



City of Palm Coast

160 Cypress Point Pkwy.
Suite B-106
Palm Coast, Florida 32164
palmcoastgov.com

Meeting Minutes City Council Workshop

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

Tuesday, May 14, 2013

9:00 AM

Council Conference Room

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

>If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.

>City Council meetings are televised on Bright House 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

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

D. PRESENTATIONS

1 [13-139](#) RESOLUTION 2013-XX APPROVING THE FIRST AMENDMENT TO THE GRANT AWARD AGREEMENT WITH PALM COAST HISTORICAL SOCIETY

Attachments: [Resolution-First Amendment to Palm Coast Historical Society Grant Agrmt Historical Society First Amendment](#)

Mr. Landon gave a brief overview of this item.

Mayor Netts - What is the other unit used for (at Holland Park)? Mr. Landon - There are some groups that reserve it; wood carving group right now.

CM Lewis - Where are the tax people doing their tax work? Ms. Luanne Santangelo, Parks & Recreation Director - Wood carvers are in Activity Room A (one day a week

and AARP is there one day a week; they will move into the office inside. Mr. Landon - The Historical Society will be there (Activity Room B) full time and will store their materials there.

VM McGuire - Is the Historical Society part of the City's government; can you define what their relationship is with the City? Mayor Netts - They are a 501C private, non-profit organization separate and apart from the City, so we have no jurisdiction over them, but they are the custodians of all the records left behind by ITT and of newspaper articles, etc., of the older days of Palm Coast. Mayor Canfield was the Mayor then, and he accepted boxes of materials and stored them in his garage for a while.

VM McGuire - Are there other organizations that get grant dollars and a place to stay from the City? Mayor Netts - There are a number of organizations that get grant dollars; none of the others reside in City facilities; they may meet in the Community Center. Ms. Santangelo added that there are a lot of groups that reserve the Community Center for meetings.

VM McGuire - But they pay for that? Ms. Santangelo - Yes. Mayor Netts added the difference is the Historical Society holds the historical records of the City; we have a unique relationship with them. There was discussion regarding the other organizations that receive grant funding from the City. Attorney Reischmann added that they are like a museum of sorts with records of the history of Palm Coast.

The Resolution was Continued.

Enactment No: R2013-38

2 [13-113](#)

RESOLUTION 2013-XX APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY TAX COLLECTOR FOR COLLECTION OF THE OLD KINGS ROAD SPECIAL ASSESSMENT.

Attachments: [Resolution IA Old Kings Non Advalorem Special Assessment](#)
[IA FC Tax Collector OKR Special Assessment](#)

Mr. Landon gave a brief overview of this item and introduced Attorney Ken Artin, Bond Counsel with Bryant Miller Olive, P.A. Mr. Beau Falgout, Senior Planner, gave a PowerPoint presentation (attached to these minutes). Mr. Chris Quinn, Finance Director, was also available for questions.

(Phased Project Costs and Funding Source slide) -

CM Ferguson - The amount we're trying to recoup through this special assessment is \$6.7 mil.? Mr. Landon - Correct.

(Current Status slide) -

VM McGuire - Where does the money come from? Mr. Quinn - It comes from the property owners that signed on for this particular part of Old Kings Road to get done.

VM McGuire - The \$640,000 came over a period of time starting in 2005? Mr. Quinn - No, 2009, when construction started through 2012; three full years; the individual property owners paid each year the interest on the loan (\$5.3 mil. that was outstanding as of that time).

CM Ferguson - The \$640,000 was an agreement made only with those property owners who had interest in the land that Walmart bought singularly? Mr. Landon - In

2009, we were trying very hard to provide incentives to create jobs and vertical construction and Walmart made a commitment that if the street project went forward they would go vertical; the property owners who did sell the property to Walmart are the owners we reached an agreement with to pay the interest to the Utility; the Utility then came up with cash to the (special assessment) district; Walmart changed their minds and delayed the construction of the store.

VM McGuire - \$640,000 does that go back into the Utility fund as repayment of the loan? Mr. Landon - Repayment of interest on the loan; goes into the Utility fund that customers pay their bills into, the net difference was about \$180,000 a year; 5% interest was a good interest rate and Utility made an investment.

VM McGuire - The money that came out of the Utility fund, was that an enterprise fund and you can loan out that money? Mr. Landon - Yes, it is an enterprise fund (loaning) to a special assessment district; it is a formal loan document that has to be paid back.

