



# City of Palm Coast

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## Meeting Minutes City Council Workshop

*Mayor Jon Netts*  
*Vice Mayor Frank Meeker - District 2*  
*Council Member Holsey Moorman - District 1*  
*Council Member Mary G. DiStefano - District 3*  
*Council Member William Lewis - District 4*

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Tuesday, April 26, 2011

9:00 AM

Council Conference Room

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**A. Call to Order**

**B. Pledge of Allegiance to the Flag**

**C. Roll Call**

**Present:** 4 - Mayor Netts, Vice Mayor Meeker, Council Member Lewis, and Council Member Moorman

**Excused:** 1 - Council Member DiStefano

**D. PRESENTATIONS**

**1**     **11-141**     RESOLUTION 2011-XX AUTHORIZING RELEASE OF LETTERS OF INTEREST FOR THE BUSINESS PARK PARTNERSHIP PROGRAM.

**Attachments:**     [Resolution Letters of Interest](#)  
                                  [Business Park Partnership LOI](#)

*Mr. Landon gave a brief overview of this item. Mr. Falgout gave a PowerPoint presentation (attached to these minutes).*

*VM Meeker described the different levels of shovel ready and pad ready.*

*VM Meeker - How do you consider Hargrove? Ans. - Mr. Falgout - Raw land; lot of those properties have wetlands.*

*Mayor Netts - A piece of property that has all permits except for stormwater permit from St. John's River Water Management District (SJRWMD), can anyone apply for that permit? Ans. - Mr. Landon - Yes, but you have to have a project/plan.*

*Mayor Netts - Once you permit that, how flexible is that in terms of the permitting? Ans. - VM Meeker - He would advise to permit to the maximum of the site.*

*Mayor Netts - What is the critical deciding factor? Ans. - VM Meeker - Pervious surface.*

*VM Meeker - If you do the work up front today (on a piece of property), there's a cost associated with that; 20 years from now the property may not have the same value, do you have a way for adjusting for that? Ans. - Mr. Landon - There will be a term to the agreement; we will try to tie down the agreed upon price they are going to market*

*it at for a certain number of years.*

*Council consensus was this is worth a try; positive comments.*

*VM Meeker asked Mark Langello (a proposed appointee to the Economic Development Forum to represent the City) if he saw anything that he likes or doesn't like that's been presented today. Ans. - Mr. Langello clarified that he is not sitting on the forum but attended the meeting; the City would have to flush out the real money that can be put into it, in this economy there has to be some return; very risky unless there will be a return.*

*Mayor Netts - Are you going to proceed with the request; bring that to Council at next business meeting? Ans. - Mr. Landon - We just need your blessing on contracts associated with this.*

*Mayor Netts would like this presented at the next Council business meeting. CM Moorman agreed; so public can comment.*

**The Presentation was Received and Filed.**

2      [11-143](#)

**CUSTOMER SERVICE PRESENTATION.**

*Mr. Landon gave a brief overview of this item. Mr. Abreu gave a PowerPoint presentation (attached to these minutes).*

*VM Meeker - We actually tell them what the problem is, rather than a request for additional information? Ans. - Mr. Abreu - Yes, we tell them exactly what is lacking or missing (concerning the permit process).*

*VM Meeker - What do we have as a pod cast? Ans. - Mr. Landon - This is referring to electronic agendas for Council meetings.*

*VM Meeker - When we do an early review, is the same staff part of that pre-application process so that things stay consistent? Ans. Mr. Abreu - Yes. Mr. Landon - The design team is working with our staff; the goal is that they can be confident that the design they come up with will be approved by the City. If the design team takes advantage of this, then on the owner's level things will work smoother; private sector needs to take advantage of the services we provide.*

*Mayor Netts - Does that apply for residential (referring to conditional occupancy prior to certificate of occupancy)? Ans. - Mr. Abreu - Yes, it's not something we typically do; but may be considered under certain circumstances.*

