



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, May 7, 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.

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

Approval of Minutes

- 1 [13-137](#) MINUTES OF THE CITY COUNCIL'S:
 A. April 16, 2013 City Council Business
 B. April 30, 2013 City Council Workshop

Attachments: [April 16, 2013 Business Meeting](#)
 [April 30, 2013 Workshop](#)

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 [13-111](#) PROCLAMATION RECOGNIZING THE RELAY FOR LIFE OF
 FLAGLER EVENT AT CENTRAL PARK IN TOWN CENTER ON MAY
 11, 2013

Attachments: [Relay for Life Proclamation 2013](#)

Mayor Netts presented this Proclamation to representatives from the American Cancer Society.

The Proclamation was Received and Filed.

- 3 [13-122](#) PROCLAMATION RECOGNIZING MAY 5 THROUGH MAY 11, 2013,
 AS PUBLIC SERVICE RECOGNITION WEEK.

Attachments: [Proclamation Employee Recognition week](#)

VM McGuire presented this Proclamation to employees of the City of Palm Coast. A video was presented, which is attached to these minutes.

The Proclamation was Received and Filed.

- 4 [13-131](#) PROCLAMATION RECOGNIZING MAY 2013 AS DRUG COURT
 MONTH.

Attachments: [Proclamation Drug Court](#)

CM Ferguson presented this Proclamation to representatives of the Drug Court program.

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

Resolutions

5 [13-129](#) RESOLUTION 2013-XX APPROVING LEASE AGREEMENT WITH
PLAYER DEVELOPMENT ACADEMY OF FLORIDA, INC.

Attachments: [Resolution PDA Lease Agreement](#)
[Soccer Training and Facilities Lease Agreement BF 5-1-13](#)

The City Manager gave a brief summary of the item.

Mr. Falgout provided a PowerPoint presentation, which is attached to these minutes.

VM McGuire-What is the definition of "significant events"? Ans: Mr. Falgout-at least a minimum of 100 beds are filled.

CM Lewis-Will PDA maintain the same standards for the fields? Ans: Mr. Falgout-Yes, if not better. Attorney Reischmann cited the Lease has language supporting the standard maintenance of the fields.

VM McGuire-Is there a possibility that the City can be paid for maintenance services? Ans: Mr. Landon-Yes, that is a possibility.

Public Comment

Louis McCarthy-What is this land being used for currently?

Al Terrose (sp?)-How does this benefit the tax payer?

Ronald Kubba-It is not on a 10 year plan, but why on a 25 year lease?

Tom Jergel-What is the benefit to the residents?

Jack Carral-Orlando soccer tournaments are using the same company-how will that affect us?

Frank Meeker-supports soccer but mainly here for kids. Sees all positives.

Responses to Public Comments:

Location-a half mile north of Palm Coast Parkway on US 1.

Benefits to the Tax Payer-Ans: Mr. Falgout-We are building a park and recreational facility that will be built and maintained with private dollars, there will be economic benefits to businesses in Palm Coast. Mr. Landon-anytime we can keep the jobs here or bring in new jobs that is good. Another goal to this program is to allow young athletes that may not be able to afford to go to college an opportunity to go to college. This brings in outside dollars. VM McGuire-Tourism development is something that we have been successful with in trying to bring in revenue and business. We are growing it. We have tourism to sell.

This money translates into tax dollars. Mayor Netts-Organizations have looked at other venues, their due diligence tells them that they can be successful here.

25 Year Lease-Ans: Mr. Falgout-It is not in our 10 year plan because that is where we stop planning; this club is going to make a 6 to 7 figure dollar amount investment-they need a long term lease for that kind of investment.

Competition-Ans: Mr. Landon-Anytime you have competition to attract an industry or business, yes it is competitive and that is one of the reasons why we stepped up. What tipped the scale for us is the reputation of the current programs and the quality fields.