CM Ferguson - So when we can get to the point to establish this special assessment, it will incorporate more landowners that haven't been paying anything up until now? Mr. Landon - Correct.

CM Ferguson - Is that a substantial piece of the total? Attorney Artin - It will be the remaining landowners in the southern portion (of Old Kings Road).

VM McGuire - The \$640,000 came from those landowners? Attorney Artin - It came from three landowners/entities; really roughly eight property owners.

CM Ferguson - If we got \$640,000 as an interim agreement over the three years, how much more would we expect to get per year by this special assessment? Attorney Artin - The interim loan was interest only; the road has been built, and now we have to start assessment. We must now get the owners that benefited from the road to pay also.

VM McGuire - When will the City recoup its investment? Mr. Landon - One of the critical parts of this, the assessment methodology has to change because the project has changed. This item is only for an interlocal agreement with the Tax Collector. We are working right now with the property owners involved regarding methodology of the assessment. If we don't reach an agreement, Attorney Artin and his expert team will come up with a proposal that they believe to be defensible; we have to make sure the benefit is tied to the assessment. All the details will be coming to Council soon, but we don't have all the details in this presentation. Attorney Artin - We know who the landowners are in the southern district; we know how much we have to assess; we're working through the methodology and we may very well stick with the methodology the landowners wanted; based on developable acres.

Mayor Netts spoke of recent news forecasting a better economy; would you estimate in the future real estate would support bond issuance? Attorney Artin - What is going to happen in this particular district, what investors in special assessment bonds like to see is rooftops or commercial stores; it creates a diversity of ownership so investors aren't reliant on one particular landowner. The general thought of Phase I was Walmart was eminent and all the related stores would pop up also, but until you see that vertical development; that's what is going to drive the ability to take our assessment stream and go to the bond market. Mr. Landon we must start the assessment this year to fulfill our legal obligation.

VM McGuire - The \$5+ mil. came out of Utility as a loan; where did the rest come

from? Mr. Falgout - Mainly, transportation impact fees.

VM McGuire - The \$9.8 mil. was already paid out? Mr. Falgout - Yes. Mr. Landon - The idea behind this is that all of these street improvements would not be paid for by our taxpayers, other than those people in the district; that is why we were using district funds through the special assessment and impact fees to pay for the improvements. As we do for all of our street projects, when the street project is being considered and designed, Utility looks at it and decides whether it's time to do upgrades during construction rather than later.

VM McGuire - The people that are involved in this, what is their position on paying for this special assessment? Mr. Landon expressed we usually get different positions from different landowners; we have some deadlines in order to get the assessments started this year; we can't wait for them to all be in agreement.

CM Lewis - What is the concern of the property owners? Mr. Falgout explained they are all different; wide variety of examples. Attorney Artin pointed to the map and explained all owners (in southern part of Old Kings Road) said they would pay according to developable acres, but then the economy took the downturn and things fell apart. Have the owners in the north benefited from the improvements of the road in the south? It's hard to say; he spoke of the different options. We have to assess for the portion that was built; we talked to all the owners (in the southern portion); Council will know who all the owners are when the assessment comes back to Council.

CM Ferguson - Can we flip it backwards, let's assume we were able to get bonds back then; who would be responsible for paying those bonds? Attorney Artin - The landowners.

CM Ferguson - If we had the bonds, and were still in the real estate rut, would we be trying to figure out how do we pay for it, etc.? Attorney Artin - No, had we issued bonds for the road and built the entire road, the landowners would be burdened with that assessment and if they failed to pay that assessment, just like with any other property owner if they didn't pay their tax bill; tax deed sale, etc. We would have had to call the bonds (and ultimately be in a worse situation).

VM McGuire - The original project funding of \$9.8 mil., did that include 4-laning all the way up to Palm Coast Pkwy.? Mr. Landon - No, the \$9+ mil. is for the current improvements from SR100 to Town Center Blvd., plus some design of phase 2.

VM McGuire - But the people of phase 2 signed on for this project, so they are on the hook for what has been done? Mayor Netts - There is an issue of fairness, we don't want to go after them for a road that hasn't been built. Mr. Landon - You have to show the benefit. If your agreement is, you build the road and then you assess; it's pretty cut and dry, but if that's the agreement and you don't build the road and say you are still going to assess, that's a problem.

