



City of Palm Coast

Meeting Minutes

City Council

305 Palm Coast Parkway
Palm Coast, FL 32137
www.ci.palm-coast.fl.us

*Mayor James V. Canfield, Vice Mayor William Venne (District 1),
Council Member Mary G. DiStefano (District 3), Council Member Jon Netts (District 2),
Council Member Alan Peterson (District 4)*

Tuesday, September 5, 2006

5:05 PM

Palm Coast Community Center

City Staff

Richard Kelton, City Manager

William Colbert, City Attorney

Clare Hoeni, City Clerk

A. Call To Order

The meeting was called to order by Mayor Canfield at 5:05 p.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Hoeni called the roll. All members were present.

Present: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

D. Approval

1. First hearing on FISCAL YEAR 2006– 2007 BUDGET

- a. Staff Presentation
- b. Open PUBLIC HEARING
- c. Close PUBLIC HEARING
- d. Adopt the TENTATIVE MILLAGE - 3.25
- e. Adopt the TENTATIVE BUDGET - \$193,724,717.00
- f. Announce Public Hearing: "THE PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE AND BUDGET IS SCHEDULED FOR SEPTEMBER 19, 2006 AT 5:05 P.M."

06374

Adopt the **TENTATIVE MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2006-2007.**

Attachments: [millage rate fy 2006 2007.tif](#)

Mr. Kelton presented a brief summary of the procedure for adopting the millage rate and 2006-2007 Budget.

Mr. Britt reviewed the budget as it stands this evening. He briefly reviewed the final adjustments, which were all within the General Fund. The Budget presented to Council at this meeting had a \$61,838 increase from the Budget presented to Council in July.

It was noted that the Deputy City Clerk position was taken out of the City Clerk's budget and replaced with a Records Analyst. CM Peterson noted that Council did not vote against a Deputy City Clerk. Mr. Kelton noted that the change was made based on Council comments. Mr. Kelton stated that the new GIS position and Support Specialist position were removed and the funds for these positions were transferred to contractual expense because of this change. He also noted changes with regards to Bright House, which will eventually be offset. He stated that the budget now includes an additional Code Enforcement Officer and Parks and Recreation Tennis Pro. All of the other budgets remained the same.

Mr. Britt presented a brief summary of comparisons on millage rates on an average single family home, for 2006, with a homestead exemption. Total tax for this home would be approximately \$1,483. The City receives 19.78%. This is an increase of \$38.56 this year.

Mayor noted this budget has been available at the Library, City Hall, Community Center and on the City website.

Public Comments:

Jerry Full - is this the discussion of the budget? He would like to speak on the idea of having separate police traffic units. He noted involvement he has had with police and noted that 90% of patrol work is very boring. Maybe 5% is critical and dangerous. He stated that the problem with having our own traffic unit relates to who is going to release the patrol car to go to a crime scene or accident. Whatever the case is, how are they going to handle that? He thinks it is a real problem in dividing the services.

Mollie DiLello - you went down to Costa Rica to look at the water system and you came back and (Mr.) Kelton had ordered to put the cost of Sheriff's cars on the budget. You (Council) had put it on hold. Remember the promises when you made when we became a City. You are putting us all in debt. That's not what you want. Tricky Dick is not for us. Jim Holland told you to get rid of him before he bankrupts us.

Carl Peachen - owns a few empty lots and he receives no services on them but his tax value went from \$400 to \$48,000 to a single lot. Mr. Britt noted the value is based on the value set by the Property Appraiser. You have 30 days to file if you feel the lots are not worth that, but once value is established then the millage rate is applied to the value. It was noted that his only recourse is to go to the County.

Vincent Ligori - congratulated Captain Carman on his new position and thinks return will be worth it. Mr. Ligori read a statement that it is the wrong time for a police force. He pointed to the study done three to four years ago that said to leave it alone. He suggested letting the new Coordinator have a chance to do his job and let the new City Manager see what he has. We need to look at where we are going. We do have crime, gangs, drugs, which requires a unified police effort. This is the goal of the Flagler County Sheriff's Office. This was discussed and agreed upon when we first became a city and it was decided that a contract with the Sheriff was the way to go. He noted the importance of reconciliation as it regards to Flagler County. He asked the Mayor and CM DiStefano to change their vote for this and noted that he did not expect to change VM Venne's vote.

Jack Carroll - questions: After we save \$1.9 million what other expenses are we paying the Sheriff? He read \$1.2 or .4 million for patrol. Who pays for gas and arrests made by traffic unit? Who pays for the service? Do we pay for weapons, uniforms and added insurance for police officers? Are the police officers peace officers or code enforcement

officers? Who has the right to come in and take our men? Will we still get services of laboratory, ME, etc.? Where did Mr. McGuire get the number 34 for the police department? We are laying out between \$13 million and if we go for our own, it is \$9 million. If we can save \$3 million, then let's go for it.

Terry Crow - came in 1991; predicted when house building stopped there would be no work for people in Palm Coast. Very proud to watch it grow until 2005 and then the interest rates and taxes skyrocketed. In 2006, 2,154 houses went on the market; 1,154 are empty. He is a small landlord. Tenants are not paying rent. This year he will be making about \$15,000 and paying approximately \$25,000 to \$30,000 in taxes. People are going bankrupt and house values are dropping. Tenants are not paying their rent. People are losing their jobs and moving away. Builders are moving away. It currently costs him three months rent to pay the taxes; one month's rent to pay insurance. If you have a mortgage on these properties, you are left with only eight months to pay the mortgage. If the house is empty for two months, you are going to go down. We are killing Palm Coast.

