



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 19, 2013

9:00 AM

Palm Coast Community Center

AMENDED AGENDA

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 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll.

Present: 4 - Mayor Netts, Vice Mayor McGuire, Council Member Ferguson, and Council Member Lewis
Excused: 1 - Council Member DeLorenzo

Approval of Minutes

- 1 [13-76](#) MINUTES OF THE CITY COUNCIL'S:
 A. March 5, 2013 City Council Business
 B. March 12, 2013 City Council Workshop

Attachments: [March 5, 2013 Business Meeting](#)
 [March 12, 2013 Workshop](#)

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

Approved: 4 - Mayor Netts, Vice Mayor McGuire, Council Member Ferguson, and Council Member Lewis
Excused: 1 - Council Member DeLorenzo

Proclamations and Presentations

- 2 [13-78](#) PROCLAMATION RECOGNIZING THE MONTH OF MARCH AS MULTIPLE MYELOMA AWARENESS MONTH.

Attachments: [Proclamation-Multiple Myeloma Awareness Month](#)

CM Ferguson presented this Proclamation to Jenny Hack.

The Proclamation was Received and Filed.

- 3 [13-74](#) PROCLAMATION RECOGNIZING APRIL AS WATER CONSERVATION MONTH.

Attachments: [Proclamation-Water Conservation Month April 2013](#)

CM McGuire presented this Proclamation to Brian Matthews.

The Proclamation 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

Second Reading

- 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](#)

City Attorney Reischmann read the title into the record.

The City Manager gave a brief summary of the item.

Public Comment:

There were no public comments.

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

Approved: 4 - Mayor Netts, Vice Mayor McGuire, Council Member Ferguson, and Council Member Lewis

Excused: 1 - Council Member DeLorenzo

Enactment No: O2013-02

First Reading

- 5 [13-69](#) ORDINANCE 2013-XX RELATING TO THE DESIGNATION OF CENTRAL PARK IN TOWN CENTER AS THE CITY'S CIVIC CENTER.

Attachments: [Ordinance-Central Park as Civic Center](#)

[ABT License Holders](#)

[Municipal Civic Center Designation List](#)

City Attorney Reischmann read the title into the record.

The City Manager gave a brief summary of the item.

Lisa Gardner provided a PowerPoint presentation, which is attached to these minutes.

VM McGuire-Liability issue? Ans: Ms. Gardner-Currently we have to have liability coverage, so our exposure is not changing.

CM Lewis-conducted a survey-the majority of those surveyed were against hard liquor in our parks.

Mayor Netts-to Captain Carman-have we had any issues with over consumption at any of our events? Ans: Captain Carman-only minor issues.

Mr. Mark Woods from Sun Coast Bartending provided an overview of his services.

CM Ferguson-We already sell alcohol at these events.

Mr. Woods-There is a poor image of "hard" alcohol (whiskey) intoxicating at a faster rate than for example, wine, overindulgence is overindulgence in any form.

Public Comment

Jack Carall-How much of the numbers provided is expense and how much is profit? How much of the area do we own?

Responses to Public Comment:

City owned property-Ans: Mr. Landon-there are two lots. One lot is Central Park-we own.

Service of alcohol at events-Ans: Ms. Gardner-We hired a vendor to sell the alcohol. I estimated the expenses for this coming year with the gross revenue from the private vendor-I do not know what their expenses were. Mr. Landon gave a brief overview of revenues and that the net profit will stay here and be used for future events.

VM McGuire-If we succeed in doing this, roughly how much of a factor in reducing the admission from \$20 to \$3.00? Ans: Ms. Gardner-There are different variables that contribute to bottom line.

CM Lewis-Would like to see the net/net -not the gross. Include all the expenses.

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

Approved: 3 - Mayor Netts, Vice Mayor McGuire, and Council Member Ferguson

Denied: 1 - Council Member Lewis

Excused: 1 - Council Member DeLorenzo

Enactment No: O2013-03

Resolutions

6

[13-81](#)

RESOLUTION APPROVING THE SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM APPLICATION FOR CONSTRUCTION OF LONG CREEK NATURE PRESERVE.

Attachments: [Resolution-FIND WAP Long Creek Nature Preserve](#)

Mr. Landon gave a brief summary of the item.

VM McGuire-The Grant application is to apply for a FIND subsidy, where does the rest of the expenditure come from? Ans: Mr. Landon-our Capital funds.