Mayor Netts - Can you comment on the concept of a special assessment district, is this peculiar or rare? Attorney Artin - No, it is very common in Florida; we used Town Center Community Development District (CDD) to build the road; it's a special government under Florida law. The special district that was created for Old Kings Road was created by City ordinance; the landowners came and asked you to do it; it's a common tool to pass the cost of the improvements being made to the people that are benefited; many cities and counties do this for water line extensions, road improvements, etc.

Mayor Netts - We've got from SR100 to Town Center built; we are somewhere on the project list for the north section; it is inconceivable that in the future one of us (City, County or State) wouldn't finish the middle section. Mr. Landon stated once that project is complete the next step would be to go south of Palm Coast Pkwy., and we would continue pursuing those State/Federal funds for improving Old Kings Road all the way down to SR100, but funding for the Old Kings Road widening north of Palm Coast Pkwy. is beyond five years out; bond counsel will say you can't start assessing for that kind of timeframe.

CM DeLorenzo asked if the northern section does eventually get funded and the owners in the north section receive a benefit, even if it is totally funded by FDOT (Florida Department of Transportation), then they will help pay (assessment) for the cost of the southern section? Mr. Landon - No, if we don't have to issue bonds and then pay back; we will continue to apply for grants all the time; then we wouldn't require the property owners (in north) to pay that back; it would be more of a system-wide improvement at that point, but this is many years out.

Mayor Netts - When do you anticipate coming back to Council with the next step? Mr. Landon - June or July, because it has to be approved by August.

The Resolution was Continued.

Enactment No: R2013-41

3 [13-150](#)

RESOLUTION 2013-XX APPROVING AMENDING AND SUPPLEMENTING RESOLUTION 2003-22 AND AUTHORIZING AND APPROVING THE ISSUANCE OF FLORIDA UTILITY SYSTEM IMPROVEMENTS BONDS, SERIES 2013

Attachments: [Resolution Series 2013 Supplemental Exhibit A to Bond Resolution](#)
[Exhibit B - Official Notice of Sale](#)
[Exhibit C - Registrar and Paying Agent Agreement](#)
[Exhibit D to Bond Resolution](#)
[Exhibit E - Escrow Deposit Agreement \(00703171-3\)](#)

Mr. Landon gave a brief overview of this item. Mr. Chris Quinn and Attorney Ken Artin gave a PowerPoint presentation (attached to these minutes).

Attorney Artin spoke of the proposed budget amendments and the effect on the City, and stated Council is being asked to look at the book entitled "Preliminary Official Statement," and say if anything doesn't look right; you don't need to be an expert regarding utility or bond issues.

Mayor Netts asked for a briefing of the meeting with Standard & Poor on May 13. Mr. Quinn gave an overview of the meeting; City staff and Mayor Netts thought it was favorable, positive.

VM McGuire - What is our bond indebtedness right now? Mr. Quinn - About \$80 mil. for 2003 bonds and 2007 bonds are just over \$40 mil. and this 2013 Series would add another approximate \$15 mil.

10:15-10:20 a.m. break.

The Resolution was Continued.

Enactment No: R2013-40

4a [13-145](#)

RESOLUTION 2013-XX APPROVING AN EASEMENT AGREEMENT AND A CONTRACT FOR PURCHASE AND SALE WITH MORENO EUCALYPTUS, LLC FOR THE OLD KINGS ROAD EXTENSION PROJECT.

Attachments: [Resolution-Moreno Eucalyptus Purchase & Sale Contract](#)
[Moreno Contract](#)
[Moreno Easement](#)

Items 4a-4f were presented and discussed under this Item 4a.

Mr. Landon gave a brief overview. Mr. Carl Cote, Construction Manager, and Ms. Denise Bevan, Environmental Planner, gave a PowerPoint presentation (attached to these minutes). Mr. Ray Tyner, Planning Manager, was also available for questions.

VM McGuire - Are any of these stand-alones or are they all contingent on the Matanzas interchange? Mr. Landon - You wouldn't do these without the interchange.

VM McGuire - We should keep in mind that these are all necessitated because of the interchange. Mayor Netts added the Palm Harbor Extension he could argue by itself.

