquetball court. Parking is something the Board needs to think about before a decision is made.

206
207 Chair Bell moved to research if it would be reasonably accommodating to keep the current reservation
208 system and keep one court open for that reasonable modification if needed; and to research what
209 websites would meet the new technical standards. The motion failed for lack of a second.

210
211 Mr. Shaffer commented that we may need to research a new reservation system that
212 automatically keeps count and penalizes the no-shows. Ms. Alex explained that staff researched several
213 different reservation systems; what Chair Bell is proposing does not provide the equal opportunity
214 required. The court reservation system that she has been researching on a trial basis is almost the same
215 as other online reservation systems. A staff member would have to be present to check them in or note
216 a no-show, etc. Discussion ensued regarding no-shows, the reservation system, and having an open
217 court. Ms. Genovese suggested painting the tennis court as the fifth pickleball court to use as open play.
218 Attorney New quoted the ADA requirement: “individuals with disabilities get to use the public service
219 in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use.”
220 These are not arbitrary standards; these are federal regulations that we are required to adhere to and
221 there are consequences if we do not. The ADA is to be as inclusive as possible despite inconveniences.
222 Chair Bell commented that per the agenda the Board is being asked to keep, modify, or remove the
223 current reservation system; she asked if the only choice is to remove it. Attorney New explained she
224 and Ms. Alex have discussed potential options and the practical application; it cannot be equal in theory
225 - it must be equal as applied. Chair Bell asked what the best recommendation for modification to
226 Council would be. Attorney New expressed having a separate open play court for people with
227 disabilities is not an equal opportunity for benefit. She explained that non-disabled people would have
228 75% more chances to utilize the court. Angie Cooper, 4626 Harbour Village Boulevard, asked if the
229 town had three years to comply with an ADA plan. Ms. Alex explained there are two separate
230 requirements for the ADA process; one is the technical standard that the Town must comply within the
231 next three years for web content; and the other is now, or at any time in the future, the Town must
232 legally comply with any reasonable modification request for a disabled person. Ms. Cooper asked if
233 there was an actual request; Ms. Alex responded yes. Ms. Cooper noted that the word “reasonable” is
234 ambiguous; she asked why we cannot leave the reservation system as it is and bring in an ADA
235 specialist to provide guidance. Attorney New explained there is not a specific timeframe to respond to
236 provide flexibility depending on individual government resources; It is an interactive process to figure
237 out a reasonable accommodation.

238
239 Ms. Keese stated she would like to wait for a decision until more research is conducted. Ms.
240 Alex explained multiple options have been explored but she is open to suggestions that would provide
241 equal opportunity. Chair Bell agreed, since the person that first requested the accommodation now
242 wants to keep the reservation system. Mr. Shaffer suggested the Board study the ADA to better
243 understand it so they could come up with a better solution and keep the system as is. Nancy Breedlove,
244 4670 Links Village Drive, stated the reservation system works well; she could say she has a disability
245 and get a letter from her doctor stating that; she tries at 10:00 to reserve a court and by 10:01 they are

246 all full. The biggest issue with the reservation system is what has been said - people do not show up.
247 There is a sign stating you forfeit the court if you do not show up within 10 minutes. She suggested a
248 system where players could notify the town when a court that was reserved is unoccupied; then that
249 person could get penalized. She suggested that those with disabilities be able to call a week in advance
250 to reserve a court and to set the tennis courts up as pickleball courts certain times of the week.
251 Discussion continued.

252 Chair Bell moved to recommend staff and the Town Attorney research if it would be reasonably
253 accommodating to have an online athletic court reservation system open only during Town business
254 hours for those with disabilities to call and reserve a court. The motion FAILED for lack of a second.
255

256 Jennifer Feuer, 4653 Riverwalk Village Court, stated that having the availability to reserve a
257 court 24/7 is more accommodating than 8:00 am to 4:00 pm; 24/7 is completely inclusive. We need to
258 look at “holdmycourt.com” as it has been in place 10 years and see if there is an updated version that
259 is ADA compliant and that will send automatic email reservation reminders; doctors, hair salons, etc.,
260 use similar systems and do not have these issues; and it would solve the “no-show” issue because the
261 reminder could provide a cancellation option. Attorney New noted that it brought forth something we
262 were unaware of, and we want to ensure we are being as inclusive as possible. Mary Comfort, 85 Ocean
263 Way Drive, requested staff research other municipalities that have a reservation system. Attorney New
264 explained there are very particular standards of what reasonable is; if directed by the Town, she could
265 take each proposed solution and do an in-depth analysis, review case law, ADA analysis, etc., so the
266 Board can fully understand what the ADA requires. Ms. Genovese asked if she could drop the request
267 she made for her husband for reasonable accommodation; he has the right to ask others to book a court
268 for him, which is what we have been doing and it is no longer a problem. Vice Chair Finch added that
269 another concern is double-booking by people using multiple email accounts. Discussion continued. Bill
270 Collard, 4628 Harbour Village Boulevard, stated he watched four people tonight provide a solution,
271 yet no one listened; the two tennis courts are rarely used, one could be painted as a pickleball court and
272 be for ADA only, and leave the other four pickleball courts as they are.
273

274 Mr. Disher explained that this is a matter of risk for the Town and what the Town must do to
275 comply with the ADA. The Town Attorney has done a great job with this. Her job is to keep the Town
276 from getting sued. He explained a similar situation that happened a few years ago when the Town
277 removed bus stops; that was based on the ADA. Someone was suing communities in the county for not
278 having ADA-compliant bus stops. Ponce Inlet did not get sued because we removed our bus stops;
279 eventually we were able to install ADA-compliant bus stops. The same thing happened with the
280 website; people were suing jurisdictions for not having ADA-compliant websites. The Town removed
281 all documents until we figured out how to make them compliant. Again, we were the only jurisdiction
282 that did not get sued. It comes down to a matter of risk. We will research this and provide different
283 options; this Board and the Council can then weigh those options.
284

285 Chair Bell moved to request staff and Town Attorney further research to seek compliance for online
286 athletic court reservation system only open during normal operating business hours to be equally
287 accessible to meet ADA requirements.
288

289 Ms. Kessler asked if the motion could be amended to add “automated system for 24-hours that
290 are compliant”.

291
292 Chair Bell amended the motion to request staff and Town Attorney further research to seek compliance
293 for either a new online athletic court reservation system that would meet the ADA requirements or
294 allowing a system open only during normal operating business hours to be equally accessible to meet
295 ADA requirements. The motion failed for lack of a second.

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Vice Chair Finch stated she is not seconding this motion because she is concerned about the time and money already put into researching this issue. Attorney New explained again that the website or system may be technically accessible under the ADA requirements, but the Town still must give an accommodation to someone who, despite adherence to the ADA technical standards, still cannot access the reservation system. Ms. LaBarre asked if there was an opportunity for further research or if the research was concluded. Ms. Alex reiterated that she and the Town Attorney have researched several options; all the submitted comments were researched: the tennis court, an additional open-play court, no reservation system, and a completely different reservation system. They have not found one that is a reasonable modification to provide equal opportunity for all or most disabilities. Attorney New added that there has not been a suggestion that she would recommend that is a reasonable risk; she added that this is an extremely litigious area of law and especially against local governments.

Dave Fraboni, 4733 Riverglen Boulevard, stated he Googled ADA, Florida, pickleball court systems, and found four; one the city of Winter Park uses. We should do the research to make sure it checks the boxes and that it guarantees the opportunity to make a reservation; but it is not guaranteed you have the same court every time. Attorney New explained the system Winter Park has may be technically accessible under the ADA and meet the technical requirements. They also may have the resources to accommodate a reasonable request for someone who still may not be able to access the reservation system. The Town still must provide a modification to someone with a disability that may still not be able to access a reservation system that meets the ADA technical standards. Chair Bell suggested a call center as an option. Jennifer Feuer, 4653 Riverwalk Village Court, suggested that before we remove the reservation system, could they make a motion to have two open play courts and two reservation-only courts for a set time to evaluate how it affects the community at large including those with disabilities and see what the reaction is. Vice Chair Finch stated that all concerns that have been raised would be solved with open courts; her concern is the town being sued. She noted that Harbour Village could make their private courts into pickleball courts.

Vice Chair Finch moved to remove the online athletic court reservation system; seconded by Ms. LaBarre. The motion FAILED 2-3 with the following vote: Vice Chair Finch -yes; Ms. LaBarre – yes; Ms. Keese – no; Mr. Shaffer – no; Chair Bell – no.

Attorney New referred to the suggestion of two open courts and two reserved courts; stated she can put it formally in writing with the requisite references, but it is not something that she would recommend, and she explained that it still would not be equitable access.

Ms. Keese moved to keep the athletic court reservation system as is and for staff and the Town Attorney to research other municipalities that have online court reservation systems and report back to the Board; seconded by Mr. Shaffer. The motion PASSED 4-1 with the following vote: Ms. Keese – yes; Mr. Shaffer – yes; Ms. LaBarre – yes; Vice Chair Finch – no; Chair Bell - yes.

Jim Meadows, 752 Tarrytown Trail, Port Orange, stated he is blessed to be invited to play in Ponce Inlet; he does not want to play at an open play court; he listed his injuries and ailments that hinder him when trying to play at open play courts. He explained how difficult it is to play on an open play court with disabilities.

Chair Bell moved have staff research the cost of painting the tennis courts as dual sports courts; seconded by Ms. Keese. The motion PASSED with the following vote: Chair Bell – yes; Ms. Keese – yes; Ms. LaBarre – no; Ms. Finch – yes; Mr. Shaffer - yes.

346 Attorney New encouraged anyone that feels that the state and federal requirements that affect
347 us directly are too onerous to go to the federal register when the Department of Justice releases a
348 proposed notice of rulemaking, to tighten regulations on local governments; they do accept public
349 feedback and take it into consideration.

350
351 **B. Timucuan Oaks Garden Potential Improvements** - Ms. Alex stated two hurricanes made
352 landfall in September and November 2022 creating an impact throughout our town; Timucuan Oaks
353 Garden was one of these areas, experiencing destruction of the park's pergola. Previous discussions
354 among this Board suggest a preference to not rebuild this pergola; other suggestions include additional
355 benches, a paved walkway to the boardwalk, butterfly plants, and more shade trees. Staff submitted the
356 pergola for FEMA reimbursement and is anticipating reimbursement in the amount of \$14,640. Staff
357 is requesting a recommendation from the Board on whether to rebuild a pergola within the park or to
358 budget for other improvements within the park for the next fiscal year (FY 2024/25). Ms. Keese asked
359 if we must rebuild the pergola since FEMA is reimbursing the money. Ms. Alex explained we can use
360 the funds for different things. Chair Bell commented that rebuilding the pergola has been discussed
361 previously; it could go airborne in a hurricane, and it really serves no shade purpose. She would like to
362 see the jasmine moved to the gazebo, provide additional benches, and provide ADA accessibility to the
363 boardwalk. She researched that and instead of hardening the walkway with concrete, provide an
364 alternative such as a beach mat (she provided a photo).

365
366 Consensus to not rebuild the pergola, provide additional benches, research ADA accessibility to the
367 boardwalk, and provide a structure for the jasmine to climb; 5-0, consensus.

368
369 **8. PUBLIC PARTICIPATION:** There was no public participation.

370
371 **9. BOARD/STAFF DISCUSSION:** None.

372
373 **10. ADJOURNMENT:** The meeting was adjourned at 7:43 p.m.

374
375 Prepared and submitted by:

376
377 -----
378 Debbie Stewart, Assistant Deputy Clerk

379
380 Attachment(s): Resident comments
381 Arborist report
382 Photo of beach mat

Stephanie Gjessing

From: Audrey Knox <audreyknox344@gmail.com>
Sent: Wednesday, May 1, 2024 9:41 AM
To: Debbie Stewart
Subject: Court reservation system

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

Please do not replace the pickleball court reservation system . It works well .

Audrey

I never knew what a broken heart was until my child died.

Stephanie Gjessing

From: Ann Louise Tuke <annlouise.tuke@gmail.com>
Sent: Wednesday, May 1, 2024 11:10 AM
To: Debbie Stewart
Subject: Court reservation system

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

Dear Ms Stewart,

I am writing in regards to the court reservation system in Ponce Inlet. I would very strongly request that this reservation system be maintained for the vast majority of residents that use it. Our only real issues have been when there were closures of other courts in the surrounding area, so see no reason to make these changes based on those occasional circumstances. The majority of residents using the courts play together in organized groups, and this would only complicate a system that works very well in our small community.

Please pass on this email to the members of the cultural services board and thanks so much for the opportunity to voice my opinion.

Best regards,
Ann Louise Tuke
125 Rains Drive

Stephanie Gjessing

From: Gil Newkerk <gilfishes@gmail.com>
Sent: Wednesday, May 1, 2024 2:53 PM
To: Debbie Stewart
Subject: Court Reservations

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

Good day Ms. Stewart,

Appears the Cultural Services Board is meeting soon to discuss removing the existing court reservation system.

Not sure what the issue is or what event may have triggered this to be a Board consideration, however I hereby do not endorse such a change.

The current reservation system is easy to navigate through, timely and available to all Ponce Inlet residents and others for that matter.

The current system allows a person/group to reserve courts in hour increments which is preferred by most to get in a continuous hour workout.

Other systems use a "paddles up" system which allows only one game at a time. Thus one could be sitting longer than enjoying a more vigorous courttime.

As a year round Ponce Inlet resident, voter and taxpayer, I trust my wishes will carry the weight deserving of them.

Thank you for your time and attention to this matter.

Regards

Gil Newkerk

4445 S. Atlantic Ave #403

Ponce Inlet, FL 32126

Stephanie Gjessing

From: Joan Marcelli <jmar5254@gmail.com>
Sent: Wednesday, May 1, 2024 10:05 AM
To: Debbie Stewart
Subject: Pickle ball

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

Please don't replace the reservation system.

Thank you
Jim Marcelli

Sent from my iPhone

Stephanie Gjessing

From: eileenwodder <eileenwodder@gmail.com>
Sent: Wednesday, May 1, 2024 3:59 PM
To: Debbie Stewart
Subject: Pickle ball courts

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

Just dropping an email to encourage you to continue using the reservation system at the Ponce pickle ball courts. I understand there is talk that a paddle system may be in the works instead. I play with a group of ladies that are all of the same caliber play and we feel comfortable playing with each other. (We are good about cancelling courts if we find we don't have enough players to use what we have reserved.) Without the reservation system we would not be able to play our own game substituting our own players during the 1 and 2 hour court times.

Please take this in consideration when discussing this subject at the May 6th meeting.

Thanks,
Eileen Wodder

Stephanie Gjessing

From: Joan Meaney <joanmeaney@hotmail.com>
Sent: Wednesday, May 1, 2024 9:56 AM
To: Debbie Stewart
Cc: Barbara Cronin
Subject: Pickleball

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

I am in favour of reservation system.

Joan Meaney
Links North B701
Sent from my iPhone

Stephanie Gjessing

From: Julie Miller <julienies15@gmail.com>
Sent: Wednesday, May 1, 2024 10:19 AM
To: Debbie Stewart
Subject: Pickleball

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

I just wanted to express my desire to keep the reservation system for pickleball.
I am sorry to miss the meeting but have already left for the season.

Julie Miller

--

Julie Miller
julienies15@gmail.com

Stephanie Gjessing

From: Barbara Stewart <toot541@aol.com>
Sent: Tuesday, April 30, 2024 7:44 PM
To: Debbie Stewart
Subject: Pickleball Committed ... Revised with pickleball spelled correctly !

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

Good Evening, I see that the reservation system is on the agenda for the meeting. I know this will be a controversial subject. I myself am favor of an open system. I have always wondered why Ponce Inlet has a reservation system when other surrounding towns have open play, I guess it's a carry over from when we only had a tennis court marked with pickleball lines. I live in Ponce and play with a group that secures a reservation a week before, and I love the people I play with but I am in favor of open play. My group can still show up at our time, paddle up together and play a game and then we might switch around and play with others. Pickleball is a social sport, designed to be inclusive to beginners as well as advanced players.. Our pickleball courts are beautiful and the town staff is over the top in keeping them in perfect condition. The Echo Grant has provided a beautiful facility and they should be open to all who want to play, without planning a group a week in advance and requiring a reservation. Thank you all who serve on the committee and to the town staff who do a wonderful job.