Mayor Netts gave a brief overview of FIND.

VM McGuire-Where does the money in our Capital Fund come from, is this tax money? Ans: Mr. Landon-Yes, the key to this is the grant of \$2million has a contingency on it, we have to use the land for what it is intended or we have to pay the \$2million back.

VM McGuire-How long do we have to act upon this project? Ans: Mr. Landon-the deadline from the State is the beginning of April. Mr. Cote-the grant that was provided by the State ; it allows for modification and changes but currently right now we are in the final year. The current grant money from FIND that they funded

Public Comment:

Jack Carall-What is that education for? How much of the Long Creek is actually not swamp land?

Dennis McDonald-feels this is poor management.

Responses to Public Comments:

Education-Ans: Mr. Cote-The education center was part of the original grant. Education is for the public. Mr. Landon-It is a Nature Center.

Longs Landing/Longs Creek developable land? Ans: Mayor Netts-Raccoon Realty wanted to develop this land as residential (condominiums). City Council did not want to see that in this area, wanted to preserve the land. Ans: Mr. Cote-7% is impervious that will be developed. 1 acre is developable. Believes more than 50% is uplands.

Mayor Netts-Is there a possibility to divide the Phases into a multi year project. Ans: Mr. Cote-That is a potential. We are using this project for our Gold Green certification.

Mayor Netts-the FIND grant does not cover all aspects of the project; the parking lot and the ramp-can we split that portion out this year and do the rest in Phases? Ans: Mr. Cote-We are also seeking a grant for the education portion of it.

Mr. Landon provided clarification as to the amount being spent this year-\$1.25 million with FIND's grant being half of that. Mr. Cote is requesting a multi-year funding for this project, which is in Phases.

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

Approved: 3 - Mayor Netts, Council Member Ferguson, and Council Member Lewis

Denied: 1 - Vice Mayor McGuire

Excused: 1 - Council Member DeLorenzo

Enactment No: R2013-20

Consent Agenda

A motion was made by Council Member Lewis, and seconded by Council Member Ferguson, to Approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously

Approved: 4 - Mayor Netts, Vice Mayor McGuire, Council Member Ferguson, and Council Member Lewis

Excused: 1 - Council Member DeLorenzo

- 7 [13-73](#) RESOLUTION 2013-XX A RESOLUTION SUPPORTING THE UPDATED STRATEGIC REGIONAL POLICY PLAN COMPLETED BY THE NORTHEAST FLORIDA REGIONAL COUNCIL

Attachments: [Resolution Supporting NEFRC SRPP](#)

The Resolution was Adopted on Consent.

Enactment No: R2013-21

- 8 [13-68](#) RESOLUTION 2013-XX APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE.

Attachments: [Resolution Amendment to IA-Flagler County Sheriff Amendment - IA Sheriff](#)

Requested by a resident to be removed from Consent Agenda.

Mr. Landon gave a brief overview to this item.

Public Comments:

Jack Carall-Why do we need a contract? Would we be without protection? Why are we paying twice for police protection?

Louis McCarthy-What extras are we getting for the funds we give to the Sheriff?

Dennis McDonald-favors the money being spent on the Sheriff's contract.

Ron Radford-Confused with this Contract pending. Are we paying an additional fee or is the rate of course still the same? What extra does the Sheriff's office provide the City?

Responses to Public Comments:

Mayor Netts-When the City of Palm Coast incorporated we were receiving the same level of police protection that was available to the County. The other municipalities have their own police departments or receive low level services (County wide). The City looked into starting their own Police Department and at that time the estimated operating costs would have been \$4 million. The operating costs would be twice what we are paying now. We currently have a liaison through the Sheriff's department. Asked Captain Carman to provide an explanation as what extra services the Sheriff's office provides.

Captain Carman-provided an explanation of what the extra services are (20 patrol men designated to the City).

Mr. Landon-provided additional details as to the services we received from the Sheriff's office.

Mayor Netts-extension of the contract-any changes? Ans: Mr. Landon-no changes, status quo-month to month.

CM Lewis-Does the \$2 million include costs of equipment and training? Ans: Captain Carman-Yes.

