



City of Palm Coast

Palm Coast
Community Center
305 Palm Coast Pkwy., NE
Palm Coast, FL 32137
palmcoastgov.com

Meeting Minutes

City Council

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

Tuesday, March 5, 2013

6:30 PM

Palm Coast Community Center

City Staff

Jim Landon, City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

>If any person decides to appeal a decision made by the City Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

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

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>City Council Meetings are televised on Brighthouse Networks Channel 199.

>All pagers and cell phones are to remain OFF while City Council is in session.

A. Call to Order

Mayor Netts called the meeting to order at 6:30 p.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll. All members were present.

Approval of Minutes

- 1 [13-60](#) MINUTES OF THE CITY COUNCIL'S:
 A. February 19, 2013 City Council Business
 B. February 26, 2013 City Council Workshop

Attachments: [February 19, 2013 Business Meeting](#)
 [February 26, 2013 Workshop](#)

As requested by a Citizen's Academy graduate and unanimously approved by City Council, Agenda item 9 was heard immediately following this item.

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Minutes be Approved as presented. This motion was approved by the following vote:

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

Proclamations and Presentations

- 2 [13-58](#) PRESENTATION-SHOP LOCAL IT'S A BIG DEAL

Attachments: [Shop Local Flyer](#)

Mr. Landon gave a brief overview of this item. Joe Roy, from the BAC, provided a PowerPoint presentation, which is attached to these minutes.

CM Lewis-Will the Chamber be sending out notices to their businesses? Ans: Mr. Roy-I believe so.

The Presentation was Received and Filed.

- 3 [13-43](#) PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO THE CITY FOR FISCAL YEAR 2011 AND PRESENTATION OF THE GFOA DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE FISCAL YEAR 2012.

Cindi Brownfield provided a brief overview to these awards. Mayor Netts presented the awards to the Finance Director and members of the Finance Department.

The Presentation was Received and Filed.

- 4 [13-18](#) PRESENTATION OF THE SUCCESS AND SAVINGS OF IN-HOUSE PROJECTS COMPLETED BY CITY STAFF.

Mr, Landon gave a brief overview of this item. Cindi Brownfield presented a video and a PowerPoint presentation, which is attached to these minutes.

The Presentation was Received and Filed.

ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

Order of Business for Public Hearings (Council may make inquiries at any stage):

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

Council Questions of Applicant (if applicable)

Public Comments/ Presentations

Rebuttal by Applicant (if applicable)

Close Hearing

Council Discussion

Council Action

First Reading

- 5 [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](#)

City Attorney Reischmann read the title into the record. Mr. Landon gave a brief summary of the item.

CM Lewis-Why the difference in the language from the old "b" to the new "b" language relating to sale, consumption, etc.? Ans: Mr. Landon-the new language states "possess". CA Reischmann-the language has the same affect for purposes of enforcement.

Public Comment:

Jack Carall-What is our legal responsibility on this? Ans: CA Reischmann-provided a brief legal analysis of the City's responsibilities and there are certain defenses that can be raised with certain claims.

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

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

Resolutions

- 6 [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 summary of the item. Ms. Teresa Williams introduced Melissa Boyles student member of SWAT (Student's Working Against Tobacco) who spoke against flavored tobacco products.

Public Comment:

There were no public comments.

A motion was made by Council Member Lewis, and seconded by Vice Mayor McGuire, that the Resolution be Adopted. This motion was approved by the following vote:

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

7 [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 summary of the item.

Carl Cote provided a PowerPoint presentation, which is attached to these minutes.

CM Lewis-The long strip of purple whose property is that? Ans: Mr. Cote-the Association.

CM Ferguson-Is the cost of acquisition borne by the City? Ans: Mr. Cote-It is all funded by FDOT.

Mayor Netts-received emails regarding stacking of vehicles on Palm Coast Parkway onto Old Kings Road, will these improvements alleviate this issue? Ans: Mr. Cote-Yes.

Public Comment:

Jack Carall-Are they anticipating any bottleneck in the Cypress Point area?

Ron Radford-Old Kings Road going east on Palm Coast Pkwy there is private developers advertising heavily on the south side? Will we have to declare eminent domain to widen that part?

Dennis McDonald-tree issue-suggested setting up a grid system.

Jack Carall-triangle on Palm Coast Parkway-is that going to be eliminated?

Responses to Public Comments:

Bottleneck 6 lanes to 4 lanes-Ans: Mr. Cote-there is 3 lanes there now and it will remain 3 lanes.

Property on PC eastbound-eminent domain will not be required.

Tree suggestion-Ans: Mr. Cote-cost prohibitive to relocate the trees. Mayor Netts suggested we look at the trees to be removed and look to relocate those that are worthy.