Barbara Stewart
4752 Riverglen Blvd
Ponce Inlet, Fl

Sent from my iPad

Stephanie Gjessing

From: Kim Leonardo <leokimy11@gmail.com>
Sent: Wednesday, May 1, 2024 9:34 AM
To: Debbie Stewart
Subject: Pickleball 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]

Please don't replace the pickleball system in Ponce inlet. There are plenty of places for pickleball playing with the system you are considering for those players who would prefer that. One of which is not too far in Daytona Beach shores. Most people are very happy with the system that is in place in our small town now.

Stephanie Gjessing

From: Marilyn Corran <marilyn2u@cfl.rr.com>
Sent: Wednesday, May 1, 2024 9:40 AM
To: Debbie Stewart
Subject: Pickleball reservation

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

Please please do not replace the reservation system! The reservation system works. ! Please do not replace it!!

Residents since 2003.

Marilyn Corran

4650 Links Village Drive A203

Ponce Inlet

Sent from my iPhone

Marilyn Corran

Stephanie Gjessing

From: Nancy Dillard <nbdillard2003@yahoo.com>
Sent: Wednesday, May 1, 2024 10:16 AM
To: Debbie Stewart
Subject: Pickleball reservation system

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

I am writing in favor of the current reservation system.

Among several reasons I feel that the weaker players may not show up or be hesitant to come if they feel like they will have to play with better players; and the better players may resent having to play with the weaker ones. And while many of the current players are retired, we still do not have several hours to wait to play. We volunteer, take classes, meet with our non-playing friends, and suffer with extreme temperatures while sitting around waiting to play. I am a year-round player and have found that the reservation system works.

Please forward this message to all members of the committee. Thank you.

Nancy Dillard
Harbour Village
LS B403

[Sent from Yahoo Mail on Android](#)

To Members of the Cultural Services Board:

I have been playing pickleball for about 9 years in Ponce Inlet since it was initially played on the old basketball court. There were only a few of us at that time that taught ourselves how to play the game. We had a portable net which was rolled out onto the basketball court each time we wanted to play and then rolled back over to the fence when we were done. I believe the reservation system was created at that time partly to keep track of people playing and determine if there was a need to provide pickleball courts.

A group of us went to the town asking that pickleball courts be built as a part of the renovation of Pollard Park. Through much discussion, and what seemed like a long-time, plans were secured to build four pickleball courts. That system has worked all these years with a few glitches along the way, the latest being the resurfacing of the Daytona Beach Shores courts. We have gotten through those glitches each time, but it seems the biggest issue was the amount of people who reserve courts and don't cancel when they don't use them. Even though a court is not cancelled, players can use that court after 10 minutes of that reservation not showing up. It is more a common courtesy issue.

I have played in several areas in Florida and California. I have played with the paddle system and the reservation system in these areas. In case you are not familiar with the paddle system, here is a short description of what happens.

In Ponce Inlet a player would place their paddle in the paddle holder of which there are twelve for two courts and the same on the other two courts. There is an order to placement. When a court becomes available, the first set of four paddles take a court, the second set moves to the first slots, etc. When another court becomes available you and the other players that have placed paddles in the holders go to the available court and start a game. Those people waiting then place their paddles, in line, in the empty paddle holders. When the game is complete, you go back to the paddle holders and again place your paddle in the holder, in line (if available) and wait for a court to become available. When the courts are busy, this may take a while. I have spoken with a lot of people who have experienced very long waits in between games. If I am using the reservation system and play two hours, usually that means I play 5-6 games. We rotate our players in and out. If I am using the paddle system, I may only be playing 2-3 games in those two hours I am at the courts.

From my experience, I have found this system very unfair. I have witnessed players moving paddles, so they didn't have to play with certain players, or only play with their level of play or selected groups of players. Some have even gone so far as to bring several paddles to hold their slot. I have also witnessed players not leaving the court after their game is done

by simply continuing to play. Placing your paddle does NOT mean that you arrive to play, place your paddle and then you have that court for an hour or longer.

Another issue I see is that there will be 30-40 or more people who show up to play the coveted morning hours. There are only 15-16 parking spaces and those are taken by employees, tennis, basketball, pickleball, racquetball players, playground and picnic table users. With the reservation system only those people with reservations show up to play. Another thing to consider is you will need more benches for the area to accommodate the additional people.

UPDATE: I have read the Summary and Conclusion presented by Mrs. Alex to the Cultural Board Members and I am disappointed that no discussion or mention was made as to where people will park when or if this takes place. I do not believe a decision can be made until you have that plan in place. Parking along the road or at the Community Center should not be an option due to safety or in the case of the Community Center events being held there.

Mention was made of other parks in Volusia County not using the reservation system. Those parks provide ample parking for their activities and have more courts.

When the meeting was held with the mayor and several residents to discuss issues with the pickleball court reservations, I attended for the purpose of making sure certain issues did not get out of hand and to get a feeling of what our mayor might suggest addressing them. Some of the issues presented were certainly not the feelings of all those in attendance. The mayor and staff seemed willing to work on or get information on these issues for the people in attendance at that meeting. I was afraid that the complaints being voiced at this meeting would turn to what the May 6, 2024, Cultural Board meeting is addressing.

Sincerely,

Mary Lou Fillingame

33 Ocean Way Drive

To: Members of the Cultural Services Board

Subject: Scheduling Pickleball Courts

I am writing regarding the scheduling of the pickleball courts at Timothy Pollard Memorial Park. I wish to speak in support of keeping the scheduling of playing time as it is currently done using the Hold My Court platform. In my opinion, the current arrangements are much preferred to the alternative methods such as paddle scheduling used at other local facilities. My reasons are as follows.

Though first I would like to commend the building and upkeep of the facilities at the park. While I learned to play pickleball on the old basketball court before the renovations, the new courts are great, making for a safer and more enjoyable experience. (And the availability of the park during the pandemic was a welcome refuge during trying times.)

As a long time Ponce Inlet resident who plays on the courts regularly and year around, it appears that the problem with scheduling began recently when the Daytona Beach Shores courts were closed during the peak demand season. Otherwise, I have experienced little or no problem with court access. Since the Shores courts have reopened, I have experienced no problem reserving a court. Though at times, I may not be able to get the time that I would prefer, there are courts available.

For me, the benefit is being able to schedule a time when a group can meet and be assured of an hour of playing time instead of having to waste time waiting for a court to open. Given my current commitments, it is difficult to justify waiting around for exercise. Waiting an hour for thirty minutes of exercise seems inefficient. I would most likely engage in other activities. Also, when our children and grandchildren visit, playing together makes for a fun family activity, and it is nice to have a specific time to begin and to end.

It seems the current rule whereby if a court is not claimed within 10 minutes of the beginning of the reservation it becomes an open court is a good one.

Other pickleball facilities in the area with significantly more capacity employ a paddle system and are available to those who wish to play under such a system. At these facilities, I understand that at times there may be problems with people breaking in line or not being willing to leave the court. With the limited number of courts we have, this might be an even greater problem. I have never experienced any problems at our courts with players not respecting the court schedules.

I also have some concerns regarding parking during peak demand, given the limited space. Parking can be a challenge now when the park is fully utilized. Adding people waiting their turn to play could substantially increase the congestion.

Again, I appreciate the opportunity to enjoy the recreation activities provided here in Ponce Inlet. It is a special place. Thanks for your efforts in making it and keeping it that way.

Respectfully,
Jesse Dillard

Stephanie Gjessing

From: Jane Adamyk <jane.adamyk@gmail.com>
Sent: Wednesday, May 1, 2024 10:15 AM
To: Debbie Stewart
Subject: Ponce Inlet Pickleball courts

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

I understand there is discussion in an upcoming council meeting on changing the current pickleball reservation system. I strongly disagree with changing the current system which is working well and allows groups to play with friends that have similar skill levels and at times convenient to the group. It makes efficient use of court time.

Jane Adamyk
905 334 6746
Sent from my iPhone

Stephanie Gjessing

From: Mary Wools <woolsmj@yahoo.com>
Sent: Wednesday, May 1, 2024 8:43 AM
To: Debbie Stewart
Subject: Reservation system for pickleball

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

Please do not replace the current reservation system

Thank you
Sent from my iPhone

Stephanie Gjessing

From: Carol Benedict <cmb920@gmail.com>
Sent: Wednesday, May 1, 2024 9:53 AM
To: Debbie Stewart
Subject: Reservation system pickleball

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

Please do not replace the reservation system. It works.

Sent from CB

Stephanie Gjessing

From: cliff auxier <cauxier@hotmail.com>
Sent: Wednesday, May 1, 2024 8:22 PM
To: Debbie Stewart
Subject: Pickleball Reservation System

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

I'm writing this to express my position on the Ponce Inlet pickleball reservation system verses a first come, first serve, or an open court play system.

To start with, my wife and I are snowbirds, spent 10 weeks at our condo in Harbour Village this year. We both play pickleball on average 3 days per week, year around. In Ponce, we're fortunate to have become friends with a group that play Monday-Friday. In Michigan we play using an open play system. We enjoy both.

My recommendation is you stick with the reservation system but block 4 hours per day for open play. I'd block 10-2pm daily, making this open play using a paddle rotation system. When a game is over, teams put paddles in the rack based on winning or losing (non-winning), in order using a first in, first out concept.

Thanks for listening. For follow up questions or discussions, feel free to call.

Cliff Auxier
4630 Harbour Village Blvd
Unit 1204
Ponce Inlet, FL., 32127
734-904-1937

Get [Outlook for iOS](#)

Stephanie Gjessing

From: Casey Berryman <casey.s.berryman@gmail.com>
Sent: Thursday, May 2, 2024 4:28 AM
To: Debbie Stewart
Subject: NO to 100% paddle play / 3 reservation-1 free court

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

Good day,

As a resident of Ponce and frequent but new user of the pickle ball courts; I have come to understand that the current reservation system may be taken down.

I have had frustrations of getting a court in the past; however we do like the current system despite some of the frustrations/ scheduling issues that I am certain people are experiencing.

Was wondering if there may be a partial solution where one court could be removed from the schedule and become a free/paddle play/challenge court. I think that might be super helpful for some folks not familiar with the reservation system or on days when a reservation isn't available folks could still play.

Thank you.

Casey Berryman
104 Anchor Dr

Stephanie Gjessing

From: Kristen Bowers <kristenbowers@hotmail.com>
Sent: Thursday, May 2, 2024 7:49 AM
To: Debbie Stewart
Subject: Ponce Pickleball Courts

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

Culture Services Committee:

I am a full time resident. I have lived in Ponce Inlet since 2008.

I understand that the committee is reviewing the current court reservation system. The current system works great. I play 4 times per week. Its always such a pleasure to go to courts to play with friends. It's a great asset to have in our community. Yes, in March, there were some problems when DBS had closed their courts for maintenance, but since the courts have reopened there have been no issues.

I understand there is a proposal to switch to a "paddle system". This will create many problems. Firstly, we do NOT have enough courts to effectively run this system. It works in the Shores because they have 10+ courts. Under a paddle system, lower skilled players would not get to play as often. There will be crowds of people milling around waiting for courts. Parking and available seating areas will become very limited. It will become chaos.

Please keep the current reservation system. It works. If in the future, more courts are considered then a paddle reservation system could be revisited.

Thank you for your consideration.

Kristen Bowers
407-461-9991

Sent from [Mail](#) for Windows 10

Stephanie Gjessing

From: Nancy Breedlove <nancybreedlove@hotmail.com>
Sent: Thursday, May 2, 2024 11:28 AM
To: Debbie Stewart
Subject: Pickleball

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

Good morning,

It has recently been brought to my attention that there are some that would like to do away with the reservation system for pickleball and instead use the color-coded paddle system, based on the player's ability. Who is to judge the player's ability?

I play with a group a couple of days a week when we are fortunate enough to reserve a court. This is our first year playing and we are enjoying the game, and I have to admit, we are improving. This group enjoys each other's company and the health aspect that the exercise provides. By eliminating the reservation system, this would detract from the enjoyment of the game.

Please do not change from the reservation system. If any changes were to be made, I would suggest better monitoring of those that reserve a court for two hours and don't bother to show or cancel.

In addition, I am a taxpayer in Ponce Inlet and should have the same opportunity as other taxpayers in Ponce Inlet to enjoy the parks and the amenities offered without restrictions being placed on the use by the player's ability.

I plan to attend the meeting on Monday.

Thank you for allowing me to voice my opinion.

Nancy Breedlove
4670 Links Village Dr B704
Ponce Inlet, FL 32127

Stephanie Gjessing

From: Brenda <brendabrock13@gmail.com>
Sent: Wednesday, May 1, 2024 9:12 PM
To: Debbie Stewart
Subject: NO for Paddle Play

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

The email that Jan Shaw sent says it all.
I would copy and paste it but I'm sure reading through it once was fine.

No need for a change...
Brenda Brock
50 Tina Maria Circle

Sent from my iPhone

Stephanie Gjessing

From: Randy Clark <randyclarkbldr@gmail.com>
Sent: Wednesday, May 1, 2024 7:42 PM
To: Debbie Stewart
Subject: Pickleball Courts

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

Sent from my iPadHello. My name is Randy Clark & live in towers 5. I have been playing pickleball almost 3 years on our beautiful courts. I love the reservation system we have as long as we can stop people from reserving courts, then not showing up. Perhaps we could confirm playing when we arrive & delete those who do not show up from the reservation system. For several years this has not been a problem. See you Monday. Thank you for your attention to this matter.

Stephanie Gjessing

From: Barbara Cronin <bacronin@yahoo.com>
Sent: Thursday, May 2, 2024 2:47 PM
To: Debbie Stewart
Subject: Pickleball reservation system at 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]

Please keep the online reservation system. Thank you.

Stephanie Gjessing

From: Nola Devitt <nola.devitt@gmail.com>
Sent: Wednesday, May 1, 2024 7:46 PM
To: Debbie Stewart
Subject: No for paddle play

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

My friends and I play 4 times a week year round. It works because we are playing with friends. Most of the time when we play the other courts are empty. There are other courts, usually ones you pay to belong to, that require membership dues and more.

Please leave these courts free to all.

Nola Devitt

816-876-1985

Nola.devitt@gmail.com

1132 Hermitage Ct, Port Orange, FL 32129

Stephanie Gjessing

From: Joseph Genovese <jgenovese54@gmail.com>
Sent: Wednesday, May 1, 2024 9:59 PM
To: Debbie Stewart
Subject: Pickleball

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

Hello, I would appreciate it if you could pass this on to board members. When we met last meeting, we discussed the issues with the reservation system. Number one is the no shows. The town was previously asked twice to please send an email to everyone on the reservation system "please delete your reservation, if your plans change - others might want to use it" This would've taken 5 minutes and helped immensely. The same people book and don't show without any consequences - with only 4 courts it's frustrating. We also discussed giving PI residents priority booking. We found out with the Echo grant that this wasn't possible. We also discussed forming a league, so that the times were permanently blocked out. I also brought up the fact that older or handicapped people cannot book as quickly as younger ones. However any player can designate literally anyone to sign in and reserve a court. Young or old. There are no rules against that. So anyone does have the opportunity to reserve. The minor issue of no shows is minuscule compared to the problems that open play will bring. The reservation system is civilized - never an argument. Open play people manipulate the paddles and the players. Will you get cameras to enforce rules? Everyone wants to play at their own skill level, and with their own group. The courts aren't set upon for open play. Where will they park? Spots are limited. With reservations, only a certain number can play. Im sure that you don't want double parked cars everywhere - especially by the Fire Department. That will be a big safety issue. Where will the players wait in line to play? You will need to build more shade structures first. The original meeting wasn't to make more work for the town. We heard that Jackie was getting new software, so we were hoping to make improvements for the residents with booking. The majority of people are great, I think that it's wonderful that so many diverse ages enjoy playing. One lady in our group is 80! It's great to see families playing with young children also. We must keep the reservation system. I do have free time and have offered to volunteer to help improve the system. I do have a FB page for the Pickleball Players with over 160 members. Everyone wants to keep the reservation system. I thank you for your time considering this, Lisa Genovese
4628 Riverwalk Village Ct

Stephanie Gjessing

From: Deb Graham <dg61032@yahoo.com>
Sent: Wednesday, May 1, 2024 11:38 PM
To: Debbie Stewart
Subject: Pickleball Court Reservation System

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

I have been playing at the Community Courts in Ponce Inlet for 4 years now. We are owners at Eastwind and spend 7 months out of the year in Ponce. I play in 4 different groups and have made many close friendships because of Pickleball. All of the regular pickleball players know each other and respect each others desired playing times, We have our court reservations down to a science. We all know the other groups preferred playing times and reserve accordingly. The bottom line is that we have a group of friends who we like to play with, and the paddle system would make that impossible. There were never any hiccups in our system until Daytona Beach Shores courts were being repaved and we had an influx of their players. That problem has since been resolved. To reinvent the wheel at this point of time would be a huge mistake. The parking issues would be a sizable problem. And if you think there are complaints right now, be ready for many more if the Reservation System is replaced by the Paddle system. As for the problems voiced by the seniors who are not tech-savvy enough to reserve their own courts... we know who they are and we are all friends. We are all adult enough to be able to help them out and eliminate this issue. We are more than willing to do so, and as Jan Shaw has mentioned in her email have done so in several cases so far. I know this is a cliché, but please don't try to fix something that isn't broke.

