



# City of Palm Coast

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## Meeting Minutes City Council Workshop

*Mayor Jon Netts*  
*Vice Mayor Bill McGuire*  
*Council Member Jason DeLorenzo*  
*Council Member David Ferguson*  
*Council Member William Lewis*

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Tuesday, February 26, 2013

9:00 AM

Council Conference Room

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### AMENDED AGENDA TIME CHANGE 10:30 AM

>Other matters of concern may be discussed as determined by City Council.

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#### A. Call to Order

*Mayor Netts called the meeting to order at 10:30 a.m.*

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

#### C. Roll Call

**Present:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Ferguson, and Council Member Lewis

#### D. PRESENTATIONS

##### 1 [13-51](#) PRESENTATION ON THE RESULTS OF THE 2012 CITIZENS SURVEY

**Attachments:** [Benchmark Report Palm Coast FINAL 2012](#)  
[City of Palm Coast Report of Results FINAL 2012](#)  
[Geographic Subgroup Comparisons Report-PC FINAL 2012](#)

*Mr. Landon gave a brief overview of this item. Ms. Cindi Brownfield, Communications and Marketing Manager, gave a PowerPoint presentation (attached to these minutes), as well as Ms. Constance Bentley, Land Development Supervisor.*

CM Ferguson - In 2004-2005, what was the population? Mr. Landon and CM DeLorenzo - Mid 60,000.

VM McGuire - How do you rate crime prevention? Mr. Landon explained the survey shows 65% say crime prevention is good and agreed that Fire service is rated significantly higher than Sheriff service. Mayor Netts added there are a lot less fires than crimes. CM Lewis added youth crimes are included in this also.

Mayor Netts - How many custom questions are you allowed? Ms. Bentley believed three, but staff will look into it.

VM McGuire would like to see a larger sample of people; he didn't believe 469 people is enough out of 70,000.

CM Lewis - Telephone and/or mail survey? Ms. Brownfield - Mail; phone surveys are not as valid as they used to be, because a lot of people don't have home telephones.

VM McGuire suggests that the Citizens Academy graduates take this survey. Mayor Netts liked the idea. Mr. Landon agreed; we can send it to the past graduates and the present and future graduates.

VM McGuire - How long does it take to do this survey? Ms. Brownfield expressed it's quite lengthy. CM Ferguson suggested customizing/shortening it.

**The Presentation was Continued.**

2      [13-37](#)

## RESOLUTION 2013-XX SUPPORTING INITIATIVES LIMITING YOUTH ACCESS TO ALL FORMS OF CANDY OR FRUIT FLAVORED TOBACCO AND NICOTINE PRODUCTS

**Attachments:**      [Resolution Against Candy-Fruit Flavored Tobacco Products](#)

Mr. Landon gave a brief overview of this item which was requested by the Flagler County Tobacco Free partnership and Students Working Against Tobacco. Ms. Teresa Williams, Tobacco Prevention Specialist, with the Flagler County Health Department handed out information (attached to these minutes) and spoke of the Statewide initiative, in cooperation with the Department of Health, against the use of tobacco by youth and the sale of it to youth; specifically candy/fruit-flavored tobacco. A student will be giving a presentation on this issue to Council at the next business meeting 3/5/13.

Mayor Netts - Tobacco citation, what does that mean? Ms. Williams - If students are caught with any tobacco product (not just smoking) in school; Police Officers will issue a citation, and to honor the citation they are supposed to take a Tobacco 411 class which we instituted through the schools. They go to class and learn about the dangers of tobacco. She mentioned that most of the young men started with candy-flavored tobacco around the age of 13 and later were addicted to stronger tobacco products.

CM Lewis - Are you going after manufacturers as far as labeling? Ms. Williams - The State of Florida, through our tobacco grant, are targeting big tobacco by trying to educate the public, letting them know about these products and getting them off the shelves.

City Attorney Reischmann spoke of the 2003 Clean Indoor Air Act; the Florida legislature passed a law which preempted any local regulation of smoking.

VM McGuire - There already is a law prohibiting sale of tobacco to minors, so how are they getting it? Ms. Williams - The problem is they are getting a hold of it and getting addicted.

Council looks forward to the presentation at the next business meeting on 3/5/13.