Mayor Netts asked if it includes a signal (at Palm Harbor, Old Kings and Matanzas). Mr. Cote believes it's a stop sign right now, because if the Old Kings Road Extension goes in it's going to alleviate most of the traffic in that area.

(Northeast Corridor - Project Status slide) -

VM McGuire asked if the area next to the red section (marking proposed extension) is a new development. Mayor Netts - It's part of the Conservatory.

VM McGuire - The big body of water behind the athletic field of Matanzas High School, is it public or private land? Mr. Landon - Probably a retention pond on the school district property. Mr. Cote also pointed to two retention ponds that would go with the Matanzas roadway and part of the interchange as well as future 4-laning of Matanzas; these were built in preparation for the roadway.

CM Lewis asked if this will fall under the TPO (Transportation Planning Organization). Mayor Netts hopes this will all be resolved before we get involved in the TPO.

VM McGuire - Did you discuss these timeframes with Mr. Coffey, County Administrator? Mr. Landon - Yes, that was part of the interlocals already signed that the County will help pay for that funding.

VM McGuire - When you say these are funded, do you have the money in hand? Mr. Cote - It is in FDOT's Work Program for fiscal year 2018 (Old Kings Road Extension Construction-Phase 1); it can be changed/shifted by FDOT. Mr. Landon added unless, as in this fiscal year, when FDOT says it's "appropriated." Mr. Landon stated all these are programmed in FDOT's Work Program.

CM Lewis - How long between design, right of way and construction before it's funded? Mr. Landon - Design will be a couple of years on this large project (Old Kings Road Widening). Mr. Cote added at least five years (2018 starting).

(Northeast Palm Coast Corridor Land Acquisition Parcel 1) -

VM McGuire - When we talk about appraised value; he is concerned about appraised value being a real number. CM Lewis asked what makes this land so valuable (\$65,000 per acre). Attorney Reischmann explained how the appraisers come up with the appraised value; comparable properties and recent sales. Mr. Landon added that it is zoned commercial which would also impact value.

Mayor Netts - If he is driving eastbound on Forest Grove and continues down, can he make a right? Mr. Landon - No, it will be a cul-de-sac or dead end.

There was discussion about the traffic pattern of the school buses and how residents in the Forest Grove area can come and go with the changes proposed.

(Northeast Palm Coast Corridor Design change Order \$52,373.00) -
CM Lewis - Why is the cost \$52,000 for a change order? Mr. Cote - We made design changes; permitting changes; stormwater changes, landscape, civil, etc. A lot of the drawings have to be redone and administrative work to modify the St. John's River Water Management District permit.

VM McGuire - Is that multiple engineering our staff? Mr. Landon - No, this was a hired design company we contracted with in 2009; it's very complicated, a lot of wetlands, etc.

(Northeast Palm Coast corridor Land Acquisition Parcel 3) -
CM Ferguson - Funding source to acquire, this comes from? Mr. Landon our transportation improvement fund is where we are proposing it comes from (gas tax, sales tax).

CM Ferguson - No FDOT funds? Mr. Landon - No.

CM DeLorenzo - FDOT is funding the odd shaped property (parcel 2)? Mr. Landon - Yes, but we need it all for the project so we're paying for the rest.

VM McGuire - What does C14, L17, etc., mean? Mr. Cote - That's just the description of the boundary of the property. Mr. Landon - There is a chart with the survey that describes those areas.

VM McGuire asked what bank owns the foreclosed property. Mr. Tyner - The Bank of the Ozarks.

(Northeast Palm Coast Corridor Land Acquisition) -
CM DeLorenzo asked about the points for the City's community rating (referring to the Special Flood Hazard Area "SFHA" and National Flood Insurance Program "NFIP") and if it reduces insurance costs for our residents? Ms. Bevan - Yes, this area will be a blank space; we can create what we want: birding habitat, etc. Mr. Landon explained how wetland mitigation banks work. you have to replace those functional loss units; you have to buy mitigation credits to cover the functional loss units. We could get credit for wetland mitigation and it's a financial decision whether we could do it or we have to buy credits from a mitigation bank.

Attorney Reischmann added that the City avoided eminent domain. Mayor Netts explained the different methods and costs involved with eminent domain.

CM DeLorenzo - \$449,000, is that our cost or does that include the FDOT portion? Mr. Cote - That is for all three parcels.