Sincerely,
Jim and Deb Graham
4505 S Atlantic Ave
#6040 S
Ponce Inlet

Stephanie Gjessing

From: Andrea Martin <admartin1953@yahoo.com>
Sent: Thursday, May 2, 2024 3:07 PM
To: Debbie Stewart
Subject: Open Paddle Play vs. Reservation based Play

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

To The Cultural Services Committee:

I would like to make known my opinion regarding the pickleball issue regarding switching the current reservation system to a open paddle play system. In a nutshell, NO! Whereas there have been some kinks and some grumbling of late regarding the reservation system, I can guarantee the issues would be tenfold if you were to put Open Paddle option in play. I have played elsewhere in the country where the open paddle play was used and it failed miserably. Too many people were unable to play with their friends and there were even instances where it was ignored completely and the same group would continue to play past their allotted game. Please do not change the way Ponce is doing things.

Thank you for your attention to this matter.

Andrea Martin
4650 Links Village Dr., Unit C402
Ponce Inlet, FL 32127

Sent from my iPad

Stephanie Gjessing

From: Joy Mueller <joyannmueller@gmail.com>
Sent: Wednesday, May 1, 2024 10:23 PM
To: Debbie Stewart
Subject: Pickleball courts

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

Please keep the reservations as they are on line but add the rule that if you don't arrive 10 minutes after you reserved, anyone can walk on and you lost your court. I have been down there and could use a second court that was reserved but no one showed up for 20 minutes so we finally took it. This has happened several times so if we had a rule if you were 10 minutes late, you lost your court if someone steps on it, please consider that rule for Ponce Inlet.

Thanks,
Joy Mueller
Ponce Inlet resident in Harbour Village
My cell is (651) 485-9694 if you would like to talk more!

Sent from my iPhone
Joy Mueller

Stephanie Gjessing

From: RICK RUSSELL <rruss93167@aol.com>
Sent: Wednesday, May 1, 2024 7:42 PM
To: Debbie Stewart
Subject: Pickleball Reservation System

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

In regards to the current Pickleball Reservation System I would like to request the current system remain in place. The ease of reserving a court time is preferable to "the paddle system". I have been playing with the same group for over a year now. We have a similar level of play and attitude towards the game. If I were to be thrust in to playing with "other random players" this might not be the case. Please leave the current reservation system in place. Thank you, Barbara Russell

Sent from my iPad

Stephanie Gjessing

From: Jannette Shaw <jshaw0@aol.com>
Sent: Thursday, May 2, 2024 10:51 AM
To: Debbie Stewart; Mike Disher; Lois Paritsky; Dan Scales; Jackie Alex
Cc: Jan Shaw
Subject: Fwd: Pickleball Court reservations

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

Hi everyone I would like to add an additional suggestion to my email from yesterday. We are having a lot of conversations with pickleball friends. Brenda B has suggested this option...

During our March 18th meeting, Dan Scales advised that the tennis court would become dual purpose, again, and be repainted to be used as a 5th pickleball court. That is a great idea and will be appreciated once the repainting and net changes are completed. Honestly, there are only a few people that actually play tennis on that court. It sits empty 80% of the day. More often young families use the court as play space for their kids on riding toys or there is a gentleman who regularly uses it to play fetch with his dog!! The same thing happens on the handball court.

So the suggestion is this. If this Board truly feels that an open play court is necessary, to accommodate older disabled residents, why not designate that court as the open play pickleball court? It's close to parking. There is ample shade covered seating under the gazebo for those waiting to play, and the bathrooms are close. Perhaps it could be designated for tennis a few hours each day and then open pickleball play the remainder of the day. It should be easy to do, just block that court from reservations for the same hours every day.

Just a thought for your consideration.

I ask this email also be shared with the Cultural Services Board before the May 6 meeting.

Thank you

Jan Shaw

Sent from my iPhone

Begin forwarded message:

From: Jannette Shaw <jshaw0@aol.com>
Date: May 1, 2024 at 4:48:24 PM EDT
To: Liz Caswell <elizcaswell@yahoo.com>, Mary Fillingame <mlfillin@gmail.com>
Subject: Fwd: Pickleball Court reservations

Sent from my iPhone

Begin forwarded message:

From: Jannette Shaw <jshaw0@aol.com>
Date: May 1, 2024 at 4:47:32 PM EDT
To: dstewart@ponce-inlet.org, Mike Disher <mdisher@ponce-inlet.org>,

Jackie French Ponce Activities French <jfrench@ponce-inlet.org>, Lois Paritsky <lparitsky@ponce-inlet.org>, Dan Scales <dscales@ponce-inlet.org>

Cc: Jan Shaw <jshaw0@aol.com>

Subject: Pickleball Court reservations

Sent from my iPhone

There has been a great deal of discussion lately surrounding the Ponce Inlet Pickleball Courts.

I would like to remind everyone what started those discussions.

Our neighbors, in DBS, closed their courts for 4-5 weeks in March to repair and resurface. That brought 100's of DBS players into Ponce looking for a place to play. Ponce Inlet has 4 courts which are kept busy by our residents. With the addition of DBS players chaos ensued.

Some Ponce players temporarily had difficulty reserving their usual courts. A few of those Ponce players got very vocal about what was happening and instead of asking for help from each other they took their complaints to our Mayor and Cultural Services Manager. Truly it was much ado about nothing, as we now see that DBS courts have reopened and Ponce residents are once again able to access their usual court times.

So then, why is the Cultural Board pursuing a plan to change how Ponce Pickleball players access our courts? Nothing is broken, it was a temporary hiccup, everything has returned to what it was.

I have read Jackie's proposal to change everything and I am disappointed and concerned. I will speak to the memorandum dated 4.24.2024.

I was one of the group of maybe 7 residents, all pickleball players, to attend the March 18, 2024 meeting Jackie refers to. The meeting was requested by Lisa G. The meeting was never convened to ask that the current reservation system be abolished. It was a meeting intended to find out if reservation login times could be temporarily altered to accommodate Ponce residents before others. We were told that could not be done because everyone needed to have equal access. There was some discussion surrounding no show players, and creation of leagues to allow blocking off court times, but again that was all done in the context of increasing frustration due to court shortages following increased players from DBS. No

show players has never been an issue in the past and it is not an issue today.

When we all left that March 18 meeting we made it very clear, to Jackie, Lois and Dan, that we did not want the current court reservation system to be discarded. We actually discussed what a new reservation system might look like, as were were told some time ago a new program was being reviewed by Jackie. Lisa G did mention an issue that some of her players were not quick enough to log in to reserve courts, again due to the DBS influx of players. Everyone jumped into the ADA discussion. After that meeting I resolved Lisa's concerns by logging in and helping her reserve courts for her group of friends. It was that easy! But that concern has also disappeared now that the DBS courts are open.

So, issues that were brought to the discussion table in March, out of frustration focused on DBS players, no longer exist. As I stated above, much ado about nothing.

Reserving out one week is perfectly acceptable. It is the way we have reserved our courts for the last 4-5 years.

Jackie mentions her contact with other municipalities, who have public courts, finding none used a reservation system. That is true, but Ponce cannot be compared to surrounding municipalities. We have 4 courts and a very small park area to accommodate our players, including seating and parking.

DBS has 10 courts and double, maybe triple the parking spaces Ponce has.

Port Orange has 8 courts outside and I believe 2 non-dedicated courts inside at the rec center (on the basketball courts). The outdoor courts in PO have double the parking we have.

Then there are the 6 courts for DeLand/Orange City. One of their players relayed a horror story of 60+ people waiting to play on weekend mornings because there is no reservation system.

Comparing our space to those towns is unfair and unreasonable.

We also hear from players who use the paddle system that it is unfair because people waiting to play move their paddles ahead of others in the racks.

Jackie states that "removing the online court reservation system resolves many of the expressed concerns but provides equal access to all individuals with disabilities." I completely disagree.

Playing by the paddle system will disenfranchise those with disabilities even more. The congestion at the courts will be

ridiculous with everyone rushing to get to play. There will be no parking spaces onsite because they will fill quickly.

In any given hour on the 4 courts, from 8-12noon, we can have 24 people playing or sitting on inside court benches waiting to sub in and out of games with their group of friends. Currently those courts are reserved, no one else shows up because there is no free play. One group leaves at the end of their reservation time and the next group arrives. Cars and people move in and off the property. It works and provides us with a safe environment.

So now envision 30-40 people showing up all at once to get their paddles placed to play 1 game. They end their game and move off the court so the next four players pull their paddles and play. The original 4 players are hanging around to play again. No one leaves because 1 game is never enough. Then another group arrives and wants to play, they wait to place their paddles. But all the first players remain waiting to place their paddles and play again. We have no parking and no seating for these folks. Yes you can say overflow parking could use the PICC, but that only works if there is nothing scheduled at the PICC. Now add in those with perceived disabilities. They can't find parking, they can't find anywhere to sit. It's hot outside and now you have another issue of people feeling ill waiting in the heat. 4 picnic tables under the gazebo along with a few benches won't be enough. Our older folks will never get to play and will stop trying. That's not fair!!

This is supposed to be about community, exercise, fun with friends or family. Under the paddle system you don't get to play multiple games with your friends. You play one game and you leave the court. Your paddles may not be pulled together for the next 30 min or ever. So you spend more time sitting than playing. What purpose does that serve?

Jackie mentions ADA requirements changing when accessing reservation systems. It appears Ponce has 3 or more years to resolve that concern. It does not need to be done now by abolishing the current court reservation system.

Please leave our process of reserving courts as is. It has worked for all of us for years. The glitch was DBS improving their courts for their players. That glitch has been removed. Our reservations have returned to normal. NO ONE wants to go to paddle play. NO ONE will be able to arrange group play if Ponce moves to paddle play. We don't have enough courts to manage it. I am happy to speak with anyone about this.

Please make sure the Cultural Services board gets this email as well. I also apologize if paragraphs etc appear poorly placed. This was prepared

on my phone.

We have lived in Ponce for over 18 yrs. We played PB on the double lined basketball and tennis courts before our current courts were built. What we currently have is an easy access court reservation system that gives us all fair access to the courts. We have come a long way. Please don't take us backwards.

Thank you.

Jan Shaw
4358 Candlewood Ln

Sent from my iPhone

Stephanie Gjessing

From: Nathan Berryman <nathan.berryman1@gmail.com>
Sent: Friday, May 3, 2024 5:03 AM
To: Debbie Stewart
Subject: Love Inlet Pickleball courts

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

Hello,

I am a full time Ponce Inlet resident and frequent pickleball player at our courts. I've been made aware that there are potential changes to the reservation system and I have some comments and concerns I'd like to express.

First, the current reservation system is definitely broken. I often cannot reserve a court but go down anyways to find them not in use or block reserved by people with multiple accounts. There is blatant abuse by a large group of users who do this and oppose changes to the system. They constitute a loud voice but a small percentage of users.

I am in favor of going to a paddle play system with a three game limit for winners. This is a common set up used by many other courts I have played on and works well.

If we continue to use the reservation style; in person validation of residency and email should be required.

Best of all, may be to continue the reservation system as is but only on two courts and make the remaining two courts paddle play.

Finally, is there any way to get more courts?

Thanks for listening.
Nathan.

Sent from my iPhone

Stephanie Gjessing

From: Ruth <lighthousec@gmail.com>
Sent: Friday, May 3, 2024 1:50 PM
To: Debbie Stewart
Subject: Reservation system vs paddle system

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

I recommend keeping the reservation system. With it, u r assured of a scheduled playing time with friends who have similar skill levels.

I have been to courts that use the paddle system. Found that people would move my paddle to another spot so they could play with their group with no regard to all the time I had been waiting .

Ruth Chapman
34 Ocean Way Dr
Ponce Inlet

Stephanie Gjessing

From: Peter Cronin <pjcronin4611@yahoo.com>
Sent: Friday, May 3, 2024 9:05 AM
To: Debbie Stewart
Subject: Ponce inlet pickleball courts

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

Dear Ms Stewart, please KEEP the court reservation system. Thank you. Pete Cronin

[Sent from Yahoo Mail for iPhone](#)

Stephanie Gjessing

From: Lynda Loeb <lyndarl47@gmail.com>
Sent: Thursday, May 2, 2024 6:40 PM
To: Debbie Stewart
Subject: Fwd: online reservation system for PB courts

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

----- Forwarded message -----

From: Lynda Loeb <lyndarl47@gmail.com>
Date: Thu, May 2, 2024 at 9:23 AM
Subject: online reservation system for PB courts
To: <dstewart@ponceinlet.org>

I have been playing on our four courts in Ponce Inlet since they were first constructed. The online reservation has been great. It has fostered great friendships and made it easy to schedule play. If we go to the paddle system it will be difficult if not impossible to play with our different groups. Parking can be a problem if people are just showing up and waiting for the current hour of play to end. For these reasons alone I hope you consider those PI residents who have enjoyed playing on our courts using the online reservation system.

Thank you for your consideration,
Lynda Loeb
4670 Links Village Dr.
Ponce Inlet, FL

Stephanie Gjessing

From: Heather Patton <hpryan1024@gmail.com>
Sent: Thursday, May 2, 2024 6:23 PM
To: Debbie Stewart
Cc: Heather Patton
Subject: Pickleball RSVP

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

I understand the Cultural Board is having a discussion on the pickleball/tennis reservation system.

I am traveling overseas and will not be able to attend but wanted to reach out and just add my thoughts.

The park facility here in Ponce is wonderful and seems to be well attended by all who enjoy the sports offered.

The reservation system allows many of us to schedule our activities. This way when you show up we know we get to play and not have to go elsewhere.

Is the system perfect , no but we all have the chance to access. Maybe the times aren't always open but usually something is available.

I also use the DbShores system since I have a property there and that system requires you to be a registered tax payer in order to register to use the system. Only one email per property. Not sure if the PI system offers that option but it could help keep only locals booking reservations and not same person using several emails.

I would hate to see our system be removed because a few might not be able to access as quickly as others or some other issue.

On another note , cameras would be a great addition so if your wishing to go play you could login and see what's going on at the courts. Another benefit that DBShores does offer.

I look forward to hearing how it goes Monday.