Pam Jones - parents bought here in 1972. She moved here as their caregiver in 1992. Parents died in 2004 and 2005. When she paid their taxes last year, the appraised value was 1/2 of the market value. Her house was reappraised since she was considered a new homeowner. She was surprised she was evaluated at 100% of market value. Does this happen to everyone? No wonder houses are sitting on the market. Ans. Mr. Britt - when a property sells, the property is reassessed with a formula used by the Flagler County Property Appraiser. Most property appraisers do not value at 100%. This may need to be addressed at the Value Assessment Board. Homestead and Save Our Home Program - when the property sells it would be re-valued. She noted this was in trust for her for the last 20 years. CM Netts noted he has a friend who had a similar situation. They put their daughter's name on the home and valued it at a totally new value. Go to the Property Adviser and tell him this is a continuing chain of ownership. CM DiStefano - important that they know it is Flagler County Property Appraiser setting the value of the house.

Ms. Jones also wanted to comment on her street; two houses down has become a drug distribution house. It was raided and shut down and two months later, business as usual. She went to the police station (Sheriff's Office) and brought this to their attention and she was met as "Oh, it is raining outside;" no report was taken; done in public office, which made her uncomfortable and unsafe. If tax money is going to police department, she would like to see more action from them. Ans. Mayor requested that she leave her name and address and we will follow up.

Les Gillman - had contacted Council Members about the police department. He is not in favor of duplicate control services. Who is providing equipment? Are the training and equipment provided by someone else? Are the people already hired? Are they trained? Where will they be trained? He gets the feeling we will be paying for a whole police department. It is his concern that we will be paying two sets of taxes. He sees nothing wrong with what we are getting.

Rita Ottinger - opposed to hiring of traffic cops. CM Netts noted an example about a cop being across from a robbery and cannot respond. We don't need traffic cops; we need cops that can handle crime.

Sal Cardinale - congratulates this board and especially Mr. Kelton. Appreciates all the progress you have brought. He would like our own law enforcement.

Dan Bennett - here not as a resident of Palm Coast, but because he has a lot of knowledge on where you are headed. Using County officers, you are going to have to

establish laws by the City and County. He noted there are problems regarding liability that you will have to look at; does not respond because of personal injury (liability); all you are going to get is problems. He offered his services to create a business plan, at no cost, for a model police department. He noted if you wanted to implement the costs can be spread out and not as costly as you think. You can do it at the cost you are saying, but you can probably do it for a lot less.

Bud Lincoln - seems everyone that has come up here to speak has not been pro police department. He suggests making it simple and call for a straw vote.

Charles Loft - a couple of weeks ago there was some info. on Cops on Patrol who would give out tickets. What happened to that?

Susanne Chercho - according to State Statute 316.006 under Jurisdiction Subsection 2, under Municipalities, the traffic unit will only be allowed to regulate, warn or guide traffic. That is all they can do. They can issue citations for speeding, they can give tickets for expired tags, and broken tail lights. The only purpose of the traffic unit is to give tickets; so if you want to tell the people of Palm Coast that the traffic unit has another purpose other than to give tickets, then you are misleading the citizens. They cannot patrol and they cannot give service. If they receive a call for service, that falls under a police department. Therefore, if you are trying to get a traffic unit and you want to answer calls for service, you have to specify, are you doing a traffic unit, where you just want to give your citizens tickets and cost us money, or are you opening up a police department? If that is the case, it is not going to be just \$493,000, because if you think just one little police department is going to work in a city this size it is impossible. You will need at least two additional precincts. Under Chapter 316.008, it gives the powers of authority and states exactly what a traffic unit officer can do, and they cannot answer calls for service; therefore, the traffic unit cannot happen at this time. You are misleading your citizens.

City Attorney Groot responded that the officers who would man the traffic unit, if approved by Council, would be certified law enforcement officers in the State of Florida, with the scope of responsibilities that the City gives them. For me, that goes without saying that there will be some type of mutual aid agreement between the Sheriff and that unit, as with any other municipality and County Sheriff's office, as well as with Fire Departments. They would have a limited scope based on what you want for a patrol unit. That being said, they would be able to be part of a mutual aid system throughout the entire County.

Question was whether the traffic unit could respond to a bank robbery if he is on the site. Ans. CA Groot noted that as a law enforcement officer, he responds, but under the responsibility of the Sheriff or the City is another issue and would relate to the mutual aid (agreement).

Mayor noted some questions were directed to certain Council Members and they would be able to respond.

VM Venne noted a lot of people are giving credence to the Sheriff's ad. He noted people's responses/questions and all of these issues will be handled if we are going to spend the money. Any County has a Sheriff's Office and any decent size city has a police department. He gave an overview of why this unit is important.

CM DiStefano noted that she is sick of hearing that we have to get along with the County. She stated that when they will not respond to our requests there is nothing we can do. As to the traffic unit, a lot of misinformation has come out. She has been in favor of this for years. She has been inundated with phone calls relating to this. She does not know why

the public feels that if they disagree with you they have the God given right to be nasty to you. She received calls up to 10:00 p.m. Sunday night. One gentlemen wrote an eight page letter and gave detailed information. We have hired Mark Carman to be a coordinator and it is obvious that people in the audience do not want this, but we need Mr. Carman to monitor the contract this year and work out a plan that he brings to a workshop, but she noted that for your safety you are going to need a police department. Crime has increased and we are going to have to face it. Why can't we get the County to set up an MSTU so the money you give us and the Sheriff go in a pot, so you are not paying twice and we need to bring pressure on the County to do that. She was impressed with Mr. Gilman; that he could do a professional business plan and would like to do that. She does not think taxes will increase that much with MSTU, but she would like to see everyone here go to the County.

CM Netts - no secret he is opposed to this but is a classic example of ready, shoot, aim. Questions have been raised on mutual aide, training, sharing of intelligence and resources, equipment, intergovernmental issues, etc. He did mention that in the Flagler Times there was a little box that stated we pay \$5 million in direct ad valorem to the County Sheriff's Office, another \$2 million in other costs to the Sheriff's Office and another roughly \$2 million that we pay for additional services and the total came to \$9,300,000, and then they gave the cost of a stand alone police department, using Port Orange as an example, and the cost was \$9.1 million. On first reading, you would say that you would save \$200,000. When we became a City, we took over the maintenance of the roads. Everybody, including him, assumed that County Road and Bridge would be cut proportionately. It was not. You would still pay the \$5 and \$2 million to the County. One approach to this is the MSTU unit, but it is only one. He feels we need to look at how to solve the problem, and we need to go to the County and tell them that they need to increase the services to the 76% of the people (that live in this City). We need to exhaust these avenues first. Let Mr. Carman review the problems first and wait for the new manager's take on this. He's a little disappointed that mostly what we heard was the police department. He would have liked to see more Code Enforcement.