CM Ferguson - Which fiscal year will those budgeting savings occur? Mr. Landon -

We anticipate spending in this fiscal year for the land acquisition for the Old Kings Road Extension. Mr. Quinn agreed it was budgeted for this fiscal year (\$1.6 mil.). Mr. Landon - We won't spend the wetland restoration money (\$300,000) for a few years; we have to implement the plan.

VM McGuire - What does it mean to have improved quality in the Pellicer Creek Basin? Ms. Bevan - In the respect of water quality, Pellicer Creek has an Outstanding Florida Water (OFW) designation by the State and it has a greater water quality; it's about where the water is going; floodplain, wetlands on site do directly move into Pellicer's Creek; just stopping development in the area is an improvement.

VM McGuire - How do you measure water quality in a waterway? Ms. Bevan - It takes assessment and looking at a lot of different engineering styles, but one of the concepts is, that right now it is disturbed; but a herbaceous component can be brought in which would capture runoff that would normally lead into the wetlands; there are a lot of unique strategies that could be used; eco-system services; wetlands are natural filtrators; protective treatment, etc.

(Northeast Palm Coast Corridor Funding Summary) - CM DeLorenzo asked about the Old Kings Road Extension and the cost to the City is due to 4-laning. Mr. Cote - Correct; \$71,000 is for the 8 acres (paid for through the local impact fees).

Mayor Netts - He doesn't understand where the other \$1 mil. came from in funding need. Mr. Cote - We're going to request to 4-lane the roadway; it's a request.

Mayor Netts - Do we know if the County Administrator has taken this to the County Commission? Mr. Landon - No, he has not.

CM Lewis - Can we use Matanzas interchange as a bargaining point? Mr. Landon - It's their project, their road.

VM McGuire - If we were not able to do this, are they still going to go ahead with the Matanzas overpass? Mr. Landon - Yes.

(City's Transportation Projects for proposed FDOT priority list 2014/2015-2018/2019)
VM McGuire - Have we done traffic count analyses on Matanzas Woods Pkwy.? Mr. Landon - Yes.

VM McGuire - What criteria is used based on (traffic) counts that say we need to widen roadways, etc.? Mr. Landon - It's not only count; it's traffic pattern and modeling, future development, etc.

VM McGuire - SR100 6-laning, is that a joint venture since it is a State road? Mr. Landon - Since it is a State road, we would suggest the State fund it 100%.

CM Ferguson - 8 to 10 years out? Mr. Cote - Yes.

Mayor Netts was under the impression that we were looking at one bridge rehab a year; Palm Harbor bridge by the Yacht Club this year; then next one is it Colorado? Mr. Cote - We have bids that came in over budget; we're running it by engineering to get the construction costs down. Colechester. If we put in Colechester, they won't fund it for five years.

Mayor Netts - After the Palm Harbor bridge then the next one is the Colorado? Mr. Landon - Colechester.

Mayor Netts - Is that FDOT fundable? Mr. Cote - It is, but FDOT tells us in the first 4 years, they have no money for any projects; not until the 5th year.

VM McGuire - Do bridges get analyzed the same way the stormwater facilities get rated? Mr. Landon - Yes. Mr. Cote - Every year FDOT comes out, and they look at multiple components.

CM DeLorenzo stated he would be interested in switching projects 4 and 5 around in order. VM McGuire - We have made a verbal agreement with the folks in Seminole Woods that we would make that multi-use path a priority for the City because of the accidents and fatalities that bicyclists and pedestrians have experienced; he would hate to see that moved, but otherwise he has no problem switching 4 and 5. Mayor agreed it's fine.

VM McGuire - Going back to Seminole Woods multi-use path; does it make any impact on government funding entities if there are fatalities involved? Mr. Landon - Short answer is yes; we use those arguments as to why those projects are important.

Lunch break 12:15-12:30 p.m.

The Resolution was Continued.

Enactment No: R2013-42

4b [13-151](#)

RESOLUTION 2013-XX APPROVING CHANGE ORDER 2 RELATING TO THE BUDGET FOR THE JOINT FACILITATION AGREEMENT PERTAINING TO PALM HARBOR EXTENSION BETWEEN THE CITY OF PALM COAST AND GINN-LA HAMMOCK BEACH, LTD.

Attachments: [Resolution - GINN Change Order](#)
[GINN Change Order 2](#)

The Resolution was Continued.

