



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, July 16, 2013

9:00 AM

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 Bighthouse 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. 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 [13-229](#) MINUTES OF THE CITY COUNCIL'S:
 A. July 2, 2013 City Council Business
 B. July 9, 2013 City Council Workshop

Attachments: [July 2, 2013 Business Meeting](#)
 [July 9, 2013 Workshop](#)

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

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

- 2 [13-212](#) ORDINANCE 2013-XX RELATING TO THE REZONING OF 21.84 +/- ACRES FROM MASTER PLANNED DEVELOPMENT (MPD) TO SINGLE FAMILY RESIDENTIAL-2 AND 7.35 +/- ACRES FROM MPD TO PARKS AND GREENWAYS FOR COUNTRY CLUB HARBOR

Attachments: [Ordinance-Country Club Harbor Rezoning](#)
 [Staff Report](#)
 [Location Map](#)
 [Zoning Map](#)
 [Future Land Use Map](#)
 [Master Subdivision Plan](#)
 [2012 Notice of Neighborhood Meeting to Property Owners](#)
 [2012 Neighborhood Meeting Results](#)
 [2013 Ltr James S Morris Not to Prop](#)
 [2013 Neighborhood Meeting Summary](#)

City Attorney Reischmann read the title into the record. Attorney Reischmann

reminded Council this is a quasi-judicial matter. Mayor Netts asked for any ex-parte communication, there were none. Mr. Landon introduced Angie Piltaver, City Planner, who provided a PowerPoint presentation, which is attached to these minutes.

VM McGuire-Is the donation of Sesame Island part of this Ordinance? Ans: Mr. Landon-No, that will be brought to Council at a later day.

Public Comment

Jim Morris, Attorney for applicant-gave a brief synopsis of this item.

Jack Carall-Access to the Island will only be for those residents-reject it.

CM Lewis-The island still belongs to the Developer, so if he wants to include it in his development, it is his prerogative. Our concern would be the island if we owned it.

Mayor Netts-Concerned with the island issue, gated community and access to the island.

A motion was made by Council Member DeLorenzo, and seconded by Council Member Lewis, that the Ordinance be adopted on Second 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

Enactment No: O2013-05

First Reading

3 [13-224](#)

ORDINANCE 2013-XX AMENDING ORDINANCE 2005-10 TO ALLOW THE SCHEDULE OF DEVELOPABLE ACRES WITHIN THE OLD KINGS ROAD SPECIAL ASSESSMENT DISTRICT TO BE REFINED BY RESOLUTION OF CITY COUNCIL

Attachments: [Ordinance Amending O2005-10 OKR Special Assessment Dist](#)

City Attorney Reischmann read the title into the record. Mr. Landon gave a brief summary of the item. Beau Falgout gave a PowerPoint presentation for Items 3 and 4, which is attached to these minutes.

VM McGuire-Repayment of the loan from Utilities, if that area should become developed, this Agreement could be modified? Ans: Mr. Landon-This Agreement already has two ways to accelerate the repayment. 1. Use of impact fees and 2. The Agreement allows us to go out to the bond market, if the bond market is feasible. Once feasible the area starts becoming developed, so at any time if we can go to the bond market this Agreement allows us to do so. That would not only repay the utility, that would be first and it would repay the impact fee but it also could be used to fund the remainder of the project. That would be the ultimate goal.

VM McGuire-That bond would be paid for by the members of the Special Assessment District? Ans: Mr. Landon-Yes.

VM McGuire-Are they (landowners) on board with this? Ans: Mr. Landon-Yes.

CM Ferguson-What is the impact on the tax value since building of the road? Ans: Mr. Falgout-I do not know if I can state to the tax value, but the development potential, a lot of these property owners have development order conditions that make development of their property contingent upon this road being 4-laned and then there are other property owners that know that when they go to develop their property, if Old Kings Road is failing concurrency, then for example, they will not be able to develop unless there is a plan to develop the roadway, so I cannot speak to taxable value but at some point this road will have to be 4 laned.

CM Ferguson-Had the market not tanked, we were able to get a bond, what position would we be in today? Ans: Mr. Artin-Special assessment bonds were being sold with 30 year maturities.