*CM Moorman - Do you have certain items that are a must (conditional occupancy prior to certificate of occupancy), fire safety, etc.? Ans. - Mr. Abreu - Yes, there is certain criteria.*

*VM Meeker - He hears the issue that European Village wants to get signage on the outside of the building similar to here at the City Marketplace, is this something we would consider regarding signage (referring to slide regarding Greater Flexibility)? Ans. - Mr. Landon - That is a PUD so it's part of their land use approval; says they can't do it, so they would have to come in for an amendment to their zoning.*

*CM Moorman - Do you have more than one person who can do several different inspections? Ans. - Mr. Abreu - Yes, typically one man has at the very least two State licenses.*

VM Meeker - *If our ratings change from a 6 to a 5 does it affect the rates paid by the citizens for that type of insurance (referring to What Others Say Does Matter slide)?*  
 Ans. - Mr. Abreu - *Yes, this is what it's about getting a lower rate for insurance if possible.*

VM Meeker - *Is there anything reasonable we can do to bring a 6 to a 5 for flood insurance for example?* Ans. - Mr. Landon - *Yes, it was recently 7 and came down to 6; 6 is an excellent rate (we're in the top 12 in the State of Florida according to the ISO-Insurance Services Office); excellent numbers and theoretically impact insurance cost; property owners do benefit.*

CM Moorman - *If residents want these official ratings, how do they get them?* Ans. - Mr. Landon - *Your local insurance company can get this information.*

CM Moorman - *Is there a document that the homeowner can have in their hand to send to their insurance company?* Mr. Landon wasn't sure but said the local insurance company would be the best place to get the information.

CM Lewis - *What about signs, are they done over the counter?* Ans. - Mr. Abreu - *Not often; we sometimes have complications with them.*

CM Moorman - *Notary service, is that free (referring to In the Works slide)?* Ans. - Mr. Landon - *Yes, we always did that for the commercial community but now it will be for the general public.*

VM Meeker - *Do we have the fingerprinting service now?* Ans. - Mr. Landon - *No, but we are going to implement it to be used by the City for new employees and volunteers as well as the general public (there will be a nominal fee for its use).*

CM Lewis had a question about the cashier and whether or not they had a lot of cash at the end of the day. Mr. Landon responded that we're changing our process, so we will take money up until 5:00 p.m. (instead of 4:00 p.m.), however, the cashier mostly receives checks, not cash.

Mr. Abreu spoke of customer service handout (attached to these minutes).

**The Presentation was Received and Filed.**

3      [11-130](#)

DISCUSSION OF THE FIRE IMPACT FEE ORDINANCE, THE PARK IMPACT FEE ORDINANCE, AND THE TRANSPORTATION IMPACT FEE ORDINANCE.

**Attachments:**      [Ordinance Transportation Draft](#)  
                                   [Table 3-1 in Ordinance](#)  
                                   [Ordinance Fire and Rescue Impact Fees Draft](#)  
                                   [Ordinance Park System Impact Fees Draft 4 21](#)  
                                   [2011 Transportation Impact Fee Consolidation Report with Table 3-1](#)  
                                   [Proposed Impact Fee Table 3-1](#)

Mr. Landon gave a brief overview of this item. Mr. Abreu gave a PowerPoint presentation (attached to these minutes).

VM Meeker - *Is there a difference between retirement home and assisted living (category)?* Ans. Mr. Abreu - *We say that mobile homes on individual lots are compatible to multi-family homes, duplexes, apartments, in trips, zoning, etc. (Combine and Average Impact Fees slide); we've relocated mobile home park from this category; they are not consistent.*

CM Moorman - Mobile home park is not here (in the City), right? Ans. - Mr. Landon - Right.

VM Meeker - Is assisted living still allowable under residential or is it defined as retirement home? Ans. - Mr. Landon - If it is age restricted, the data will show that the older populations will have fewer trips, traffic, etc.

Mr. Reischmann spoke of zoning and rezoning and how it will affect neighbors, etc.; key is what is the difference between these different uses; keep in mind when we group these different uses, the factor is impact on our transportation infrastructure.