CM Peterson - this has been a decisive issue this year. Asked CM DiStefano if he understood her that she was willing to research for a year before doing this. CM DiStefano noted she would want to give it six months and would like to meet with County; hear Mr. Carman's report. CM Peterson feels this is a fair compromise. We need to research that what we are getting, is what we think we are getting. We need to study the issue before bringing it in. He is opposed to this budget because of a \$2 million expenditure over four years on fiber optics. He feels infrastructure needs to be fixed before we go for something that would be "nice" as opposed to necessary. We only had 76 single family residence permits last month. Impact fees are low and he noted we are at the limit of what our Comp Plan allows for parkland. Growth is slowing dramatically. We need to look at this budget and all future budgets. We need to look ahead. Survey shows an increase in people worrying about their taxes. Don't be deluded that if you are homesteaded your taxes are going down in a small manner. We need to look to see where we can save a little money and where we can put some money away for the future. He was pleased to hear that we are going to get facts and figures on the police department before going ahead, but we have a lot of problems in this City that we have to look at long and hard over the course of the next few years.

Mayor Canfield - his trip to Costa Rica - he did go to our Sister City of Liberia, Costa Rica, and voted as a Council to take part in this program. He did pay 50% of the trip out of his own pocket. The trip was worthwhile and those people will be coming here soon. As to debt, he has looked at this closely. Most of the debt is the Enterprise Funds and it is not supported with our taxes. We have had to add plants and other facilities because of

growth. The same can be said for Stormwater. The other \$200,000 is grant funding, which will be reimbursed. We are in very good shape. As to the traffic unit, he received the letter and he had extensive law enforcement concerns. For him this is a fiscal fairness issue. In 2004, we created the Palm Coast Precinct and paid the Sheriff \$1.1 million for that service; in 2005, \$1.3 million; in 2006, \$1.8 million and this year \$2.7 million in City taxes in addition to what we are paying to the County for services. Sheriff is elected County Constitutional Officer, whose duty it is to offer the residents of Palm Coast, noting we are all County residents, a law enforcement level of service that is adequate to meet the needs of the people of this City; yet each time the residents of Palm Coast, which is 70% of the Flagler County population ask for that adequate level of service, we do not get it unless we pay for it. If you go over to the unincorporated area of the Hammock, where they are building million dollar condos and stores are not paying a single cent more. Why? That to him is not a fair fiscal policy. He has told the Sheriff and the head of the PBA. If the Sheriff will go on record and say to the County that Palm Coast should receive a level of service that meets their needs that should be paid from their County tax budget, he would switch his vote on this issue. He did not give a 100% yes but would look into it. He said the same to the PBA. CM DiStefano said she would wait for Capt. Carman's report and then she would go on the record to wait on the police department. He has great respect for Capt. Carman, who has 20 years experience and has run our precinct for the last few years and will give us the report we need. He was concerned when he read that the Sheriff refused to give Capt. Carman a waiver for his Florida Retirement System being carried over. He will vote with CM DiStefano to await for Capt. Carman's report.

Mayor feels we need to look at infrastructure but also need to look at quality of life. Some of the things that brought us here are not provided anymore so the City should step in and supply some of those things.

VM Venne - the City from the day we started, we have been concerned about a lot of things. Many of the residents at that time were retired. We recognized that we had infrastructure problems and one of the first things we did was address these; like redoing our roads. He's very happy to say that we have been dealing with them and happy to say while we are working on them we manage to put 50 acres of parkland into our City. We did it because of the importance to our City and our future. The community is not just roads and swales. There is a lot more to it. How many moved to Palm Coast because you were happy with the swales? When we think about money, and people say don't do it, we have to look at the whole picture; not just whether you are getting the lowest tax dollar. If you are worried about dollars only, why are you living here?

Mr. Kelton - risk of overkilling this issue; he would like to clarify some things. He proposed the traffic unit be brought in-house back in July knowing full well that he made the same proposal a year earlier and Council did not chose to go in that direction. However, having another year's experience with the conditions we work under convinced him that bringing the unit in-house was in the best interest of the taxpayers and residents of Palm Coast. We pay 100% for this unit and have no control over it. He highlighted these areas. Noted cost per deputy would go from \$75,000 per deputy in 2004 to \$100,000 in 2007; cost and expenditures we have no control over. CM Netts referred to the analysis in the Flagler Times. The basis of that analysis was formed by Mr. Britt. We did that analysis on two years. Cost will increase from \$7.2 to \$9.4 in the next fiscal year if you continue the contract. Per capita costs have increased just as dramatically from '05-'06 to '06-'07 is \$113 to \$130 per capita. While we have seen the cost increases, we have experienced 70% increase in violent crime; a decrease in response time from 6.8 minutes to 7.8 minutes; a reduction of calls responded to in five minutes or less from 52% for '04 to less than 32% this year; and we have seen an 18% reduction in clearance

rates. From his standpoint, his job, as your manager, is to make the best recommendation for the good of the City and he made the decision to include the traffic unit in the budget. You are the policy makers. Some of you have said yes, you want to pursue it, and some of you have said you don't. That is your decision to make. His obligation is to make recommendations that are in the best interest of the taxpayers and to stand by that recommendation, and he does that and he would urge you to look at those issues and ask questions over the next two weeks before you go to final adoption. You can make changes at the final adoption and deal with it at that time if you decide to kill it. Most of the questions that were asked have been answered. The costs are in the budget. He noted the costs stated in the study and the increase in this cost.