Heather Patton
386-290-0554
Hpryan1024@gmail.com

Stephanie Gjessing

From: Jannette Shaw <jshaw0@aol.com>
Sent: Friday, May 3, 2024 9:20 AM
To: Debbie Stewart; Mike Disher; Jackie Alex; Lois Paritsky; Dan Scales
Subject: Pickleball court availability

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

I would just like to share the current court availability as off this morning, into next week. There is ample opportunity for anyone to log in and find courts available. No time crunch. It can take them as long as they need. Thank you for reviewing.
 Jan Shaw

5:47



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Sat, May 4							
	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball	Court 5: Tennis Court	Court 6: Basketball	Court 7: Racquetball
7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am
7:30am	7:30am	7:30am	Cash	7:30am	7:30am	7:30am	7:30am
8:00am	Carry	BPM	Cash	Jan Shaw	Dennis Walker	8:00am	8:00am
8:30am	Carry	BPM	Alex Cruciani	Jan Shaw	Dennis Walker	8:30am	8:30am
9:00am	Brian Malachy	Marcia Krishart	Alex Cruciani	Lynette	9:00am	9:00am	9:00am
9:30am	Brian Malachy	Marcia Krishart	David M Dermataciti	Lynette	9:30am	9:30am	9:30am
10:00am	Jennifer Feuer	Lisa Genovese	AJMR	Ward	10:00am	10:00am	10:00am
10:30am	Jennifer Feuer	Lisa Genovese	AJMR	Ward	10:30am	10:30am	10:30am
11:00am	Amir	chas	David Miles	Fullinda	11:00am	11:00am	11:00am
11:30am	Amir	chas	David Miles	Fullinda	11:30am	11:30am	11:30am
12:00pm	Cherril palazola	Ace Genovese	DBH	12:00pm	12:00pm	12:00pm	12:00pm
12:30pm	Cherril palazola	Ace Genovese	DBH	12:30pm	12:30pm	12:30pm	12:30pm
1:00pm	1:00pm	1:00pm	DL	1:00pm	1:00pm	1:00pm	1:00pm
1:30pm	1:30pm	1:30pm	DL	1:30pm	1:30pm	1:30pm	1:30pm
2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm
2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm
3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm
3:30pm	3:30pm	3:30pm	3:30pm	3:30pm	3:30pm	3:30pm	3:30pm
4:00pm	Marye S Blair	4:00pm	4:00pm	4:00pm	4:00pm	4:00pm	4:00pm
4:30pm	Marye S Blair	4:30pm	4:30pm	4:30pm	4:30pm	4:30pm	4:30pm
5:00pm	Scott Blair	5:00pm	5:00pm	5:00pm	5:00pm	5:00pm	5:00pm
5:30pm	Scott Blair	5:30pm	5:30pm	5:30pm	5:30pm	5:30pm	5:30pm
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8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm
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Fri, May 3 5:47:42 am	Sat May 4	Sun May 5	Mon May 6	Tue May 7	Wed May 8	Thu May 9
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Sun, May 5

	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball	Court 5: Tennis Court	Court 6: Basketball	Court 7: Racquetball
7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am
7:30am	7:30am	7:30am	7:30am	7:30am	7:30am	7:30am	7:30am
8:00am	Cathy R	Marisa Krishart	5:00am	8:00am	8:00am	8:00am	8:00am
8:30am	Cathy R	Marisa Krishart	Noel West	Brenda Brock	8:30am	8:30am	8:30am
9:00am	Craab	Ken Krishart	Noel West	Brenda Brock	9:00am	9:00am	9:00am
9:30am	Craab	Gary Krishart	Tonia West	Jan Shaw	9:30am	9:30am	9:30am
10:00am	10:00am	Edward M Miller	Tonia West	Jan Shaw	10:00am	10:00am	10:00am
10:30am	10:30am	Edward M Miller	DL	10:30am	10:30am	10:30am	10:30am
11:00am	11:00am	Eolinda	DL	Sharon	11:00am	11:00am	11:00am
11:30am	11:30am	Eolinda	11:30am	Sharon	11:30am	11:30am	11:30am
12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm
12:30pm	12:30pm	12:30pm	12:30pm	12:30pm	12:30pm	12:30pm	12:30pm
1:00pm	1:00pm	1:00pm	Ken-Betsy	1:00pm	1:00pm	1:00pm	1:00pm
1:30pm	1:30pm	1:30pm	Ken-Betsy	1:30pm	1:30pm	1:30pm	1:30pm
2:00pm	2:00pm	2:00pm	Ken B	2:00pm	2:00pm	2:00pm	2:00pm
2:30pm	2:30pm	2:30pm	Ken B	2:30pm	2:30pm	2:30pm	2:30pm
3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm
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8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm
8:30pm	8:30pm	8:30pm	8:30pm	8:30pm	8:30pm	8:30pm	8:30pm
9:00pm	9:00pm	9:00pm	9:00pm	9:00pm	9:00pm	9:00pm	9:00pm

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Time	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball	Court 5: Tennis Court	Court 6: Basketball	Court 7: Racquetball
Mon, May 6							
7:00am	David Meredith	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am
7:30am	David Meredith	DK	Crash	Sandy	7:30am	7:30am	7:30am
8:00am	8:00am	VLC	Crash	Sandy	Dennis Walker	8:00am	8:00am
8:30am	8:30am	VLC	8:30am	8:30am	Dennis Walker	8:30am	8:30am
9:00am	Linda DeBrieler	Jak	jean dillard	Nancy Dillard	9:00am	9:00am	9:00am
9:30am	Linda DeBrieler	Jak	jean dillard	Nancy Dillard	9:30am	9:30am	9:30am
10:00am	Jackie Will	IM	Mary Lou Fillingame	Richard Fillingame	10:00am	10:00am	10:00am
10:30am	Jackie Will	IM	Mary Lou Fillingame	Richard Fillingame	10:30am	10:30am	10:30am
11:00am	Ed Linda	BV	DL	Edward M Miller	11:00am	11:00am	11:00am
11:30am	Ed Linda	BV	DL	Edward M Miller	11:30am	11:30am	11:30am
12:00pm	12:00pm	CM	DBH	Ward	12:00pm	12:00pm	12:00pm
12:30pm	12:30pm	CM	DBH	Ward	12:30pm	12:30pm	12:30pm
1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm
1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm
2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm
2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm
3:00pm	3:00pm	3:00pm	TLG	Jeff Feuer	3:00pm	3:00pm	3:00pm
3:30pm	3:30pm	3:30pm	TLG	Jeff Feuer	3:30pm	3:30pm	3:30pm
4:00pm	Noel West	4:00pm	Ten Greff	Jennifer Feuer	4:00pm	4:00pm	4:00pm
4:30pm	Noel West	4:30pm	Ten Greff	Jennifer Feuer	4:30pm	4:30pm	4:30pm
5:00pm	Linda West	Carey	Robert	5:00pm	5:00pm	5:00pm	5:00pm
5:30pm	Linda West	Carey	Robert	5:30pm	5:30pm	5:30pm	5:30pm
6:00pm	Linda W	Lindsay G	Bob S	6:00pm	6:00pm	6:00pm	6:00pm
6:30pm	Linda W	Lindsay G	Bob S	6:30pm	6:30pm	6:30pm	6:30pm
7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm
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REC. PAUSE

	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball	Court 5: Tennis Court	Court 6: Basketball	Court 7: Racquetball
7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am	7:00am
7:30am	7:30am	7:30am	Crash	7:30am	7:30am	7:30am	7:30am
8:00am	Lynette	Brenda Brock	Crash	8:00am	Dennis Walker	8:00am	8:00am
8:30am	Lynette	Brenda Brock	DBH	8:30am	Dennis Walker	8:30am	8:30am
9:00am	LynnJ	Jan Shaw	DHH	Marcia Krisher	9:00am	9:00am	9:00am
9:30am	LynnJ	Jan Shaw	DL	Marcia Krisher	9:30am	9:30am	9:30am
10:00am	Joe Genovese	Leo Genovese	DL	Jerry Krisher	10:00am	10:00am	10:00am
10:30am	Joe Genovese	Leo Genovese	10:30am	Jerry Krisher	10:30am	10:30am	10:30am
11:00am	jdlyvaca	chas	11:00am	Patte Linder	11:00am	11:00am	11:00am
11:30am	jdlyvaca	chas	11:30am	11:30am	11:30am	11:30am	11:30am
12:00pm	12:00pm	Anna	12:00pm	Karen Schwalle	12:00pm	12:00pm	12:00pm
12:30pm	12:30pm	Anna	12:30pm	Karen Schwalle	12:30pm	12:30pm	12:30pm
1:00pm	1:00pm	1:00pm	1:00pm	George S	1:00pm	1:00pm	1:00pm
1:30pm	1:30pm	1:30pm	1:30pm	George S	1:30pm	1:30pm	1:30pm
2:00pm	2:00pm	2:00pm	Stephen Jones	2:00pm	2:00pm	2:00pm	2:00pm
2:30pm	2:30pm	2:30pm	Stephen Jones	2:30pm	2:30pm	2:30pm	2:30pm
3:00pm	3:00pm	3:00pm	JLG	Jennifer Feuer	3:00pm	3:00pm	3:00pm
3:30pm	3:30pm	3:30pm	JLG	Jennifer Feuer	3:30pm	3:30pm	3:30pm
4:00pm	4:00pm	4:00pm	Teri Greff	Jeff Feuer	4:00pm	4:00pm	4:00pm
4:30pm	4:30pm	4:30pm	Teri Greff	Jeff Feuer	4:30pm	4:30pm	4:30pm
5:00pm	5:00pm	Lindsay G	5:00pm	Kimberly Carney	5:00pm	5:00pm	5:00pm
5:30pm	5:30pm	Lindsay G	5:30pm	Kimberly Carney	5:30pm	5:30pm	5:30pm
6:00pm	6:00pm	Corey	6:00pm	Corey	6:00pm	6:00pm	6:00pm
6:30pm	6:30pm	Corey	6:30pm	Corey	6:30pm	6:30pm	6:30pm
7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm
7:30pm	7:30pm	7:30pm	7:30pm	7:30pm	7:30pm	7:30pm	7:30pm
8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm	8:00pm

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Wed, May 8							
	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball	Court 5: Tennis Court	Court 6: Basketball	Court 7: Racquetball
7:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am
7:30am	2:30am	2:30am	Crash	Laura Ecker	2:30am	2:30am	2:30am
8:00am	3:00am	Brenda Busch	Crash	Laura Ecker	3:00am	3:00am	3:00am
8:30am	Kimber Lee	Brenda Busch	DL	8:30am	3:30am	3:30am	3:30am
9:00am	Kimber Lee	Jan Shaw	DL	Lisa Sisma	3:00am	3:00am	3:00am
9:30am	Edward M Miller	Jan Shaw	Margie S Blair	Lisa Sisma	3:30am	3:30am	3:30am
10:00am	Jackie Yell	Shel Y	Margie S Blair	Ward	10:00am	10:00am	10:00am
10:30am	Jackie Yell	Shel Y	Scott Blair	Ward	10:30am	10:30am	10:30am
11:00am	Ward	BV	Scott Blair	Full Locks	11:00am	11:00am	11:00am
11:30am	Ward	BV	11:30am	Full Locks	11:30am	11:30am	11:30am
12:00pm	12:00pm	Linda DeBruin	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm
12:30pm	12:30pm	Linda DeBruin	12:30pm	12:30pm	12:30pm	12:30pm	12:30pm
1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm	1:00pm
1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm	1:30pm
2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm	2:00pm
2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm	2:30pm
3:00pm	3:00pm	3:00pm	Art Fester	T.G.	3:00pm	3:00pm	3:00pm
3:30pm	3:30pm	3:30pm	Art Fester	T.G.	3:30pm	3:30pm	3:30pm
4:00pm	BPM	Ally Engelke	Jennifer Fester	Teri Groff	4:00pm	4:00pm	4:00pm
4:30pm	BPM	Ally Engelke	Jennifer Fester	Teri Groff	4:30pm	4:30pm	4:30pm
5:00pm	5:00pm	5:00pm	Robert	5:00pm	5:00pm	5:00pm	5:00pm
5:30pm	5:30pm	5:30pm	Robert	5:30pm	5:30pm	5:30pm	5:30pm
6:00pm	Dave Fraboni	DEBBIE KEESE	Bob S	6:00pm	6:00pm	6:00pm	6:00pm
6:30pm	Dave Fraboni	DEBBIE KEESE	Bob S	6:30pm	6:30pm	6:30pm	6:30pm
7:00pm	Jesseillard	Marie Lynn Fillipponi	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm
7:30pm	Jesseillard	Mary Lynn Fillipponi	7:30pm	7:30pm	7:30pm	7:30pm	7:30pm

5:52

holdmycourt

Thu, May 9

	Court 1: Southwest Pickleball	Court 2: Southeast Pickleball	Court 3: Northwest Pickleball	Court 4: Northeast Pickleball
7:00am	<u>7:00am</u>	<u>7:00am</u>	<u>7:00am</u>	<u>7:00am</u>
7:30am	<u>7:30am</u>	<u>7:30am</u>	<u>7:30am</u>	<u>Crash</u>
8:00am	<u>8:00am</u>	<u>8:00am</u>	<u>8:00am</u>	<u>Crash</u>
8:30am	<u>8:30am</u>	<u>8:30am</u>	<u>8:30am</u>	<u>8:30am</u>
9:00am	<u>9:00am</u>	<u>9:00am</u>	<u>9:00am</u>	<u>9:00am</u>

Sent from my iPhone

Stephanie Gjessing

From: Steve & Val Nott <svnott@gmail.com>
Sent: Thursday, May 2, 2024 6:02 PM
To: Debbie Stewart
Subject: Pickleball

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

Just a quick note to say that I am NOT in favor of implementing 'paddle play' at the Ponce pickleball courts.

I realize there are pros & cons to either - paddle or reservation - but I feel the reservation system creates more camaraderie & playing time.

There can be alot of waiting with the paddle system, it is very intimidating for beginners, & not competitive enough for seasoned players.

Just my opinion!

Thanks!

Val Nott

Stephanie Gjessing

From: Jacqueline Will <jwillponceinlet@me.com>
Sent: Thursday, May 2, 2024 5:37 PM
To: Debbie Stewart
Subject: Court Reservation System

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

This message is in respond to a possible change in the court reservation system that Ponce Inlet has for court time. The current system works very well for our group that plays pickelball and enjoys our court times together. The system is very fair. We reserve our time when it becomes available so that we are assured that the court is free for us to play at the desired times. We always show up and everyone is respectful. We immediately cancel our reservation if we cannot make our time. If there wasn't a reservation system, we feel that it would be wasting valuable time to be waiting possibly an hour or more for a court to open. We have working schedules, appointments, jobs, etc. that we plan our court time around. We have an established group that we love playing together with. If a spot in the foursome occasionally opens up and there is someone looking to play, we of course invite that person to play. In all said, we are definitely opposed to open playing and not having a secure court time. We hope you will consider our opinion and keep the court reservation in place. We love our Ponce Inlet Courts. We hope to continue playing in our wonderful town.

Thank you.

Ponce Inlet 25 year resident

Jacqueline Will

Sent from my iPhone

Stephanie Gjessing

From: Jackie Alex
Sent: Monday, May 6, 2024 8:49 AM
To: Debbie Stewart
Cc: bruceb4699@yahoo.com
Subject: FW: Pollard Park Pickleball Courts

Debbie,

Please add the email below to those distributed to the Cultural Services Board on this agenda item tonight. Thank you-

Jackie Alex
Cultural Services Manager
Town of Ponce Inlet
[4300 South Atlantic Avenue](#)
[Ponce Inlet, FL 32127](#)
Phone: 386-322-6703
jalex@ponce-inlet.org

Ponce Inlet Historical Museum
[143 Beach Street](#)

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.

* * *

PLEASE NOTE: Please do not send any personal e-mail to this address. Florida has very broad public records laws. Most written communication to or from Town of Ponce Inlet officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Bruce B <bruceb4699@yahoo.com>
Sent: Sunday, May 5, 2024 1:42 PM
To: Jackie Alex <jalex@ponce-inlet.org>
Subject: Pollard Park Pickleball Courts

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

May 4, 2024

Cultural Services Board
Town of Ponce Inlet

Dear Members

As you know, the recent refurbishing of the Daytona Beach Shores pickle ball courts caused the Pollard Park courts to be in high demand. This demand unfortunately, resulted in the Ponce Inlet court reservation system being abused by a few no shows. It appears that some displaced Shores players may have reserved courts here, but, did not show up. I know that this was extremely frustrating for the Ponce Inlet players as well as, I assume, for the Town staff who had to deal with complaints from a few vocal players about the no shows. I believe, however, that this was an anomaly, since things here have returned to the way they were prior to the construction and reopening of the Shores courts and play is back to normal.

I understand, however, that as a result of these complaints about the abuse of the reservation system, you are unfortunately considering abandoning the reservation system in favor of a paddle rack system. I say unfortunately because the Ponce Inlet court reservation system has historically worked very well since it allows groups of friends of similar abilities as well as families to play with each other for an hour or, if the court is open, for longer periods. The paddle rack system does not readily allow this since it randomly pits seasoned and beginner players against each other.

In conclusion, I know that the vast majority of us who use the Pollard Park courts appreciate the ability to reserve the courts so that we can play with our families and friends. Please keep the reservation system intact. That is just one of the things that makes playing pickle ball in Ponce so enjoyable. Thank you.

Sincerely,

Bruce Bannerman

4670 Links Village Drive. Unit C 702
Ponce Inlet

Stephanie Gjessing

From: Ann Garabedian <ann.garabedian@gmail.com>
Sent: Sunday, May 5, 2024 7:14 PM
To: Debbie Stewart
Subject: Scheduling of the pickleball courts

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

To whom it may concern

I am writing with regards to the scheduling of the pickleball courts at Timothy pollard memorial park.