Enactment No: R2013-43

4c [13-147](#)

RESOLUTION 2013-XX APPROVING THE CONTRACT FOR PURCHASE AND SALE OF 8 ACRES WITH WILLIAM PATERSON, JR., AND MARTHA ANN WINTERS FOR THE OLD KINGS ROAD EXTENSION PROJECT

Attachments: [Resolution-Purchase & Sale Contract-Paterson/Winters 8 acres](#)
[Contract 8 acres](#)
[Map of OKR Lands](#)

The Resolution was Continued.

Enactment No: R2013-44

4d [13-146](#)

RESOLUTION 2013-XX APPROVING THE CONTRACTS FOR PURCHASE AND SALE WITH THE BANK OF THE OZARKS AND WILLIAM PATERSON JR. AND MARTHA ANN WINTERS FKA

MARTHA ANN ROBBINS.

Attachments: [Resolution Bank Paterson Winters Purchase](#)
[Purchase and Sale Agreement-Bank of the Ozarks](#)
[Purchase and Sale Agreement-Paterson Winters 151 acres](#)
[Map of OKR Lands](#)

The Resolution was Continued.

Enactment No: R2013-45

4e [13-149](#)

RESOLUTION 2013-XX APPROVING THE INTERLOCAL AGREEMENT FOR TRANSPORTATION PROJECTS BETWEEN THE CITY OF PALM COAST AND FLAGLER COUNTY

Attachments: [Resolution-Interlocal Agrmt for Transportation Projects](#)
[Interlocal Agrmt with County for Transportation Projects](#)
[Exhibit 1 Project Priority List](#)
[Exhibit 2 ILA -MWP & OKR Extension Transfer](#)

The Resolution was Continued.

Enactment No: R2013-46

4f [13-144](#)

RESOLUTION 2013-XX APPROVING THE PRIORITY LIST FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION 5-YEAR WORK PROGRAM AND TRANSPORTATION ALTERNATIVES PROGRAM

Attachments: [Resolution Priority List](#)
[2015-2019 FDOT Priority List 5-1-13-Table](#)

The Resolution was Continued.

Enactment No: R2013-47

5 [13-141](#)

PRESENTATION-OVERVIEW AND UPDATE ON THE LONG CREEK NATURE PRESERVE PROJECT.

Mr. Landon gave a brief overview of this item. Mr. Cote gave a PowerPoint presentation (attached to these minutes). Ms. Bevan and Mr. Tyner were available for questions.

CM Lewis - You said no building there? Mr. Cote - Not at this time, no restroom; passive park; limited access.

Mayor Netts stated for boating the College Waterway (eastern side - along our Long's Landing site there is no coastline protection); needs to be stabilized; erosion is filling in the waterway; making it more shallow. He also pointed out for the kayakers and canoers, that there is no boat launch in the City of Palm Coast.

CM Lewis - We don't get the FIND (Florida Inland Navigation District) funds until the project is done? Mr. Cote - It's a reimbursement process, correct. Mayor Netts added that as he understands it, the \$163,000 is available as reimbursement to Palm Coast

if we complete at least certain aspects of the project: boat launch, fishing pier, etc.

VM McGuire - This \$1.2 mil. project is certainly different from the \$3.995 mil. that we looked at a month ago, if this project moves forward and at some future date when we came across some more prosperous times and we wanted to move in the direction of the original project, we could still do that could we not? Mr. Landon - Yes, Ms. Bevan has been in contact with the State and the State is basically saying, they granted these dollars to Palm Coast based on our obligation that we are going to do certain things and the scoring mechanism; we were granted the funds versus another community because we scored higher, but they are saying today that they still expect us to abide by that agreement but also know that the timing isn't going to happen; they are okay as long as we keep making small steps in the right direction; we are not going to be held to the timeline. We are confident that this will satisfy the State that we are moving forward today.

Mayor Netts stated when this project is done it may be appropriate to name this after former Council Member Jerry Full who recently passed away.

CM DeLorenzo - How many of the 19 FCT (Florida Community Trust) obligations does this meet? Mr. Cote - It met quite a few of them (launch, public access to the site, etc.).

CM Ferguson - A big portion is the shoreline stabilization; if this was a stand alone project where would the money come from? Mayor Netts - Stormwater; it's a receptacle for stormwater. Mr. Landon - You could also take it out of the half-cent sales tax.