CM Netts - if somebody will tell him how the traffic unit will address the response times, he would be happy to listen to it. How can we do for \$4 million, what Port Orange does for \$9 million? He does not feel we should debate this now. We have two weeks to talk about. He is not ready to make this call now.

Mayor Canfield noted that unless there is fiscal fairness and unless we can come to an understanding with the County, and that number keeps going up, the Council will be debating whether we should have an entire police department; not just a traffic unit.

CM Peterson says it behooves our residents to elect County Commissioners that listen to our residents.

VM Venne agrees with the Mayor, and if you go back far enough you will find that anything we wanted as a service district, we had to pay extra for, and we are still doing that. If the Sheriff will go to the County Commissioners and convince them that services have to be provided at a certain level of protection, and we can take \$2 million out of our budget, he will consider backing off, but there has to be a reason that they are so adamantly against our having a traffic unit other than our tax dollars.

A motion to adopt a 3.25 millage rate was made by Council Member Peterson, seconded by Council Member DiStefano, and Approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

06388

Mayor Canfield asked CA Groot's opinion as to whether the budget should be approved tonight based on the discussions regarding the traffic unit. CM Netts noted that we will still want to add the additional two traffic officers so there is no real monetary change within the budget. Mr. Kelton noted that this is correct. The budget would be lower than that presented, which causes no problem. Mr. Kelton also noted that the dollar figure has changed and Council will be voting to approve the budget of \$193,785,545.

A motion was made by Council Member DiStefano, seconded by Council Member Netts, to approve the Fiscal Year 2006-2007 Budget at \$193,786,545. The motion was Approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

06389

A motion was made by Council Member Netts, seconded by Council Member DiStefano, that the Final Budget Hearing be set for September 19, 2006 at 5:05 p.m. The motion CARRIED by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

2. 06379 Approve correction to minutes of:
a. August 1, 2006

Attachments: [08-01-06 Edited JX Item per CM Peterson](#)

The meeting was recessed at 6:50 p.m. and resumed at 7:05 p.m.

CM DiStefano noted that the previous meeting was August 15 and there are no minutes of that meeting. She recognizes that previously Council had requested the minutes within 30 days, but she would like to know if Council would be willing to say they should be provided by the following meeting, along with a list of action items that resulted from the Council meeting. She likes to look at the minutes from the previous meeting so she can stay focused and also the list of action items so that she can follow through so they can see what has been done and what they need to follow up on. She would like to know if the Council would agree to have that done for the following meeting if that is not too much burden on the Clerk's Office.

Mr. Kelton noted it is unrealistic to expect minutes to be ready at the next meeting when you throw in additional meetings and consider holidays, vacations and other City business that will delay the minutes. You asked for 30 days and he believes the Clerk has done an excellent job of being very consistent on getting them to you within the 30 days. We do a task list following the Council meeting for staff and it is something we could send to Council so you can see who has the assignments. He knows that the Clerk makes every effort to get the minutes to Council as soon as she can; to set a hard rule is not going to be very practical in the long run.

CM Peterson - suppose we were able to get a set of draft minutes? They may not be complete, but they would answer CM DiStefano's question, and he agrees that they are helpful to get them in a timely manner by the next meeting. Ans. Mrs. Hoeni noted that she could send her notes but she does not know how good that would be because when she does her minutes she has to review the audio to ensure she got the meaning of what was said. She stated that the results of the meeting are published on the website by the next day.

CM Netts - tends to agree with CM DiStefano. There are many items that require two readings and what typically happens is that you get a lot of answers to questions and briefing from staff, as well as questions from the public, at the first reading. At the second reading, Council gets an abbreviated report from staff. Could we use this just as a target similar to a response time with the police department? Ans. Mrs. Hoeni noted that this is probably the second time this year that minutes have not been presented to Council by next meeting. She also noted that if you go back to look at when she started this position the minutes were four to five months behind; however, if you look at her monthly reports, for the last few years you will see a trend where budget is presented to Council, extra workshops are scheduled and staff vacations begin. She noted that in September, it is just not going to happen because she is only one person doing all the minutes. Generally they are all caught up again by the end of October.

VM Venne noted it would be helpful if they got her an Assistant Clerk. He will attest that for the first year they were six months behind and then it took them another six months to catch up again. If we get them within the month and they are not on time in September and not giving you any additional people, he believes we can make it through the month or two where there is a problem.

Mayor Canfield requested that the task list be sent to Council and see what happens from there.

Council Member Peterson moved to approve the corrected minutes as presented, seconded by Council Member DiStefano and passed:

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

E. Proclamations and Presentations

3. 06350 Approve proclamation recognizing **SEPTEMBER 23, 2006 AS "CARIBBEAN DAY" IN THE CITY OF PALM COAST.**

Attachments: [Caribbean Day](#)

Proclamation was read by VM Venne. Mrs. Hunt, President of the Caribbean Society, was not in attendance to accept.

Received and Filed

F. ORDINANCES, PUBLIC HEARINGS AND TIME CERTAIN ITEMS

Second Reading

4. 06359 Second Reading Ordinance No. 2006-xx relating to **APPLICATION LU-MIN-06-02 FUTURE LAND USE MAP AMENDMENT OF 1.4 +/- ACRES FROM RESIDENTIAL TO MIXED USE.**

Attachments: [ATTACHMENT 1 Location and Map Aerial Map](#)
[ATTACHMENT 2 Existing and Proposed Future Land Use Map](#)
[ATTACHMENT 3 Photographs of 7 Boulder Rock Drive](#)
[ATTACHMENT 4 PRE COMP PLAN](#)
[2006-xx SMALL SCALE FLUM final](#)

CA Groot read the title into the record. Mr. Kelton noted that Mrs. Jennifer Ingles would give staff report.

