

CULTURAL SERVICES, HISTORIC PRESERVATION, & TREE ADVISORY BOARD AGENDA

MONDAY

COUNCIL CHAMBERS

December 2, 2024 - 5:30 PM

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. June 3, 2024
- 5. REPORT OF STAFF:
 - A. Cultural Services update *Jackie Alex, Cultural Services Manager*
 - B. Public Works update Steven Wargo, Public Works Director
- **6. OLD BUSINESS:** *None.*
- 7. **NEW BUSINESS:**
 - A. Marker for William "Cocoa Bill" Williams.
- 8. PUBLIC PARTICIPATION.
- 9. BOARD/STAFF DISCUSSION.
- 10. ADJOURNMENT.

Next Meeting: Monday, January 6, 2025

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: December 2, 2024

Agenda Item: 4

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

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 June 3, 2024 meeting minutes:		
☐ As Presented - or - ☐ As Amended		
Requested by:		
Ms. Stewart, Assistant Deputy Clerk		
Reviewed & Authorized by:		

Ms. 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

5 **June 3, 2024**

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

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

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Board members present:

Ms. LaBarre, Seat 1

Ms. Keese, Seat 2

Mr. Shaffer, Seat 3

Ms. Finch, Seat 4; Vice-Chair

Ms. Bell, Seat 5, Chair

Ms. Kessler, Alternate Seat 1

Mr. Patton, Alternate Seat 2

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Staff members present:

Mrs. Alex, Cultural Services Manager

Mr. Disher, Town Manager

Attorney New, Town Attorney

Ms. Rippey, Principal Planner

Chief Scales, Public Safety Director

Ms. Stewart, Assistant Deputy Clerk

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3. **ADOPTION OF AGENDA:** Chair Bell requested switching the order of items 6-A and 7-A, therefore hearing the tree removal request prior to the athletic court reservation system discussion.

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<u>Vice-Chair Finch moved to approve the agenda as amended; seconded by Ms. LaBarre. The motion</u> PASSED by consensus, 5-0.

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4. APPROVAL OF MINUTES:

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A. May 6, 2024 – Chair Bell asked if there were any changes; there were none.

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Ms. LaBarre moved to approve the May 6, 2024 meeting minutes as presented; seconded by Vice-Chair Finch. The motion PASSED by consensus, 5-0.

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5. REPORT OF STAFF:

A. Cultural Services Update – Mrs. Alex stated budget preparation has been ongoing for the past few months and staff appreciates the Board's recommendations for future projects; they will be presented to the Town Council for final approval in September. The volunteer workday was a

success; 16 volunteers removed 121 pounds of air potatoes. She applauded all the volunteers for that event and all the work over the last six months removing invasive plants. The experts will be coming back to spray any remaining vines and will tackle Timucuan Oaks. She noted that 90% of the air potatoes have been removed and announced there will be another volunteer workday in the fall.

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B. Public Works Update – Chief Scales provided an update on Public Works activities, noting they have some staffing challenges and are down three positions. However, staff is working hard to prioritize to ensure things are taken care of. He announced that Mr. Griffith, Public Works Director, is retiring; his last day will be June 14, 2024. All the work Mr. Griffith has done for the town is greatly appreciated and he has made this community much better. Vice-Chair Finch thanked Public Works for filling the hole on Beach Street so quickly. Chief Scales explained that the city of Port Orange was there on Friday installing some material; Public Works is monitoring the issue to ensure it is taken care of as quickly as possible. Chair Bell asked if the Town will be hiring for the open positions. Chief Scales replied yes and noted that Mr. Steve Dunlap, Assistant Public Works Manager, will be attending these meetings moving forward.