Although the present system can be somewhat frustrating at times it certainly is the much preferred system by me. I can count on an hours play with friends of a similar standard. Not only is this fun but is less likely to result in accidents on the court because of incompatible levels of play.

We are very lucky in Ponce to have such wonderful facilities and hope the present system will remain in operation.

Thank you
Ann garabedian
Sent from my iPhone

Stephanie Gjessing

From: eileencgriffith55@gmail.com
Sent: Friday, May 3, 2024 4:47 PM
To: Debbie Stewart
Subject: Pickle Ball Reservation System

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

I'm writing to express my concern about changing from the reservation system to a "show up and play". I just began playing pickle ball a couple years ago and I have created a group of friends that I am comfortable playing with and we are all at the same playing level. As you know, this winter, we experienced people coming from other areas that thought of themselves as professional players and we didn't even want to share a court with them, let alone be subject to their insults if they "were stuck" playing with us. I live right across the street from the courts, and I love the convenience of walking over, meeting my friends, and playing pickle ball for the fun it creates.

I hope you give some consideration to the people that love the game, but aren't getting ready to enter into a tournament or lose sleep if they don't win that day. I would be very saddened if the reservation system went away.

Thanks for your consideration.

Eileen

Sent from [Mail](#) for Windows

Stephanie Gjessing

From: jmeadows55 <jmeadows55@gmail.com>
Sent: Saturday, May 4, 2024 6:08 PM
To: Debbie Stewart
Subject: pickleball reservations

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

We would prefer the reservation system over the paddle system. Thank you for your cooperation, we will see you Monday Evening.

Sent from my T-Mobile 4G LTE Device

Customer Name: Charlene Rossi

Address: 4716 South Peninsula Drive, Ponce
Inlet Florida 32129

Phone: 386.314.3297

Species Identification: 18.7" DBH (diameter at breast height) *Quercus virginiana*.

Species Diagnosis: Specimen has significant photo tropic growth with major lean over home. Main leader damages and union damages present throughout the canopy and the stem of the tree. Decay has not been compartmentalized properly due to poor cutting and branch protection zone damages. Large epicormic growth present from main leader of the tree due to major cutting in the past; causing weak branch structure. Sandy soil and leaning present.

Recommendation: Removal

Deemed: Tree is hazardous in abnormal wind conditions.

Michael Feltner
ISA Certified Arborist
FL9716-A

Michael Feltner

Debbie Stewart

From: Stacey P <stacperfetto@gmail.com>
Sent: Monday, May 6, 2024 7:42 PM
To: Debbie Stewart
Subject: Beach Access Mat

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



Sent from my iPhone



Meeting Date: June 3, 2024

Agenda Item: 6-A

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Additional Research on the Athletic Court Reservation System.

Summary:

Review and discuss options for the athletic court reservation system.

Suggested Motion/Action:

Recommendation of whether to keep, modify, or remove the online athletic court reservation system.

Requested by:

Ms. Alex, Cultural Services Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, CULTURAL SERVICES DEPARTMENT

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

To: Cultural Services, Historic Preservation, and Tree Advisory Board
From: Jackie Alex, Cultural Services Manager
Date: May 24, 2024
Subject: Additional Research on the Athletic Court Reservation System

MEETING DATE: June 3, 2024

1 **Introduction:**

2 The purpose of this report is to provide additional information on accessibility options for the
3 Town’s court reservation system, as requested by the Cultural Services Board at its May 6, 2024
4 meeting. The 1990 Americans with Disabilities Act (ADA) prohibits discrimination against people
5 with any disability, seen or unseen, including access to state and local government programs and
6 services such as the athletic courts at Pollard Park. Under Title II of the ADA, governmental
7 entities have an obligation to provide full and equal enjoyment of its “services, programs and
8 activities” to individuals with disabilities. If a government fails to fulfill its obligations, an
9 individual may seek enforcement by filing an administrative complaint with an appropriate Federal
10 agency or commencing a private lawsuit (**Attachment**).

11
12 The report discusses the viability of nine options that were provided last month by the public,
13 Board members, and staff. This information is brought before this Board to provide a basis for a
14 recommendation to the Town Council regarding the online court reservation system.

15
16 **Background:**

17 At the May 6, 2024, Cultural Services Board meeting, Staff presented a report to discuss issues
18 recently raised by residents regarding the Town’s online court reservation system. The issues
19 included potential improvements to the system, as well as compliance with the Americans with
20 Disabilities Act (ADA) stemming from a request for special accommodation.

21
22 The purpose of the ADA law is to make sure that those with disabilities have the same rights and
23 opportunities as everyone else to access locations and services that are available to the general
24 public. With the request for accommodation, the Town is under legal obligation to provide what
25 was discussed in the meeting as a “reasonable modification.” Public services, public facilities, and
26 public resources obtained through public funds must each comply with the ADA law. As pickleball
27 at Pollard Park meets all three of these categories for ADA compliance, the focus of the May 6th
28 meeting was to address the ADA compliance required by law.
29

30 Staff discussed two separate requirements the Town must abide by regarding ADA compliance:

- 31
- 32 1. All web content provided on the Town’s website, including reservation systems, must meet
 - 33 new WCAG 2.1 Level AA technical standards.
 - 34 2. The Town must provide a reasonable modification to a public service when a request for
 - 35 an accommodation is made.
- 36

37 The Town has three years¹ to meet the first requirement and must also work to provide a reasonable
38 modification when requested at any time. ADA compliance is a matter of federal law. Now that
39 the Town has been made aware of this issue, it is obligated to provide a reasonable modification
40 for those with disabilities that request one in the future.

41

42 **Discussion:**

43 The focus of Staff and the Town Attorney on this topic is assessing the Town’s options for the
44 future of the court reservation system, including both the feasibility and the liability risk of each
45 option. The legal analysis of each option from the Town Attorney is provided on the **Attachment**.

46

47 Since the distribution of the first staff report on this topic, there have been both public and internal
48 discussions on the following suggested options for the future of the Town’s court reservation
49 system. Any option chosen will result in a change to the current park signage.

50

51

52 **Option #1**

53 **Remove the online court reservation system and classify all athletic courts as open play**

54

- 55 **a. Description:** A paddle rack is placed at each pickleball court containing 4-16 slots for
 - 56 players to insert their paddle, with a sliding indicator to signify which group is next to play.
 - 57 **b. Staff/ resources feasibility:** Paddle racks are currently in place at two of the four existing
 - 58 pickleball courts. Staff can establish open play rules and place them on park signage and
 - 59 the Town’s website. No staff is required.
 - 60 **c. Liability:** This suggestion provides equal (the same) opportunity for all participants,
 - 61 disabled and non-disabled, to access the athletic courts.
- 62

63

64 **Option #2**

65 **Resident group manages an ADA-compliant court reservation system**

66

- 67 **a. Description:** Resident group enters into a management agreement with the Town, subject
- 68 to approval by the Town Council. This arrangement is comparable to those agreements
- 69 held between the Town and the Ponce Inlet Community Center Board and the Lighthouse
- 70 Preservation Association to manage Town-owned assets on the Town’s behalf.
- 71 **b. Staff/ resources feasibility:** ADA-compliant court reservation systems are a paid service.
- 72 If this option is selected, the Town would pay for this service instead of the resident group.
- 73 The group would report to the Town through the Cultural Services Manager.

¹ Dating from April 26, 2024, when the new federal rule was adopted.

- 74 c. **Liability:** The Town would still be responsible for ensuring that the reservation system
75 complies with the technical standards for web content accessibility. The Town would also
76 still be liable for ensuring that the resident group appropriately responds to any requests
77 for accommodation or auxiliary aids or services.
78

79
80 **Option #3**

81 Classify certain pickleball courts as open play
82

- 83 a. **Description:** One-to-three pickleball courts would be designated as open play, leaving the
84 other pickleball court(s) available for reservations.
85 b. **Staff/ resources feasibility:** ADA-compliant court reservation systems are a paid service.
86 Both the reservation system and Town signage will need to reflect the court designation as
87 reserved or open play.
88 c. **Liability:** This does not address the problem of a person with a disability who is unable
89 to access the online reservation system. In this case, the benefit is not the use of the athletic
90 courts; rather, it is the opportunity to reserve a particular court on a particular day at a
91 particular time. A solution is one that provides a person with a disability the same
92 opportunity to reserve an athletic court as is afforded to those without a disability. Failure
93 to provide an alternative method of access may be an independent basis for liability
94 under Title II.
95

96
97 **Option #4**

98 Classify the tennis court as open play
99

- 100 a. **Description:** Staff may also designate certain hours between tennis and pickleball for open
101 play. For example, tennis from 6:00 am - 2:00 pm. However, this leaves tennis players with
102 less athletic court time than all other sports.
103 b. **Staff/ resources feasibility:** See Option #3.
104 c. **Liability:** See Option #3
105

106
107 **Option #5**

108 Block off (4) hours each day for open play
109

- 110 a. **Description:** Staff may designate certain hours for open play, with reservations available
111 for the remaining hours. This option is made for either the tennis court or select pickleball
112 courts.
113 b. **Staff/ resources feasibility:** See Option #3 and Option #4.
114 c. **Liability:** See Option #3
115

116
117 **Option #6-**

118 Select a new reservation system vendor that is ADA-compliant
119

- 120 a. **Description:** Currently, the Town utilizes the vendor “holdmycourt.com” for a free court
121 reservation system. Staff has researched several options including those provided at the
122 May meeting from around the state and have not yet found one that is 100% compliant
123 with the new WCAG 2.1 Level AA technical standards. Additionally, Staff found no other
124 cities within the County operating an online reservation system for their pickleball courts.
125 b. **Staff/ resources feasibility:** ADA-compliant court reservation systems are a paid service.
126 Staff would operate and manage an online reservation system. Some systems allow for
127 reminders to be sent out for upcoming reservations and the ability to create a wait list.
128 However, these systems are subject to the same types of abuses and vulnerabilities as the
129 current system, in that there are no penalties for no-shows, and it is up to the player to
130 cancel their own reservation. There is also no way to prevent multiple accounts from being
131 created since a player can sign up for the reservation system with multiple email addresses.
132 A group of four can still reserve four hours of play on one court, or even longer if additional
133 email addresses are used within the group.
134 c. **Liability:** See Option #2
135

136
137 **Option #7-**

138 Hire a 24/7 call center to receive and enter court reservations
139

- 140 a. **Description:** Players with or without disabilities would have the option to call a third-party
141 vendor to make their court reservations.
142 b. **Staff/ resources feasibility:** Paid service. Staff would need to confirm a third-party vendor
143 that would provide customer service and ADA compliance. May involve longer wait times
144 to reach a reservation agent.
145 c. **Liability:** The DOJ makes clear in the commentary to the new rule that using other means
146 of “effective communication,” such as 24/7 staffed telephone lines, does not create an
147 equivalent service. The DOJ expresses the view that the need to rely on customer service
148 simply cannot present the same ease of use, independence, or privacy protection that
149 website access can provide. As a result, this method of communication cannot substitute
150 for a compliant website.
151

152
153 **Option #8-**

154 Changing the operating hours of the online reservation system to match the Town’s business
155 hours, and provide a staffed line and voicemail to receive and create court reservations
156

- 157 a. **Description:** Players with or without disabilities would have the option to call a staff
158 member to make their court reservations during Town business hours (M-F, no holidays,
159 8:00 am – 4:30 pm). This option includes a voicemail system for calls outside business
160 hours. Staff members would then enter the reservations into the system the next business
161 day in the order they are received.
162 b. **Staff/ resources feasibility:** ADA-compliant court reservation systems are a paid service.
163 There are 60 one-hour timeslots available to reserve for the four pickleball courts per day.
164 This service would be available for the other athletic courts as well. Multiple staff would
165 need to be trained and available for this option given staff work schedules, duties, and

166 providing other services to residents. May result in longer wait times to access a staff
167 member or reserve the player's preferred timeslot.

168 c. **Liability:** See Option #7
169
170

171 **Option #9-**

172 Keep the online reservation system as is with no modifications.
173

174 a. **Description:** A link to a third-party vendor for court reservations would remain on the
175 Town's website, whether that is the current system or another that may provide improved
176 administrative efficiency or reservation reminders and a waitlist.

177 b. **Staff/ resources feasibility:** The current reservation system is free, however, an ADA-
178 compliant reservation system would be a paid service. Staff to provide administrative
179 support such as closures and cancellations within the online system. These measures are
180 also currently provided via the Town's means of advertising or temporary signage.

181 c. **Liability:**

182 a. **Technical standards:** The Town will have to remediate the current reservation
183 system to ensure that it meets the WCAG 2.1 level AA standards by April 26, 2027.
184 Failure to comply exposes the Town to the enforcement mechanisms and penalties
185 noted above.

186 b. **Accommodation request:** When an individual on the basis of a disability cannot
187 access or does not have equal access to a service, program, or activity through a
188 public entity's website or mobile app that conform to WCAG standards, the public
189 entity still has the obligation to provide the individual an alternative method of
190 access to that service, program, or activity, unless the public entity can demonstrate
191 that the alternative methods of access results in a fundamental alteration in the
192 nature of the service, program, or activity or in an undue financial and
193 administrative burden.
194

195
196 **Recommendation:**

197 From the Town Attorney's office, "each of the suggestions presented carries a different level of
198 inherent risk. While our office can offer general legal advice on the relevant laws and potential
199 outcomes, we are aware of neither the feasibility of implementing those suggestions that may be
200 considered viable, nor the Town's risk tolerance. Ultimately, this is a policy decision."
201

202 Based on the feasibility and legal analysis in this report, Option #1 for open play represents the
203 lowest level of liability. However, based on the public comments received before, during, and after
204 the May 6th meeting, it is the least popular option for the most active players. Conversely, leaving
205 the current reservation system in place or replacing it with a more robust system opens the Town
206 to liability without additional resources committed to accommodating special requests for access.
207 None of these options are perfect.
208

209 Staff is requesting the Board provide a recommendation to Town Council on which option the
210 Town should implement regarding future of the online court reservation system.
211

212
213
214
215
216
217
218
219



Jackie Alex, Cultural Services Manager

May 24, 2024
Date

Attachment:

“ADA Website Compliance & Accessibility Requirements for the Pollard Park Athletic Court Reservation System.” Provided by Attorney Holli New representing the Town Attorney’s Office

Memorandum

Shepard, Smith, Kohlmyer & Hand, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone (407) 622-1772

To: Mike Disher, Town Manager
Dan Scales, CFO
Jackie Alex, Cultural Services Manager

From: Holli New, Esq.

Subject: Ponce Inlet – ADA Website Compliance & Accessibility Requirements for the Pollard Park Athletic Court Reservation System

Date: May 24, 2024

At the request of the Town of Ponce Inlet, our office has prepared this memorandum to address the Town's obligations under Title II of the Americans with Disabilities Act (the "ADA") as it pertains to the Town's online reservation service for the athletic courts at Pollard Park. Title II mandates equal access to programs, activities, and services provided by public entities, and this mandate extends to online platforms. This memo provides an overview of the requirements for website accessibility as outlined by the Department of Justice (the "DOJ") and the legal responsibility to offer alternative means of access when website barriers exist. In addition, this memo assesses the recent public suggestions for achieving accessibility by analyzing their potential effectiveness in complying with ADA requirements and explaining the legal liabilities associated with each recommendation.

Enforcement of Title II Rights¹

Under Title II of the ADA, governmental entities have an affirmative obligation to provide full and equal enjoyment of its "services, programs and activities" to individuals with disabilities. If a government fails to fulfill its obligations, an individual may seek enforcement by filing an administrative complaint with an appropriate Federal agency or commencing a private lawsuit.

¹ See generally 28 C.F.R. pt. 35, subpt. F.

1. *Administrative complaint.*

If an individual files an administrative complaint, an appropriate Federal agency will investigate the allegations of discrimination.² Should the agency conclude that the public entity violated Title II, it will attempt to negotiate a settlement with the public entity to remedy the violations.³ If settlement efforts fail, the matter will be referred to the Department of Justice (the “DOJ”) to decide whether to institute litigation.⁴ In cases where there is Federal funding, fund termination is also an enforcement option.⁵

2. *Private cause of action.*

An individual may also go directly to court.⁶ Remedies include injunctive relief and compensatory damages for any injuries suffered, including compensation, when appropriate, for any emotional distress caused by the discrimination.⁷ The prevailing party may also recover attorneys’ fees, litigation expenses, and costs, at the court’s discretion.⁸

Suggestions

1. Remove the town online reservation system and have open play for all courts.

From an ADA compliance standpoint, this suggestion provides equal opportunity for all participants, disabled and non-disabled, to access the athletic courts in that all participants have the *same* level of open access.