Mrs. Ingles noted that this was presented for first reading on August 19, 2006 and was approved 5 to 0. This is an ordinance correcting an error on a piece of property that was originally designated as a commercial property. She noted that unfortunately it was picked up on the new map as residential. She stated that a commercial building currently sits on the site. It should be shown as Mixed Use.

Public Comments - None.

A motion was made by Council Member Peterson, seconded by Council Member Netts, that the Ordinance be Adopted. The motion was Approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

5. **06366** Second reading Ordinance 2006-xx relating to **JURISDICTION AND POWERS OF CODE ENFORCEMENT FOR HANDLING VIOLATIONS RELATING TO PARKING.**

Attachments: [2006-xx Traffic Violation Ordinance first version](#)
[2006-xx Revised Traffic Violation Hearings final](#)

CA Groot read the title into the record. Mr. Abreu gave staff report noting this had been heard at the August 19, 2006 City Council meeting and approved on First Reading 5 to 0. This ordinance provides for violations of the Parking and Traffic Ordinance to be heard by the County Civil Traffic Hearing Officer.

CM Peterson noted the ordinance, as read, says, " they will be" referred to the Civil Traffic Hearing Officer, but the first section says, " they may be" and asked if this could be a problem. Ans. CA Groot noted this would not be a problem. CM Peterson noted that there is no Section 2. It was noted that this would be taken care of by Municipal Code when it is codified.

Public Comments - None.

A motion was made by Council Member Netts, seconded by Council Member Peterson, that the Ordinance be Adopted. The motion was Approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

First Reading

6. **06346** Second reading Ordinance 2006-xx relating to the **INDEMNIFICATION OF FORMER EMPLOYEES AND DIRECTORS OF PALM COAST COMMUNITY SERVICE CORPORATION.**

Attachments: [2006-xx PCCSC Indemnification](#)

CA Groot read the title into the record. Mr. Kelton noted that this is a housekeeping item on the phase out of the Palm Coast Community Service Corp. (PCCSC) operations. There is a potential liability hanging out there for their board members. This will allow the corporation to be dissolved and the City would be liable under this code.

CM Peterson - is there a statute of limitation for liability and is there anything outstanding that we should be aware of? Ans. CA Groot noted that there are no pending claims, and he did not have the exact timeframe for the statute of limitation as it refers to this case; however, he believes it is 3 or 4 years, noting the longer the PCCSC stays in existence the longer the delay in reaching the statute of limitation. Mr. Kelton noted that the PCCSC

still needs to turn over a significant amount of funds to the City, which will be done when this ordinance is adopted.

CM Netts - asked if this includes any volunteer board members. Ans. This applies to the corporation, noting that while it was a non-profit, it was a quasi judicial body. This recognizes that and overlaps them into city government.

CM Peterson - is liability limited or sovereign immunity? Ans. One of the goals for adopting this ordinance is to boot strap this into the City.

Public Comment - None.

A motion was made by Council Member Peterson, seconded by Vice Mayor Venne, that the Ordinance be Approved on First Reading. The motion was Approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

7. 06349 First reading Ordinance 2006-xx relating to **RABIES VACCINATION OF ANIMALS.**

2006-xx Amending Chapter 8 Sections 2, 3 and 31 relating to Rabies

CA Groot read title into record. Mr. Kelton noted this will conform City code with State Statute. It is a housekeeping item dealing with some medications that can now be given every three years, as opposed to annually.

CM Peterson did receive a call on this. He noted that he did not see how or where this was being amended. It was noted that Sections 2 and 3 were missing from the Ordinance due to a printing error. This item will be brought back to Council at the next hearing.

This Ordinance was Continued

G. Resolutions

8. 06383 Resolution 2006-xx commemorating **SEPTEMBER 11, 2006 AS THE FIFTH ANNIVERSARY OF 9/11.**

Attachments: [Resolution 2006-xx commemorating September 11th Remembrance 2006](#)

Mayor read Resolution honoring the September 11, 2001 victims, their families, as well as the men and women throughout our country who put their lives on the line everyday to protect us.

A motion was made by Council Member DiStefano, seconded by Council Member Netts, that the Resolution be Adopted. The motion CARRIED by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

Other Business

9. **06370** Approve naming the park under construction on Rymfire the **RALPH CARTER PARK.**

Mr. Kelton noted we are in the design phase of the Rymfire Park, which lies within District 4, which was served by Council Member Ralph Carter. Staff is recommending that this park be designated as Ralph Carter Park.

Mayor Canfield endorses this, noting Mr. Carter's hard work and his interest in parks. He asked Mr. Kelton if there would be a plaque dedicated to Mr. Carter at this park? Ans. Mr. Kelton noted that a plaque similar to the one done for the James Holland Park will be placed at this site.

A motion was made by Council Member Peterson and seconded by Mayor Venne to approve changing the name of the Rymfire Park to the Ralph Carter Park. This motion passed unanimously.

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

10. **06381** Approve **CITY OF PALM COAST 2007 LEGISLATIVE AGENDA.**

Mr. Kelton noted this list is prepared yearly for the Legislative Delegation.

Council Members discussed issues relating to supporting County's list, spending tax dollars to restore Bunnell City Hall, why the Ag Museum is on our list, whether funding of Flagler Estates infrastructure should be on the list, and how the ranking was arrived at.

Following discussion of these items, CM Netts suggested the items be prioritized. Council reversed the order of the City's list.

Public Comment:

Al Hadeed - noted that the \$300,000 for improving Bunnell City Hall is from a State Grant and not local funds.

Considered Netts moved to approve the minutes as corrected, seconded by Vice Mayor Venne, and approved:

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

11. **06384** Approve appointment of one applicant to the **CODE ENFORCEMENT BOARD.**

Attachments: [Mr. Lightfoot](#)
 [Ms. Muller](#)
 [Mr. Spitzer](#)
 [Ms. Wulff](#)
 [Mr. Allard](#)
 [Ms. Salzer](#)
 [Mr. Greco](#)
 [Mr. Thiel](#)
 [Voting Tally Sheets.tif](#)

The meeting recessed at 7:50 p.m. and reconvened at 8:05 p.m.