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, 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

Enactment No: R2013-31

6a [13-130](#)

RESOLUTION 2013-XX APPROVING A CONTRACT WITH WHARTON-SMITH, INC., FOR THE CONSTRUCTION OF THE WATER TREATMENT PLANT #2 ZERO LIQUID DISCHARGE PROJECT

Attachments: [Resolution-Contract with Wharton Smith ZLD](#)
[Contract Summary - Wharton-Smith](#)
[McKim and Creed Letter of Recommendation](#)
[ZLD Map](#)

The City Manager gave a brief summary of the item and item 6b. Mr. Flanagan provided a PowerPoint presentation, which is attached to these minutes.

CM DeLorenzo-When will the disposal permit expire? Ans: Mr. Flanagan-We have just negotiated an extension with them to give us until May 2015.

VM McGuire-Can you delineate what is in the \$100,000 in Phase I? Ans: Mr. Adams-Yes, mostly administrative. Attorney Reischmann provided a summary as to how the contract was recently update to include all responsibilities of Phase I.

CM DeLorenzo-Was the permit expired? Ans: Mr. Flanagan-No, we have been working with DEP for 5 years to solve this issue, since we are working on solving the issue, DEP has extended the permit to 2015.

CM Ferguson-How much do we pay for a well site? Ans: Mr. Flanagan-About a 1/4 of a million.

Public Comment

Bob Jergel-Where do we dispose of the sludge? Does the commercial water benefit from being more soft? What is the anticipated interest rates on our bonds?

Ronald Kubba-on the extra 1.2 million, we have to drill wells, isn't there a dead lake out there with manatees in it, isn't that water good? Doesn't it come from St. Johns River, and where do we dump?

Jack Carral-sludge-we have been drinking this water already, we have been jeopardized all these years; what happens to the extra stuff that is in our water.

Al Terrose-Why do we need a new contract; why these quantum costs for taxpayers?

Charles Ebbert-We will get fined if we do not clean up the water.

Responses to Public Comment

Water water everywhere? Ans: Mayor Netts-You are going to have to do something else to get water besides build more wells; studies done showed these are not acceptable waters.

Sludge-Ans: Mr. Adams it is calcium carbonate (lime sludge), we have been able to get a contractor to haul it out and mix it with sand and shell to use on the roadways. Mr. Adams also provided an explanation as to the quality of our water and the process used to soften the water (take out the calcium).

Used to ship the "sludge" out to the farmers but currently we ship it out to use on the roadways.

Mayor Netts-What about Water Treatment Plant 3 concentrates stream? Ans: Mr. Adams-There are a couple of options for Water Treatment Plant 3's stream, initially it was permitted to discharge into the Intracoastal. The Intracoastal, we have a discharge permit which allows us to put the concentrate into the Intracoastal, but Water Plant 3 is considerably closer to the tidal part of the Intracoastal than Water Plant 2 but we have not discharged concentrate into the Intracoastal because we are using the same line of thinking we are using at Water Treatment 2-we are sending the concentrate from Water Treatment Plant 3 to Water Treatment 1 and gets treated with the lime softening process.

Mayor Netts-Why not send the concentrate from Water Treatment Plant 2 to Water Treatment Plant 1? Ans: Mr. Adams-It is a much further distance to pump it-which is costly but Water Treatment Plant 1 has a limitation on how much concentrate it can take; and with Water Treatment Plant 3 operating at its current capacity, Water Treatment Plant 1 winds up absorbing as much concentrate as it can physically treat.

Anticipated bond rates-Mr. Quinn-current anticipated rate is between 2.5 and 3.5%. Meeting with Standard and Poors on Monday. Currently we have an A bond rating with a stable outlook.

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

Enactment No: R2013-32

6b [13-112](#)

RESOLUTION 2013-XX ESTABLISHING THE CITY'S INTENT TO REIMBURSE CERTAIN CAPITAL EXPENDITURES INCURRED WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING

Attachments: [Resolution Establishing Intent To Reimburse](#)

This item was heard under Item 6a.