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7. NEW BUSINESS:

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Tree Removal Request - #DEVR 314-2024: Property Address: 112 Inlet Harbor **Road** – Ms. Rippey provided a powerpoint pptx and explained the request is to remove two specimen Live Oak trees measuring 18" and 26" DBH (diameter breast height) noting that any trees 18" DBH or greater require this Board's approval and the review must include all the criteria listed in the Land Use and Development Code (LUDC). The Board has the authority to approve, approve with conditions, or deny the proposed tree removal. The subject property is a vacant lot in the R-1 zoning district and part of the Inlet Harbor Estates Subdivision that was platted in 2020. She provided an aerial view of the property and an image of where the single-family structure will be and where the two subject trees are located. The applicant indicated in his narrative that he and his contractor deliberated several different options for moving the position of the structure; however, due to the setbacks, it would still require removal of the largest tree. She reviewed the vegetation protection and removal standards; there is nothing rare or unique about these trees that would require them to be preserved and the criterion has all been met. Based on the findings of this report, staff finds the application complies with the tree protection requirements and meets the LUDC Section 4.10.4D to support removal of two Live Oak trees of 18" DBH and 26" DBH, staff recommends approval subject to the following conditions: the removal of the trees may not commence until after all required permits for the new single-family home have been issued by the Planning and Development Department; during construction appropriate measures to prevent destruction or damage of all protective vegetation or trees shall be consistent with the code; and pursuant to the LUDC, a total of 14 trees are required for mitigation for removal of the 18" and 26" DBH trees. Additional mitigation is required for the removal of trees under 18" DBH from the footprint of the primary structure. The final landscape plan and tree replacement mitigation for the property shall meet all requirements pursuant to the code and if there is no room left for all the required trees, the applicant shall request approval to pay an amount equal to the balance of the replacement trees required by table 4.19 multiplied by the tree replacement fee.

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Chair Bell moved to recommend approval of the tree removal request - #DEVR 314-2024: Property Address: 112 Inlet Harbor Road subject to the stated conditions; seconded by Vice-Chair Finch. The motion PASSED 5-0, with the following vote: Chair Bell – yes; Vice-Chair Finch – yes; Ms. LaBarre – yes; Ms. Keese – yes; Mr. Shaffer - yes.

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6. OLD BUSINESS:

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Attorney New provided a Legal Analysis.pptx and gave an overview of the ADA law emphasizing that it promotes equal opportunity and ensures that people with disabilities can participate fully in society. The ADA has five Titles; Title II is specific to public entities such as local governments, state governments, and any branch of local or state governments, etc. Title II requires public entities to give people with disabilities an equal opportunity to benefit from all their programs, services, and activities; it cannot deny those with disabilities the chance to participate. Third party contractors who are providing public services on behalf of the Town are responsible for complying with Title II; that would be applicable here to the reservation system as it would be an agent of the Town and be required to adhere to the new technical requirements and every other requirement that would apply to the Town regarding any type of accommodation. She explained discrimination and provided examples. Attorney New provided illustrations from the Department of Justice's (DOJ) Title II Technical Requirements Manual which was created to assist public entities with determining how these very broad statutes apply to everyday life. A reasonable modification when requested is also a requirement of Title II; a change or adjustment to a rule, policy, practice, or service to give a disabled person an equal opportunity. If someone were unable to use the Town's court reservation system, and they tell us they cannot use it, we would be legally bound to find an alternate way to give them the same opportunity to reserve a court within the same timeframe, etc. She reviewed illustrations from the DOJ for examples of reasonable modifications; she noted it is a case-by-case basis and the resources of that local government. Title II prohibits unjustified segregation of individuals with disabilities. A public entity is not required to take any action and may deny a request if it would result in a fundamental alteration of its program, service, or activity; or that would produce an undue financial or administrative burden. However, if someone wants to challenge the government on its denial, the burden is on the government to prove in court that it would have been a fundamental alteration or financial or administrative burden. She reiterated that requests are on a case-by-case basis and remedies depend on the resources of the government. Enforcement of the ADA can come from an individual filing a complaint with the DOJ, DOT, and/or other agencies who will investigate and negotiate a remedy with the public entity. The second option is a private lawsuit; remedies include injunctive relief and compensatory damages for any injuries suffered, including when appropriate, for any emotional distress. The prevailing party may also recover attorneys' fees, litigation expenses, etc.