**The Resolution was Continued.**

3 [13-53](#)

RESOLUTION 2013-XX APPROVING THE DESIGNATION OF CENTRAL PARK AS A CIVIC CENTER TO ALLOW THE CITY TO APPLY FOR ALCOHOLIC BEVERAGE LICENSES FOR SPECIAL EVENTS.

**Attachments:** [Resolution Civic Center](#)

Mr. Landon gave a brief overview of this item. Ms. Lisa Gardner, Special Events Coordinator, spoke of the events that the City has hosted that had alcoholic beverages sold and how it has been challenging to find alcoholic beverage vendors because their liquor licenses are expensive and the City gets 30% of their sales; it is not very profitable. If we get the civic center designation, the City could get its own yearly liquor license that could be used at the three major events: Rock-N-Rib, International Food and Wine Festival and the Seafood Festival.

CM Lewis - License to serve what? Ms. Gardner - Alcohol, beer and wine; sometimes full bar.

Mayor Netts - What does the designation of a civic center do as far as getting a license? Ms. Gardner - It allows the City to apply for a liquor license. Mr. Landon explained the different types/categories of liquor licenses: restaurant, catering portable licenses that we don't have in Flagler County, and there are licenses that cities can attain for civic centers, convention halls, performing arts theatre, etc.

Mayor Netts - Without a building, can we designate the area as a civic center? Mr. Landon - Beer garden is another designation for a liquor license.

CM Lewis has a problem with (hard) liquor in the park with the family atmosphere, etc.

Attorney Reischmann spoke of the 6CO1 liquor license that is available only to local governments that operate a civic center.

Mayor Netts confirmed that Attorney Reischmann will provide Council with a determination as to whether a city park can be designated as civic center.

Mayor Netts asked how getting the liquor license will benefit local vendors, and how do the vendors do business under the City's license. Mr. Landon stressed that City employees will not be handling, transporting or storing liquor. Ms Gardner mentioned a new local company that specializes in bar service for events and caterers that can recommend quantities needed, provide experienced bartenders, etc. She stated when the City hires caterers for events they have to buy liquor at retail rates; if the City had a liquor license it could deal directly with the local area distributors.

VM McGuire - If we do this, the City will make more money on these events? Ms. Gardner - Yes, we need to raise these events to the next level.

CM DeLorenzo stated the vendor prices are too high at the events; we should be lowering the costs and asked why don't we work with non-profit organizations. Ms.

Gardner - We have done that before but we don't receive any of the benefits from the bar sales; they don't know how to manage a bar. She spoke of the barbecue competition (Kansas City Barbecue Society) with a \$5,000 purse that will be at the Rock-N-Rib Festival. She said this works as an economic development tool; it's really about reinvesting and putting the money back into the events. Mr. Landon added that by State law they (non-profits) are not allowed to share the proceeds or make money on these events and they are not geared.

CM Lewis expressed events are becoming expensive.

Mayor Netts asked for research around the Melbourne area, a community named Grant; they run a seafood festival that is extraordinarily popular and he's curious how they do it. Ms. Gardner will check into it.

CM DeLorenzo - Will it have any affect on other groups that use the park? Ms. Gardner - No, it will not.

Mayor Netts asked how the local bar service company does it elsewhere? Ms. Gardner - They require the event organizer to have the license.

CM Ferguson - There is no additional liability by having a liquor license, is there? Ms. Gardner - No. Mr. Landon - Anytime you hold an event there is a liability.

VM McGuire - Central Park is this the only facility we're considering this (civic center) designation for? Ms. Gardner - Yes, this is the only area we are considering for the civic center license.

VM McGuire - If we went down this road and decided it wasn't as good as it was supposed to be, can we surrender the license? Mr. Landon - It's an annual license (good for one year); we don't have to get it.

VM McGuire - How much is it going to cost to get this license? Ms. Gardner - Ms. Jackie Gonzalez, Land Development Technician, is researching the cost and staff will let Council know shortly.

CM Lewis - Do we have to amend our ordinances? Attorney Reischmann - This item is for a Resolution. Mr. Landon - The next item (regarding an ordinance) is unrelated; it came up because of this but is not related whatsoever for this designation.

Mayor Netts - We have a golf course that has a full liquor license; can't they get an off-premise license, etc.? Mr. Landon - We've looked at that option; they would have to get a caterers' off-premise license which they've looked at and said the cost of that for a private entity (Kemper Sports) doesn't make financial sense for them (very expensive); they don't want to get into the catering business.