VM Meeker asked if an apartment complex converted back to an assisted living facility would it remain in the residential group or revert back to another area; will there be change in fees? Ans. - Mr. Landon - We don't give money back; if it was new, it would come under retirement home and if they converted it to an age restricted facility there would be no fee.

VM Meeker - Is retirement home less fee than residential? Ans. - Mr. Landon - Yes, \$899 vs \$2,600. If you had an age restricted complex, and you change to residential, you should be charged an additional fee.

VM Meeker - Should the category then be named retirement/age-restricted/assisted living? Ans. - Mr. Landon - Yes; it's all about the impact on the streets.

There was discussion about the 5 year phase-in and 6 year updates, which are two separate entities in the proposed ordinance.

VM Meeker - Health & fitness club and doctor's office; what happens when you combine them? Ans. - Mr. Abreu - We refer to our ITE (Institute of Transportation Engineers) manual and use the best judgment; we don't usually split up a building; major use is what we usually use.

VM Meeker - What about the medical centers; how do you balance it out? Ans. - Mr. Abreu - We use the ITE manual.

VM Meeker - Nobody can argue that it's "a taking" by increasing their fees, can they? Ans. - Mr. Reischmann these are authorized by State statute; local government is authorized to charge money for increased or new business uses that are going to impact infrastructure. Cities are required to fund these services so it's going to either come out of general revenue or be paid by that growth; that's the rationale for impact fees.

CM Moorman - What happens if current legislature does away with concurrency; what does that do to our impact fees, etc.? Ans. - Mr. Landon and Mayor Netts - We will change what we have to at that time to comply with State law. Mr. Reischmann added further detail regarding concurrency and impact fees.

**The Presentation was Continued.**

4      [11-131](#)

RESOLUTION 2011-XX APPROVING THE "2011 TRANSPORTATION IMPACT FEE CONSOLIDATION STUDY"

**Attachments:**      [Resolution Impact Fee Report](#)  
                                 [2011 Transportation Impact Fee Consolidation Report](#)

See item 3 for this discussion.

**The Resolution was Continued.**

- 5      [11-139](#)      RESOLUTION 2011-XX SUPPORTING THE CONSIDERATION OF ADDITIONAL STUDIES AND LOCAL PUBLIC INPUT FOR S.R. A1A EROSION CONTROL MEASURES BEYOND SEAWALL PROPOSAL.

**Attachments:**      [Resolution Support Flagler Beach](#)  
[Letter from Flagler Beach](#)  
[Flagler Beach Seawall Resolution](#)  
[Project Location Map](#)  
[Project Cross-section](#)

*Mr. Landon introduced this item. Ms. Denise Bevan gave a brief overview of this item.*

*VM Meeker - Has any of the studies identified what the underlying cause is (of the beach erosion)? Ans. - Ms. Bevan - DOT (Dept. of Transportation) has done their diligence and the Army Corps. of Engineers has been looking at this since 1980; one of the studies done by DEP (Dept. of Environmental Protection) show 1 ft. of shoreline has been lost per year; storms appear to be the main culprit.*

*VM Meeker - Is that 1 ft. north and south? Ans. - Ms. Bevan - It's dynamic; ever changing.*

*CM Lewis - When you look at A1A, you wonder what is causing all this erosion? Ans. - Mayor Netts - There is a general overlying circumstance in southward migration of sand, etc.; it's complex. Ms. Bevan spoke of what DOT is looking at basically knee-high water consideration of adding in breaks to smooth in that wave action, adding beach nourishment to add natural relief; and possibly additional action to protect A1A that may not be as intrusive.*

*CM Lewis - Will they look at increasing the overhang of roadside; increase width of roadway. Ans. - Ms. Bevan - they would try to minimize as much as possible (the erosion).*

*Council consensus was to support Flagler Beach.*

**The Resolution was Continued.****E. WRITTEN ITEMS**

- 6      [11-140](#)      RESOLUTION 2011-XX APPROVING FLORIDA INLAND NAVIGATION DISTRICT WATERWAY CLEANUP GRANT FUNDING AGREEMENT