A motion was made by Council Member DeLorenzo, 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

Enactment No: R2013-33

Other Business

- 7 [13-80](#) REAPPOINT MEMBERS DANIEL BRAZZANO AND CHARLES ESPOSITO TO THE VOLUNTEER FIREFIGHTERS' PENSION FUND BOARD
- Mr. Landon gave a brief description of the Volunteer Firefighters and the pension plan.*
- Public Comments*
Are these paid positions? Ans: Mayor Netts-Volunteer
- A Motion was made by VM McGuire and seconded by CM DeLorenzo to appoint Mr. Brazzano and Mr. Esposito.**

Consent Agenda

- 8 [13-118](#) RESOLUTION 2013-XX URGING THE ADMINISTRATION AND CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT TAX-EXEMPT STATUS OF MUNICIPAL BONDS
- Attachments:** [Resolution Urging Congress to Keep Muni Bonds Tax Exempt](#)
[Letter-FLC to Bill Nelson on Tax-Exempt Municipal Bonds](#)
- CM Lewis removed this item from consent.*
- Mr. Landon provided a brief overview to this item.*
- CM Lewis-If Congress were to pass this then the investment dollars would be shifted out of the bond market into some other type of investment therefore reducing the money available to Cities? Ans: Mr. Landon-It will tip the bond market upside down. It will shake up our whole process. Mr. Quinn-In the case for the City of Palm Coast, an increase in the interest rate in our bonds will cost the local taxpayer millions of dollars more (over the life of the bonds); it is a way of shifting the tax burden.*
- There were no public comments.*
- VM McGuire-Are we sending to Marco Rubio also. Ans: Mr. Landon-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:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Ferguson, and Council Member Lewis
- Enactment No: R2013-35
- 9 [13-115](#) RESOLUTION 2013-XX APPROVING A WORK ORDER TO SINGHOFEN & ASSOCIATES, INC., FOR CONSULTANT SERVICES FOR PERMITTING THE STORMWATER MODELING OF SECTIONS 35 & 37

Attachments: [Resolution for Singhofen Permitting Secs. 35 and 37](#)
 [Work Order - Singhofen](#)
 [Stormwater Modeling Spreadsheet](#)

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

Enactment No: R2013-34

10 [13-121](#)

RESOLUTION 2013-XX APPROVING THE ANNUAL UNIFORM RENTAL CONTRACT WITH UNIFIRST CORPORATION

Attachments: [Resolution for Uniform Rental Services](#)
 [Contract Summary - Unifirst Corporation](#)
 [Uniform Bid Tab](#)

This item was pulled from consent.

VM McGuire-The uniforms are not made in the USA-how much would it cost to have them made in the USA and would our budget withstand the increase?

Ans: Mr. Landon-standard uniform made in Mexico would be 40% higher and if made in California it would be an additional 25%, so if we pursue it, there would be a 65% increase in costs. Currently all the departments together, we have \$57,000 budgeted. Cost would be significant.

Public Comments

Jack Carall-What would be the difference in cost if we gave our employees a uniform allowance?

Norman Weiskopf-Why do we need uniforms in the first place?

Al Terrose-Who are the uniforms for?

Ronald Kubba- Is it too late in the contract to go and put it in the contract?

Response

Who are uniforms for? Ans: Mr. Landon there are three primary departments-fire department, public works-utility and streets.

Allowance? Ans: Mr. Landon-This is a uniform service-these crews work in the sewers and work in the middle of the night for water main breaks-it is a laundering service-something you do not want at home; fire department-fights fires and you do not want to bring that home. Employees wear uniforms for identification also.

Bidding-two bids received but did not ask for made in USA; went back and asked-the low bidder could not provide made in USA and the second bidder would have the 65% increase.

Mayor Netts-Prefers to see this as an option-it is important to us to have it made in USA.