2. Resident group managing the court reservation system.

Liability Regarding Technical Standards

The Town would still be responsible for ensuring that the reservation system complies with the technical standards for web content accessibility.⁹

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* Note that the ADA does not require complainants to exhaust administrative remedies prior to instituting private litigation.

⁷ U.S. Dep’t. of Justice, ADA Title II Technical Assistance Manual 1994 Supplement, at II-9.2000 (1994), <https://archive.ada.gov/taman2up.html>.

⁸ 28 C.F.R. § 35.175

⁹ In April 2024, the DOJ adopted an internationally recognized accessibility standard for web access, the Web Content Accessibility Guidelines (“WCAG”) 2.1, as the technical standard for web content and mobile app accessibility under title II. As a result, public entities are now required to comply with the WCAG 2.1 Level AA success criteria and conformance requirements.

Pursuant to the DOJ's new rule,¹⁰ third-party web content must be accessible to persons with disabilities if the third-party web content is being used to allow the members of the public to participate in or benefit from the public entity's services, program, or activities. The DOJ explicitly and unequivocally states that a public entity may not delegate away its obligation to complying with the technical requirements in the new rule:

The general requirements in the final rule apply to web content or mobile apps that a public entity provides or makes available directly, as well as those the public entity provides or makes available "through contractual, licensing, or other arrangements....

The Department intentionally used the same phrasing in this rule because here too, where public entities act through third parties using contractual, licensing, or other arrangements, they are not relieved of their obligations under this subpart. For example, when public educational institutions arrange for third parties to post educational content on their behalf, public entities will still be responsible for the accessibility of that content under the ADA.

Further, the Department emphasizes that the phrase "provides or makes available" in § 35.200 is not intended to mean that § 35.200 only applies when the public entity creates or owns the web content or mobile app. The plain meaning of "make available" includes situations where a public entity relies on a third party to operate or furnish content. Section 35.200 means that public entities provide or make available web content and mobile apps even where public entities do not design or own the web content or mobile app, if there is a contractual, licensing, or other arrangement through which the public entity uses the web content or mobile app to provide a service, program, or activity. For example, even when a city does not design, create, or own a mobile app allowing the public to pay for public parking, when a contractual, licensing, or other arrangement exists between the city and the mobile app enabling the public to use the mobile app to pay for parking in the city, the mobile app is covered under § 35.200. This is because the public entity has contracted with the mobile app to provide access to the public entity's service, program, or activity (i.e., public parking) using a mobile app.¹¹

Liability for all other ADA requirements

In addition to the technical requirements, the Town would also still be liable for ensuring that the resident group appropriately responds to any requests for accommodation or auxiliary aids or

¹⁰ U.S. Dep't. of Justice, *Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities*, 89 Fed. Reg. 31320 (04/24/2024) (to be codified at 28 C.F.R. 35).

¹¹ Nondiscrimination, *supra* n11.

services. Title II of the ADA specifically applies to public entities and mandates that all programs and services provided by these entities be accessible. When a public entity contracts with a private entity to manage a public program, the program is still considered a “public service, program, or activity” under the ADA. Therefore, the compliance requirements remain.

3. Classify certain pickleball courts for open play, i.e. 1 or 2 of the 4 courts.

This is a solution that does not address the problem:

Problem: A person with a disability is unable to access the website that provides reservation services for athletic courts at Pollard Park.

Law: Regulations implementing Title II prohibit inequality in services, programs, or activities provided by public entities.¹² Public entities may not “afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit or service that is not equal to that afforded others” or “provide a qualified individual with a disability with an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.”¹³

Applied: In this case, the benefit is not the use of the athletic courts; rather, it is the opportunity to reserve a particular court on a particular day at a particular time.¹⁴

Solution: Note that the ADA provides for equality of opportunity, not equality of results.¹⁵ Thus, a solution is one that provides a person with a disability the same opportunity to reserve an athletic court as is afforded to those without a disability. Failure to provide an alternative method of access may be an independent basis for liability under Title II.¹⁶

4. Classify tennis court as open play.

See answer to #3.

5. Block off 4 hours each day for open play either on the tennis court or select pickleball courts.

See answer to #3.

6. Switch the Town’s online court reservation system to a different vendor system that states they are ADA compliant.

See answer to #2.

¹² 28 C.F.R. § 35.130

¹³ *Id.*

¹⁴ Notwithstanding availability limitations that those who can access the reservation system face.

¹⁵ U.S. Dept. of Justice, ADA Title II Technical Assistance Manual, at II-3.3000 (1993), <https://archive.ada.gov/taman2.html#II-3.6000>.

¹⁶ *Rylee v. Chapman*, 316 F. App’x 901, 902 (11th Cir. 2009); *Alboniga v. Sch. Bd. of Broward Cnty.*, 87 F. Supp. 3d 1319, 1337 (S.D. Fla. 2015).

7. Hire a 24/7 call center to accept reservations.

The DOJ makes clear in the commentary to the new rule that the use of other means of “effective communication,” such as 24/7 staffed telephone lines, does not create an equivalent service. The DOJ expresses the view that the need to rely on customer service simply cannot present the same ease of use, independence, or privacy protection that website access can provide. As a result, this method of communication cannot substitute for a compliant website.

The Department’s 2003 guidance on State and local government entities’ websites noted that “an agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line,” while also acknowledging that this is unlikely to provide an equal degree of access. The Department’s March 2022 guidance did not include 24/7 staffed telephone lines as an alternative to accessible websites. Given the way the modern web has developed, the Department no longer believes 24/7 staffed telephone lines can realistically provide equal opportunity to individuals with disabilities. Websites—and often mobile apps—allow members of the public to get information or request a service within just a few minutes, and often to do so independently. Getting the same information or requesting the same service using a staffed telephone line takes more steps and may result in wait times or difficulty getting the information.

For example, State and local government entities’ websites may allow members of the public to quickly review large quantities of information, like information about how to register for government services, information on pending government ordinances, or instructions about how to apply for a government benefit. Members of the public can then use government websites to promptly act on that information by, for example, registering for programs or activities, submitting comments on pending government ordinances, or filling out an application for a government benefit. A member of the public could not realistically accomplish these tasks efficiently over the phone.

Additionally, a person with a disability who cannot use an inaccessible online tax form might have to call to request assistance with filling out either online or mailed forms, which could involve significant delay, added costs, and could require providing private information such as banking details or Social Security numbers over the phone without the benefit of certain security features available for online transactions. A staffed telephone line also may not be accessible to someone who is deaf-blind, or who may have combinations of other disabilities, such as a

coordination issue impacting typing and an audio processing disability impacting comprehension over the phone. Finally, calling a staffed telephone line lacks the privacy of looking up information on a website. A caller needing public safety resources, for example, might be unable to access a private location to ask for help on the phone, whereas an accessible website would allow users to privately locate resources. For these reasons, the Department does not now believe that a staffed telephone line—even if it is offered 24/7—provides equal opportunity in the way that an accessible website can.

- 8. Change the operating hours of an ADA-compliant reservation system to match the Town’s business hours and provide a staffed phone line (restricted to M-F, no holidays, 8:00 am – 4:30 pm). This suggestion includes a voicemail hotline for calls after hours for staff to then enter reservations the following business day in the order they were received.**

See answer to #7.

- 9. Keep the online reservation system as is, with no modifications.**

Technical Standards.

The Town will have to remediate the current reservation system to ensure that it meets the WCAG 2.1 level AA standards by April 26, 2027. Failure to comply exposes the Town to the enforcement mechanisms and penalties noted above.

Accommodation request

The Town’s full compliance with web/mobile app WCAG 2.1 level AA standards does not mean it has met all its obligations under the ADA or other applicable laws. That is, when an individual with a disability encounters barriers to accessing a service, program, or activity offered through a public entity’s website or mobile app that conform to WCAG standards, the public entity still has an obligation to provide the individual an alternative means of access, unless the public entity can demonstrate that the alternative methods of access results in a fundamental alteration in the nature of the service, program, or activity or in an undue financial and administrative burden.¹⁷

The concept of "reasonableness" in disability accommodation is inherently case-dependent.¹⁸ Therefore, determining appropriate accommodations necessitates a fact-specific, individualized inquiry into the circumstances of the disabled individual and the potential accommodations that would enable them to achieve meaningful access.¹⁹ A trend in caselaw shows that when plaintiffs demonstrate an obstacle that hinders their ability to participate in a government program or receive

¹⁷ See U.S. Dep. of Justice, *Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide*, at pg. 5 (May 22, 2024), <https://www.ada.gov/resources/small-entity-compliance-guide/> (PDF).

¹⁸ *Wong v. Regents of the Univ. of Cal.*, 192 F.3d 807, 818 (9th Cir. 1999).

¹⁹ *Id.*

a benefit, there is a strong likelihood that they can establish they lack meaningful access under Title II.²⁰ For example, in *Martin v. Metropolitan Atlanta Rapid Transit Authority*, a group of disabled individuals sued the Metropolitan Atlanta Mass Transit Authority (“MARTA”), alleging discrimination against riders with disabilities by failing to provide them with scheduling and route information in accessible formats.²¹ MARTA offered evidence that the scheduling information was available by telephone, customers could request alternate formats by submitting a request to its customer service department, and that it was in the process of developing accessible formatting for its website.²² The court nevertheless held that their offered accommodations were “not the equivalent to what MARTA provides to the general public.”²³ The court thus found that MARTA failed to “[make] adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service” in violation of the ADA.²⁴

Conversely, plaintiffs seeking to expand a program's or service's core benefits are likely advocating for a fundamental alteration.²⁵ For example, in *Jones v. City of Monroe*, the city supplied free, one-hour parking spaces for shoppers in the downtown district.²⁶ Jones, a downtown employee who suffered from multiple sclerosis, frequently parked her car in the one-hour space adjacent to her job for her entire shift, instead of parking in the free, all-day employee lot two blocks away.²⁷ After receiving a citation, Jones requested the city to allow her to park in the one-hour space to accommodate her disability.²⁸ The city denied her request and Jones brought suit.²⁹ The Sixth Circuit determined that the city had not denied Jones meaningful access to free parking, stating that the “benefit that [the city] is providing to all of its citizens, including Jones, is free downtown parking at specific locations; it is not free downtown parking that is accessible to wherever a citizen, disabled or non-disabled, chooses to go or work.”³⁰

As demonstrated by these examples, determinations of whether a requested accommodation is required by law is highly fact-specific.³¹ The decision that a proposed modification or auxiliary

²⁰ *Am. Council of the Blind v. Paulson*, 381 U.S. App. D.C. 162, 173-74 (2008)(citations omitted).

²¹ *Martin v. Metropolitan Atlanta Rapid Transit Authority*, 225 F. Supp. 2d 1362 (N.D. Ga. 2002).

²² *Id.* at 1377. The court noted that there is a difference between the idealized scenario and the practical application. That is, theoretically, the provision of alternative formats and phone services would comply with ADA requirements; however, as implemented, telephone hold times were extensive, schedule information provided by customer service representatives was limited, and it took months for customers to receive their requested Braille schedules.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*; see e.g., *Alexander v. Choate*, 469 U.S. 287, 289, (1985)(holding that the State of Tennessee was not required to expand its Medicaid benefits “simply to meet the reality that the handicapped have greater medical needs.”).

²⁶ *Jones v. City of Monroe*, 341 F.3d 474, 475 (6th Cir. 2003).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 479.

³¹ *Cohen v. Monroe Cty.*, 749 F. App'x 855, 857 (11th Cir. 2018).

aid or service would result in a fundamental alteration or undue burden must be made by the head of the public entity, or their designee, “after considering all resources available for use in the funding and operation of the service, program, or activity.”³² Such decision must be accompanied by a written statement of the reasons for reaching that conclusion.³³ However, **even if a fundamental alteration or an undue burden exists, the public entity must still take any other action that would not result in such an alteration** and that ensures to the maximum extent possible that individuals with disabilities receive the benefits or services provided by the public entity.³⁴

The DOJ’s ADA Technical Assistance Manual, which was created to assist public entities in understanding the scope of their responsibilities under Title II, provides the following example for “reasonable modifications”:

*ILLUSTRATION 2: A county general relief program provides emergency food, shelter, and cash grants to individuals who can demonstrate their eligibility. The application process, however, is extremely lengthy and complex. When many individuals with mental disabilities apply for benefits, they are unable to complete the application process successfully. As a result, they are effectively denied benefits to which they are otherwise entitled. In this case, the county has an obligation to make reasonable modifications to its application process to ensure that otherwise eligible individuals are not denied needed benefits. Modifications to the relief program might include simplifying the application process or providing applicants who have mental disabilities with individualized assistance to complete the process.*³⁵

Conclusion

As explained in the above analysis, each of the suggestions presented carries a different level of inherent risk. While our office can offer general legal advice on the relevant laws and potential outcomes, we are aware of neither the feasibility of implementing those suggestions that may be considered viable, nor the Town’s risk tolerance. Ultimately, this is a policy decision. However, if the Town has any questions or requires further clarification on the legal aspects of each option, our office is happy to provide additional information.

³² 28 C.F.R. § 35.164

³³ *Id.*

³⁴ *Id.*

³⁵ U.S. Department of Justice, *ADA Title II Technical Assistance Manual*, at II-3.6100 (1993), <https://archive.ada.gov/taman2.html#II-3.6000>



Meeting Date: June 3, 2024

Agenda Item: 7-A

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Tree Removal Request – 112 Inlet Harbor Road

Summary:

The applicant is requesting the removal of two specimen Live Oak trees with trunks measuring 18” and 26” DBH (diameter at breast height) for the construction of a new single-family home.

Suggested Motion/Action:

At Board’s discretion.

Requested by:

Ms. Rippey, Principal Planner

Approved by:

Mr. Disher, Town Manager



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: Cultural Services, Historic Preservation & Tree Advisory Board
From: Patty Rippey, AICP, Principal Planner
Date: May 14, 2024
Subject: DEVR 314-2024 Tree Removal Permit Application

REQUEST: Removal of 2 specimen trees measuring over 18” and 26” DBH for construction of new single-family residential structure
LOCATION: 112 Inlet Harbor Rd.
APPLICANT: Eric Olsen, Olsen Custom Homes
RECOMMENDATION: **Approval**, subject to conditions, based on the findings in this report

MEETING DATE: June 3, 2024

1
2 **INTRODUCTION**

3 The applicant is requesting the removal of two specimen Live Oak trees with trunks measuring
4 18” and 26” DBH (Diameter at Breast Height) for the construction of a new single-family home
5 (Location Map, **Attachment 1**).
6

7 **AUTHORITY AND PROCESS**

8 Trees greater than or equal to 18” DBH require approval of the Cultural Services Board to remove,
9 pursuant to LUDC Section 4.10.5. Tree removal applications are reviewed first by Staff and then
10 provided to the Board for a decision. Review of such applications must consider certain standards
11 and criteria listed in Section 4.10.4.C and D. For trees of this size, the Board has authority to
12 approve, approve with conditions, or deny the proposed tree removal. If approved, the tree removal
13 permit shall only be issued in conjunction with the permit for the single-family home. Tree removal
14 permits approved in conjunction with development expire concurrently with their associated
15 development permit and may be extended by the Town in the same manner as the development
16 permit. Pursuant to LUDC Sec. 4.10.6.B, decisions of the Cultural Services Board may be appealed
17 to the Town Council. Appeals shall be in writing and submitted to the town with the appropriate
18 fee within 15 days of the Board’s decision. The Town Council will then hear the appeal at its next
19 available meeting.
20
21

22 **PROPERTY OVERVIEW**

23 The subject property was platted as Lot 7 of the “Inlet Harbor Estates” subdivision in 2020
24 (**Attachment 2**). The property is accessed from the north side of Inlet Harbor Road. The property
25 measures approximately 10,092 square feet (0.25 acres) in size, which meets the minimum size
26 requirements of the R-1 (Low density single family residential) zoning district and maximum
27 density of the corresponding *Low-density single family residential* future land use category. The
28 lot is approximately 98 feet in width and 102 feet in depth. The surrounding properties are also
29 zoned R-1 for single-family residential development. The abutting lots to the north, east, and west
30 are vacant residential lots. The abutting lots to the south are developed with single family homes.
31