**Attachments:**      [Resolution FIND Agreement](#)  
[Exhibit A - FIND Grant Funding Agreement](#)

*No comments.*

**The Resolution was Continued.**

- 7      [11-114](#)      RESOLUTION 2011-XX APPROVING A CONTRACT WITH TRI-SURE CORPORATION AND AUTHORIZING AN EXPENDITURE NOT-TO-EXCEED \$757,240.00 (WHICH INCLUDES 10% CONTINGENCY) FOR INSTALLATION OF THE CITATION BOULEVARD/OLD KINGS ROAD TO STATE ROAD 100 WATER MAIN.

**Attachments:**     [Resolution Tri-Sure](#)  
                              [Contract Summary Tri-Sure](#)  
                              [Bid Tabulation](#)  
                              [Engineer Letter of Recommendation](#)  
                              [Map](#)

VM Meeker - *Who are these guys (Tri-Sure)?*

CM Moorman - *What are we doing here?*

*Ans. - Mr. Steve Flanagan - Tri-Sure is new to us at the City, however, our (contracted) design engineer, Scott Spooner of McKim & Creed, speaks extremely highly of them and has dealt with them several times over the years.*

VM Meeker - *Not local?* *Ans. - Mr. Flanagan - They are from Auburndale, Florida. The project basically connects our water system on Citation Blvd. and runs it across the interstate highway through the Bulow Creek, LLC, property over to Old Kings Road and brings it up Old Kings Road and ties it into our southerly connection to the water main system at or about Craig's Funeral Home.*

CM Moorman - *Is this basically to get water to the new incorporated/annexed area?*

*Ans. - Mr. Flanagan - It will help us hydrologically to service all of the southern and eastern sections of the City.*

Mayor Netts - *Why now, as opposed to 2 years from now?* *Ans. Mr. Flanagan - We have been working on this, design-wise, for 4 years now and we have two different commitments pursuant to settlement agreements. We have committed to put this water main in for Flagler County to connect us to serve areas such as Eagle Lakes.*

*Mayor Netts asked why are we not picking and choosing what parts we like out of the settlement agreement? He is uncomfortable with just doing part(s) of the agreement and not dealing with the entire settlement agreement. Mr. Flanagan described the history of the settlement agreements, the City's commitments and that the City has also acquired an easement for this project.*

Mr. Landon - *Do we have to do this now? No, but it's good for the overall system; performs a loop, stabilizes the southern area of the community both commercial at SR100 and I-95 and the residential area in Seminole Woods. Mr. Adams - Also, Colbert Lane and Sea Ray area. Mr. Landon described that prices are better now; it's part of our 5 year capital improvement plan (CIP). Mr. Adams added further details on the permitting that has already been obtained, etc.*

Mayor Netts - *In a dead end line you have pressure and probably flushing issues, does looping reduce the amount of flushing necessary?* *Mr. Adams - Yes; explained the pressure issues and how this main will improve it. Mr. Landon - We're doing this to improve the system. Mr. Flanagan - We engaged the developer; not the other way around.*

CM Moorman - *What is the shelf life on the permits?* *Ans. - Mr. Flanagan - It depends on which permit; 5 years for DEP permit; State you have to renew every 6 months just to keep active.*

CM Moorman - *If we don't do this now, do we have to go through the permitting process again?* *Ans. - Mr. Flanagan - Yes.*

Mayor Netts - Look at your utility as a whole and the challenges you are facing, etc.; how does this fit in your budget? Ans. - Mr. Adams - It is in the 5 year CIP.

VM Meeker - Who outside our service area is contributing to this financially? Ans. - Mr. Adams - If and when the county hooks up, they will have to pay the impact fees for what they are using, also developers, etc.