Mr. Kelton noted there is one application for reappointment with nine additional candidates.

Mayor Canfield noted that when these items have come to Council previously we have suggested that a workshop should be held to discuss issues relating to the way we fill these positions, term limits, voting residents, whether they should be interviewed, etc. We are supposed to fill this position tonight, as well as three others on the PLDRB. He suggests holding off until we workshop the discussion, which could be done at our next meeting.

Council was in agreement with this. This item was tabled at this time and will be reheard following Council's workshop.

This Appointment was Continued

12. 06376 Approve three applicants for appointment to the **PLANNING AND LAND DEVELOPMENT REVIEW BOARD**.

Attachments: [Mr. Whitaker](#)
[Mr. Bellapianta](#)
[Mr. Smith](#)
PLDRB Voting Tally Sheets.tif

As noted in Item 12, Council consensus was to workshop Board/Committee selection process and terms and to continue this item following said workshop.

This Appointment was Continued

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

[Recess City Council Meeting and Convene CRA Board](#)

13. 06358 Approve purchase of **LOTS 8 AND 9 OF BUNNELL, MAP OF MIDWAY PARK, IN THE AMOUNT OF \$154,000.00**.

Attachments: [08-14-2006 Triage Letter](#)
[108 Midway Dr Photos & Parcel Map](#)
[Master Plan](#)
[CRA Map - Entire Area](#)
[Plat Map for this agenda item](#)

The meeting recessed at 8:10 p.m. and reconvened at 8:25 p.m.

Mr. Schneiger gave staff report noting that the cost is approximately \$10 per square foot which is in the ball park of the purchases we made previously.

CM Netts - How many acres all together, and is it one or two parcels? Ans. It is approximately 15,000 sq. and two lots.

A motion by Vice Mayor Venne, seconded by Council Member Netts, to purchase this property was approved:

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

Adjourn CRA Board Meeting and Reconvene City Council Meeting

I. Consent Agenda

14. 06347 Accept **DEED FOR SECTION 81, WOODLANDS' STORMWATER DRAINAGE SYSTEM PROPERTY FROM ITT COMMUNITY DEVELOPMENT CORPORATION.**

Attachments: [Woodlands Map.pdf](#)
[ITT Deed.pdf](#)

A motion was made by Council Member Peterson, seconded by Council Member Netts to approve the following items 14, 16, 19, 21, 23, 25, 26, and 27 as considered on the Consent Agenda. The motion passed unanimously.

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

15. 06344 Approve **LEASES BETWEEN THE CITY AND T-MOBILE RELATING TO PROPERTY LOCATED AT 5455 AND 4510 BELLE TERRE PARKWAY.**

Attachments: [Lease Terms Sheet for 5455 Belle Terre Parkway](#)
[Site map-5455 Belle Terre Parkway](#)
[Lease Terms Sheet for 4510 Belle Terre Parkway](#)
[Site map-4510 Belle Terre Parkway](#)
[150' tower picture](#)

CM Peterson received a call from a resident regarding health hazard with the transmitters embedded into the flagpole.

Ans. CA Groot - legislature precludes even discussing this.

CM Netts - whoever owns the flagpole maintains the flag. Ans. Mr. Majcen deferred to Val Gazza. As noted, Mr. Groot is correct no health issues can be discussed, but he did note that in his opinion there are no medical dangers. The microwave in your house is more powerful. These have 250 Watts; however, they run at 45 Watts. The flag and pole is maintained by T-Mobil, as the owner.

VM Venne asked if the poles are lit. Ans. As required by Federal regulation, noting it is easier and less expensive to light the flag then to have to take them down every night.

Council Member Peterson moved for approval. Council Member Netts seconded the motion, which passed:

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

16. 06365 Approve release of the **PLAT SURETY BOND, IN THE AMOUNT OF**

\$646,250.00, TO SEAGATE HOMES, INC. AND ACCEPT THE MAINTENANCE BOND IN THE AMOUNT OF \$85,000.

Attachments: [Rivergate Subdivision, Phase II Map](#)

Considered as reported on the Consent Agenda

17. 06352 Approve **UTILITY EASEMENT AGREEMENT FOR ESTATE AT GRAND HAVEN, PHASE I & PHASE II.**

Attachments: [Utility Easement Agreement.pdf](#)

CM Peterson was confused by the staff write up. He does not understand the compromise that was reached. CA Groot noted the compromise was that FPL could use our easements and have sort of exclusive rights, which is what they require but if there was ever a need for the utility be relocated the party causing the need to move would be responsible for the cost. Likelihood of the City ever needing them moved is unlikely. Mr. Kelton noted these are three party agreements.

A motion was made Council Member Peterson, seconded by Vice Mayor Venne, that this Contract be Approved . The motion was approved by the following vote:

Approved: 5 - Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied: 0

18. 06329 Accept RFP-CP-06-12 for **ARCHITECTURAL/ENGINEERING SERVICES FOR PARK DEVELOPMENT.**

CM Peterson asked who our park designer is? Ans. Bellomo Herbert is doing most of the work. We had another firm that was let go a few years ago because of inferior work. CM Peterson asked how long the contract runs for? Ans. Mr. Rice noted it is three years.

Mayor Canfield asked, which firm gave us the cost estimates for the tennis courts. Ans. Mr. Jackson noted this was Bellomo Herbert. Mayor Canfield noted that the estimate given for the tennis courts was horrible and asked why they were ranked number one for this contract? Ans. Establishing prices for any project is difficult with increasing prices. Mr. Kelton noted they are not engineers. They are park designers.

CM Netts - assumes we will be more careful in choosing our contractors the next time? Asked if estimators are on board yet? Ans. Mr. Rice noted we have three on board at this time. CM Netts asked if the cost estimators will be monitored and rated. Ans. Mr. Rice noted they will be, but they have not done any projects yet. CM Netts will be interested to see if they do better than Bellomo Herbert. Ans. Mr. Kelton noted he would be interested in the last bid for Water Plant II that came in last week. The bid came in at \$17.3 million and engineers' estimate was \$18 million.