Mayor Netts - The design depth of College Waterway is 8 ft.? Mr. John Moden, Engineering & Stormwater Director, -8 ft. Mayor Netts - At low tide, at the Colechester bridge, it's about 4 ft. deep.

VM McGuire - If you stabilized the bank on the opposite shore; you still have to deal with the silt and dredge? Mayor Netts - We have done spot dredging over the years; when you put a seawall up you then have to backhoe the seawall. Mr. Landon - We may do a rip-rap (similar to Waterfront park).

VM McGuire - How far is the parking lot to where I would put my canoe in? Mr. Cote - 800-1,000 ft.

CM Ferguson - The parking lot is designed in proportion to estimated guests to park? Mr. Cote - Our Land Development Code has a calculation for parking. Mr. Landon - We don't want to overbuild the parking lot.

CM Ferguson asked about the \$200,000 developer contribution. Mr. Landon - Centex (the developer for the area around the marina), when they shut down the boatramp at the marina, they had to contribute \$200,000 to the City to develop another boat access to the waterway; we talked about Waterfront Park being an option, but this makes a lot more sense.

The Presentation was Received and Filed.

6 [13-132](#)

RESOLUTION 2013-xx APPROVING THE CONTRACT WITH P & S PAVING, INC., FOR THE 2013 STREET RESURFACING PROJECT

Attachments: [Resolution - P & S Paving, Inc Street Resurfacing 2013](#)
 [Contract Summary - P&S Paving](#)
 [Bid Opening Tab](#)
 [Revised 2013 Resurfacing List](#)

Mr. Landon gave a brief overview of this item. Mr. Richard Adams, Public Works Director, was available for questions.

Mayor Netts - \$35,000 budget, you say take it out of reserves that's a trend he's not comfortable with; what reserves? Mr. Landon - We never spend our full budget; he's confident that we will probably add to our reserves this year.

Mr. Quinn - we use the term fund balance and reserves interchangeably a lot, but they are not really exactly the same thing; in the general fund, the Utility fund, enterprise funds, City Council has set a minimum fund balance or reserve policy and it varies by fund. We are not talking about using any of those; the other funds like our construction funds don't have a minimum fund balance policy; there is no reason to have a minimum balance requirement in our ongoing construction fund, so we don't. In this case, in the streets improvement fund we had some extra money go into reserves that we didn't expect last year, so it's available to be reappropriated in the current year.

CM Ferguson - 600 ft. - Is that Palm Harbor Pkwy. at the Tidlands and Marina Cove, is that the area being repaved? Mr. Adams - Yes, the areas there that need it. Mr. Adams stated that next fiscal year we will propose 15 miles to be resurfaced.

CM DeLorenzo reported a pothole at the south end of Pillar and Pilgrim; water runs over the road which probably caused it.

VM McGuire stated when good times come, he thinks we should do street resurfacing in-house.

The Resolution was Continued.

Enactment No: R2013-48

E. WRITTEN ITEMS

7 [13-142](#) RESOLUTION 2013-XX APPROVING AMENDING RESOLUTION 2011-18 RELATING TO THE STORMWATER UTILITY FEE/CHARGES SCHEDULE

Attachments: [Resolution Amend Reso 2011-18 Stormwater fees](#)

Mr. Landon gave a brief overview of this item.

VM McGuire - Approximately how much do we write-off as a bad debt for stormwater fees a year? Mr. Quinn - It's difficult to say because of bankruptcies; maybe \$20,000; really only bankruptcies get written off. Mr. Landon - We don't write-off the debt of those not in bankruptcy; we lien the property. Mr. Quinn added, when we budget (and this is factored into the rate study also) we approximate the amount that won't be collected.

Attorney Reischmann these are liens and the only way these are wiped out is when the property is sold. Mr. Quinn - Any type of property transaction (refinance, transfer

to estate or change to title) these liens have to be satisfied first.

The Resolution was Continued.

Enactment No: R2013-49

- 8 [13-135](#) RESOLUTION 2013-XX APPROVING A PRICE AGREEMENT WITH POLYDYNE, INC., FOR LIQUID POLYMER FOR THE UTILITY DIVISION FOR THE REMAINDER OF FISCAL YEAR 2012-2013.