Mayor Netts - Stub-out for the County, what is the proposal; what did they intend to do with it; wholesaler? Ans. - Mr. Adams - Yes, service to the Bulow system would be at the bulk rate. Mr. Landon - The Bulow area, south of our City limits, when we provide water to the County outside our service area, bulk rate takes out the cost of providing meter readings, not taking care of distribution lines, etc.

Mayor Netts - Who did our original rate study, PR&G? Ans. - Mr. Adams - Yes. Mayor Netts and VM Meeker expressed concerns about the cost to the City versus the bulk rate, etc. Mr. Adams spoke of the intent of the joint settlement agreement.

Mr. Flanagan clarified when he mentioned Bulow Creek LLC, that's the property owner that we got the easements from and their connections to us will be paid at the regular rates; they are annexed into the City. Almost 100% of this line would be within the City limits. The discussion of the County and their Bulow service area south of this would be the connection of the 6" meter that we agreed to in the settlement agreement. Mr. Landon - Basically, we will build the line down to the southern City limits and stop there at Old Kings Road; then the County has the ability to continue it based upon our agreement.

Mr. Adams explained in more detail the settlement agreement and referred to a map (attached to these minutes).

**The Resolution was Continued.**

8 [11-110](#)

RESOLUTION 2011-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH ALLMAC SIGNS, CUSTOM PRODUCTS CORP., NIPPON CARBIDE INDUSTRIES USA, INC., AND VULCAN SIGNS.

**Attachments:** [Resolution Sign Materials Price Agreements](#)  
[Contract Summary - Allmac Signs](#)  
[Contract Summary - Custom Products Corporation](#)  
[Contract Summary - Nippon Carbide Industries](#)  
[Contract Summary - Vulcan Signs](#)  
[Bid Tabulation for Sign Materials](#)

No comments.

**The Resolution was Continued.**

9 [11-142](#)

RESOLUTION 2011-XX APPROVING CHANGE ORDER NUMBER 7 FOR S.E. CLINE CONSTRUCTION, INC. RELATING TO BIG MULBERRY BRANCH AND COLLEGE WATERWAY.

**Attachments:** [Resolution Chg Order 7-SE Cline-Mulberry Headwall](#)  
[S.E. Cline Change Order 7](#)  
[Map Mulberry Branch](#)

CM Moorman - Is this the second or third one on this? Ans. - Mr. Landon - Yes (that has come before Council), he gave an overview of this item.

CM Lewis - Is this going to be ongoing, it keeps coming back? Ans. - Mr. Landon No, this is the end of it. Mr. John Moden explained 4 of the 7 change orders were time extensions. He passed around before and after pictures (attached to these minutes). Mr. Landon - 3 change orders were for cost and this is the last one.

Mayor Netts had one aesthetic issue where the coquina rip-rap stops and dirt is seen above water level (picture 2 on page 1, on the left); can we plant something or cover it with coquina? Ans. - Mr. Landon - We'll have Mr. Bill Butler look at it to plant something there.

**The Resolution was Continued.**

## **F. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

VM Meeker - He saw work being done on the Player's Club and it looked better; are they going to put the green fencing back up? Ans. - Mr. Landon - Yes, or we can take it down.

VM Meeker - Also, are they taking stumps down to the ground (they are 1-1/2 ft. off the ground)? Ans. - Mr. Landon hasn't been out there, but they've been put on notice to do things (to improve it).

VM Meeker - Palm Coast Plantation update? Ans. - Mr. Reischmann gave an update on the lawsuit.

CM Lewis - A question came to him about where we are with the cultural center, art museum, cultural arts theater, etc.; where are we on that or have we given up? Ans. - Mr. Landon - We haven't had any updates on that; it's probably due to the economy.

Mayor Netts gave the history on this matter; we had a property site available and a group came to us saying if they raise the money to build on the property (within a 5 year timeframe, which has expired) they can have/lease the property; status is that it is in limbo.

VM Meeker - Do cities with populations of 75,000 usually have a large cultural arts center? CM Lewis - That was one of the ideas of the founding fathers of Palm Coast, that it would be unique, with culture, etc. Mayor Netts - Soon we will be having budget discussions and we probably can't afford it right now; our commitment was the land.