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Attorney New reviewed some of the nine suggestions for the court reservation system and how the new ADA requirements would or would not work with them. Vice-Chair Finch asked if a private court had to follow the same guidelines. Attorney New explained the requirements would not apply to a private court and members only club. She explained that if the Town has a contractor managing the court reservation system, and they violate the ADA, the Town would be liable. She continued to review the options that had been suggested for the reservation system. She reminded the Board that the system may technically be adhering to the ADA accessibility guidelines, but we still must provide a reasonable accommodation. Ms. Keese stated she has spoken with court reservation system vendors; they are

aware of the new requirements and are working on a solution and are supposed to contact her when it is ready. Attorney New asked what those companies do if someone requests an accommodation. Ms. Keese explained she contacted different cities and talked to an expert from the ADA who said it would be acceptable. The Town has an ADA Coordinator, she asked if they could review the current system, holdmycourt.com, to see what it is lacking. Attorney New explained again that it is not just the technical aspect of the system but the reasonable accommodation aspect of the ADA. Discussion continued. Ms. Kessler asked if Attorney New had a suggestion for the least liability solution for the Town. Attorney New explained that is what her analysis is; she took the nine suggestions and put them through the gamut of case law. She conducted extensive research and addressed each suggestion; she wants the Board to be aware of the vulnerability to liability. She explained that the spirit of the ADA is to have someone do something independently and not be contingent on another person. The Board discussed the options and the liabilities of each one. Vice-Chair Finch stated she appreciates all the research and time Attorney New and Ms. Alex have put into this to address everyone's concerns. Ms. LaBarre agreed and added that the Board has been given a legal opinion and we would be remiss to not accept that opinion. She reminded the Board that there was a request for an ADA accommodation, so it is an issue. Some of the example solutions provided were cities who have a different budget than we do; we must review the cost/benefit analysis which the attorney has done for us. Attorney New explained that changing operating hours has been determined by the DOJ to not be sufficient. She reiterated that the Town's full compliance with the technical standards does not mean it has met all obligations under the ADA. The discussion continued regarding the various options suggested for the court reservation system and what would offer the least risk. Chair Bell opened public comment.

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Mary Comfort, 85 Oceanway Drive, stated she submitted an email on May 10, 2024 regarding a court reservation system that complies with the new Level AA regulations and other municipalities who are using it. She also submitted a link to the system's accessibility conformance report that is listed on their website. She sent the email to Mike Disher and Mayor Lois Paritsky; they responded that the Town Attorney was reviewing the information. Ms. Alex explained it was reviewed internally with the ADA Coordinator and it does not meet all the requirements. Ms. Comfort argued that it does; she has an email from them that confirms that they meet all ADA requirements that she can forward to the Town. She encouraged the Town to contact them; www.supersaas.com/info/sports/courts/system; at the bottom of that page is the performance report that explains how they meet each parameter of the new regulations. Ms. Comfort referred to the ADA.gov fact sheet on the new rule issued March 8, 2024 that states the final rule has specific requirements about how to ensure the web content and mobile applications are accessible to people with disabilities; it states the reasons the department sets specific requirements for web and mobile app accessibility and what would cause a barrier. The rules would ensure people with disabilities have access to state and local governments services, programs, and activities available on websites and mobile apps. This rule will also provide state and local governments with more clarity about what they must do to comply with the ADA. It sounds like these guidelines are intended to make people with disabilities have access via the web and apps; otherwise, how can governments ever use websites at all? If someone contacts the Town after we have adopted a system that complies with these rules, and they make a complaint, the Town has the ability through the ADA Coordinator to get information to validate their accommodation. She asked that the Town keep the court reservation system in a format that is compliant with the new rules and as we receive complaints, vet those complaints to see if an accommodation is really required. Ms. LaBarre asked if this company was investigated. Ms. Alex explained the Town's ADA Coordinator assesses them and they did not meet all the requirements; they also did not meet the modification request. Ms. Comfort stated she wanted to challenge that as there are municipalities currently using this system on the basis that they are compliant with the new ADA rule. Ms. Keese asked if the ADA Coordinator explained why. Ms. Alex explained she does not have the specifics with her; the assignment today is to assess the reasonable liability risk the Town is willing to take on and we may be different from other municipalities. Attorney

New added that even if this system Ms. Comfort suggested did meet all the new requirements, the Town still must meet the second part of the analysis to meet a modification if requested.