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, 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

Enactment No: R2013-36

- 11 [13-128](#) RESOLUTION 2013-XX APPROVING AMENDED LOCAL HOUSING ASSISTANCE PLAN FOR THE STATE HOUSING INITIATIVES PROGRAM

Attachments: [Resolution-Amended LHAP](#)
[Amended LHAP](#)

This item was pulled from the Consent Agenda.

CM DeLorenzo-no issue with the Interlocal Agreement, it is the City and County working together to provide one service not duplication of services. For the 5th year in a row the legislature has not appropriated any monies towards this program. This is not a public housing program. Please contact your legislator and ask them not to sweep the money next year into the General Fund.

A motion was made by Council Member DeLorenzo, and seconded by Council Member Lewis, 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

Enactment No: R2013-37

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.

Norman Weiskopf-Dog park at Holland Park-nothing has been done.

Jack Carall-cutting expenses-everything on this agenda you went over at the workshop-why do you have two meetings on the same items.

Richard Dinell-represents the handicap who use the dog park.

Jimmy Epps-dogs and parks.

Al Terrose-Organizations who create facilities and then it falls on the residents when it does not succeed. Senior Citizens.

Charles Ebbert-lift stations. Last rain raw sewage spilled out Hidden Lakes area. If that sump pump can not handle this now, what about the future when Hidden Lakes is fully developed.

Louis McCarthy-complimented the fast response on the Utility emergency response for his Pep Tank alarm.

Raul Troche-unlicensed contractor who received a fine for not having workers compensation. This put him out of business.

Responses to Public Comments

Dog Park-Ans: Mr. Landon-Holland Park Dog Park-we are headed in a direction to have a permanent fix at Holland Park for the dog park. In this year's capital improvement plan is to put in reuse water to the park so we can water the grass to keep it alive; 2 other options for capital improvements for Council consideration is to put sod in as is for this year but we also have in our Capital Project to renovate Holland Park completely. It will take some dollars to come up with a permanent solution.

Duplicative Services-Mayor Netts-the workshops were 8:50

VM McGuire-The discussion we have at public meetings workshops or at business meetings-that is the only time Council can discuss items.

CM DeLorenzo-The decision making process is during the workshop-many questions and lengthy discussions are held at workshops making the business meeting 8:54

Public/Private partnerships-Ans: Mayor Netts-We, the City do everything we can to avoid any increases to the residents.

Lift Stations-Ans: Mr. Adams-Provided an overview to the storms that came upon Palm Coast this past weekend, how the sewer system works and is treated; In 24 hours most areas in Palm Coast received over 7 inches; anytime you have that much water fall in that little bit of time the system is maxed. Old Kings Road is in our Capital Project plan-in 2015 full replacement of the lift station. No contamination to any lakes, the spill was contained. Crews worked around the clock.

Workers Comp exemptions-Ans: Mayor Netts-If you are an employee of a company you are covered 9:04 Mayor Netts-more than 5 employees you are not entitled to the exemption. All licensure of businesses is done either by the State of Florida or the Flagler County Contractor's review board. The City collects a Business Tax Receipt, it is not a license. If you own your own business, no more than 4 employees, you can get a workers compensation exemption. That is a state function, not a City function.

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

There were no discussions.

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

Legislature-passed bill-Right to Speak-City already complies with this legislation.

Pain Management Clinics-funding the database-this year the legislature funded \$500,000 for the database.

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

*8 years in a row the City designated Tree City USA.
7 years in a row City received the Growth Award
Arbor Day postponed this past weekend due to the storms to May 18 Central Park.*

H. Adjournment

The meeting was adjourned at 9:10pm

*Respectfully submitted,
Virginia Smith, City Clerk*

ATTACHMENT TO MINUTES

[13-138](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[13-143](#) ATTACHMENTS TO MINUTES

Attachments: [Item 3 PDA Lease Agreement](#)
[Item 3 Employee Recognition Video](#)
[Item 5 PDA Lease Agreement](#)
[Item 6 ZLD](#)