Public Comment:

John Erpelding-People approved this Special Assessment. Voice of the people, who are "they", who approved this?

Vince Ligouri-If you are repaying the \$5.2million to the utility fund, why is it necessary for further bonding? When Grand Haven was built they paid for Colbert Lane on their own and there was never any bond requirement.

Responses to Public Comment:

Who were the people that approved the Special Assessment District? Ans: Mayor Netts- It is the people that are being assessed that approved it. There are no general tax dollars being used for this project. Funded and paid for by those who benefit from it.

\$5.2 Interfund Loan-Ans: Mayor Netts-The necessity is if the bond market recovers, in which case the bonding will pay back the utility fund that much quicker. As far as Grand Haven, that is a CDD (Community Development District) and in fact they because they are a CDD can issue bonds at the lower government interest rate.

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

Enactment No: O2013-06

Resolutions

- 4** [13-225](#) RESOLUTION 2013-XX APPROVING THE FUNDING AGREEMENT RELATED TO OLD KINGS ROAD

Attachments: [Resolution OKR Funding Agreement FINAL](#)
 [OKR Funding Agreement redline](#)

This item was heard under Item 3.

Public Comments:

There were no public comments.

A motion was made by Council Member Lewis, 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: R2013-64

5 [13-220](#)

RESOLUTION 2013-XX APPROVING THE INTERLOCAL AGREEMENT FOR COUNTY TRANSPORTATION IMPACT FEES

Attachments: [Resolution-Transportation Impact Fee Interlocal Agrmt](#)
[Interlocal Agreement FC Transportation Impact Fees](#)
[EXHIBIT 1](#)
[Exhibit 2 IA FC Trans Imp Fee](#)

Mr. Landon gave a brief overview of this item. Jose Papa provided a PowerPoint presentation, which is attached to these minutes.

CM Lewis-the land and the revenue-please clarify. Ans: Mr. Papa-If we were to lease the land for a cell tower, we would have to provide that revenue to County. If we were to use the land for any recreational usage, the City retains the revenue. Mr. Landon stated the majority of this land is Environmental Sensitive Land.

VM MCGuire-What will the Army Corps of Engineers involvement be? Ans: Mr. Papa-If there were any mitigation requirements, the County would be required to meet those mitigation requirements.

Public Comments:

Louis McCarthy-Interest on the money that has accrued, how much is the interest on this money, that the County is keeping? Ans: Mr. Landon-All the interest is included in the fund (by law).

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: R2013-65

6 [13-227](#)

RESOLUTION 2013-XX TO ESTABLISH THE PROPOSED MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2014 AND SET THE FIRST PUBLIC HEARING DATE ON THE BUDGET.

Attachments: [Resolution for 2013-2014 Millage](#)

Mr. Landon provided a brief overview to this item. Mr. Quinn provided a PowerPoint presentation, which is attached to these minutes.

*VM McGuire-What was the 2013 TRIM rate? Ans: Mr. Quinn-It was 4.50.
VM McGuire-The same as you are proposing? Ans: Mr. Quinn-Yes.*

CM Lewis-On the Millage Rate Options slide, please explain the accounting policy used there? Ans: Mr. Quinn-City Council set a policy used for the operational portion of our millage rate to stay in the area of the 40th percentile within the State. It is a guide for the City Council to keep an eye on where we are.

VM McGuire-The Contract with the Sheriff, status? Ans: Mr. Landon-We are

budgeting for no change.

Public Comment:

John Erpelding-Budget proposal-against putting up a tax increase.

Jack Carall-Doesn't want to see money put in the Golf or Tennis Center.

CM DeLorenzo-asked for the Budget hearings to be put back on the screen to show when the hearings are for public input. (in response to Mr. Erpelding).

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

Enactment No: R2013-66

7 [13-216](#)

RESOLUTION 2013-XX AMENDING AND RESTATING POLICY RELATING TO ADA

Attachments: [Resolution-Amending Restating ADA Policy](#)
[ADA Transition Master Plan 7-1-13](#)
[Resolution 2007-160 ADA](#)

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout and Mr. Eric Contreras of AADAG Consulting Services, LLC, provided a PowerPoint presentation, attached to these minutes.