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Dave Fraboni, 4733 Riverglen Boulevard, stated we are not here to discuss liability; that is the job of the Town Attorney. We are here to make a recommendation for what we think should happen and the fact that other websites have not been looked at after a month flabbergasts him. There are residents here that believe in the system we have, and it provides the opportunity to provide a court. Other cities have found a way to make it work and be ADA compliant. If the ADA Coordinator says it is not compliant, then they should be here to explain it to us. The choice is whether we want the reservation system or not; he understands some people do not want the reservation system because it creates work; we must make sure there are no scams and that it is available to everyone. It does not guarantee the right to get a court when you want, but that would not be an equal opportunity for everyone. Jan Shaw, 4358 Candlewood Lane, stated she contacted the ADA and provided them a synopsis of our last meeting; the ADA representative told her that "the ADA is about resolution, not lawsuits. The ADA is about making sure the person with the disability is being heard and is made to feel included in the decision to correct the concern." Their comment was that if, as Ms. Genovese did, a concern is made known, the conversation should have immediately been with Ms. Genovese, about what the concern was, and then to make the appropriate accommodation. If at that point the complainant was satisfied, and resolved to their satisfaction, it is done; the ADA is not about lawsuits and would not point fingers at Ponce Inlet that we did not do the right thing if the complainant is satisfied. She has an attorney friend that represents a city who she discussed this with on how he would have handled this; he agreed that he never would have had a public meeting but would have dealt with the person directly to make the accommodation which will cure later issues. Lisa Genovese, 4628 Riverwalk Court, stated that if someone is unable to make their own reservation, there is nothing to prevent them from designating another person to do it for them. She volunteered her time to help man the phones if needed. Chair Bell closed public comment and opened Board discussion. Vice-Chair Finch thanked everyone for their email comments; she read them all. She disagrees that this is just about the ADA; there have been many concerns, one of which is being fair to all players. Reserving courts and not showing up to play is a problem; an open court paddle system would solve all the problems; it is fair to all players. Daytona Beach Shores has it and it seems to work well. She does not like the idea of having two open courts and two reserved courts. Ms. Kessler stated she also is not for dividing the courts; the Town has until April 2027 to become compliant; she asked if that would buy time to keep the current system and find something else in the meantime. Chair Bell stated the reservation system works well for families; she suggested a good faith effort to send to Town Council and to alleviate resident concerns, is a mix of Option 3, classify certain pickleball courts as open play; and Option 8, changing the operating hours of the online reservation system to match the Town's business hour. Ms. LaBarre disagreed and stated the only option is Option 1, remove the online court reservation system and classify all courts as open play; otherwise, we are creating more problems. This has been vetted very carefully by staff; we need the least onerous option, which is Option 1 and has been recommended by the Town Attorney. Discussion continued regarding the options and associated risks.

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Chair Bell moved to recommend a combination of Option 3, classifying at least one pickleball court as open play; and changing the operating hours of the online reservation system to match the Town's business hours as outlined in Option 8; seconded by Mr. Shaffer. The motion PASSED 3-2, with the following vote: Chair Bell – yes; Mr. Shaffer – yes; Ms. Keese – yes; Vice-Chair Finch – yes; Ms. LaBarre – no.

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Chair Bell suggested everyone check the Town Council agenda for this item as this is a recommendation to the Town Council and they could go in a different direction.

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250	9.	BOARD/STAFF DISCUSSION: Chair Bell asked if staff had an opportunity to research the
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253	10.	ADJOURNMENT: The meeting was adjourned at 7:14 p.m.

PUBLIC PARTICIPATION: There was no public participation.