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

Approved: 4 - Mayor Netts, Vice Mayor McGuire, Council Member Ferguson, and Council Member Lewis

Excused: 1 - Council Member DeLorenzo

Enactment No: R2013-25

9 [13-59](#)

RESOLUTION 2013-XX APPROVING PIGGYBACKING THE CONTRACT BETWEEN MILLER PIPELINE, LLC, AND LEE COUNTY FOR INSTALLATION OF CURED IN-PLACE LINERS FOR 8" GRAVITY SEWER PIPE ON OAK TRAILS BLVD.

Attachments: [Resolution Piggybacking Miller Pipeline](#)
[Engagement Letter - Miller Pipeline](#)
[Miller Pipeline Pricing Breakdown](#)
[Letter from Miller Pipeline](#)
[Miller Pipeline Pricing Sheet](#)

The Resolution was Adopted on Consent.

Enactment No: R2013-22

10 [13-52](#)

RESOLUTION 2013-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH HARRIS CULVERT, INC. TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPES.

Attachments: [Resolution-Price Agrmt.-Harris Culvert for Pipe](#)
[Contract Summary - Harris Culvert](#)
[Bid Opening Tab](#)
[Various Pipes Pricing Sheet](#)

The Resolution was Adopted on Consent.

Enactment No: R2013-23

11 [13-64](#)

RESOLUTION 2013-XX APPROVING A SERVICE CONTRACT WITH ARROW MATERIALS & EXCAVATING, INC., FOR THE REMOVAL AND HAULING OF LIME SLUDGE FROM WATER TREATMENT PLANT 1

Attachments: [Resolution-Arrow Materials & Excavating Contract](#)
[Contract Summary - Arrow](#)
[Bid Opening Tab sludge hauling](#)

The Resolution was Adopted on Consent.

Enactment No: R2013-24

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.

Ron Radford-FIND issue-When the Army Corp of Engineers comes in and does dredging, is that an additional cost?

Jack Carall-Manufacturing companies-what is wrong with Flagler County and Palm Coast? If Volusia can draw them, what is it that we are lacking? We need jobs.

Responses to Public Comments:

Mr. Radford-FIND Ans: Mayor Netts-explained the creation of the special taxing district; how the land was deeded to the Federal government and unfortunately the Federal Government does not maintain that tract of land. The Army Corp. of Engineers would come in and maintain-dredge, etc.

Mr. Carall-large manufacturing companies-

CM Lewis-Did the City give up it's goals on Economic Development? Ans: Mayor Netts-Historically there was a company-Enterprise Flagler-funded by City and County-funding stopped, Enterprise Flagler shut down. County created an Economic Development Board and hired Ms. VanEckert to provide economic development for the County and go after the big companies. The City opened the BAC to go after the small businesses.

Mr. Landon-We are creating jobs here, we have created more jobs here in Palm Coast than any where else in Florida. In the hay day we had approximately 29,000 employed in Palm Coast, declined in 2009 by 1,000 and have increased in the past three years approximately 1,600 jobs-29,660 employed as of December 2012. We have approximately 600 more jobs in Palm Coast than we did in the hay day. In 2012 we had the greatest decrease in unemployment here in Palm Coast and had the highest employment growth in the State. The diversification of the County and the City having seperate focuses (large and small businesses) have proved successful.

Mr. Carall (from the audience) What is the average salary? Ans: Mr. Landon-It is what the private sector brings here.

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

VM McGuire-validity of the Internet Cafes is being looked at by the legislatures. Also legislature is looking at red light camera validity.

Mayor Netts-has been asking the legislature to look at the Internet Cafes for the past three years. Captain Carman provided an update relating to the Internet Cafes (the lack of issues and criminal activity).

Attorney Reischmann-provided an update as to the legislatures consideration as to "Is it gambling?"

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

Received a lot of positive emails this past weekend-Neighborhood watch group-foreclosed homes are being purchased and the new owners are sprucing up their properties; new homes being built and employment numbers up;

Parade of Homes is going on now March 16-24.

Sports venues-NCAA Youth Sports Clinic-coaches coming in and put on a clinic for our Recreation program was very successful; State Tournament was also this past weekend. In two weeks we will have a Boys State Championship.

Food Truck Tuesday is this evening at Central Park at 5:00pm. These events are very successful.

CM Lewis received an email-positive-would like to have it published.

H. Adjournment

The meeting was adjourned at 10:56 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

[13-77](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[13-84](#)

ATTACHMENTS TO MINUTES

Attachments: [Central Park](#)