32 The property owner and the contractor have designed a new, two-story single-family home to be
33 constructed on the property. The first floor is 2,309 square feet, the second floor is 1,081 square
34 feet for a total living area of 3,390 square feet. The garage, lanai, entry, and balcony are a total of
35 1,147 square feet. The driveway is approximately 750 square feet. The proposed building coverage
36 is calculated as approximately 31% of the lot to meet the maximum allowance of 35% for the R-1
37 zoning district.
38

39 A total of 11 trees, primarily oaks, are depicted on the survey (**Attachment 3**), of which 6 are
40 proposed for removal from the building footprint and clear zone (within 8 feet of the structure). A
41 total of 6 Live Oak trees are proposed for removal: 2- 10”, 1-12”, 1- 16” Live Oak tree within the
42 footprint of the proposed house, 1 – 18” Live Oak tree within the clear zone on northwest side of
43 house (*requires CSB approval*), 1 - 26” DBH Live Oak tree within the footprint of the proposed
44 house (*requires CSB approval*). Photos of trees proposed for removal are provided in **Attachment**
45 **4**.
46

47 A total of 5 trees will be preserved: 1 - 10” Sabal Palm tree on the center front of property, 2 -
48 20” Live Oak trees on the front towards southeast side of the property, 2 - 12” DBH Live Oak
49 on the northeast rear side and east side of the property. One 24” DBH Live Oak in the front right-
50 of-way will also be preserved.
51

52 **LUDC REQUIREMENTS**

53 Placement of a new single-family home on this property is required to meet the standard setbacks
54 for the R-1 zoning district of 30 feet in the front, 10 feet on the sides, and 30 feet in the rear.
55 Accessory uses and structures are required to meet a 10-foot setback from the rear and side
56 property lines. General driveway standards require a setback of five feet from property lines and
57 maximum width at the property line of 24 feet. The setbacks, together with the easements and plat
58 restrictions, define the buildable area of the lot and associated site improvements.
59

60 The LUDC requires protected trees removed from a property to be replaced unless the replacement
61 is specifically exempt. The number of replacement trees required depends on the location, number,
62 and size of the tree(s) being removed. In this case, if all 6 trees are removed as requested, the
63 required mitigation would be as much as 28 replacement trees according to LUDC Sec. 4.10.4.E.,
64 Table 4-19.
65

66

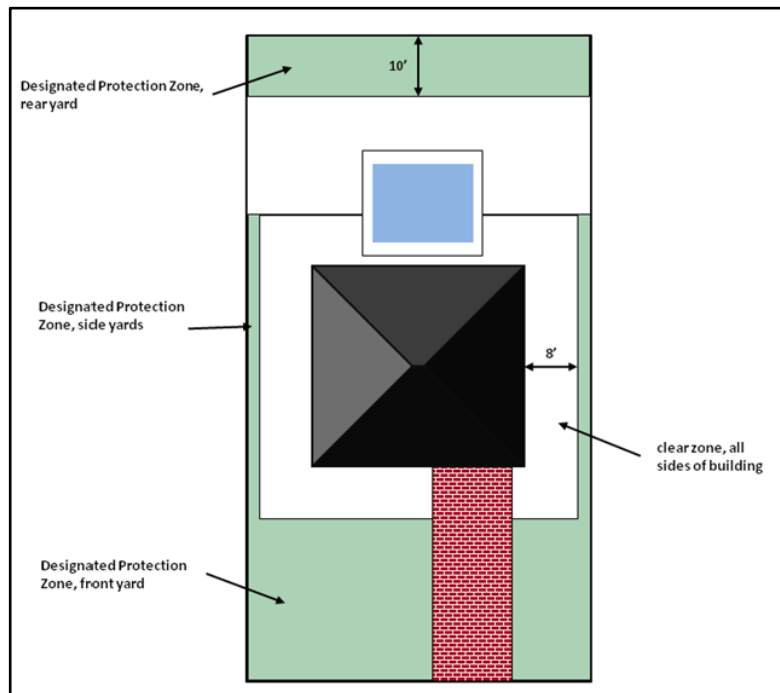
Table 4-19 Tree Replacement Mitigation

Size of Tree Removed (DBH)	Number of Replacement Trees Required per Tree Removed	
	If trees preserved in protected zone only	If trees also preserved outside protected zone
4 inches—6 inches	1	1
>6 inches—8 inches	2	1
>8 inches—12 inches	3	1
>12 inches—18 inches	5	1
>18"+	7	1

67

68 The number of replacement trees
 69 required can be reduced by
 70 preserving trees outside the
 71 designated protection zone
 72 (DPZ), where such protection is
 73 strictly required. The DPZ
 74 includes the front yard, side
 75 yards, and rearmost ten feet of
 76 the rear yard, but not the actual
 77 footprint of the principal and
 78 accessory structures, uses
 79 permitted in the buffers, and area
 80 lying within eight feet of the
 81 house (clear zone).

82 As an incentive to preserve
 83 additional trees, the replacement
 84 ratio drops to 1:1 if trees are also
 85 preserved outside of the DPZ.
 86 However, according to the tree
 87 survey and house layout provided, no trees are being preserved outside the DPZ.
 88



89 The LUDC also provides replacement exemptions on heavily wooded lots. Per definition, a heavily
 90 wooded lot is, “An undeveloped property with an abundance of trees and a canopy coverage of at
 91 least 90 percent.” On heavily wooded lots, specimen trees removed from the building footprint
 92 and driveway are exempt from replacement, provided that, “...every effort is made to position the
 93 building and site elements to minimize tree removal, and no trees are removed from the designated
 94 protection zone”. While the tree canopy appears significant, only 12 trees are located on the parcel
 95 per the tree survey, of which 6 are proposed for removal. For purposes of mitigation, this lot is not
 96 considered heavily wooded.
 97
 98

99 **REVIEW OF APPLICATION**

100 Pursuant to LUDC Section 4.10.4.C specimen trees are protected even outside of the DPZ. The
101 Applicant submitted a written narrative to describe the request and justification for removal of the
102 proposed specimen trees for the construction of a new single-family residential structure
103 (**Attachment 5**). The applicant stated that he and the Contractor attempted numerous designs
104 variations to preserve additional trees. However, the location of the trees proposed for removal are
105 well within the footprint of the home or within the clear zone of the structure. The trees planned
106 to be preserved are within the DPZ. There are no trees located in the proposed stormwater retention
107 areas or within the parking or driving areas on site.

108
109 The criteria pursuant to LUDC Section 4.10.4.D for determining extent of tree and vegetation
110 protection and removal is provided below.

- 111
112 1. The actual or intended use of the property;
113

114 *Staff response:* The property has appropriate zoning for single-family residential
115 development consistent with the intended use of the property and the Town's
116 Comprehensive Plan. The property is a platted lot within a single-family subdivision
117 that complies with LUDC dimensional requirements. *This standard has been met.*
118

- 119 2. The desirability of preserving any tree by reason of its size, age, or other outstanding
120 quality, such a uniqueness, rarity, or status as a specimen, historic or landmark tree;
121

122 *Staff response:* Although large, the trees do not meet the criteria for designation as
123 historic or landmark and are not otherwise unique or rare. *This standard has been met.*
124

- 125 3. The extent to which the area would be subject to increased water runoff or
126 environmental degradation due to removal of the trees;
127

128 *Staff response:* The removal of the trees will not increase water runoff or environmental
129 degradation. The trees will be replaced with other specimen-species trees elsewhere on
130 the property. Additionally, the site development will contain the first inch of
131 stormwater runoff utilizing on-site retention areas at the front and sides of the home.
132 *This standard has been met.*
133

- 134 4. The need for visual screening in transitional/buffer areas between different types of
135 uses; from non-residential service areas and structures; and from glare, blight, or other
136 unsightliness; or any other affront to the visual or aesthetic sense in the area;
137

138 *Staff response:* The property is surrounded by similar single-family development and
139 fronts Inlet Harbor Road, so additional screening from other types of uses is not
140 required. The development will comply with the Town's landscaping requirements
141 based on the linear perimeter calculation, plus tree removal replacement mitigation.
142 *This standard will be met.*
143

- 144 5. The effect that changes to the natural grade will have on the trees to be preserved;

145 *Staff response:* The property is located within Flood Zone X.¹ The grade elevations
146 included on the survey range from 7.3’ at the northeast rear corner to 5.5 feet in the
147 southeast front area of property. The proposed finished floor elevation is 7.5 feet. The
148 preserved trees are at an elevation of 5.5 feet. The overall grading of the site will drain
149 from rear to front with the front of property graded to a 5.5 elevation, the same
150 elevation as the trees to be preserved. *This standard will be met.*
151

- 152 6. The extent to which a reasonable design effort has been made to save as many of the
153 existing trees found on-site as possible and to work with the existing grades; and
154

155 *Staff response:* The property owner’s narrative states that he and the builder deliberated
156 numerous times on different layouts and positions to try to shrink the home’s first floor
157 plan to protect more areas with no success. The largest tree is growing directly
158 horizontal to the structure location and would still require removal even if the first-
159 floor footprint was shifted back 10 feet. Trees not located within the footprint or clear
160 zone will be preserved and no trees are proposed for removal from the parking or
161 driving areas. Based on the site layout, number of trees to be removed, and extent of
162 the development area proposed for the principal structure, it appears a “reasonable”
163 design effort has been made to save existing trees. *This standard has been met.*
164

- 165 7. The extent to which site design considerations, including the relocation of roads and
166 utilities, have been incorporated into the project.
167

168 *Staff response:* Relocation of roads/utilities as part of the site design are not relevant
169 to this single-family lot. *This standard is not applicable to this application.*
170

171 **DISCUSSION**

172 Based on the material provided with the application, an effort has been made to position the
173 building and site elements to reduce the number of trees removed. The proposed design occupies
174 most if not all available horizontal space on the lot on which to build. The size of the lot does not
175 allow altering of the design to save the trees and still meet the required yard setbacks.
176

177 **RECOMMENDATION**

178 Based on the findings of this report, the application complies with the specimen tree protection
179 requirements of LUDC Section 4.10.4.C and meets the criteria of LUDC Section 4.10.4.D to
180 support the removal of the two specimen Live Oak trees measuring 18” and 26” DBH. Staff
181 recognizes that removal of six centrally located Live Oak trees (2 –10”, 12”, 16”, 18”, 26” DBH)
182 within the building footprint of the primary structure is likely unavoidable for development of the
183 lot. Staff recommends approval, subject to the following conditions:

1. The removal of trees cannot commence until after all required permits for the new single-family home have been issued by the Planning and Development Department.
2. During construction, appropriate measures to prevent the destruction or damage of all protected vegetation and trees shall be consistent with LUDC Section 4.10.4.D.4.

¹ Zone X is an area of minimal flood hazard that is determined to be outside the Special Flood Hazard Area and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood.

3. A total of 28 trees a minimum of 6 feet in height and 2.5 caliper is required for mitigation.
4. The final landscape plan and tree replacement mitigation for the property shall meet all requirements pursuant to LUDC Section 4.10.
5. If there is no room left for required plantings, the applicant shall pay an amount equal to the number of replacement trees required per Table 4-19, multiplied by the tree replacement fee in the Town's adopted fee schedule.



Patty Rippey, Principal Planner

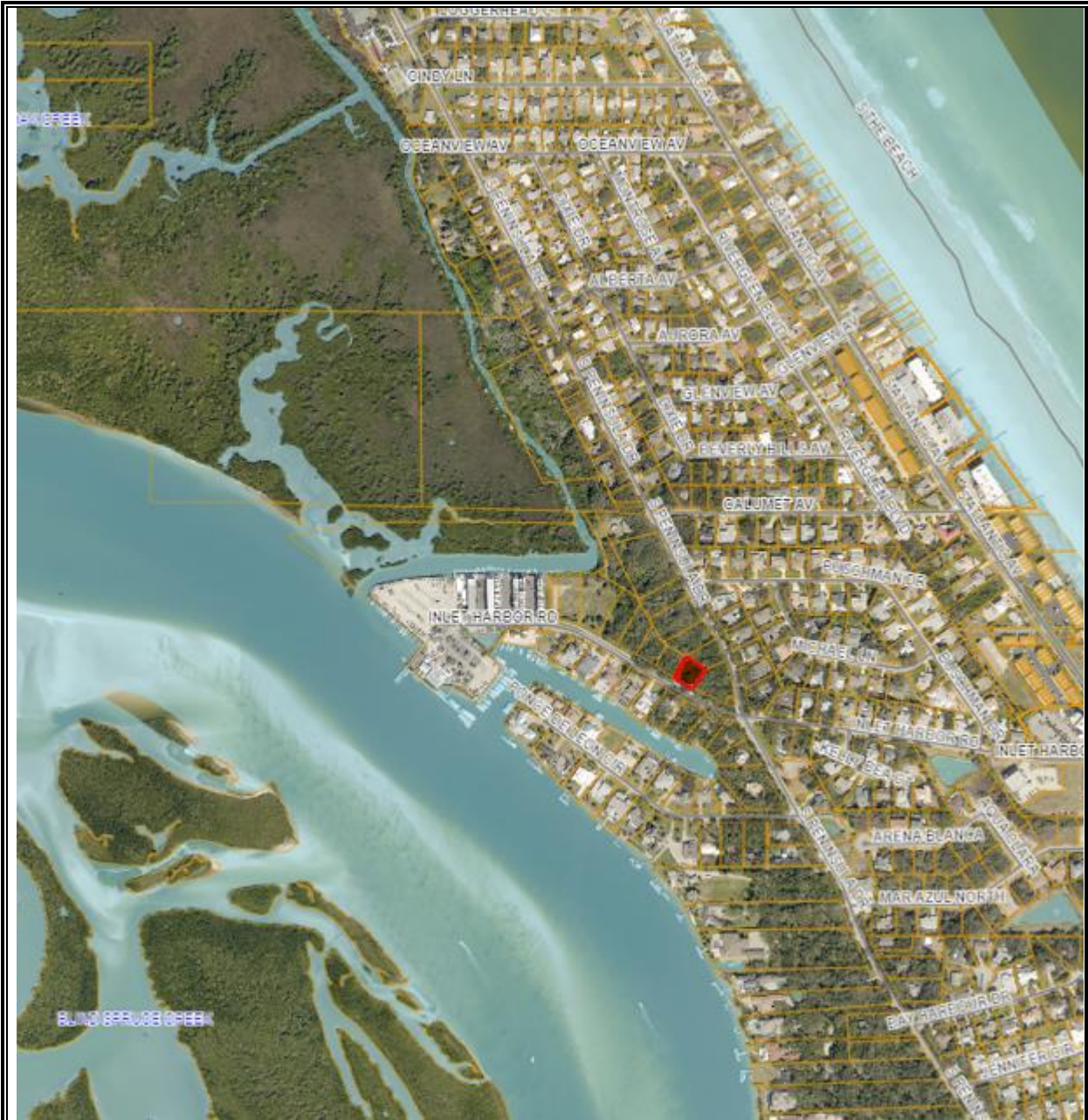
May 15, 2024

Date

Attachments:

1. Location map
2. Inlet Harbor Subdivision plat, Lot 7
3. Tree Survey
4. Photos taken April 23, 2024
5. Narrative provided by Applicant