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Prepared and submitted by: 255

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Debbie Stewart, Assistant Deputy Clerk 258

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Attachment(s): Resident Comment 260



From:

Jackie Alex

To: Subject: Date: Stephanie Gjessing; Debbie Stewart FW: Pickelball Court Schedules Friday, May 31, 2024 7:46:31 AM

From: nlrowland@bellsouth.net <nlrowland@bellsouth.net>

Sent: Thursday, May 30, 2024 7:55 PM **To:** Jackie Alex <jalex@ponce-inlet.org> **Subject:** Pickelball Court Schedules

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

Hi Jackie,

I have lived in Ponce Inlet since 2005. I have played pickleball in Ponce long before the current courts were constructed. We played in the tennis court and the old basketball court. No advance scheduling was necessary or available. Clearly the sport has grown and I understand the need to schedule in order to play with some sense of order.

Unfortunately, I did not know about the prior meeting where scheduling issues were discussed. I know at other courts no advance schedule is utilized. When you arrive you place your racket in the next available slot and play wherever there is an opening. Unfortunately many of us would like to play with our friends . Friends that have equal skills. Some players can be more serious about their play than others which can make for frustrating play for both sides. In Ponce most people play in groups with similar skills or are friends or family.

Perhaps the current scheduling system isn't perfect but there are some of us, myself included, that would not want to play under the next available play slot system.

I hope to attend the next meeting but in case I am unavailable, I wanted to ensure my voice could be heard.

Thank you for providing me the opportunity to submit my thoughts.

Nancy Rowland



Meeting Date: December 2, 2024

Agenda Item: 7-A

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

Topic: Marker for William "Cocoa Bill" Williams.

Summary:

The attached report provides an overview of a request from two Ponce Inlet residents to install a historic marker honoring William "Cocoa Bill" Williams, an African American individual whose contributions significantly shaped the Town.

Suggested Motion/Action:

Staff requests the input and recommendation from the Board on the marker's verbiage, choice in photo, location, desired landscaping, and funding source.

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: November 25, 2024

Subject: Marker for William "Cocoa Bill" Williams

MEETING DATE: December 2, 2024

This report provides an overview of a request from two Ponce Inlet residents to install a historic marker honoring William "Cocoa Bill" Williams, an African American individual whose contributions significantly shaped the Town. Arriving at Ponce Park in the 1890s, Cocoa Bill was a well-known fishing guide. Elizabeth Hasty, Ponce Park's original post mistress, and her husband, Nathaniel, employed Cocoa Bill as their groundskeeper. The request aligns with ongoing efforts to honor Black History Month and recognize influential figures who have shaped the Town's history.

The request for a historic marker honoring Cocoa Bill was submitted by Tara Lamb and Julie Davis, both founding members of Davis House Historic Preservation, Inc., which helped to create the Ponce Inlet Historical Museum. Their efforts continue those that resulted in the creation of the historic marker for Jesse Linzy, which was unveiled at the naming of the Town's boat ramp in February 2022 (Exhibit 1). As the request for this marker did not originate from the direction of Town Council, staff is bringing it before this Board and the public for input.

Ms. Lamb and Ms. Davis have proposed verbiage for the marker in **Exhibit 2**, along with two choices of photo for consideration in **Exhibit 3**. Based on Cocoa Bill's significance and connection to the Hasty family, staff proposes the location shown in **Exhibits 4-6** near the Hasty Cottage at the Ponce Inlet Historical Museum. This placement would ensure accessibility and visibility to residents and visitors of the museum.

If this marker is considered, staff recommends one that is consistent in design and material to the other historic markers throughout Town. Costs associated with design and installation of the marker are estimated at \$3,500 if the size of the marker is requested to be 2'x2' like that of Jesse Linzy's. As this marker is not budgeted, both residents have suggested potential alternative funding sources and are prepared to add that to this discussion.

Cocoa Bill's contributions reflect values of unity, which staff believes make him a fitting subject for recognition, especially during Black History Month in February. That is when both residents

have requested a ceremony to unveil the marker. If time does not allow for completion of the marker by February, the backup date for the unveiling ceremony would be in May. However, if alternative funding sources cannot be found, staff may need to wait until June during mid-year budget adjustments to confirm if any unspent town funds are available.