CM Lewis-Slide 2 Background-where did we begin? Ans: Mayor Netts-2007, Title 1 and Title II.

CM Lewis-In 2007, did we go through all these things? Ans: Mr. Contreras-Yes, you did but in 2010 there are more requirements than in 2007.

CM DeLorenzo-On the facilities spreadsheet-is this roughly a \$250K work plan? Ans: Mr. Falgout-This is not a budget document, a lot of this work is done in-house and covered by Capital Projects.

Public Comments:

There were no public comments.

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: R2013-67

Consent Agenda

8 [13-217](#)

RESOLUTION 2013-XX APPROVING MODIFICATION NUMBER FIVE TO THE SUB-GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 1

Attachments: [Resolution-Modification 5 to Sub-Grant Agrmt NSP1](#)
 [PC NSP1 Mod 5 To Subgrant Agreement 06172013](#)
 [PC NSP1 Mod 5 Activity Work Plans 06172013](#)

A motion was made by Vice Mayor McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.

Enactment No: R2013-68

- 9 [13-222](#) RESOLUTION 2013-XX APPROVING THE MEMORANDUM OF AGREEMENT WITH THE FLAGLER COUNTY TAX COLLECTOR FOR COST SHARING THE HOMESTEAD EXEMPTION FRAUD AUDIT PROGRAM

Attachments: [Resolution-Memo of Agrmt with Tax Collector](#)
 [MOA-Homestead Exemption Audit Program Cost Sharing](#)
 [ACS Contract with Flagler County](#)

A motion was made by Vice Mayor McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.

Enactment No: R2013-69

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.

John Erpelding-Asked the Supervisor of Elections what it would take for a citizen to put something on the ballot next year. They stated there is no provision in the City Charter. Proposes the City Council amend the Charter to allow a citizen or a group of citizens to put something on the ballot.

Jack Carall-Committee for a City Hall-asking that the Council do not appoint anyone that has been previously on the Council to the committee. Are we part of the County's tax relief issue?

Vince Ligouri-Requested an additional two minutes. Council granted. City Hall, taxes and fee issues.

Louis McCarthy-He is a citizen too. How much would it cost to conduct the referendum?

Responses to Public Comments:

Referendum-Section 10 of the Charter provides for a referendum. VM McGuire asked that this information be provided to the Supervisor of Elections.

County tax relief issue- Ans: Attorney Reischmann-Each local government makes its' own decision on this per the legislature. Will check into this issue.

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

CM Ferguson-The SJRWMD announced their grants for the upcoming Fiscal Year, please comment on the impact to the Capital Plan. Ans: Mr. Adams-Unfortunately they only had \$9 million to work with and our ZLD is \$28million, so there was not enough for the City to receive a grant for this project. However, we are high on the list, so it is looking like we qualify for a half million for our concentrate treatment.

Mayor Netts-We are a member of a 7 County Regional Planning Committee. Putting the final draft of the strategic regional planning report in Council office for review. Also, every year the Regional Council prepares a list of legislative priorities, the City combines theirs with the County's and they are sent to the Regional Council to bring to the legislatures Asked Council for their input. Regional Community Institute is made up of graduates of the Regional Leadership Academy. We have opportunity to nominate any individuals to participate.

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

Tour de Palm Coast is this weekend at Waterfront Park. Tonight is Food Truck Tuesday at Town Center.

This is a 5 Tuesday month, therefore, no workshop. However, we have invited our TPO friends to come do a Tour of our community.

H. Adjournment

The meeting was adjourned at 10:50a.m.

Respectfully submitted,
Virginia Smith, City Clerk

[13-230](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[13-233](#)

ATTACHMENTS TO MINUTES

- Attachments:**
- [Item 2 Country Club Harbor Rezone App #2511](#)
 - [Item 3 Old Kings Road 7-15-13](#)
 - [Item 5 Presentation-Transportation Impact Fee ILA](#)
 - [Item 6 2014 Maximum Millage Rate Presentation 071613](#)
 - [Item 7 ADA Transition Plan](#)
 - [Item 7 ADA Public Information Meeting FINAL](#)