Attorney Reischmann stated that the City of Holly Hill last year paid \$1,900 for this, as an example.

Mayor Netts would like to know other communities that have done this and be certain that Central Park can be designated as a civic center. Mr. Landon is sure Daytona Beach is one, with their convention center (in addition to Holly Hill). Attorney Reischmann stated staff can get the information from the State regarding other communities having liquor licenses, and he will get the designation information for Council.

Mayor Netts wants to table this until there are answers to the questions.

*CM Ferguson asked about financial projections beyond making the event more successful; what will the financial impact be of having a liquor license? Mayor Netts - If we can generate more money, we can lower the event price.*

*CM DeLorenzo is against these events getting bigger, however, he likes the events; wants them to be more affordable for families.*

*Mr. Landon - City downtowns do this all the time and local businesses may use it as a marketing tool.*

*Ms. Gardner - We need to make them new and fresh each year.*

*Mr. Landon - We will put this on the next workshop agenda 3/12/13.*

**The Resolution was Continued.**

## **E. WRITTEN ITEMS**

- 4**      [13-54](#)      **ORDINANCE 2013-XX AMENDING CHAPTER 7, ALCOHOLIC BEVERAGES OF THE CITY OF PALM COAST CODE OF ORDINANCES TO ELIMINATE A CONFLICT WITH THE OTHER SECTIONS OF THE CODE OF ORDINANCES.**

**Attachments:**      [Ordinance Amending Section 7 2b](#)

*Mr. Landon gave a brief overview of this item.*

*Mayor Netts - Picnic & Pops put on by the Palm Coast Arts Foundation, he is sure there is alcohol served at this event; what is the mechanism that makes this happen?*

*Mr. Landon - The 2007 Ordinance, that says as long as you get a permit from the City you can have alcoholic beverages. This agenda item doesn't change anything; this is truly housekeeping; if you don't adopt this it doesn't change any of the events. It was looked at because the idea of the civic center came up.*

*Attorney Reischmann - Right now in the City's Code of Ordinances the possession and consumption of alcohol in City parks is regulated by Chapter 42 under parks that says you can't do it unless you get a City permit; so all we're doing with this Ordinance is basically moving that regulation from Chapter 42 to Chapter 7; in one place.*

*Mayor Netts - It doesn't change current procedures, policy, practice or how we do business? Attorney Reischmann - No, it just puts it all in one place in the Code of Ordinances; housekeeping item that is all.*

*CM Lewis asked if he wanted to have an event at the Community Center with alcohol, he could do it? Attorney Reischmann - Yes, as long as you obtain a permit from the City.*

*CM Lewis - How does that impact our insurance? Mr. Landon - It doesn't impact us at all; we already have insurance, and we're already doing it.*

*Lunch break from 12:22 p.m.-12:45 p.m.*

**The Ordinance was Continued.**

- 5      [13-09](#)      RESOLUTION 2013-XX APPROVING PURCHASE OF BUDGETED WHITE FLEET IN THE AMOUNT OF \$656,039.99, FROM DUVAL FORD AND ALLAN JAY CHEVROLET CADILLAC, INC.

**Attachments:**      [Resolution-Budgeted White Fleet FY 2013](#)  
[FY 2013 Proposed Fleet Replacements](#)  
[Florida Sheriff Contract 12-20-0905](#)  
[All Quotes](#)

*Mr. Landon gave a brief overview of this item. Ms. Renee Shevlin, Public Works Chief Operator, was available for questions.*

*VM McGuire - How are we doing with the contract with the Sheriff (he was reminded by the Florida Sheriff contract for vehicles)? Mr. Landon stated they talked a few weeks ago about it and he hasn't heard back; he believes it is in the Sheriff's court, and he was going to put together a proposal and send it to us. Attorney Reischmann - We received it back from the attorneys for the Sheriff last week and now it's with Attorney Reischmann's office to review; basically the same as the last contract. VM McGuire thought the last contract was very vague and would like to see more definiteness in it.*

*Mayor Netts pointed out there are a lot of Fords on the white fleet; can't we get the local dealer to bid on this? Ms. Shevlin - We offered them first bid, and they declined to participate.*