**ATTACHMENT 1
LOCATION MAP**



Property Address/Location: 112 Inlet Harbor Road



**ATTACHMENT 1
LOCATION MAP
TOWN OF PONCE INLET**



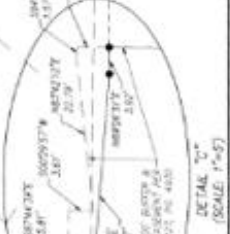
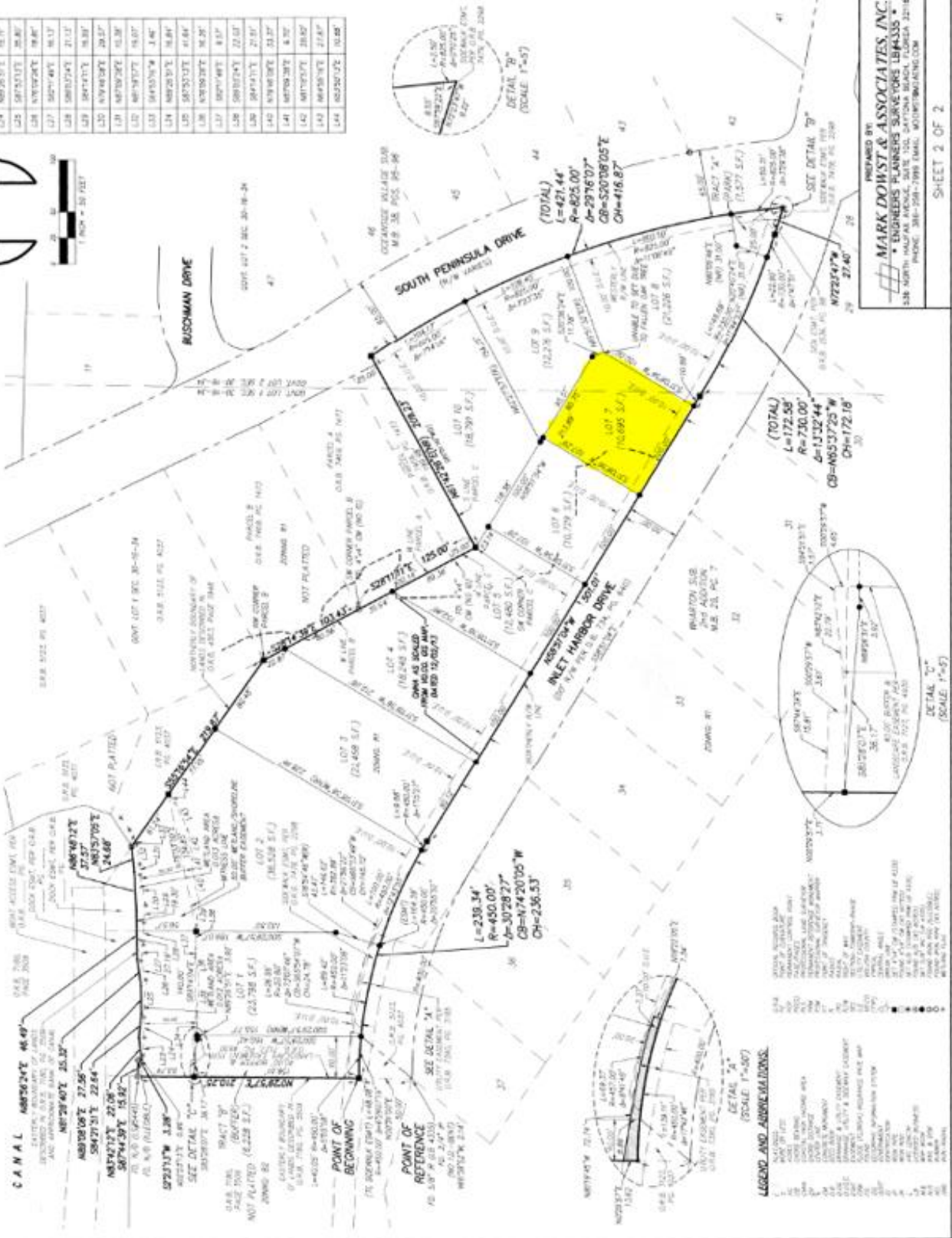
ATTACHMENT 2

LOT 7 – INLET HARBOR ESTATES SUBDIVISION

LINE	BEARING	LENGTH
L1	S89°53'17" W	21.80'
L2	N02°25'31" E	13.10'
L3	S87°53'17" W	20.80'
L4	S89°53'17" W	18.80'
L5	S89°53'17" W	18.10'
L6	S89°53'17" W	20.50'
L7	S89°53'17" W	18.10'
L8	S89°53'17" W	18.10'
L9	S89°53'17" W	18.10'
L10	S89°53'17" W	18.10'
L11	S89°53'17" W	18.10'
L12	S89°53'17" W	18.10'
L13	S89°53'17" W	18.10'
L14	S89°53'17" W	18.10'
L15	S89°53'17" W	18.10'
L16	S89°53'17" W	18.10'
L17	S89°53'17" W	18.10'
L18	S89°53'17" W	18.10'
L19	S89°53'17" W	18.10'
L20	S89°53'17" W	18.10'
L21	S89°53'17" W	18.10'
L22	S89°53'17" W	18.10'
L23	S89°53'17" W	18.10'
L24	S89°53'17" W	18.10'
L25	S89°53'17" W	18.10'
L26	S89°53'17" W	18.10'
L27	S89°53'17" W	18.10'
L28	S89°53'17" W	18.10'
L29	S89°53'17" W	18.10'
L30	S89°53'17" W	18.10'
L31	S89°53'17" W	18.10'
L32	S89°53'17" W	18.10'
L33	S89°53'17" W	18.10'
L34	S89°53'17" W	18.10'
L35	S89°53'17" W	18.10'
L36	S89°53'17" W	18.10'
L37	S89°53'17" W	18.10'
L38	S89°53'17" W	18.10'
L39	S89°53'17" W	18.10'
L40	S89°53'17" W	18.10'
L41	S89°53'17" W	18.10'
L42	S89°53'17" W	18.10'
L43	S89°53'17" W	18.10'
L44	S89°53'17" W	18.10'

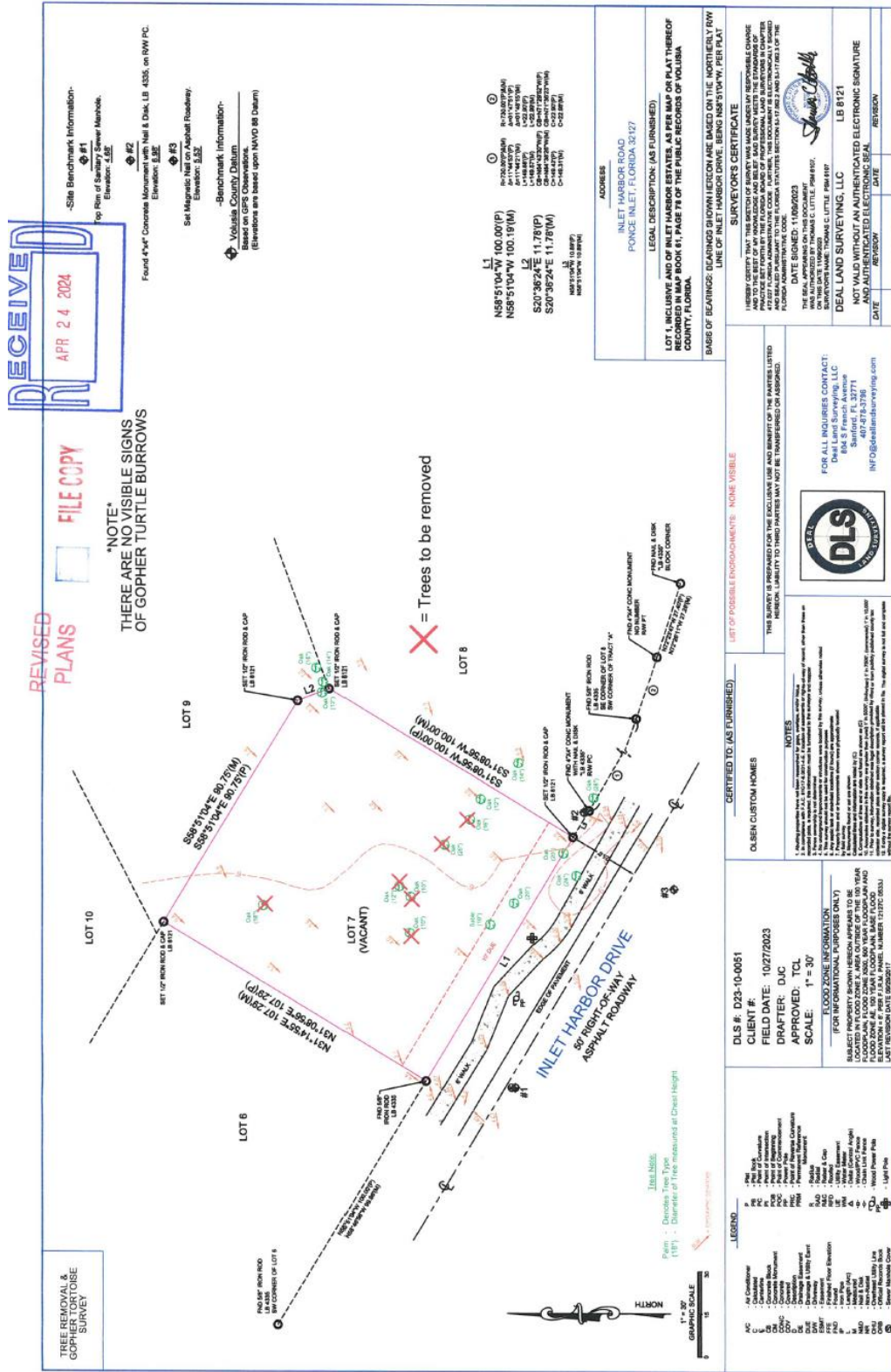


INLET HARBOR ESTATES
 A PORTION OF GOVERNMENT LOTS 1 AND 2, SECTION 30, TOWNSHIP 16 SOUTH, RANGE 34 EAST, BEING LOCATED IN THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA



PREPARED BY:
MARK DOWST & ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS LPA-335
 528 NORTH HAVENWAY AVENUE, SUITE 200
 PALM BEACH, FLORIDA 33410
 PHONE: (561) 838-7898 FAX: (561) 838-7899
 WWW.MARKDOWST.COM

ATTACHMENT 3 SITE LAYOUT – TREE SURVEY (TREES ONLY)



-SIB Benchmark Information-
 Top Rise of Secondary Sewer Mainline
 Elevation: 4.52'
 #1
 #2
 #3
 Found 4"x4" Concrete Monument Nail & Disk, LB 4355, on NW PC.
 Elevation: 4.52'
 #1
 #2
 #3
 Set Magnetic Nail on Asphalt Roadway.
 Elevation: 4.52'
 -Benchmark Information-
 Volusia County Datum
 Based on GPS Observations.
 (Elevations are based upon NAVD 88 Datum)

L1
 N58°51'04"W 100.00'(P)
 N58°51'04"W 100.19'(M)
 L2
 S20°36'24"E 11.78'(P)
 S20°36'24"E 11.78'(M)
 N58°51'04"W 100.00'(P)
 N58°51'04"W 100.19'(M)

INLET HARBOR ROAD
 FORCE INLET, FLORIDA 32127
 LEGAL DESCRIPTION: (AS FURNISHED)
 LOT 1, INCLUSIVE AND OF INLET HARBOR ESTATES, AS PER MAP OR PLAT THEREOF
 RECORDED IN MAP BOOK 61, PAGE 78 OF THE PUBLIC RECORDS OF VOLUISA
 COUNTY, FLORIDA.
 BASE OF BEARING: CLEARING SHOWN HEREON ARE BASED ON THE NORTHERLY R/W
 LINE OF INLET HARBOR DRIVE, BEING N85°10'41"W, PER PLAT

SURVEYOR'S CERTIFICATE
 I, the undersigned, being a duly Licensed Professional Surveyor in the State of Florida, do hereby certify that this Survey was made under my responsible charge and in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes, and I am duly Licensed under the provisions of Chapter 461, Part I, Florida Statutes, and I am duly Licensed under the provisions of Chapter 461, Part I, Florida Statutes, and I am duly Licensed under the provisions of Chapter 461, Part I, Florida Statutes.
 DATE SIGNED: 1/16/2023
 THE SEAL APPEARING ON THIS DOCUMENT IS THE SEAL OF THE SURVEYOR AND IS VALID FOR THE STATE OF FLORIDA.
 DEAN LAND SURVEYING, LLC
 816 S. FRUIT AVE.
 DEERFIELD BEACH, FLORIDA 33442
 LB 8121
 NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL
 DATE: _____ DATE: _____ DATE: _____

LEGEND
 C - Corner
 L - Line
 M - Monument
 P - Point
 S - Station
 T - Ties
 W - Well
 X - Cross
 Y - Y
 Z - Z
 A - Area
 B - Block
 C - Chain
 D - Drive
 E - Elevation
 F - Foot
 G - Gauge
 H - Hole
 I - Iron
 J - Joint
 K - Key
 L - Lead
 M - Metal
 N - Nail
 O - Oil
 P - Pipe
 Q - Quarry
 R - Road
 S - Sewer
 T - Trench
 U - Utility
 V - Valve
 W - Well
 X - Cross
 Y - Y
 Z - Z

NOTES
 1. The survey was made under the supervision of the undersigned.
 2. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 3. The survey was made on the date indicated on the certificate.
 4. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 5. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 6. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 7. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 8. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 9. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.
 10. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 461, Part I, and the Rules and Regulations of the Board of Professional Land Surveyors in Chapter 461, Part I, Florida Statutes.

CLIENT INFORMATION
 CLIENT #: D23-10-0051
 FIELD DATE: 10/27/2023
 DRAFTER: DJC
 APPROVED: TOL
 SCALE: 1" = 30'
FLOOD ZONE INFORMATION
 SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE IN A FLOOD ZONE. FLOOD ZONE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY.
 FLOOD ZONE INFORMATION:
 FLOOD ZONE: 100-YEAR FLOOD ZONE (FLOOD ZONE 100)
 FLOOD ZONE: 500-YEAR FLOOD ZONE (FLOOD ZONE 500)
 FLOOD ZONE: SPECIAL FLOOD HAZARD ZONE (FLOOD ZONE SFHZ)
 FLOOD ZONE: COASTAL FLOOD ZONE (FLOOD ZONE CFZ)
 FLOOD ZONE: OTHER FLOOD ZONE (FLOOD ZONE OF)
 FLOOD ZONE: UNCLASSIFIED FLOOD ZONE (FLOOD ZONE UNCL)
 FLOOD ZONE: UNKNOWN FLOOD ZONE (FLOOD ZONE UNKN)
 FLOOD ZONE: NO FLOOD ZONE (FLOOD ZONE NO)
 FLOOD ZONE: FLOOD ZONE NOT SHOWN (FLOOD ZONE NOSH)
 FLOOD ZONE: FLOOD ZONE NOT DETERMINED (FLOOD ZONE NOD)
 FLOOD ZONE: FLOOD ZONE NOT AVAILABLE (FLOOD ZONE NOD)
 FLOOD ZONE: FLOOD ZONE NOT APPLICABLE (FLOOD ZONE NOD)
 FLOOD ZONE: FLOOD ZONE NOT SHOWN (FLOOD ZONE NOSH)
 FLOOD ZONE: FLOOD ZONE NOT DETERMINED (FLOOD ZONE NOD)
 FLOOD ZONE: FLOOD ZONE NOT AVAILABLE (FLOOD ZONE NOD)
 FLOOD ZONE: FLOOD ZONE NOT APPLICABLE (FLOOD ZONE NOD)

ATTACHMENT 4 – PHOTOS OF TREES PROPOSED FOR REMOVAL

**16” & 26” DBH Live Oak trees - within footprint of structure
Southeast area of proposed structure (Front/Right)**



1 – 18” Live Oak – within clear zone
Northwest side of proposed structure less than 8 feet from lanai (Rear/Left)



ATTACHMENT 5 – APPLICANT’S NARRATIVE

**112 Inlet Harbor Road, Ponce Inlet
Michael Schaler
Request for approval of removal of trees**

April 24, 2024

Planning & Development Department
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, Florida 32127

Re: 112 Inlet Harbor Road

To Whom it May Concern,

The purpose of this letter is to address the proposed removal of some Oak trees on my property at 112 Inlet Harbor Road. During the planning and design process for the construction of my new home, the builder and I decided that a two-story home was necessary because of the restrictive setbacks on this lot.

We tried to adjust the floorplan design to accommodate the locations of the trees, but it was impossible to maintain the footprint of the home and build around all the trees. In some cases, the largest tree is literally growing directly horizontal into the home location. Even if we were able to shift the home back 10 feet they would still have to be removed. We deliberated numerous times for different layouts and positions to try to shrink the first floor plan and try to protect more areas but the areas are just restrictive to the point where we could no longer modify the rooms and have them remain usable.

I would like to assure you that my builder and I have only the best intentions and wholeheartedly plan to construct a high quality, beautiful, custom home in the parameters allowed per the zoning. We also plan to landscape my property with the guidance of an experienced licensed landscaper to ensure the final product remains both balanced and visually appealing.

I kindly request your permission to proceed with the removal of these trees and thank you for your time and attention to this matter.

Respectfully,



Michael Schaler
911 Carey Drive
South Daytona, FL 32119