Attachments: [Resolution 2013-XX for Polydyne, Inc](#)
 [Contract Summary - Polydyne, Inc](#)
 [Bid Tab for Liquid Polymer ITB-U-12-13](#)

Mayor Netts - What is liquid polymer? Mr. Adams - It is used to thicken the sludge, so we don't have to truck water when hauling sludge.

VM McGuire - What else can you use? Mr. Adams - As far as he knows, this is it.

The Resolution was Continued.

Enactment No: R2013-50

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

CM Ferguson spoke of the e-mail from the Clerk of the Court regarding red light cameras; we're sending out citations and they are claiming they don't receive the citations in time, etc. Mr. Landon there is a staff meeting on this set for 5/15, and we will get back to her. State legislature has changed the process again; it's not going to the County Court it is going to go back to the City hearing officer as an appeal process, so we'll have to meet with her and work through this. Mayor Netts - We used to hold the hearings here; State took that away and sent it to the Circuit Court which is already overburdened, etc.; so he believes bringing it back to the local municipality will relieve a lot of the Court Clerk's headaches, but the State also made it optional for the local cities to increase the citation amount to an exorbitant amount (\$480+) if you fail to pay your ticket in a timely fashion.

Mayor Netts went through the process concerning ATS (American Traffic Solutions) and red light cameras. The problem with the current system is that if you didn't get it or you threw it out in the junk mail, the clock is running and in 30 days you are subject to an enhanced penalty and it goes on your driver's license as points. He believes the State has taken the 30-day window and has made it 60-days, so you have more time to appeal; also, if the owner of the car wasn't the driver and you say someone else was driving the car the clock starts over for the actual driver that violated.

Attorney Reischmann stated all the Mayor said was accurate but commented on the correspondence (e-mail) from the Clerk of Court; this is not the first time it came before City Council about a year ago and we got together with ATS and took the burden off the Circuit Court and made sure ATS promptly sent out violations. He thought it could be the number of violations have gone up and that the Clerk is feeling the burden. Mr. Landon - We need to meet with her again and change our process. It has to be implemented 7/1. Mr. Abreu stated another option was to enter into an interlocal agreement regarding the red light camera citations. Attorney Reischmann added the cost of the appeals is now going to be back with the local governments.

VM McGuire praised the TDC (Tourist Development Council) and Ms. Santangelo - It looks like the senior games are coming in October, and we'll use Matanzas High School facilities for the powerlifting meet. The exciting thing is not only will we be hosting this event for the first time (usually these are held in South Florida); it's big deal for us because we are opening the doors to legitimate weightlifters to the upper third of the State, and this could a very good entree for us to get the Sunshine State Games which is a 3-day event that Lakeland and Fort Myers have hosted for the last 5 years.

CM Lewis asked about the left turn into the hospital. Mayor Netts asked for the diagram of what has been proposed. Mr. Landon - Yes, we will get that to Council.

CM DeLorenzo received a call regarding sounds from the property we own on Mulberry Branch. Mr. Landon asked for the contact information so staff can check it out.

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

No comments.

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

Arbor Day celebration this Saturday, 5/18, with Flutter Run starting at 8:00 a.m. and 9:00 a.m. the Arbor Day celebration starts.

USSSA Florida Junior Golf Tournament is coming to the Palm Harbor Golf Club; that is a 3-day event also (practice one day and 2-day tournament); direct result of our recruiting. Jim Leighton, famous soccer goalee, is coming to promote "Just4Keepers" soccer goalee camp. Ray Newland, owner of this company, is bringing this operation to Palm Coast. We are going to get the word out and the hotels are booked up for that weekend.

Coalition of cities - Bunnell, Palm Coast and Flagler County applying for brownfields grant; hopefully we will see some cleanup of those properties.

Sheriff's Office precinct is here now in City Marketplace.

Mayor Netts asked if all read Sunday's News-Journal (5/5) - vacation rental specialist out of Ponte Verde wrote of the market and upscale vacation rentals and Palm Coast was mentioned as one of the areas; take a look at it.

I. ADJOURNMENT

The meeting was adjourned at 1:47 p.m.

*Respectfully submitted,
Barbara Redline*

[13-153](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[13-156](#)

ATTACHMENTS TO MINUTES

Attachments:

[Item 2 -Old Kings Road](#)

[Item 3-Series 2013 Utility System Improvement Bonds](#)

[Item 4a-f-Transportation Projects](#)

[Item 5-Long Creek Nature Preserve](#)