*VM McGuire - Why? Ms. Shevlin - They weren't prepared staff-wise, and they didn't have pricing for commercial fleet.*

*VM McGuire - Did they indicate in the future they would be interested? Ms. Shevlin - Yes, they did. Mr. Landon - We ask every year and we get the same answer every year. He will talk to them about it or personally go down there, because maybe they can at least match the price of a few of the vehicles.*

*VM McGuire - It used to be that dealers have regional salesmen that can help get the fleet.*

*Mr. Landon mentioned that one of the Fire vehicles is a Chevrolet; did we get Tom Gibbs Chevrolet to give a price? Ms. Shevlin - Yes, they declined as well.*

*CM DeLorenzo - Thanked staff for continuing to look at CNG (compressed natural gas for vehicles) and unfortunately it's still not there; maybe in the future we'll get there when the prices are more comparable. The new landscape vehicles, the actual cost is higher than the projected cost; he assumes we used the projected cost when we thought we could save a lot of money and we're already \$5,000 in the hole from the starting point. Mr. Landon - It's a total of \$5,000 that we're getting annualized over seven years, is that right? Ms. Shevlin - We were shooting for seven years but because of the wear and tear, the Fleet Manager said it looks more like five years.*

**The Resolution was Continued.**

- 6      [13-32](#)      RESOLUTION 2013-XX APPROVING THE PURCHASE AND SALE CONTRACTS WITH PEGGY LANE, LLC, WACHOVIA BANK NATIONAL ASSOCIATION, AND CYPRESS POINT AT PALM COAST OWNERS ASSOCIATION, INC., FOR LAND NEEDED IN

## THE PALM COAST PARKWAY 6-LANING PROJECT.

**Attachments:**     [Resolution Land Purchases](#)  
                                 [Land Summary for PC Pkwy 6 Lane](#)

*Mr. Landon gave a brief overview of this item. Mr. Carl Cote, Construction Manager, gave a PowerPoint presentation (attached to these minutes).*

*(Project Layout slides)*

*CM DeLorenzo - It's going to get rid of the bollards (traffic separators) out there? Mr.*

*Cote - Yes, it will clean up that area.*

*CM DeLorenzo - Is this going to affect our gateway sign at Old Kings Rd.? Mr. Cote - No, just some minor adjustment.*

*(Tree Impacts slide)*

*VM McGuire - What is a specimen tree? Mr. Cote - Most tree types once they reach a certain caliper become a specimen tree and then once they reach an even larger caliper, they become a historic tree.*

*CM Lewis - Are you going to replant the same size? Mr. Cote - No, not the same size; our code allows for a calculation based on what you're planting; we're providing 25% over that calculation requires us to do so we're going above and beyond and that's true of the palm trees (planting more than what is required by code).*

*VM McGuire - Define a historic tree please. Mr. Cote - It's difficult because every tree is different depending on the tree type but most tree types once they meet a certain caliper will be considered historic. Mr. Landon - The reason there are no historic trees is none of these trees are native; they were planted as part of the landscaping plan. The trees that were part of the natural landscape, they will be historic trees once they are of a certain caliper, or if trees were planted when Palm Coast first began and are old enough and of a larger caliper.*

*VM McGuire - The contractor that does the road, that's not going to be the same one that does the horticulture, is it? Mr. Landon - It will be part of the bid, maybe a subcontractor.*

*CM Ferguson - New trees to be planted, would be what? Mr. Cote - A variety of trees similar to Belle Terre medians - crepe myrtles, oaks, palms, pines, etc.*

*VM McGuire - Do the City funds (portion) of this fit into our budget? Mr. Landon - We have already budgeted; all of the right of way and construction is 100% funded by FDOT (Florida Department of Transportation); this project has been years in the works.*

*VM McGuire - Is this project at the amount of anticipated costs; working within budget? Mr. Cote - Yes, no overages expected.*

*CM Lewis - Do you need that turn lane (in front of Dunkin Donuts, Palm Coast Pkwy. east turning onto Cypress Point Pkwy.); do you need to go back that far (length of the property)? Mr. Cote - The length is calculated based on a few parameters (set by FDOT) - speed, traffic counts, stacking, etc., this increases the amount of vehicles getting into that turn lane.*

*VM McGuire - If the City had taken that land (Dunkin Donut property) by eminent domain would they still get an exception/variance? Attorney Reischmann explained*