A motion was made Council Member Peterson, seconded by Council Member Netts, that this Contract be Approved . The motion was approved unanimously.

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

19. 06360 Approve **ENGINEERING CONTRACT, IN THE AMOUNT OF \$20,800, FOR**

**POST DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION
RELATING TO BENTON VILLAGE.**

Attachments: [Arcadis CDBG](#)

Considered as reported on the Consent Agenda

20. 06362 Approve increasing the purchase order to **SABOUNGI CONSTRUCTION, INC., IN THE AMOUNT OF \$109,060.80, FOR THE CONSTRUCTION OF SEMINOLE WOODS PARK.**

Attachments: [Seminole Woods](#)

CM Netts noted you bid a project and then the contractor comes back and needs another \$130,000. Can you explain this? Ans. Mr. Rice noted that more muck had to be removed than originally noted, which required additional fill also.

CM Peterson asked if this would have changed the awarding of the bid. Ans. Mr. Rice noted that it would not because the bid was based on quantities.

CM Netts noted that Saboungi does a nice job on the parks and he is happy with the quality of their work but he hopes in the future hearing Council's comments about more accurate estimates, that we will get the engineers to do it rather than the landscapers.

CM DiStefano - has a concern regardless of difficulties they ran into, is this a normal practice when we put out a bid with specs and accept them based on bid, if this is the way it is going to be why can't she come in with a low bid and then turn around and say she needs another \$100,000. Ans. Mr. Rice noted that all this is for extra work. The work was not made up. It had to be done. It could not be contemplated at the time of bidding.

CA Groot - the bidder bid on the quantity figured on amounts given by City, with the help of a consultant; so the bidder just figure on dollar amount time the figure the City gave them of square yards or square feet, what the City said. The amounts were underestimated.

CM DiStefano - Who in the City? Was it staff? Ans. Mr. Netts noted it was Bellemo-Herbert.

CM DiStefano - Now we are accepting them to be our consultants.

Mr. Kelton noted there are things that you cannot fully estimate until you get in and begin work on the project. Also we have added things such as benches.

VM Venne - cost estimators are they expensive? Ans. Fairly expensive and we have to figure out if the project would warrant using them.

VM Venne - they would have to do some borings to decide how much muck is on a site and you could end up spending more money.

CM Peterson - are you saying they were low bidder on the fill? Ans. Mr. Rice noted they were low bid on entire contract.

CM Peterson - if they were low bid on the fill, he does not have a problem because the additional add in don't mean anything but if they weren't low bid on the fill then that may

make them a higher bidder than another company. Ans. Mr Kelton noted you cannot award the contract based on the low bid of one item within the bid.

CM Peterson - understand that but maybe it makes since to pay somebody to get a more accurate list. Ans. Mr. Kelton noted that you cannot get precise bids when you are dealing with estimated quantities and material that is under ground until you see all the facts. CM Peterson noted that he can appreciate that but today, he would have like to seen what would have happened if we awarded this to second lowest bidder.

CM Peterson understand all this but we have had massive overruns on the Tennis Courts and the swale projects and now a 10% change order. Like some comfort factor.

CM Netts - what happened in this case consultant estimated the fill and we bid on that. Will the Estimator Firm take the figure from the consultant to compute the cost. Ans. We would take it a project at a time and ask for more borings or other work done prior to bidding.

CM DiStefano - go out and hirer cost estimator to tell us what it should come in at and then go out to bid. How much are we paying for the cost estimator. Are we spending more money in the end. Ans. Mr. Netts - hope not that is why we will need spreadsheet on this. want to make on good date.

CM DiStefano - Scope of work should have spelt out tables and benches. Ans. Mr. Jackson, we did; however, after completion you look at the project and notice where you could have used additional items.

A motion was made Council Member Peterson, seconded by Council Member Netts, that this Contract be Approved . The motion was approvedunanimously.

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

21. 06368 Approve increasing purchase order for **ABLE BODY TEMPORARY LABOR IN THE AMOUNT OF \$20,000.**

Considered as reported on the Consent Agenda

22. 06369 Approve purchase of **LOT 1, SECTION 57, BLOCK 59, ALSO KNOWN AS 373 UNDERWOOD TRAIL, FOR STORMWATER AND UTILITY USE, IN THE AMOUNT OF \$75,000.00.**

Attachments: [Lot Purchase Agreement](#)
[Parcel Map](#)

CM Peterson - who is buying the lot? The Utility or the City? Ans. Mr. Adams noted that the cost would be split since Utility and Stormwater would have equal use for the property. It will be paid for by the Enterprise Funds but owned by the City.

A motion was made Council Member Peterson, seconded by Vice Mayor Venne, that this Contract be Approved . The motion was approvedunanimously.

Approved: Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson

Denied:

-
23. 06380 Approve purchase of **LOT 60, BLOCK 5, BELLE TERRE SECTION 13 IN THE AMOUNT OF \$87,500.**
- Attachments:** [Giannini Contract Map](#)
- Considered as reported on the Consent Agenda
24. 06375 Approve task order for **McKIM AND CREED TO DESIGN A WATER MAIN FROM CITATION PARKWAY TO SR 100 FOR A FEE NOT TO EXCEED \$197,650.**
- Attachments:** [Citation Water Main Scope](#)
- CM Peterson asked if this is in the area that is under dispute with the County and if so how does this affect us? Ans. Mr. Kelton noted it is.*
- CM Peterson asked why we want to pay for design now if for some unknown, unseen reason, we might not prevail. Ans. We have customers and will have more customers and we have an agreement with Flagler Beach. We need to proceed and get it built we are there first.*
- Is the County disputing this portion, as well as the Flagler Beach portion? Ans. The County has passed an ordinance that claims the entire area.*
- A motion was made Council Member Peterson, seconded by Vice Mayor Venne, that this Contract be Approved . The motion was approved unanimously.**
- Approved:** Mayor Canfield, Vice Mayor Venne, Council Member DiStefano, Council Member Netts, and Council Member Peterson
- Denied:**
25. 06373 Approve **NEW LEASE WITH THE FLORIDA EAST COAST RAILWAY FOR ACCESS TO WELL LW-23.**
- Attachments:** [FEC RR Lease](#)
[Access easement to Well LW 23](#)
- Considered as reported on the Consent Agenda
26. 06377 Approve task order for **McKIM AND CREED TO DESIGN WELLS LW-22 AND LW-19 AND ASSOCIATED ACCESS AND PIPELINES FOR A FEE NOT TO EXCEED \$349,870.**
- Attachments:** [LW19 and 22 Design Scope](#)
- Considered as reported on the Consent Agenda
27. 06378 Approve task order for CPH Engineers to **DEVELOP THE WASTEWATER MASTER PLAN FOR A FEE NOT TO EXCEED \$156,170.**
- Attachments:** [WW Master Plan Scope](#)
- Considered as reported on the Consent Agenda

End of Consent Agenda

I. Public Participation

Al Hadeed - Here to ask that Council allow him to appear on the Agenda. He noted that he had filed a request to appear to discuss residents of the Hammock being required to sign pre-annexation agreement in order to get utility services. He spoke to the City Manager, who suggested that he come to Council directly with this request.

Council discussed this issue. It was noted that we are currently in Conflict Resolution with Flagler County regarding our utility service area. We have also previously spoken to residents of the Hammock and to Mr. Hadeed. Until the Conflict Resolution is completed Council felt there was no purpose served by having Mr. Hadeed appear before Council. Council suggested that Mr. Hadeed and his group bring this the County Commission at this time, noting that we have been unable to get the Commission to agree to a date for our next joint meeting.

Roseanne Sendleback - thought she would be given an opportunity under consent question about the T-mobil contract. She noted one is at Frieda Zamba and one at the sports complex but wanted to know how many others are in our community and is the City getting reimbursed? Ans. Mr. Majacen noted that we get \$2,000 per month for each site and there is an annual Cost of Living increase attached to this contract. A copy of the report will be sent to Ms. Sendleback. .

Milissa Holland - Had opportunity to speak to many residents during her campaigning and wanted to speak on behalf of the Hammock residents request to be put on the agenda. She noted there is a high level of anxiety due to lack of communication and large sense of fear. She believes it would be beneficial to both parties to be heard and would go a long way to resolve a lot the anxiety.

Jack Carroll - Getting disgusted about good quality of life. Do you call Palm Coast Parkway a good quality of life? He is confused. Are you telling him Cypress Point Parkway is benefitting his quality of life? When he moved here it was because he had driven Palm Coast Parkway and said this is where he wanted to live and if he had to do do it today he would drive back home. Ans. The Mayor acknowledged Mr. Carroll's statement.

06426

Attachments: [traffic unit questions captain carman.tif](#)

J. Discussion by Council of MATTERS NOT ON AGENDA.

CM DiStefano - question regarding new poles on Route 1 - why this height for lights? Ans. Poles are major transmission lines and are permitted by the State. They are hurricane resistant.

CM Netts - read letter from resident, noting that the AM radio station does not appear to be working in various places throughout the City. CM Netts believes that before we announce service we need to insure the system will work for all residents. Staff was instructed into looking into this. It was also noted that the AM station does not work in an automobile either. Staff has been looking into this and another antenna is needed to bring everyone coverage. The additional cost is approximately \$30 to \$40,000. Council felt

it was important to have the system up and running Mr. Kelton will look at this and if necessary tweak the budget to accommodate the cost.

CM Peterson - heard from a resident who is concerned about tree removal in front of Wendy's. Is this really happening? Ans. Yes. The trees are going to allow for additional road construction on Old Kings Road. The presentation was heard about two years ago.

He would also like to add Time Certain for Public Participation on the next workshop agenda, noting his reasons for this. Mayor Canfield noted when we are running late, we have gotten Council consensus to move this and did not see the need to change the format of the meeting at this time.

K. Discussion by City Manager of MATTERS NOT ON AGENDA.

Sent email on Friday evening ISO rating came in. We are now rated a 5. Two points short of a 4. Weak areas were number of stations, ladders and trucks. Within a year should get to a four. DiStefano what was the rating. INcorp. never had a rating. IN 2001 we got a six rating. No credit for County station at airport because they were not rated.

Mr. Netts addendum - cost to get a one or two astronomical.

City Manager reception on Friday and meetings on Saturday. Suggested move to Thursday Friday. November 2 and 3. Reception thursday night.

Conflict Resolution - several options - negotiate against ourselves and give them another set of dates. Mr. Groot proceed with September 26 and see who shows up. We were the initiating party and our responsibility to set it. One County Commissioner and Mr. Peterson not available so that is the alternative or whole list of new dates.

DiStefano - do not show. That is it you have done your obligation then move on to select date for mediation. Schedule and held non facilitated meeting. Then set date for mediated meeting there.

Wasn't 26th they gave us. Let's go with 26th at school board meeting room at 9:00 a.m.

Mayor arrogant on our part.

First meeting requested in July. How about compromise. Pick two other dates otherwise 26th. Tuesday morning Oct 3 and Wed. 4th.

Mr. Peterson has had it. Sept. 26 or one other date.

Leaving Saturday for ICMA and then four day personnel leave. Back on the 17th. Dr. Wingo will be in charge.

INtroduced Mark Carman - call sheriff to have deputy here for tonight's meeting. Thanked Council and Mr. Kelton and Dr. Wingo. Privilege to serve here for the last six years and also a privilege.

L. Adjournment

The meeting adjourned at 9:20 p.m.

Respectfully,

Clare M. Hoeni
City Clerk