Mayor Netts referred to (solicitation) information received from Waste Management (attached to these minutes). Mr. Landon gave a background how the waste hauling system works and our current contract. Mayor Netts added that we contract with a contractor and bill each household for residential hauling (garbage and recycling).

VM Meeker - Do we risk losing capacity (at Volusia) if Waste Pro doesn't use them? Ans. - Mr. Landon - This is very complicated; not simple; we leave it up to Waste Pro since they are paying for it. The other haulers want us to open this up to go out to bid again.

Mr. Landon - Our contract with Waste Pro is up in January 2012; we have an option to renew for 5 years. We are starting the process to allow competition to give us letters of interest if they wish.

CM Lewis - Are we going to get a comparison? Ans. - Mr. Landon - Yes, first thing



*that will come to you is whether or not you want to renew with Waste Pro, or go out to bid and we will give you our recommendation, etc.*

*Mr. Reischmann explained the situation in Orange City and how they went out to bid (RFQ-Request for Qualifications) and ended up with higher rates than they were being charged by their existing franchisee.*

*VM Meeker - Don't they give that information up front? Ans. - Mr. Landon - Yes, that is what we want to do and he doesn't advise to go with the service that provides a garbage receptacle that is picked up by the truck mechanically, etc. (from past experience). We are pleased with Waste Pro.*

#### **G. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Mr. Reischmann - Legislature is in session; some relevant things are:*

*State is making progress on pain clinics; money may be available for the database to be used for enforcement of the pain clinics; possibility for Statewide regulations, enforcement, etc.*

*There is a bill pending on red light cameras and trying to repeal prior legislation, etc.*

*There are bills out there regarding deregulation of various industries that are controversial.*

*There is a bill proposed that would preempt the regulation of vacation rentals.*

*CM Moorman - What happened with the DCA (Dept. of Community Affairs)? Ans. - Mr. Reischmann - Good things have happened; staff has been working with representatives from the DCA and the other parties, including the landowners. There has been a series of meetings; progress is made with a proposal that seems to be satisfactory to our staff and property owners. It has to go through some more steps, but we're hopeful there will be more good news coming out of Tallahassee. Mr. Landon added we have a tentative agreement; we've come a long way.*

*CM Lewis - Is the legislature done? Ans. - Mr. Reischmann - They are still in session; first week in May it should be done.*

#### **H. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Mr. Landon - We're moving forward with the Small Business Center; the university has assigned Joe Roy that has moved through the ranks in business (was a member of SCORE) and we're excited about working with him; he starts Monday, May 2; space will almost be ready by then.*

*Neighborhood meeting for the area around Ralph Carter Park is 6:30 p.m. on April 27, at Rymfire Elementary School; it's important we get input before proceeding on this issue (maximum height is 6' for fencing, per our ordinance).*

*Mayor Netts - Is it a noticed meeting; should Council go? Ans. - Mr. Landon - No, it will come to Council; it is a public meeting. Mr. Reischmann - If it is not noticed as a Council meeting, Council can go and can talk but can't talk amongst yourselves. If Council was going to go to a private meeting, for instance a group was getting together to discuss rezoning, etc., that can be ex parte communication and he*

*discussed the rules about the Sunshine Law.*

**I. ADJOURNMENT**

*The meeting was adjourned at 12:04 p.m.*

*Respectfully submitted,  
Barbara Mitchell*

**11-7**

CALENDAR/WORKSHEET

**Attachments:**     [Calendar](#)  
                                  [Agenda Worksheet](#)

**11-147**

ATTACHMENTS TO MINUTES

**Attachments:**     [Item 1-Business Park Partnership Program](#)  
                                  [Item 2-Customer Service presentation](#)  
                                  [Item 2-Customer Service Flier](#)  
                                  [Item 3-Impact Fees](#)  
                                  [Item 3-Consolidated Impact Fee Worksheet](#)  
                                  [Item 7-Map of Bulow Service Area](#)