*that in litigation they would have claimed damages to the remainder of their property and requested to be compensated for damages rather than getting a variance.*

**The Resolution was Continued.**

7      [13-50](#)

RESOLUTION 2013-XX APPROVING THE STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM LOCAL HOUSING ASSISTANCE PLAN (LHAP)

**Attachments:**      [Resolution - Local Housing Assistance Plan](#)  
                                 [LHAP Draft Copy](#)

*Mr. Landon gave a brief overview of this item.*

*No Council comments.*

**The Resolution was Continued.**

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

*CM Lewis spoke of the slowdown in growth in the City. He spoke of the Planning & Land Development Regulation Board (PLDRB) applicants and why isn't the Utility Advisory Committee (UAC) active anymore. He would like a review of the City's policy and procedures as to boards and committees.*

*There was discussion about what qualifications are required to be on the City boards and committees (specifically PLDRB), also the decreasing number of items coming before them.*

*Attorney Reischmann stated that some cities have in their code that such board shall be comprised of: one x, one y, one z, etc. We have guidelines, but staff is not going to turn away an application; it will come to Council to make the decision.*

*Mayor Netts requested a matrix - here are the boards, here are the minimums, here are the recommendations, here is the process; and Council can discuss if we are getting candidates with the qualifications we like and need; what can be done differently, etc.*

*Mr. Landon explained the history of the UAC, which began during the acquisition of the water utility, but in later years hasn't had many items for discussion. In the last few years, members have died or moved on and their terms expired and didn't want to serve anymore; staff advertised for replacements but no one applied. The UAC cannot meet now, because there is no quorum.*

*There was discussion about what a "utility authority" (decision making body) is and does and how it differs from the City's UAC (advisory committee).*

*CM Ferguson spoke of the successful business incubator that he visited recently, Beaver Street Enterprise Center in Jacksonville, with Mr. Joe Roy (Business Assistance Center) and Mr. Beau Falgout, Senior Planner. He thought the visit was well worth it; hopefully, they came back with ideas that can be used in the City of Palm Coast.*

*Mayor Netts suggested maybe local private incubator, Office Divvy, can supplement/compliment each other. CM Ferguson was in agreement and would like to help foster/contribute to business development, economic development, etc.*

Mayor Netts handed out to Council the 2013 Northeast Florida Regional Council Legislative Priorities brochure and handout (attached to these minutes); result of this year's survey of the seven counties.

Mayor Netts - Where do we stand with our traffic engineer? Mr. Landon - He started a week or two ago.

Mayor Netts - Carryover issue for him is the right turn on red from SR100 up to Belle Terre Pkwy., heading northbound; at some point soon he would like our traffic engineer to take a look at that issue to see if there is anything we can do or whether we just need to petition Florida because of SR100. Mr. Landon - Yes, that is one of his tasks and to look at each one of our intersections (along with representatives of the Sheriff's Office and our technical signal people) and evaluate the signals and ways to improve safety.

CM DeLorenzo asked about Pine Cone Dr., and the access road by Intracoastal, Watson and Arrow Rehab. Mr. Landon - It is now a three-way stop; they made that change. If you hear there are accidents still there, let us know, but we will also have the traffic engineer look at it.

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

Attorney Reischmann asked if the 2013 Northeast Florida Regional Council Legislative Priorities was coordinated with the Florida League of Cities. Mayor Netts - No.

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

Congratulations to all of the people involved in the Coastal Cloud coming to Flagler Beach, Flagler County; very good thing.

Mayor Netts and Mr. Landon are invited to Entrepreneur Night sponsored by Palm Coast Business Assistance Center and Office Divvy this evening (2/26/13).

VM McGuire- What is your message going to be? Mr. Landon - Job numbers are going up, and he will introduce Mayor Netts; keep doing what you're doing and remind them of the Palm Coast Business Assistance Center.

#### **I. ADJOURNMENT**

The meeting was adjourned at 2:23 p.m.

Respectfully submitted,  
Barbara Redline

[13-55](#)

#### **MEETINGS CALENDAR AND AGENDA WORKSHEET**

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

[13-56](#)

#### **ATTACHMENTS TO MINUTES**

**Attachments:**

[Item 1 - Citizens Survey Presentation](#)

[Item 6 - Project Status ROW Acquisition](#)