Staff requests the input and recommendation from the Board on the marker's verbiage, choice in photo, location, desired landscaping, and funding source.

Exhibits:

- 1. Jesse Linzy Boat Ramp historic marker
- 2. Proposed verbiage for Cocoa Bill marker
- 3. Proposed choices for Cocoa Bill marker photo
- 4. Proposed historic marker location
- 5. Proposed historic marker location- viewpoint from Museum entrance sidewalk
- 6. Proposed historic marker location- overall view of Museum

Exhibit 1Jesse Linzy Boat Ramp historic marker



Exhibit 2

Proposed verbiage for Cocoa Bill marker

Proposed by Tara Lamb and Julie Davis Contains 149 words compared to 145 words within Jesse Linzy's marker

William "Cocoa Bill" Williams

Fondly known as Cocoa Bill by the residents of the small fishing hamlet of Ponce Park, Cocoa Bill arrived here around 1893. He served as the loyal handyman to Nathaniel and Elizabeth Hasty for sixteen years. After the Hastys passed away, Cocoa Bill stayed in Ponce Park and worked as a local fishing guide for 23 more years. Tragically on August 28, 1932, at 4:00 am Cocoa Bill was hit and killed by an automobile on South Atlantic Avenue just south of the Daytona Beach city limits. The citizens of Ponce Park were devastated by the loss of their well-loved fishing guide and wanted to ensure he received a proper burial. Due to the Jim Crow era, they had to obtain a special act from the Florida legislature to allow Cocoa Bill to be buried in the Hasty Family Cemetery, dressed in a full tuxedo.

Exhibit 3
Proposed choices for Cocoa Bill markers photo

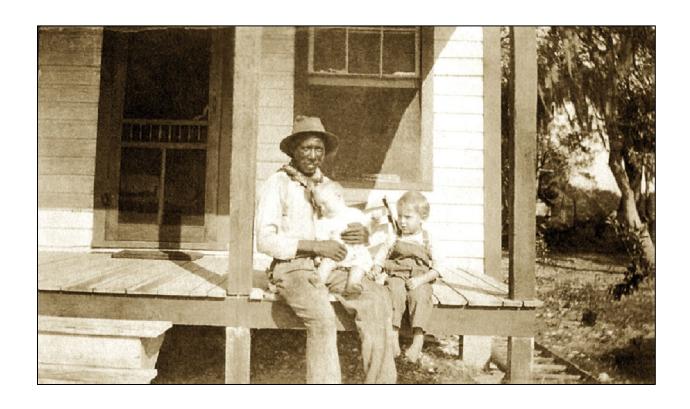




Exhibit 4
Proposed historic marker location (red square)

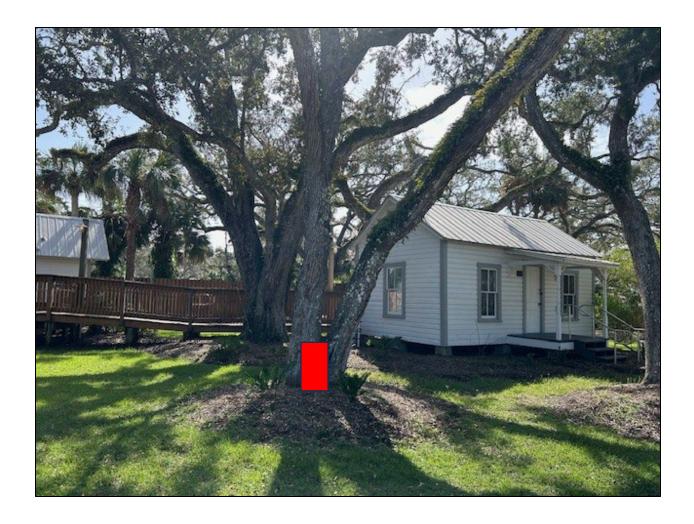


Exhibit 5
Proposed historic marker location (red square)- viewpoint from Museum entrance sidewalk



Exhibit 6
Proposed historic marker location (red square)- overall view of Museum