Triangles-will this affect those median triangles? Ans: Mr. Cote-median lane is being

removed. Ans: Mr. Cote-there will be some slight improvements.

A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Resolution be Adopted as amended. This motion was approved by the following vote:

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

Other Business

- 8 [13-62](#) APPOINT THREE APPLICANTS TO FILL VACANCIES ON THE CODE ENFORCEMENT BOARD-TWO REGULAR MEMBERS AND ONE ALTERNATE

Attachments: [Applications for Code Enforcement Board](#)

The Appointment of Ms. DiStefano and Mr. Roberts as regular members and Ms. Sills as the alternate member were approved.

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

- 9 [13-57](#) PRESENT CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COAST'S CITIZENS' ACADEMY CLASS.

This item was requested to be heard after Agenda item 1 due to personal reason of one of the graduates. Mayor Netts presented the certificates to the graduates.

The Presentation was Received and Filed.

Consent Agenda

- 10 [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](#)

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Resolution be Adopted on Consent. This motion was approved by the following vote:

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

- 11 [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](#)

This item was removed from consent by CM Lewis.

CM Lewis-For the benefit of the audience, can we explain the chart relating to the proposed replacement cost. Ans: Mr. Adams provided an explanation of the replacement costs for a CNG vehicle.

VM McGuire-What about downtime or maintenance of a CNG vehicle? Is our staff capable of doing that? Ans: Mr. Adams-At this time we are not trained to do so, I will assume there will be additional training that will be required to bring us up to speed when we go to CNG vehicles. We can get that training if we need to.

CM DeLorenzo-The projected replacement cost is that equal to the capitalized cost of the vehicle? Ans: Mr. Adams-The projected cost is adjusted for what we thought the vehicle would cost at the time we put together the budget.

Public Comments:

Ron Radford-Are you violating "shop local"? Why not use our local dealers?

Louis McCarthy-Have we investigated any other community that is operating with these vehicles?

Responses to Public Comments:

Local dealerships-Ans: Ms. Renee-we have gone to the local dealerships and they have declined.

CNG vehicles-Ans: Mayor Netts-We are not propping to use CNG vehicles as the fuel source is not available yet. Mr. Adams-Hollywood Florida and Apopka are testing these vehicles.

A motion was made by Council Member Lewis, and seconded by Council Member Ferguson, that the Resolution be Adopted. This motion was approved by the following vote:

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

End of Consent Agenda

D. Public Participation

After the Mayor calls for Public Participation, each member of the audience interested in speaking on any topic not on the agenda shall come to the podium, state their name and will have up to three (3) minutes to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

Bob Jergel-East versus West-Tale of two Cities-when is Old Kings Road going to be

paved?

Ron Radford-CNG fuel is going to be very cheap; Cunningham uses this gas successfully.

Jack Carall-crystal ball-population increase-economists-they are not too optimistic about this economy. How is the money now being collected going to affect the impact fees? The money being used now, where is it coming from? When are the plazas going to be put on a map?

Dennis McDonald-Utility capital fund and the OKR Special Assessments.

Responses to Public Comments:

East vs West-Ans: Old Kings Road-is high on the priority list.

CNG-Ans: Mayor Netts-asked Mr. Adams to contact Cunningham for their experiences.

Crystal balls-Ans: Mayor Netts-the projected data comes from other agencies, such as BEBR from the State of Florida.

Impact Fees-Ans: Mayor Netts-Impact fees has been discussed many times by Council.

Utility Fund-Loans-Ans: Mr. Landon-Impact fees-as a result of reduction in growth and revenue, we have drastically reduced our capital projects.

OKR-Mr. Landon explained the OKR South project. The property owners agreed to tax themselves for the widening of OKR. Trying to create jobs (via Wal-Mart), loan-5% interest being paid (\$640,000 over past 3 years instead of earning 2% in the bank) and the bond market volatility. Also working on the best financial schedule for the City.

E. Discussion by CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Nothing at this time.

F. Discussion by CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

Nothing at this time.

G. Discussion by CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. Landon-asked the Fire Chief to provide updates as to the fire issues. Chief Beadle provided updates relating to fire season and the local fire issues.

Mayor Netts asked the residents to be cognizant of the fire danger and to not throw lit cigarettes out of car windows.

H. Adjournment

The meeting was adjourned at 8:46pm

*Respectfully submitted,
Virginia Smith, City Clerk*

ATTACHMENT TO MINUTES

[13-61](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[13-65](#) ATTACHMENTS TO MINUTES

Attachments: [Item 4 In-house Projects](#)
[Item 7 PCPKWY 6-Lane Project Status - RW](#)